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Table 1: SDFN/NDFN Comments on the Agnico Eagle Meliadine Gold Mine 2023 Annual Report

Comment Number:	1
Subject/Topic:	Fencing and wildlife deterrents in spill response
References:	2023 AEM Annual Report; Appendix 28-8 Spill Contingency Plan, Version 15, Tables 7-2 and 7-3
Comment:	In "Appendix H – General Response Procedures for Spilled Saline Water - Point 7c - Spills on the AWAR and/or Bypass Road due to Waterline Leak" it indicates that a spill will be isolated to prevent caribou access. Temporary snow fencing should be used as an isolation mitigation technique. On p. 26-27, Tables 7-2 and 7-3, which list response equipment and material stored in emergency mobile trailers and sea-cans, no snow fencing to exclude wildlife from a spill is listed. The use of wildlife deterrents (balloon eyes, reflective tape) should be deployed during a spill.
Conclusion/Request:	SDFN/NDFN requests that AEM revise "Appendix H- General Response Procedures for Spilled Saline Water - Point 7c - Spills on the AWAR and/or Bypass Road due to Waterline Leak" to include deployment of snow fencing and wildlife deterrents to exclude caribou and other wildlife from accessing saline waterline discharges. Include snow fencing and wildlife deterrents as spill materials in Tables 7-2 and 7-3.

Comment Number:	2
Subject/Topic:	Clarification of wording in "Toolbox Presentations"
References:	2023 AEM Annual Report; Appendix 24 - Toolbox Presentations; Meliadine Caribou Migration Protocol, Caribou Migration Basics, Slide 2, first and second bullets; Slide 3; Slide 4; and Slide 9, second bullet
Comment:	Based on dates of observed caribou occurrences from 2024 "Caribou Migration Alert" maps, please re-word the first bullet to state "Yearly migration occurs at Meliadine between mid-May to mid-July". The second bullet should place the word "can" before the word "vary" and re-word to state "Arrival dates, patterns, duration and numbers can vary over the years." On Slide 3, "Decision Trees" are mentioned, yet on Slide 4 which shows the three mitigation decision levels, there is no label on the slide identifying this as a "Decision Tree." On Slide 9 "Meliadine Project Protection Zones", second bullet - AWAR; the text is confusing. Please re-word text to state "Within 100 m of the road" for clarity.
Conclusion/Request:	Please revise Slides 2, 3, 4, and 9 in Toolbox Presentations, Meliadine Caribou Migration Protocol for better clarity.

Comment Number:	3
Subject/Topic:	Missing caribou mortality incident

References:	<p>2023 AEM Annual Report, Section 7.9.1 TEMMP, Page 86, under “Wildlife Observations - Incidentals and Mortalities”; Section 10.2 “Inspections” Page 110, Table 30 “Inspections and site visits by regulators in 2023”</p> <p>Appendix 25, 2023 Terrestrial Environmental Management and Monitoring Plan (TEMMP), Page 30, Table 12 “Wildlife Mortalities and Incidents Reported in 2023”</p> <p>Appendix 32 - 2023 TAG Annual Report, June 28, 2023 TAG site visit - AWAR at Kilometer 12, Rankin Inlet, Nunavut, Page 59 of 59 and January 24/25, 2024, TAG Minutes, Page 27 of 43.</p>
Comment:	<p>Matrix biologist, Dan Chranowski, attended the AWAR site visit at KM 12 on June 28, 2023, as a member of the AEM Terrestrial Advisory Group (TAG). He observed a caribou in distress approximately 200 m northeast of the gatehouse at KM 12. The caribou appeared to die as it fell over and did not get up. Mr. Chranowski reported the observation to KivlA Land officer, Craig Beardsall and AEM Environment Department Supervisor, Matt Gillman. Both indicated this observation would be investigated and reported to the Government of Nunavut Wildlife officers, also. In the January 24/25, 2024, TAG meeting minutes on page 27, it was acknowledged by AEM that this information should have been recorded. This caribou mortality is not reported in the Annual Report or TEMMP.</p>
Conclusion/Request:	<p>SDFN/NDFN request AEM investigate this anomaly and report back with an answer as to why this caribou mortality was not reported.</p>

Comment Number:	4
Subject/Topic:	Insect harassment data collection in caribou behaviour monitoring
References:	<p>Appendix 25 Rpt. 2-IA1E_Meliadine Project Caribou Behaviour Study, 2023</p> <p>Appendix A - Detailed Methods for Caribou Behavior Studies, Standard Operating Procedures (SOP), Section 3.3.4 Behaviour Classification, Page 7</p>
Comment:	<p>There is a behaviour category listed as “Insect response behaviour” that observers can record (although few occurrences are noted). However, there is no recording of estimated levels of insect activity (e.g., high, medium, low). Estimating insect activity levels would be helpful to interpret caribou response behaviours.</p>
Conclusion/Request:	<p>SDFN/NDFN requests AEM insert a column on the caribou behaviour monitoring data sheet to record estimated insect activity levels.</p>

Comment Number:	5
Subject/Topic:	Trail camera study enhancement to track caribou migration phenology
References:	<p>Appendix 25, Rpt. 3, 2023 Caribou Trail Camera Study, 2023, Section 6.2.2 Discovery Cameras</p> <p>Tape, K. and A. Gustine 2014. <i>Capturing caribou migration phenology using camera traps</i>. Bioscience 64 p.117-124</p>

Comment:	AEM's initiative to collect caribou crossing data along the planned Discovery Road is helpful as pre-disturbance data can help inform specific mitigation strategies in the future. This monitoring needs to be enhanced with more cameras set at 5 km to 8 km distances from the mine and Discovery Road to track caribou migration phenology using similar methodology as Tape & Gustine (2014) on the east and west side of Meliadine Lake and thus validate and fine-tune the timing of collared caribou migration movements as they approach the mine.
Conclusion/Request:	SDFN/NDFN request that AEM enhance the trail camera study budget to purchase more cameras and implement a caribou migration phenology study.

Comment Number:	6
Subject/Topic:	Terrestrial Advisory Group, Term and Condition 132
References:	<p>Revised 2023 Annual Report, Section 11.11 'Terrestrial Advisory Group'; Appendix 32, 2023 TAG Annual Report, Section 2, TAG Action Items, Recommendations and Advice</p> <p>Meliadine Mine Terrestrial Advisory Group Terms of Reference (230224-11MN034-Meliadine TAG TOR-IT9E)</p> <p>Letter from the Minister of Northern Affairs to the NIRB, dated January 31, 2022 (220131-11MN034-Ministers Response Re NIRB Reconsideration Report-ICHE)</p>
Comment:	<p>Term and Condition 132 includes the following reporting requirement:</p> <p>A finalized Memorandum of Understanding and Terms of Reference for the Terrestrial Advisory Group between the Proponent and Responsible Parties shall be provided to the Nunavut Impact Review Board (NIRB) a minimum of sixty (60) days prior to any construction of the waterlines being undertaken.</p> <p>The requirement for a Memorandum of Understanding to be concluded and filed with the NIRB prior to any construction of the waterlines being undertaken was included in Term and Condition 132 by the Responsible Ministers based on recommendations received from SDFN/NDFN.</p> <p>During the development of the Terms of Reference (TOR), AEM advised that certain Responsible Parties listed in Term and Condition 132 were not interested in participating in the TAG and AEM proposed that parties negotiate separate Memorandums of Understanding with AEM. Under the TOR for the TAG (filed with the NIRB in February 2023), in order for a Responsible Party to become a "Party" for the purpose of the Terms of Reference, it is necessary for that Party to confirm its participation in the TAG in writing, which would be filed with the NIRB and circulated to all other Responsible Parties. The same notification procedure would occur for a Responsible Party that wished to discontinue participation in the TAG. The purpose of this language was to ensure a common understanding of which groups were Parties to the TAG. This is reflected in Section 4.1 of the Terms of Reference, which states:</p> <p>TAG membership is determined by an organization's mandate which allows it to contribute to TAG's purpose. The following Parties (should they wish to participate) may appoint one (1) Party representative plus one (1) alternate Party representative to participate on the TAG:</p>

	<ul style="list-style-type: none"> • <i>Kivalliq Inuit Association</i> • <i>Agnico Eagle</i> • <i>Nunavut Tunngavik Incorporated</i> • <i>Kivalliq Wildlife Board</i> • <i>Government of Nunavut (Department of Environment)</i> • <i>Kangiqliniq Hunters and Trappers Organization</i> • <i>Baker Lake Hunters and Trappers Organization</i> • <i>Sayisi Dene First Nation</i> • <i>Northland Denesuline First Nation</i> • <i>Arviat Hunters and Trappers Organization</i> • <i>Issatik Hunters and Trappers Organization</i> • <i>Aqigiq Hunters and Trappers Organization</i> <p>The TAG will operate under the TOR. The TOR will be reviewed by the Parties at least once every two years following their establishment and will be reviewed from time to time should a new Party confirm they wish to participate in the TAG.</p> <p><u>Parties shall confirm participation in the TAG in writing, through a Memorandum of Understanding or other written means such as a letter or email which will be filed with NIRB and circulated to all of the organizations listed in this Section 4.1. Should any Party listed in this Section 4.1 wish to discontinue its participation in the TAG, they may do so on 30 days written notice which will be provided to NIRB and all Parties listed in this Section 4.1. For clarity, reference to a “Party” or “Parties” in all other sections of these TOR refers to parties that have confirmed participation in the TAG in writing and have not confirmed that they wish to discontinue participation.</u></p> <p>SDFN/NDFN requested from AEM copies of the Memorandums of Understanding or written confirmations of the TOR on numerous occasions between March and June 2023. SDFN/NDFN also raised this concern at the Meliadine Extension public hearing in September 2023. In advance of the submission of the 2023 TAG Annual Report, SDFN/NDFN requested that the 2023 TAG Annual Report provide a status update on this reporting requirement of Term and Condition 132, including setting out the date that the Terms of Reference was filed with the NIRB and the dates that the Memorandums of Understanding and written confirmations were filed with the NIRB.</p> <p>To date, it does not appear that AEM has filed with the NIRB, nor circulated to the organizations listed in Section 4.1 of the TAG Terms of Reference, any Memorandums of Understanding for the TAG or other written confirmations of participation in the TAG.</p>
Conclusion/Request:	Pursuant to the reporting requirements of Term and Condition 132, AEM file with the NIRB and circulate to the organizations listed in Section 4.1 of the TAG TOR, any Memorandums of Understanding for the TAG or other written confirmations of participation in the TAG.

Comment Number:	7
Subject/Topic:	Collared Caribou Memorandum, Term and Condition 44
References:	Revised 2023 Annual Report, Section 7.5 Visual AWAR Water Quality Monitoring Appendix 32, 2023 TAG Annual Report, Appendix B

	<p>Reconsideration Report and Recommendations for the Saline Effluent Discharge to Marine Environment Proposal, Section 5.1.1.4, pages 111-112</p> <p>Reconsideration Report and Recommendations for the Meliadine Extension Proposal, Section 5.1.1.2, page 103</p> <p>Letter from Agnico Eagle to the Nunavut Impact Review Board, dated May 11, 2022, (220511-11MN034-Agnico Eagle Cvr Ltr Re TC No 44-IA1E)</p> <p>Agnico Eagle Mines Limited, Meliadine Extension Project Proposal, Public Hearing Transcript, Volume 4, page 484, lines 7-14, (231019-11MN034-Public Hearing Transcript-Vol 4-IMTE)</p> <p>Agnico Eagle Response to Comments on 2021 Annual Report, dated July 27, 2022, (220728-11MN034-Proponent Response to 2021 Annual Report Comments-IA2E)</p> <p>Letter from the Minister of Northern Affairs to the NIRB, dated January 31, 2022 (220131-11MN034-Ministers Response Re NIRB Reconsideration Report-ICHE)</p>
Comment:	<p>During Meliadine waterline reconsideration process, AEM provided a memorandum describing the crossings and deflections of caribou in relation to the all-weather access road, as assessed by using collared caribou data. At the public hearing for the Meliadine waterline reconsideration, the Proponent agreed to revise the memorandum.</p> <p>In Section 5.1.1.4 of the Final Hearing Report for the Meliadine waterline reconsideration, the NIRB reached the following conclusion regarding the memorandum:</p> <p style="padding-left: 40px;">In the Board's view, <u>revisiting Agnico Eagle's original assessment of potential impacts of the AWAR to caribou is crucial to understanding the impacts of the proposed project activities under the Waterlines Proposal in combination with the existing project activities.</u> Noting that without sufficient background data, analysis on any adverse impacts from increased linear infrastructure along the AWAR or positive impacts from the decrease in trucking cannot be reliably predicted and/or monitored. Also, recognizing that Agnico Eagle has committed to working with parties to revise the previous predictions of the potential for the AWAR to have effects on caribou, the Board looks forward to receiving an update in Agnico Eagle's annual report. The Board also highlights the importance of Agnico Eagle considering and meaningfully incorporating Inuit Qaujimajatuqangit, Traditional, Community and Indigenous Knowledge into its updated predictions, to better understand the living nature of caribou and how their behaviour may be impacted by the installation and operation of the waterlines system infrastructure.</p> <p style="padding-left: 40px;">The Board emphasizes the importance of a comprehensive and rigorous monitoring program that is sufficient to capture any impact from the change in conveyance of saline effluent from trucking to waterlines. <u>Through monitoring, the Proponent is expected to validate the predictions of impacts made in the IS Addendum, and the validated predictions should also be considered by Agnico Eagle in the updated Caribou Collar Memo. In the Board's view, this update to the baseline assumptions underlying monitoring of caribou interactions with the AWAR in advance of the installation of the waterlines should greatly reduce uncertainty and provide a baseline from which to identify trends and thresholds before potential effects associated with the Waterlines Proposal are identified.</u> Working from an updated baseline better positions Agnico</p>

	<p>Eagle to identify whether the predicted positive impacts of the waterlines do occur and are maintained through the construction, operation and closure of this component.</p> <p>The requirement for AEM to revise the Collared Caribou Memorandum, in consultation with the TAG, prior to the construction/installation of the waterlines was included in Term and Condition 44 by the Responsible Ministers based on recommendations received from SDFN/NDFN.</p> <p>On May 11, 2022, AEM submitted a revised collared caribou memorandum to the NIRB and requested comments from interested parties by May 27, 2022. As this memorandum was revised unilaterally by AEM, it did not satisfy Term and Condition 44. Comments were provided by the SDFN/NDFN and other parties. In AEM's response to a comment on the 2021 Annual Report, AEM stated the following with respect to the collared caribou memorandum:</p> <p style="padding-left: 40px;">Agnico Eagle would like to thank all parties for contributing with their comments on the revised collar caribou Meliadine AWAR interactions report. At the moment, the comments are under revision. The main findings and next actions will be discussed within the TAG.</p> <p>AEM submitted a report entitled "Commitment 38 Analyses: Caribou Movements Relative to Meliadine Mine and Other Factors" to the NIRB on July 17, 2023. At the Meliadine Extension Proposal public hearing, AEM confirmed that the Commitment 38 Analyses was intended to address Term and Condition 44 of the Amended Project Certificate.</p> <p>In the Reconsideration Report for the Meliadine Extension from November 2023, the NIRB indicated that Commitment 38 (Term and Condition 44) had not been resolved. The NIRB stated at page 103:</p> <p style="padding-left: 40px;">As described in section 3.1.1.1, several members of the newly formed Terrestrial Advisory Group (TAG) contested the conclusions of Agnico Eagle's Commitment 38 Analysis, which Agnico Eagle provided as evidence that the approved Meliadine Gold Mine Project does not impact the movement of caribou and that mitigation measures are functioning. Although Agnico Eagle committed to reviewing the Commitment 38 Analysis with the members of the TAG, <u>presently the Board does not have confidence in Agnico Eagle's conclusion that caribou movement is not being impacted by the approved Project. The Board notes that this was a commitment made during the Waterlines Proposal, which has not yet been resolved, to address parties' concerns about the uncertainty of how caribou are reacting to mine site infrastructure such as the AWAR.</u> Without understanding the current impacts of the Project on caribou movements there remains a significant gap for the Board to understand how movements may be impacted if the activities at the site are intensified and extended by 11 years as proposed in the Extension Proposal and if the calving and post-calving grounds continue to shift towards the Regional Study Area.</p> <p>A revised Commitment 38 report was provided to the TAG prior to the October 2023 TAG meeting.</p> <p>AEM indicated in the 2023 Annual Report that waterline construction commenced on May 20, 2023.</p>
Conclusion/Request:	The commencement of waterline construction does not appear to comply with Term and Condition 44.