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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**NWB Files No: 2AM-WTP1826, 2AM-MEA1526,  
and 2BB-MEA1828**

August 14, 2019

Jamie Quesnel  
Agnico Eagle Mines Ltd.  
11600 Rue Louis-Bisson  
Mirabel. QC J7N 1G9

Email: [jamie.quesnel@agnicoeagle.com](mailto:jamie.quesnel@agnicoeagle.com)

**Subject: Applications for Amendments to Water Licences No. 2AM-WTP1826, 2AM-MEA1526, and 2BB-MEA1828; Agnico Eagle Mines Ltd.**

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Dear Jamie Quesnel,

Further to the Nunavut Water Board (NWB) correspondence<sup>1</sup> of June 4, 2019, with respect to the determination of completeness of the applications for amendment to the Water Licence No. 2AM-WTP1826 and consequential amendments to Water Licences No. 2AM-MEA1526, and No. 2BB-MEA1828 (Application or Applications), submitted by Agnico Eagle Mines Ltd. (Agnico Eagle or Applicant) for the Whale Tail Pit Mine and Haul Road Project and the Meadowbank Gold Mine Project (Projects), the Board received comments<sup>2</sup> from the following interested parties: Kivalliq Inuit Association (KIA or KivIA), Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC), and Crown-Indigenous Relations and Northern Affairs (CIRNA). The Applicant provided its response to the comments on August 1, 2019. The parties confirmed on August 9 and 14, 2019 that they considered the responses and information sufficient to enter into the full technical review phase of the Applications. Up to this point, the NWB has not received any indication that the Applications should not proceed through the regulatory process.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Applications have been placed in the Board's Public Registry and made available through the NWB's FTP site using the following link:

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<sup>1</sup> Letter from Richard Dwyer (NWB) to Jamie Quesnel (Agnico Eagle), Re: Licence No. 2AM WTP1826; Amendment Application by Agnico Eagle Mines Ltd.; Whale Tail Pit Mine and Haul Road, dated June 4, 2019.

<sup>2</sup> Kivalliq Inuit Association (KIA), July 18, 2019; Fisheries and Oceans Canada (DFO), July 18, 2019; Environment and Climate Change Canada (ECCC), July 4, 2019; and Crown-Indigenous Relations and Northern Affairs (CIRNA), July 18, 2019.

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-WTP1826%20Agnico/1%20APPLICATION/2019%20Amendment/>

The applications and supporting documentation regarding consequential amendments to Licences No. 2AM-MEA1526 and No. 2BB-MEA1828 are respectively available from the following links:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA1526%20Agnico/1%20APPLICATION/2019%20Amendment%204/>

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2B/2BB%20-%20Bulk%20Sampling/2BB-MEA1828%20Agnico/1%20APPLICATION/2019%20Amendment%201/>

Accordingly, reflecting the scope and nature of the undertakings and the amendments sought in the Applications, the NWB duly-appointed Panel for decision-making in respect of the Applications (Panel P9 or Meadowbank Panel) has, by way of Panel Motion: #2019-09-P9-03 determined that the Applications are complete applications for Type “A” Water Licence Amendments and has directed the issuance of this Notice of Applications and invitation to parties to commence their full technical review of the Applications. As the Applications involve amendments to a Type “A” Water Licences that could affect water quantity or quality, the NWB will require some form of Public Hearing to consider the Applications, as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*. 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).

### **NWB Notice of Applications and Commencement of Technical Review**

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Applications, Interveners’ submissions, and the Board’s initial review that the Applications submitted by Agnico Eagle generally constitute administratively and materially complete Applications in accordance with the Guides.<sup>3</sup> The Board has therefore decided that the Applications can proceed to the next stage(s) of the licensing process.

In providing the following Notice of Applications and invitation to commence the technical review period for the Applications, the NWB highlights that the Applicant has requested the NWB’s consideration of the Applications be conducted in a coordinated manner with the Nunavut Impact Review Board’s (NIRB) assessment process of the Whale Tail Pit Expansion Project Proposal (NIRB File No: 16MN056). Notwithstanding the NWB’s commitment to coordinate their consideration of the Application with the NIRB’s assessment of the project proposal, the NWB retains the rights, however, to request additional information and studies pursuant to s. 48(2) of the *NWNSRTA* or to issue additional guidelines for the provision of information pursuant to s. 48(3) of the *NWNSRTA*, if it becomes necessary.

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<sup>3</sup> The minimum information requirements set out in the NWB Guidance Document- Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1.

In accordance with s. 55(1) of the *NWNSRTA*, the **Board gives Notice of the Applications** and invites interested persons to make representations to the NWB no later than **September 16, 2019** (3:00 p.m. MST). Notice of the Applications will also be forwarded to the council of each municipality in the area(s) most affected by the Applications and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond by the deadline above are outlined in s. 59 and ss. 60(2) of the *NWNSRTA*<sup>4</sup> and may include forfeiting rights to compensation.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Applications for the amendments to Type “A” Water Licences No. 2AM-WTP1826 and 2AM-MEA1526 and Type “B” Water Licence No. 2BB-MEA1828 available from the NWB Public Registry or by directly contacting Jamie Quesnel, Agnico Eagle Mines Ltd. at [jamie.quesnel@agnicoeagle.com](mailto:jamie.quesnel@agnicoeagle.com). All technical review comment submissions from Interveners and other interested parties should be provided to the NWB no later than **September 16, 2019** (3:00 p.m. MST). The Interveners are advised that summaries of technical review comments in Inuktitut and French are required to accompany the submissions.

### **Next Steps in the Process**

The next steps in the Board’s consideration of the Applications have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

### **Steps Preceding Technical Meeting**

<b>August 14, 2019:</b>	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board
<b>September 16, 2019:</b>	Submission of technical review comments and representations to the Board.
<b>October 7, 2019:</b>	Agnico Eagle to provide response(s) to technical review comments.  Parties given an opportunity to review responses from Applicant
<b>October 15, 2019:</b>	Circulation of draft agenda for the Technical Meeting.
<b>October 18, 2019:</b>	Submission of Applicants and Interveners presentations for the proposed technical meeting (including translated versions). Confirmation of attendance and draft agenda.
<b>October 23, 2019:</b>	Circulation of final agenda for the Technical Meeting.

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<sup>4</sup> Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

**Steps including and following Technical Meeting / Pre-Hearing Conference**

**1. Technical Meeting / Pre-Hearing Conference (TM / PHC): October 29-30, 2019**

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, either in writing, by teleconference, or in person.

The Board has directed the staff of the NWB, in accordance with the NWB Rules, to hold the TM / PHC for the Application, in person, on the week of October 28, 2019 (tentatively on **October 29-30, 2019**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM / PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

**2. Pre-Hearing Conference (PHC) Decision**

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

**Public Hearing (PH) Notice**

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

**3. Public Hearing Decision**

Following the Public Hearing, the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of Crown-Indigenous Relations and Northern Affairs (Minister) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with Agnico Eagle to discuss issues in advance of the proposed Technical Meeting and Pre-hearing Conference. The NWB, however, requests to be kept informed of any issues and any agreement reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as air quality, noise, and wildlife, be

provided within the limits of the NWB's jurisdiction over the use of waters and the deposit of waste in waters or that may enter waters.

**All representations by interested parties with respect to compensation and technical review submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) prior to Monday, September 16, 2019 (3:00 p.m., MST).**

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Manager of Licensing at [richard.dwyer@nwb-oen.ca](mailto:richard.dwyer@nwb-oen.ca) or by phone at (867) 360-6338 (ext. 27). For any Technical inquiries, please contact Assol Kubeisinova, Technical Advisor, at [assol.kubeisinova@nwb-oen.ca](mailto:assol.kubeisinova@nwb-oen.ca) or by phone at (867) 360-6338 (ext. 31) or Karen Kharatyan, Director Technical Services, at [karen.kharatyan@nwb-oen.ca](mailto:karen.kharatyan@nwb-oen.ca) or by phone at (867) 360-6338 (ext. 35).

Sincerely,

**NUNAVUT WATER BOARD**

Stephanie Autut  
Executive Director

SA/ak/rqd  
Cc: Distribution List – Meadowbank