AGNICO EAGLE

August 06, 2026

Nunavut Water Board
Karén Kharatyan and Ali Shaikh
PO Box 119
Gjoa Haven, NU X0B 1J0

Re: 2AM-DOH1335 Water Licence Amendment – Commitment WLA-13: Transition to Dry-stack Tailings Deposition

Dear Mr. Kharatyan and Mr. Shaikh,

On July 20, 2026, Agnico Eagle Mines Limited (**Agnico Eagle**) submitted our commitment to the Nunavut Water Board (**the Board or NWB**) to support commitment number WLA-13 with respect to the transition to dry-stack tailings deposition. Crown-Indigenous Relations and Northern Affairs Canada (**CIRNAC**) provided a response to the Board on July 29, 2026 regarding this commitment.

In response, Agnico Eagle has carefully considered CIRNAC's letter of July 29, 2026 (re: Transition from Approved Slurry Tailings Deposition to Dry-Stack Tailings Deposition). Taking into account the relevant factors, we remain of the view that the proposed approach does not align with the Amendment Application, the evidence before the Board, the regulatory framework established by the Nunavut Agreement and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (**NWNSRTA**), and the Water Licence which has carefully been developed and allows modifications to occur.

The Amendment process has given all participants and the Board a lengthy opportunity to consider the transition to dry-stack tailings at a conceptual level, with the shared understanding it is permitted to occur following Board approval of detailed engineering and plans to be submitted after issuance of the amended Water Licence. Agnico Eagle's view gives great weight to the fact that the Kitikmeot Inuit Association (**KitIA**), Environment and Climate Change Canada (**ECCC**), and Fisheries and Oceans Canada (**DFO**) have resolved all information requests and technical comments raised during the Amendment process, including those related to the topic of potential future transition to dry-stack tailings management and (in the case of KitIA) related reclamation securities.

KitIA's support is particularly significant and deserves proper respect and deference by the Crown and the Board given that the tailings impoundment area is located on Inuit Owned Lands.

Tailings deposition, within a licensed and approved facility, is a core activity at the Hope Bay Mine that is within the scope of the Water Licence. The Scope of the Application was approved by the Nunavut Planning Commission (December 3, 2025), and NWB confirmed the scope on February 3, 2026. Adopting CIRNAC's suggested wording is not applicable and most of CIRNAC's suggested wording also unnecessarily duplicates and complicates the existing stringent Water Licence conditions, that work, and that would need to be met before Agnico Eagle could proceed with dry stack implementation. It is Agnico Eagle's perception

that CIRNAC is not respecting the regulatory decisions noted above and continues to delay the file. In addition, there appears to be a lack of understanding of the robustness of the licence conditions.

We must correct one of the factual errors in CIRNAC's letter, which includes a reference to "*a recognized information deficiency*". Respectfully, Agnico Eagle does not agree there are any information deficiencies in the Amendment Application and subsequent filings. To the contrary, the Board has explicitly confirmed on several occasions (including during the Technical Meeting) that Agnico Eagle has provided the information required by the Board, taking into account its policies, procedures, the Nunavut Agreement and the NWNSRTA and its regulations. While we understand that CIRNAC may have unresolved issues at this time, Agnico Eagle has taken great care to provide all information requested by CIRNAC to the extent relevant to this Amendment Application and the requirements of the Board. In addition, NWB has confirmed that our files are complete.

CIRNAC's letter also appears to mischaracterize the current stringent Water Licence requirements referenced in Agnico Eagle's email as "*an administrative notification requirement*". To the contrary, these requirements are not a mere "notification" but instead will require Board review and approval of plans and drawings as well as consideration of an updated Water Quality and Load Balance Model before Agnico Eagle could proceed to implement a change to the tailings management strategy – in effect, exactly the result CIRNAC says it is asking for. Again, there is a misunderstanding of the licence conditions.

Overall, it would appear that CIRNAC's proposal, if accepted without major revisions, would significantly interfere with the Board's discretion respecting procedural matters that are well within the Board's jurisdiction under the Nunavut Agreement and NWNSRTA. Following the suggested CIRNAC's approach would set an undesirable precedent, particularly at this time as the Territory is preparing for Devolution and the upcoming transition over matters currently within CIRNAC's jurisdiction to GN. In addition, Agnico Eagle will be providing the evidence required by our experts that have extensive experience building and operating tailings facilities. Agnico Eagle should not be handcuffed by CIRNAC on operational requirements that could provide a risk and liability to the operations. NWB should consider the evidence by Geotechnical experts that are aligned with the conditions of the license that ensures the Hope Bay mine is properly managed and derisked.

In closing, Agnico Eagle feels strongly that our submitted commitment (initially provided on July 20, 2026, and repasted below) meets the requirements of the licence and is directly related to this file. In addition, KitIA agrees with this commitment based on their review of the file.

WLA-13 - Commitment

Prior to proceeding with transition to dry stack tailings, Agnico Eagle will follow the existing Water Licence terms and conditions as follows, which will provide an opportunity for review of technical details of dry stack before it is implemented.

In addition to the 60 day notice required under the Type A Water Licence, Agnico Eagle has committed to share the draft its (a)-(c) below with CIRNAC and KIA at least 30 days prior to submission to the Board, which will provide for a pre-application consultation period. 30 days will be reasonable, and this will include sign off by Agnico Eagles EOR, etc.

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As per the existing Part B, Item 9 prior to transitioning to dry stack tailings or any other tailings management methodologies, Agnico Eagle will submit notice of such change in operating plans to the Board.

Prior to transition, Agnico Eagle will also submit the following items to the Board:

(a) A Tailings Deposition Plan per Part B, Item 13 for Board review and approval, which will include:
  (i) a description of the rationale for the transition,
  (ii) an update to the water quality and water quantity predictions;
(b) All relevant final design and Construction drawings in accordance with Part D, Item 1 for Board review and approval; and
(c) Any relevant modification notice required with respect to the Tailings Impoundment Area under Part G, “Conditions Applying to Modifications.

The Part B, Item 9 notice shall include notice of any applicable trenches in Schedule C to the security related to the transition and written confirmation to the Board that Agnico Eagle has shared items (a) –(b) with KitIA and CIRNAC at least 30 days prior to submission to the Board.

Agnico Eagle looks forward to a timely decision on this commitment prior to the public hearing and continued discussion of related matters, if required.

Sincerely,



Colleen Prather
Agnico Eagle Mines Limited
Superintendent, Permitting and Regulatory Affairs

cc:
CIRNAC: Spencer Dewar, Andrew Keim
KitIA: John Roesch
Agnico Eagle: Jamie Quesnel, Luc Chouinard, Jennifer Range, Gabriel-Antoine Cote