



Agnico Eagle that would result in an in-person oral hearing being conducted on March 25. As indicated by the KIA during the February 28 teleconference, the KIA would be unable to meet the timeline for substantive submissions associated with this timing (March 18). Similarly, recognizing that the NWB has been advised for several months that Agnico Eagle and the KIA have been negotiating with respect to water compensation associated with the Amendment Application, the NWB does not consider it necessary for the NWB to build in an information request (IR) stage into the WCDP as requested by the KIA. The elimination of the IR stage shortens the time until an in-person oral hearing can be conducted from early May to the third week in April.

In addition, the NWB has determined that, because all other evidence in respect of the Amendment Application has been received by the Board and so the Amendment Application file can be remitted to the Meadowbank Panel responsible for decision-making as soon as the Panel has concluded the water compensation determination, it is not efficient for the Panel to issue a separate water compensation determination decision in advance of the Board's decision in relation to the Amendment Application. Accordingly, within 30-45 days following the Panel's closure of the hearing record associated with the water compensation determination, the Meadowbank Panel will issue a single decision that addresses both the Amendment Application and the Panel's water compensation determination. If the Panel recommends the issuance of amendments to the Licence, the Panel will also append the amended terms and conditions to Water Licence No: 2AM-MEA1526.

In considering the form of oral hearing that should be conducted as part of the water compensation determination, the Board agrees with the parties that it is appropriate and in keeping with the Board's preference for transparency that the oral hearing be conducted in person in the most directly affected community, Baker Lake, in the week of April 22-26, 2019. Recognizing that April 22 is Easter Monday, and is a statutory holiday, the Board has determined that due to the logistics of travel over the Easter holiday week end, April 24 is the earliest date possible for the oral hearing in that week, and the Board has tentatively planned for the hearing to be held on that date. The Board recognizes that the KIA has indicated unavailability from April 24-30, but given the urgency of this matter and the advance notice of this hearing and having concluded that April 24-26 were the earliest possible dates to hold an in-person oral hearing, the Board appreciates the parties making best efforts to work within the timelines proposed, including the timing of the hearing.

As outlined below and indicated in the attached *draft* Water Compensation Determination Process Agreement, the Panel has considered the submissions of the parties and issues the following process and timeline guidance. As always, the Board reserves the right to revisit this timing as circumstances warrant, but recognizing that the NWB's consideration of the Amendment Application is suspended until the completion of the NWB's determination of water compensation concludes and mindful of the logistical limits outlined above, the NWB expects all parties to make all reasonable efforts to comply with these timelines going forward.

- a. **On or before March 15, 2019** the Parties will provide written submissions to the Board

regarding the scope of issues to be considered by the Panel during the NWB's water compensation determination;

- b. **On or before March 18, 2019** the Board will provide direction on the scope of issues that will be considered by the Panel during the NWB's water compensation determination;
- c. **On or before April 8, 2019**, the Parties will provide all materials in support of their assessment of the appropriate measure of compensation to the Board;
- d. **On or before April 13, 2019**, the Board will review the Parties' materials provided under (c) above, and the Board will identify and provide notice to the Parties if the Board identifies that information in addition to the materials provided by the Parties is considered necessary to arrive at a fair determination;
- e. **On or before April 15, 2019** the Parties will file the presentation materials on which they intend to rely at the in-person oral hearing conducted by the NWB in support of the water compensation determination;
- f. **The week of April 22-26, 2019** (hearing tentatively planned for **April 24, 2019**), the NWB will conduct a one-day in-person oral hearing to support the Board's water compensation determination.

In closing, the Board requests the parties to review the updated *draft* Water Compensation Determination Process Agreement and provide the NWB with any comments or questions regarding the draft on or before **March 15, 2019**. The NWB will then revise and send a finalized Agreement to the parties for signature the following week.

If you have any questions or require further direction with respect to the technical aspects of this matter, please contact Assol Kubeisinova, Technical Advisor, at (867) 360-6338 or via e-mail at [assol.kubeisinova@nwb-oen.ca](mailto:assol.kubeisinova@nwb-oen.ca) or Karén Kharatyan, Director of Technical Services, at (867) 360-6338 or via e-mail at [karen.kharatyan@nwb-oen.ca](mailto:karen.kharatyan@nwb-oen.ca).

Regards,

Lootie Toomasie  
Chairperson  
Nunavut Water Board

Encl. *draft* Water Compensation Determination Process Agreement

cc Kimberley Gilson, KIA Legal Counsel, Duboff Edwards Haight & Schacter  
Christine Kowbel, Legal Counsel Agnico Eagle, Lawson Lundell