



NIRB File No.: 03MN107
NWB File No.: 2AM-MEA0815
AANDC File No.: 5510-5-3
EC File No.: 4703 001 015 120
DFO File No.: NU-03-0191
NRCan File No.: F74222

August 6, 2013

Stéphane Robert
Manager Regulatory Affairs Nunavut

and

Kevin Buck
Environment Superintendent

Agnico-Eagle Mines Ltd.
10 200 Route de Preissac
Rouyn-Noranda, QC J0Y 1C0

Sent via email: stephane.robert@agnicoeagle.com and kevin.buck@agnicoeagle.com

Re: Acknowledgement of Request to amend Agnico-Eagle Mines Ltd.'s Type "A" Water Licence for the Meadowbank Gold Project

Dear Mr. Robert and Mr. Buck:

On April 23, 2013 the Nunavut Impact Review Board (NIRB or Board) received correspondence from Agnico-Eagle Mines Ltd. (AEM) advising of its intention to apply to the Nunavut Water Board (NWB) for an amendment to its Type "A" Water Licence (2AM-MEA0815) for the Meadowbank Gold Project (NIRB File No. 03MN107). On July 15, 2013 the NIRB received correspondence from the NWB acknowledging AEM's amendment application and requesting that the NIRB confirm whether any screening, reconsideration or review of the proposed amendment would be required.

APPLICATION OVERVIEW

AEM has applied for an amendment to the Type "A" Water Licence as issued by the NWB for the Meadowbank Gold Project in order to allow for increased fresh water use as projected requirements continue to exceed the previously permitted rate. The amendment application

indicates that increased fresh water use is required owing to higher than anticipated rates of ore processing, and an adjustment of the initial water balance model, resulting in a deficit of reclaimed water. As such, AEM has applied for a water licence amendment to reflect the following changes:

- An increase in fresh water drawdown and use from the Third Portage Lake from the originally permitted 700,000 cubic metres per year (m³/yr) to:
 - 1,870,000 m³/yr in 2013; and,
 - 1,150,000 m³/yr for each year from 2014 through 2018.

Please note that the complete amendment application is available online from the NIRB's public registry at the following location: <http://ftp.nirb.ca/03-MONITORING/03MN107-MEADOWBANK%20GOLD%20MINE/06-AUTHORIZATIONS/Nunavut%20Water%20Board/01-LICENCE/03-AMENDMENTS/2013%20Amendment/>.

PROCESS OVERVIEW

As you are aware, the NIRB Project Certificate [004] issued December 31, 2006 was the product of the Board's extensive public review of the projected impacts associated with the project proposal filed by the original proponent of the project, Cumberland Resources Ltd. in March 2003. The NIRB's review provided opportunities for public input through written submissions and participation in a Public Hearing and the scope of that review was based on the project as proposed in 2003 and as reviewed by the Board between 2003 and 2006. To determine the impact assessment requirements applicable to AEM's amendment application, the NIRB is required to consider two alternatives under the Nunavut Land Claims Agreement (NLCA).

If the NIRB determines that the proposed amendment is within the scope of the Meadowbank Gold Project as previously reviewed by the Board and as addressed by the existing terms and conditions of the NIRB Project Certificate [004], the amendment would be exempt from the requirement for screening by the NIRB as set out in Article 12, Section 12.4.3 of the NLCA:

12.4.3 Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

- (a) such component or activity was not part of the original proposal; or*
- (b) its inclusion would significantly modify the project.*

Alternatively, if the NIRB determines that the amendment application represents a significant change to the project as previously reviewed, the Board would also then evaluate whether the significant 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:

12.8.2 NIRB may on its own account or upon application by a DIO, the proponent, or other interests, reconsider the terms and conditions contained in the NIRB certificate if it is established that:

- (a) the terms and conditions are not achieving their purpose;*

- (b) *the circumstances relating to the project or the effect of the terms and conditions are significantly different from those anticipated at the time the certificate was issued; or*
- (c) *there are technological developments or new information which provide a more efficient method of accomplishing the purpose of the terms and conditions.*

As you are likely aware, reflecting the integrated regulatory process established by the NLCA Article 12, Sections 12.10.1 and Article 13, Section 13.5.4, the NWB cannot approve the issuance of an amended licence until the NIRB has confirmed that the assessment provisions of Article 12 of the NLCA have been satisfied. In making its determination, the NIRB will work with the Proponent and parties to ensure its assessment requirements are satisfied as expeditiously as possible.

REQUEST FOR PUBLIC COMMENTS

Reflecting that the NIRB is now considering whether the amendment application is or is not within the scope of the project as originally reviewed by the NIRB, by copy of this letter, the NIRB invites interested parties and agencies with jurisdictional authority and/or licences and approvals associated with the Meadowbank Gold Project to provide their comments to the Board with respect to AEM's proposed Water Licence (No. 2AM-MEA0815) amendment application on or before **August 20, 2013**. The Board requests that parties provide their views on the following points in particular:

- Whether or not the proposed amendment is within the scope of the project as originally reviewed by the NIRB in 2006 and as addressed by the existing terms and conditions of the NIRB Project Certificate [004];
- Whether or not the proposed amendment triggers a requirement for reconsideration of the terms and conditions of the NIRB Project Certificate [004] as set out in NLCA Sections 12.8.2 (a), (b), or (c) and, if so, which of the circumstances supporting reconsideration under the NLCA provides the basis for the reconsideration;
- Whether, if a reconsideration of Project Certificate [No. 004] is triggered under Section 12.8.2 of the NLCA, there are specific terms and conditions that should be reconsidered;
- Whether a reconsideration under 12.8.2 is likely to arouse significant public concern and, if so, describing the basis for the concern;
- Whether parties require additional information to support the consideration of the proposed amendment application and the Board's request for comments; and
- Any matter of importance to the Party related to the amendment application as presented by AEM that should be considered by the NIRB in making its determination.

Further, the NIRB requests that parties indicate whether or not amendments would be required to any other authorizations based on the information presented within AEM's Type "A" Water Licence amendment application.

Please direct all forthcoming submissions to the Board via email at info@nirb.ca or via fax to (867)983-2594 on or before **August 20, 2013**.

Should you have any questions or require clarification regarding the NIRB's monitoring program, please contact Sophia Granchinho, Senior Technical Advisor and Monitoring Officer for the Meadowbank Gold Project at (867) 793-4633 or sgranchinho@nirb.ca.

Sincerely,



Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board

cc: David Hohnstein, Nunavut Water Board
Phyllis Beaulieu, Nunavut Water Board
Luis Manzo, Kivalliq Inuit Association
Jeff Mercer, Aboriginal Affairs and Northern Development Canada
Tracey McCaie, Aboriginal Affairs and Northern Development Canada
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