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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**NWB File No: 2AM-MEA0815/
Amendment No. 2**

August 29, 2013

Stéphane Robert
Manager Regulatory Affairs Nunavut
Agnico-Eagle Mines Limited – Meadowbank Division
10200, Route de Preissac,
Rouyn-Noranda, Quebec J0Y 1C0

Email: stephane.robert@agnico-eagle.com

Subject: Notice of Type “A” Water Licence Amendment - 2AM-MEA0815

Dear Mr. Robert,

Further to the Nunavut Water Board (NWB or Board) letter of July 15, 2013 with respect to the determination of completeness of the water licence amendment application and supporting documentation for the Meadowbank Gold Project, the Board received comments from various interested parties including: Aboriginal Affairs and Northern Development Canada (AANDC) and Environment Canada (EC). The NWB did not receive any indication that the Application should not proceed through the regulatory process.

The AANDC and EC submissions have been placed in the Board's Public Registry and are available from its ftp site using the following access (Username: public and Password: registry) and link:

<ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA0815%20Agnico/2%20ADMIN/3%20SUBMISSIONS/>

The Board is in receipt of a letter August 2, 2013, from the Nunavut Impact Review Board (NIRB) recognizing that the NWB is unable to issue an amended licence for this project until such time as the requirements of Article 12 of the Nunavut Land Claims Agreement (NLCA) have been duly satisfied.

The Board is also in receipt of a letter August 6, 2013, from the NIRB to Agnico-Eagle Mines Limited (AEM) advising that the NIRB is now considering whether the amendment application falls within the scope of the project, as originally reviewed by the NIRB, and whether or not the proposed changes to the project warrant a formal reconsideration of the terms and conditions of the existing NIRB Project Certificate [004], pursuant to Section 12.8.2 of the NLCA.

In the interests of ensuring this application is dealt with in a timely manner, but recognizing the limits on the Board's actions under s. 38 and s. 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act), the Board advises that, while it awaits for the NPC determination and direction of the NIRB regarding the pre-licensing process that may be required, it will continue with its initial processing of the application.

Based on our initial review of your submission and the comments received from AANDC and EC, your Application has been deemed to be a complete application for a Type "A" Water Licence Amendment. As such, it will require a public hearing as required by the 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 following general requirements are followed:

➤ **Notice of the Application**

Notice of the Application is made in accordance with subsection 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised that consequences of failure to respond are outlined in section 59 and subsection 60(2) of the Act. Furthermore, the Board will distribute notice to the council of each municipality in the area affected by the application and shall publish the notice in a newspaper of general circulation in the area affected or, if there is no such newspaper, in such other manner as the Board considers appropriate.

➤ **Technical Assessment**

Interested parties will be advised to undertake a detailed technical assessment of a complete application. Parties will be encouraged to work cooperatively to address technical issues during the review period. Generally, the Board provides at least sixty (60) days for technical review in advance of a technical meeting.

➤ **Technical Meeting/Pre-hearing Conference**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a pre-hearing conference (PHC) with the parties, either in writing, by teleconference, or in person. Upon commencement of the technical review, the Board anticipates setting a date for a PHC to follow approximately fifteen (15) days after the date for submission of technical reviews. The PHC is typically scheduled to follow a technical meeting contemplated in above.

Following the PHC, a PHC decision will be issued which may outline the technical commitments of the Applicant and the administrative and procedural requirements for a public hearing.

➤ **Notice of Public Hearing**

Subsection 55(2) of the Act requires at least sixty (60) day notice of a public hearing. Accordingly, once the Board has determined the place, date and time of the hearing, a notice will

be published by the Board at least sixty (60) days prior to the commencement of the public hearing in a manner that promotes public awareness and participation in the hearing.

In accordance with subsection 55(1) of the Act, the Board gives notice of the application and invites interested persons to make representation to the Board by no later than **September 29, 2013**. Parties are advised that consequences of failure to respond are outlined in Section 59 and Subsection 60(2) of the Act¹.

By copy of this letter to the distribution list, all interested parties are requested to complete a thorough technical assessment of the application for Type “A” Water License Amendment available from the NWB Public Registry or by contacting AEM at stephane.robert@agnico-eagle.com.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with AEM to discuss minor issues in advance of the proposed technical meeting. The NWB requests to be kept informed of any issues and any agreement between the parties on issues. The Board 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. Comments shall be filed in writing to Phyllis Beaulieu, Licensing Manager at licensing@nunavutwaterboard.org no later than **September 29, 2013**.

In accordance with Rule 14 of the NWB Rules, the Board has directed the staff of the NWB to hold a **Technical Meeting and Pre-hearing Conference (PHC)** in **Baker Lake the week of October 14, 2013**. A PHC decision will be issued following the PHC that will also define the type of Public Hearing as the Rule 10.1 of the NWB Rules permits the Board to determine the type, time and location of Public Hearing to be held.

As noted above, directions on the procedure for the conduct of the Public Hearing will be issued by the Board in the PHC decision. Parties are advised that the Board shall assess the feasibility of the date of the hearing at the PHC to either confirm or reschedule the public hearing based on information available at that time. If the Board deems it necessary to reschedule the hearing at least sixty (60) day notice of the rescheduled date is required.

If you have any questions or require clarification on the above, please contact David Hohnstein, Director of Technical Services at 780-443-4406 or by email to dts@nunavutwaterboard.org for

¹ **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.

any technical inquiries or, Phyllis Beaulieu, Manager of Licensing at 867-360-6338 or by email licensing@nunavutwaterboard.org for any procedural inquiries.

Sincerely,

Originally signed By:

Damien Côté
Executive Director

DH/kk/ri

Cc: Kivalliq Dist.