



With respect to the Application, the following pre-licensing requirement associated with the Nunavut Planning Commission's (NPC) land use planning conformity determination for the Application was completed:

- On October 16, 2018, the Nunavut Planning Commission (NPC) issued a letter determining that the Project proposal conforms to the Keewatin Regional Land Use Plan and referred the Project for screening by the Nunavut Impact Review Board.

It should be noted that in its Application to the NWB, the Applicant has requested the Board's consideration of the Application be conducted in a coordinated manner with the Nunavut Impact Review Board's (NIRB) assessment process (NIRB File No: 16MN056). The NWB is aware that at this time, the next stage in the NIRB process is the technical meeting scheduled for June 11-13, 2019.

The Application consisted of the following documents:

- Water Licence Amendment Application for 2AM-WTP1826;
- Water Licence Amendment Application for 2AM-MEA1526;
- Water Licence Amendment Application for 2BB-MEA1828;
- Main Application Document;
- Executive summary in English and Inuktitut;
- Letter to NWB;
- Filled out Supplemental Information Guide table;
- NPC conformity determination;
- Compliance assessment;
- Certificate of Incorporation;
- List of Permits and Licenses for the Project;
- Record of consultations;
- Whale Tail Pit Waste Rock Management Plan dated May 2019;
- Thermal Monitoring Plan dated May 2019;
- Water Quality Monitoring and Management Plan for Dike Construction and Dewatering dated May 2019;
- Whale Tail Pit Expansion Project Landfill Design and Waste Management Plan dated April 2019;
- Whale Tail Pit Water Management Plan dated May 2019;
- Whale Tail Pit Water Quality and Flow Monitoring Plan dated May 2019;
- Whale Tail Pit – Expansion Project Landfarm Design and Management Plan dated April 2019;
- Whale Tail Pit – Incinerator and Composter Waste Management Plan dated April 2019;
- Whale Tail Pit - Expansion Project Haul Road Management Plan dated April 2019;
- Ammonia Management Plan Whale Tail Pit Expansion Project dated April 2019;

- Meadowbank and Whale Tail Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan dated April 2019;
- Whale Tail Pit – Emergency Response Plan dated May 2019;
- Hazardous Materials: Meadowbank Mine Site, Whale Tail Pit Site, Baker Lake Facilities Management Plan dated May 2019;
- Spill Contingency Plan dated April 2019;
- Groundwater Monitoring Plan dated May 2019;
- Conceptual Fish Habitat Offsetting Plan dated April 2019;
- Operational ARD-ML Sampling and Testing Plan – Whale Tail Pit Expansion Project dated April 2019;
- Core Receiving Environment Monitoring Plan: 2015 Plan Update – Whale Tail Pit Expansion Addendum_NWB dated April 2019;
- Interim Closure and Reclamation Plan dated May 2019;
- Quality Assurance / Quality Control (QA/QC) Plan dated May 2019;
- Operation & Maintenance Manual Sewage Treatment Plant (STP) dated May 2019;
- Updated Hydrogeological Assessment, Whale Tail Pit, Expansion Project dated May 6, 2019;
- 2019 Mean Annual Water Balance Update, dated May 2019;
- Mine Site and Downstream Receiving Water Quality Predictions dated May 2019;
- Whale Tail Lake Thermal Assessment dated April 2019;
- Site layout;
- Pre-development layout;
- Planned site layouts for 2019 through 2025 and 2042 post-closure;
- Operation IVR Attenuation Pond Dikes Longitudinal Profiles and Sections;
- IVR WRSF cross-section drawing;
- Typical section and road widening; and
- Appendix K – Project Design Considerations.

The NWB has conducted a preliminary review of your submission(s) and determined that your Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type “A” Water Licence, which will require a public hearing in accordance with s. 52¹ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act). All public hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing*, dated May 11, 2005 (NWB Rules).

The next step in processing your Application involves a completeness review and an initial technical assessment to determine, if all of the necessary information and studies to evaluate

¹ *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

quantitative and qualitative effects of your project on the freshwater environment have been provided.

Accordingly, by copy of this letter, the Board requests that interested parties review the Application and supplemental information for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting-Pre-Hearing Conference to be held for the Application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).

All intervening parties should provide their submissions to the NWB's Manager of Licensing at licensing@nwb-oen.ca by **July 4, 2019 (5:00 p.m. ET)**.

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IR's) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. The NWB will advise Agnico Eagle of the Board's determination at that time.

Once the Application has been deemed complete, the following general process will be undertaken. Complete details on the NWB's licensing process are available in NWB Guide 5² and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

1. Notice of the Application

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

2. Detailed Technical Review

Interested parties will be invited to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties (interveners and the Applicant) will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible (during and following the initial request for IRs).

² Guide 5 – Processing Water Licence Applications (April 2010).

3. Technical Meeting (TM)/Pre-Hearing Conference (PHC)

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical review submissions. The PHC is typically scheduled to immediately follow the TM.

4. Pre-Hearing Conference (PHC) Decision

Following the TM/PHC, the NWB will issue a PHC decision and may outline any technical commitments of the Applicant, and the administrative and procedural requirements for a Public Hearing.

5. Public Hearing (PH)

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its PH in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the PH should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the PH and in a manner that promotes public awareness and participation in the hearing.

6. Public Hearing Decision

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Indian Affairs and Northern Development (Minister) for consideration. Interested and intervening parties will also be provided with a copy of the of the Board's final decision. The Minister typically issues his/her response to the Board's final decision with forty-five (45) days of receipt, or if notifying the Board of an extension within the forty-five (45) days, within ninety (90) days from the date of receipt.

On this basis, the NWB is inviting interested persons to comment on the following: 1) completeness of the Application based on their initial technical assessment; 2) Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review; and 3) type of TM/PHC to be held. All comments, recommendations and any requests for information (IRs) should be submitted to the NWB's Manager of Licensing at licensing@nwb-oen.ca no **later than July 4, 2019 (5:00 p.m. ET)**.

If you have any questions regarding the above or procedural matters, please contact Richard Dwyer, Manager of Licensing, at (867) 360-6338 ext. 27 or by e-mail to licensing@nwb-oen.ca.

For inquiries related to technical matters, please contact Assol Kubeisnova, Technical Advisor, at (867) 360-6338 ext. 31 or by email to assol.kubeisnova@nwb-oen.ca.

Sincerely,

Richard Dwyer
Manager of Licensing

Cc: Meadowbank Distribution List