



NIRB File No.: 03MN107
NWB File No.: 2AM-MEA0815

September 30, 2014

Thomas Kabloona
Chairperson
Nunavut Water Board
c/o Phyllis Beaulieu
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Sent via email: phyllis.beaulieu@nwb-oen.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Agnico Eagle Mines Ltd.'s Application to Renew its Type A Water Licence for the Meadowbank Gold Project, Kivalliq Region

Dear Phyllis Beaulieu:

On August 29, 2014 the Nunavut Impact Review Board (NIRB or Board) received an application from the Nunavut Water Board (NWB) for a renewal to NWB Type A Water Licence (No. 2AM-MEA0815) for Agnico Eagle Mines Ltd.'s (AEM or Proponent) Meadowbank Gold Project (NIRB File No. 03MN107). Within associated correspondence, the NWB requested confirmation from the NIRB that the entire scope of AEM's current renewal application with the NWB had been considered within previous decisions that the NIRB's has made regarding the above Type A Water License, or whether further review might be required. The NWB further requested that the NIRB conduct any further review as may be required, and/or provide the NWB with a copy of its determination for the application.

PROCESS OVERVIEW

The NIRB Project Certificate [004] was issued for the Meadowbank Gold Project on December 30, 2006 pursuant to Section 12.5.7 of the NLCA and was the product of the Board's extensive public review of the potential impacts associated with the project proposal. The NIRB's Review provided opportunities for public input through written submissions, community meetings and participation in a Public Hearing. The scope of the NIRB's Review was based on the project as proposed in 2003 and as reviewed by the Board between 2003 and 2006.

On April 23, 2013 the NIRB received correspondence from AEM advising of its intention to apply with the NWB for an amendment to its Type A Water Licence (2AM-MEA0815) for the Meadowbank Gold Project. On October 1, 2013 the NIRB issued correspondence to the NWB which indicated that AEM's amendment application with the NWB for its Type A Water Licence was exempt from the requirement for screening pursuant to Section 12.4.3 of the Nunavut Land Claims Agreement (NLCA) and the amendment activities therein remained subject to the terms and conditions of the NIRB Project Certificate [004].

All information associated with the NIRB's monitoring program for the Meadowbank Gold Project can be accessed from the Board's online public registry at the following location:

<http://ftp.nirb.ca/03-MONITORING/03MN107-MEADOWBANK%20GOLD%20MINE/>

CURRENT APPLICATION

The Meadowbank Gold Project as originally assessed involves the construction, operation, and decommissioning of an open pit gold mine approximately 70 kilometres north of Baker Lake. The current application as received from the NWB involves the proposed renewal of AEM's water licence (No. 2AM-MEA0815) which is set to expire May 31, 2015. The proposed renewal would be for a period of 10 years and would also involve an increase to the permitted water usage from 1.15 million cubic metres per year (m³/y) to 9,119,652m³/y in 2018 to facilitate pit re-flooding.

To determine the impact assessment requirements applicable to AEM's current application with the NWB, the NIRB had to consider two possible avenues under the NLCA:

If the NIRB determined that AEM's application with the NWB were 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 current renewal 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 determined that the renewal request represented a significant change to the project as previously reviewed, the Board would then evaluate whether the proposed changes to the project warranted a formal reconsideration of the terms and conditions of the 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.

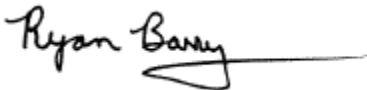
Given the integrated regulatory process established by the NLCA Article 12, Sections 12.10.1 and Article 13, Section 13.5.4, it is the Board's understanding that the NWB cannot approve the issuance of an amended licence until the NIRB has confirmed that the assessment provisions of Article 12 of the NLCA have been satisfied.

NIRB ASSESSMENT AND DECISION

After a thorough assessment of all materials provided to the Board, the NIRB is of the understanding that AEM's application for a renewal to its water licence (No. 2AM-MEA0815) with the NWB does not change the general scope of the original Meadowbank Gold Project as previously reviewed by the NIRB, and that the exceptions noted in NLCA 12.4.3 (a) and (b) do not apply. Therefore, this application is exempt from the requirements for screening pursuant to Section 12.4.3 of the NLCA and the amendment activities proposed therein remain subject to the terms and conditions of the NIRB Project Certificate [004] as issued on December 31, 2006 (enclosed).

Should you have any questions or require clarification related to the NIRB's monitoring program for the Meadowbank Gold Project, please contact Heather Rasmussen, Technical Advisor and Monitoring Officer, at (867) 983-4606 or hrasmussen@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Stéphane Robert, Agnico Eagle Mines Ltd.
Ryan Vanengen, Agnico Eagle Mines Ltd.
Tracey McCaie, Aboriginal Affairs and Northern Development Canada
Karén Kharatyan, Nunavut Water Board
Meadowbank Distribution List

Enclosure: NIRB Project Certificate [004] (December 31, 2006)