



NIRB File No.: 03MN107
NWB File No.: 2AM-MEA1525
NPC File No.: 148681

August 7, 2018

Jamie Quesnel
Environmental Superintendent - Nunavut
Agnico Eagle Mines Limited
P.O. Box 879
Rankin Inlet, NU X0C 0G0

Sent via email: jamie.quesnel@agnicoeagle.com

and

Manik Duggar
Acting Director General
Northern Projects Management Office
Canadian Northern Economic Development Agency
5019 – 52nd Street
Yellowknife, NT X1A 1T5

Sent via email: manik.duggar@canada.ca

Re: Follow Up Guidance on Late Filed Submissions from Natural Resources Canada in Respect of Agnico Eagle Mines Limited's "In-Pit Tailings Disposal Modification, Baker Lake, Meadowbank Gold Mine" Project Proposal

Dear Jamie Quesnel and Manik Duggar:

As indicated in a cover email issued by the Nunavut Impact Review Board (NIRB or Board) on August 3, 2018 attached to a submission from Agnico Eagle Mines Limited (Agnico Eagle, or Proponent) of the same date, this correspondence provides a brief response regarding how the Board proposes to handle written comment submissions filed by Natural Resources Canada (NRCan) on August 3, 2018 two (2) days after the August 1, 2018 deadline for parties' submissions. NRCan's submission provides technical review comments in respect of the "In-Pit Tailings Disposal Modification, Baker Lake, Meadowbank Gold Mine" project proposal (the In-Pit Tailings Disposal Proposal) submitted to the Board by Agnico Eagle on February 23, 2018.

After the NRCan submission was sent to the Board on August 3, 2018, the NIRB received correspondence from the Northern Projects Management Office (NPMO) clarifying that in the cover letter accompanying the submissions of the Government of Canada on August 1, 2018 there was an error, as the letter contained the following statement: “*Departments of Health and Natural Resources have reviewed the information and have confirmed no comments at this time*”. The clarification letter indicated that the sentence should have read “*Departments of Health and Transport Canada*” and should not have included NRCan, which was planning to file submissions early on August 3.

After the NPMO correspondence was received Agnico Eagle also sent correspondence to the Board on August 3, objecting to the Board’s filing and consideration of the NRCan submission, citing NPMO’s August 1 correspondence as leading Agnico Eagle to believe that no additional submissions from NRCan were to be expected. Agnico Eagle also objected to the filing of NRCan’s submission, noting that in the Board’s correspondence of June 18, 2018 providing notice of the Board’s assessment of the In-Pit Tailings Disposal Proposal as a reconsideration under s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) the Board emphasized the importance of parties adhering to the timelines set out in that correspondence.

The Board is very mindful of the importance of preserving the timelines established by the Board, particularly where, as is the case here, there are very tight timelines for Agnico Eagle responding to submissions and also for the Board to prepare the NIRB’s Reconsideration Report and Recommendations. The Board also notes that it is regrettable that the error in the NPMO’s August 1st, 2018 cover letter correspondence was such that Agnico Eagle and the Board did not expect to, or prepare for the receipt of late filed submissions from NRCan. However, the Board also notes that in past assessments, the Board has found NRCan’s expertise in respect of permafrost and hydrology to result in highly relevant and important information being provided to the Board. Although recognizing that the combination of NPMO’s error and the late filed submission of NRCan have inconvenienced Agnico Eagle and reduced, by two (2) days, their timeline for filing response submissions, the Board does not view refusing to file and consider NRCan’s submission to be a proportional response to this delay. On balance, the Board will not sacrifice the thoroughness of the Board’s reconsideration by refusing to file and consider NRCan’s late filed submission.

However, the Board does recognize that Agnico Eagle was not initially expecting to have to respond to comments from NRCan, and has been delayed in the development of a response. Consequently, reflecting the delay, the NIRB has added two (2) days to Agnico Eagle’s time for filing a reply to all written submissions, so the deadline has been moved from August 15, 2018 to August 17, 2018. Recognizing the importance of maintaining the August 31, 2018 date for issuing the NIRB’s Reconsideration Report and Recommendations, the Board has, however, maintained the timeline for issuing the NIRB’s final report as follows:

Date	Process Step
August 17, 2018	Agnico Eagle files a final reply to written submissions
August 31, 2018	NIRB issues a Reconsideration Report and Recommendations under s. 112(5) of the <i>NuPPAA</i>

If you have any questions regarding the preceding, please contact the NIRB's Director of Technical Services, Tara Arko at (867) 983-4611 or via email at tarko@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Meadowbank Gold Mine Distribution List
David Rochette, Regional Director General, Crown Indigenous Relations and Northern Affairs Canada
Dale Nicholson, Regional Director General, Fisheries and Oceans Canada, Central and Arctic Region
Mary Taylor, Director General, Environment Stewardship Branch, Environment and Climate Change Canada
Shari Currie, Regional Director General, Transport Canada, Prairie and Northern Region
Karén Kharatyan, Director Technical Services, Nunavut Water Board
Peter Unger, Senior Environmental Assessment Officer, Natural Resources Canada