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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File: 2AM-MEA0815/TR/I1

February 1, 2010

Stéphane Robert
Environment Superintendent
Agnico-Eagle Mines Limited – Meadowbank Division
20, Route 395, Cadillac, Quebec, J0Y 1C0

Email: stephane.robert@agnico-eagle.com

Subject: Extension request for resubmission of the Aquatic Effects Management Program

Dear Mr. Robert,

The Nunavut Water Board (NWB or Board) acknowledges receipt of Agnico Eagle Mines Limited's (AEM or Licensee) response dated November 15, 2009, to comments received concerning the Aquatic Effects Management Plan (AEMP) for the Meadowbank Gold Mine. The NWB appreciates the complexity of developing a comprehensive program like the AEMP and the candid agreement AEM has demonstrated with the views of interested parties, particularly the need to redesign the AEMP and.

With respect to AEM's requested timeline extension in order to redesign the AEMP, the NWB notes, however the following issues with granting the extension to March 31, 2011.

Firstly, the AEMP is a Licence requirement under Part H, Item 1 which states:

The Licensee shall submit to the Board for approval by March 31, 2009, a revised Aquatic Effects Management Program (AEMP) prepared in consultation with Department of Fisheries and Oceans, Environment Canada, and Indian and Northern Affairs Canada. The revised AEMP shall include:

- a. A detailed monitoring protocol to verify that the Canadian Council of Ministers of Environment Fresh Water Aquatic Life Guidelines are met thirty (30) metres from the outfall diffusers;
- b. Annual reporting for more immediate adaptive management;
- c. Mechanisms to measure changes to productivity in the lake as a result of the mine adding nutrients;
- d. Sampling and Analysis Plans; and
- e. Monitoring under Fisheries Authorizations, NWB Licence Compliance Monitoring, Environmental Effects Monitoring, and Groundwater Monitoring.

In its decision to issue the Type A water Licence¹, the Board was very clear regarding the purpose, goals and expectations of the AEMP including its important function in triggering adaptive management

¹ Nunavut Water Board Reasons for Decision Including Record of Proceedings, June 9, 2008.

measures². At this important point in the mine's development and with notice having been given regarding the commencement of operations³, the NWB is not amenable to extending the deadline for the AEMP revision an additional fifteen months.

The rationale provided by AEM for a deadline extension to March 31, 2011 included the need for additional data collection, analysis and interpretation as well as time to consult with regulators. To address the first point, additional data collection, analysis and interpretation should not impede the development and submission of an acceptable AEMP. It is understood that following data collection, analysis and interpretation pursuant to an approved AEMP, some data gaps may be identified and the necessary modifications to the Plan will be made. It is for this reason that the Licence includes, under the condition of Part B, Item 20⁴ and Schedule B, Item 20⁵, an allowance for plan updates and revisions. Ultimately, an AEMP should have been developed to an acceptable level at this point in the process through the consultation with regulators.

Secondly, the NWB is concerned with the lack of consultation in the development of the AEMP, as it was explicitly stated as a requirement in Licence condition Part H, Item 1, that AEM consult with the Department of Fisheries and Oceans, Environment Canada, and Indian and Northern Affairs Canada. Without prejudging why this did not occur, the NWB respectfully asks that AEM and the parties mentioned herein prioritize the AEMP, as will the NWB and that a record of consultation be included as an appendix within the Plan.

In an effort to have an approved AEMP on file for the operation phase of the mine, and in accordance with Part B, Item 17⁶ of the Licence, the Licensee shall provide a revised version of the AEMP to the NWB for review and approval **within thirty (30) days of the date of this letter**. The revised AEMP may be submitted to Richard Dwyer, Licensing Administrator, at licensingadmin@nunavutwaterboard.org.

Finally, the NWB would like to remind the Licensee that in accordance with Part B, Item 16 of the Licence, plans submitted, cannot be undertaken without subsequent written Board approval and direction. Should you have any questions or concerns regarding the above, please do not hesitate to contact me at (780) 443-4406 or dts@nunavutwaterboard.org.

Yours truly,

Original signed by:

David Hohnstein, C.E.T.
Director Technical Services
DH/tla

Cc: Distribution list

² Nunavut Water Board Reasons for Decision Including Record of Proceedings June 9, 2008 Pg 39-40.

³ Letter of November 6, 2009 from AEM to the NWB.

⁴ Part B, Item 20: The Licensee shall review the Plans or Manuals referred to in this Licence as required by changes in operation and/or technology and modify the Plans or Manuals accordingly. Revisions to the Plans or Manuals are to be submitted in the form of an Addendum to be included with the Annual Report required by Part B, Item 5, complete with a revisions list detailing where significant content changes are made.

⁵ Annual Reporting requirements Schedule B, Item 20: Where applicable, revisions as Addendums, with an indication of where changes have been made, for Plans, Reports, and Manuals.

⁶ Part B, Item 17: In the event that a Plan is not found acceptable to the Board, the Licensee shall provide a revised version to the Board for review within thirty (30) days of notification by the Board.