

June 13, 2018

Mr. Ryan Barry  
Executive Director, Nunavut Impact Review Board  
29 Mitik Street, P.O. Box 1360  
Cambridge Bay, NU, X0B 0C0

**RE: June 12 Technical Meeting Follow-up – 125253-03MN107**

Mr. Barry:

Agnico Eagle Mines would like to thank the Nunavut Impact Review Board (NIRB) and NIRB staff for organizing the technical meeting of June 12, 2018 (the Technical Meeting) considering the "Agnico Eagle Mines Meadowbank Modification - In-Pit Tailings Disposal" (NIRB File No. 03MN107).

Agnico Eagle will provide (via NIRB) Natural Resources Canada (NRCan) and Indigenous and Northern Affairs Canada (INAC) with the enclosed additional information respecting permafrost analysis and water treatment as committed during the Technical Meeting, under separate cover.

Agnico Eagle maintains that the most appropriate course of action is for the NIRB to determine that the In-pit Tailings Disposal Modification is not a significant modification, and that the In-pit Tailings Disposal Modification can proceed in accordance with the NIRB's rigorous monitoring program and required reporting already established at Appendix D of Project Certificate No. 004, in accordance with Part 7 of Article 12 of the Nunavut Agreement. The technical comments raised by the reviewers during the meeting generally related to water and waste matters and fisheries matters, which all can be fully addressed in the NWB and DFO regulatory processes, respectively.

During the Technical Meeting, Justice Canada suggested that the NIRB should follow the NPC's determination of March 22, 2018 that the In-Pit Disposal Modification "is a significant modification because of the change of disposal method to an in-pit tailings disposal in three abandoned pit sites". Respectfully, Agnico Eagle does not agree with the NPC's determination, which fails to give any substantive reasons for their determination that the modification is "significant". The letter appears to consider any project change to be significant, which would be inconsistent with the Nunavut Agreement and with NuPPAA. There are no project changes included in the In Pit Disposal Modification which should be considered in any way "significant" from a land use planning perspective. All activities take place in previously disturbed habitat and no new footprint will be impacted by the In Pit Disposal Modification. Additionally, for all of the reasons Agnico Eagle has previously stated, taking into account the factors listed at section 90 of NuPPAA from an environmental

assessment perspective, the In Pit Disposal Modification should be considered by NIRB to be not significant.

In the event NIRB nonetheless determines that the In Pit Disposal Modification is significant and that a reconsideration is necessary, Agnico Eagle is also writing to provide some further thoughts respecting the potential reconsideration process. As the NIRB is aware, Agnico Eagle began the modification process with a submission to the Nunavut Planning Commission (NPC) in December 2017. Following a decision by NPC, and guidance from NIRB, Agnico Eagle submitted our application to NIRB on February 23, 2018. As expressed in the technical meeting on June 12th, 2018, Agnico Eagle is concerned with the delays as we require a decision from the NIRB and NWB regarding the in-pit disposal modification no later than September 3rd, 2018 in order to transport the necessary equipment to site on the 2018 sealift.

Should the NIRB determine a reconsideration is necessary before the In-Pit Disposal Modification can proceed, Agnico-Eagle is of the view that the reconsideration process can be completed before September 3rd 2018. This is consistent with NIRB guidance document dated April 6th, 2018 (see reference attached) and is a “Non-significant Amendment”. In the circumstances of this application, a streamlined reconsideration process is most appropriate. As stated during the Technical Meeting, the information provided in February 2018 and to this date is sufficient for NIRB to proceed with reconsideration (if deemed necessary) and any reconsideration should proceed by way of written review and not trigger any public hearing or public meetings. The technical meeting of June 12th, 2018 also provided an opportunity for reviewers to request information in respect of the modification.

Agnico Eagle is mindful of Section 112(4) of the Nunavut Planning and Project Assessment Act (NuPPAA) which states, “The Board may conduct its reconsideration of the terms and conditions in the manner that it considers appropriate in the circumstances.” With the full understanding that the specific process steps and timelines are at the discretion of NIRB, Agnico Eagle presents the following for NIRB consideration:

Task	Potential Timing	Comments
NIRB announces commencement of reconsideration process on basis of information submitted to date, requests written submissions (30 days)	Friday, June 15, 2018	
Agnico Eagle proposed meetings with NRCan, INAC, DFO and ECCC (and other reviewers upon request)	Monday, June 25, 2018 - Friday, June 29, 2018	Agnico-Eagle would schedule follow up meetings with NRCan, INAC, DFO and ECCC (and other reviewers upon request) in order to provide a further opportunity to discuss any questions or information requirements. Where possible, these meetings would take place in person in locations of NRCan, INAC and ECCC's choice. Any additional information provided by Agnico Eagle as a result of these meetings as well as meeting minutes reflecting the discussions would be filed with the NIRB as soon as possible and in any event no later than July 23, 2018.
Written submissions of technical comments by reviewers due to NIRB	Friday, July 13, 2018	Agnico Eagle would request strict adherence to timelines, in light of the need for a decision by September 3 2018
AEM to respond to written submissions by reviewers to NIRB (9 days)	Monday, July 23, 2018	
Final Submissions by reviewers	Wednesday, July 25	
Final Submissions by AEM	Friday, July 27, 2018	
NIRB issues decision (24 days)	Monday, August 20, 2018	
Ministerial decision/ NIRB issuance of any required revision to Project Certificate No. 4	September 3 2018	It is reconfirmed Agnico Eagle has not identified any terms and conditions which require revision in order to proceed with the in pit disposal modification.

It is Agnico Eagle's expectation that the Nunavut Water Board (NWB) modification process could proceed concurrently with any NIRB reconsideration process, and Agnico Eagle would



**AGNICO EAGLE**

---

engage with the NWB as needed as it undertakes review of the modification application, with a view to completion of the NWB modification process by Sept.3, 2018 (subject to any Ministerial decisions or amendments to the Project Certificate required by NIRB).

In closing, Agnico Eagle wishes to reemphasize the importance of a timely process in this case. There have already been significant costs to the company relating to the procedural delays on this file and it is imperative that the NIRB set a clear path forward which completes by September 3, 2018.

Best regards,

Jamie Quesnel  
Jamie.quesnel@agnicoeagle.com  
819-856-0821  
Superintendent-Permitting and Regulatory Affairs-Nunavut