



March 15, 2019

Ryan Barry, Executive Director
Nunavut Impact Review Board
P.O. Box 1360,
29 Mitik St.,
Cambridge Bay, NU X0B 0C0

RE: NIRB Revised Rules of Procedure and Standard Impact Statement Guidelines

Dear Ryan,

Thank you for this opportunity to provide initial comments to the NIRB on the draft Impact Statement and Rules of Procedure Guidance documents. We appreciate the NIRB's efforts and hard work incorporating lessons learned and changes to legislation with a desired goal of standardizing the process and providing clarity to all parties. With this in mind, Agnico Eagle looks forward to meeting with the NIRB during the Nunavut Mining Symposium to continue discussions and consultation on these draft documents. We feel there is a need to have additional time for further consultation with industry to ensure we have proper time to provide input to these proposed changes. In particular, we bring to your attention the following points which we will expand on in our upcoming discussions:

1. Phased Development – although one of the reasons stated for the NIRB introducing these documents now is to reflect the NIRB's increasing experience with different types of assessments (for example, phased development) and the resulting need for greater procedural flexibility and "scalability", we do not see this addressed in the guidance documents.
 2. Future Development – the IS Guidelines touch on future development, providing proponents with an opportunity to include foreseeable expansions and future development scenarios. However, it is unclear what level of detail the Proponent will be required to provide and does not provide any clarity on how future developments will be reviewed by the NIRB as part of the process and also how it overlaps with the regulatory phase of a project.
 3. Consolidation of Information Requests (IRs) – there is an opportunity for the NIRB to address Information Requests within the guidance document. Guidance to intervenors could be standardized, as well as the process by which the NIRB reviews and distributes the IRs it receives.
 4. Technical Meetings and Public Hearings – the IS Guidelines seek to streamline and standardize IS expectations for all participants and propose to issue only minimal project/industry-specific guidance to supplement the Standard IS Guidelines. This approach could be extended to the Technical Meetings and Public Hearings.
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5. Introduction of new terminologies or commonly used terms without definitions - for example determination of significance; reasonably foreseeable future; ecological flows and pathways; the community's potential directly and indirectly affected by the Project; etc.
6. Environment Management System - needs input from Industry – NIRB's suggested guidance possibly overlaps with regulatory agencies (example –guidance on closure)
7. The scope of the Environmental Protection and Management plans is very broad - The list of requirements for monitoring and mitigation plans may not be applicable to all VC associated and could be challenging to conform to this guidance. If there are regulatory agencies that oversee components, it may not be the responsibility of NIRB. This requires clarification and careful consideration from NIRB that requires consultation with industry.
8. Socio-Economic new requirements – there needs to be additional discussion on the key changes and the possible impacts to industry related to existing commitments and instruments that are being used.

From our extensive experience working in Nunavut and familiarity of the NIRB process, we believe there is significant opportunity to further refine the draft documents. You will recall, from our numerous conversations over the years, which the above mentioned themes have created confusion and uncertainty around process and have unnecessarily contributed to lengthy timelines which have negatively impacted schedules.

We are preparing a presentation for our upcoming meeting at NMS where we will provide greater detail around the points we have raised. We look forward to meeting with you to discuss opportunities to address these within the draft guidance documents.

Sincerely,

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