



NUNAVUT WATER BOARD

**AMENDMENT APPLICATION
WATER LICENCE NO: 2AM-MEA1526**

REASONS FOR DECISION



NUNAVUT WATER BOARD

In the Matter of:

Applicant: Agnico Eagle Mines Limited

Subject: Application for an Amendment to Type “A” Water Licence
No: 2AM-MEA1526 to authorize Water Uses and Waste
Deposits associated with the In-Pit Tailings Disposal
Proposal

Date: March 29, 2019

Precedence: Where there is any inconsistency or conflict between *the Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada Nunavut Agreement (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the Nunavut Agreement prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.



RECORD OF APPLICATION

Applicant:	Agnico Eagle Mines Limited
Address:	Suite 400, 145 King Street East Toronto, ON M5C 2Y7
Purpose:	Application for an amendment to Type “A” Water Licence No: 2AM- MEA1526
Application Received on:	December 17, 2018
Application Received from:	Jamie Quesnel Environmental Superintendent Agnico Eagle Mines Limited
Date Application Record Closed:	March 18, 2019



Written Record of
Submissions:

Available from the Board's public registry using the following
link:

[ftp://ftp.nwb-
oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-
%20Mining/2AM-
MEA1526%20Agnico/1%20APPLICATION/2018%20Amen
dment%20In-Pit/](ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA1526%20Agnico/1%20APPLICATION/2018%20Amendment%20In-Pit/)



Table of Contents

RECORD OF APPLICATION	3
ABBREVIATIONS	6
REASONS FOR DECISION	6
SECTION I FILE BACKGROUND AND REGULATORY HISTORY	6
History of the Meadowbank Gold Mine Project	6
Licensing History for the Undertaking	7
The Current Application	9
Procedural and Regulatory History of the Amendment Application	11
SECTION II SUMMARY OF TECHNICAL SUBMISSIONS OF THE PARTIES	15
The Kivalliq Inuit Association's (KivIA) Submissions	15
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC).....	19
Fisheries and Oceans Canada (DFO)	26
Environment and Climate Change Canada (ECCC)	28
Natural Resources Canada (NRCan).....	31
SECTION III SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC	37
SECTION IV REQUIREMENTS OF THE <i>NUNAVUT AGREEMENT</i> , <i>NuPPAA</i> AND <i>NWNSRTA</i>	37
Land Use Planning	37
Environmental Assessment	37
Inuit Water Rights	38
SECTION V DECISION TO ISSUE THE AMENDMENT	40
Conditions for Issuance of a Licence	40
Financial Responsibility of the Applicant.....	41
Compensation of Existing or Other Users.....	42
SECTION VI AMENDMENTS TO WATER LICENCE 2AM-MEA1526 TERMS AND CONDITIONS	42
Part B: General Conditions	42
Management Plans, Manuals and Reports	42
Part C: Conditions Applying to Security	44
Part E: Conditions Applying to Water Use and Management	45
Signature Page	46
APPENDIX A - List of Submissions and Correspondence	47



ABBREVIATIONS

Short Form	Full Name
Agnico Eagle	Agnico Eagle Mines Limited
CIRNAC	Crown-Indigenous Relations and Northern Affairs Canada (formerly INAC)
DIO	Designated Inuit Organization
ECCC	Environment and Climate Change Canada
GN	Government of Nunavut
ICRP	Interim Closure and Reclamation Plan
INAC	Indigenous and Northern Affairs Canada (now CIRNAC)
KivIA	Kivalliq Inuit Association
NIRB	Nunavut Impact Review Board
NPC	Nunavut Planning Commission
<i>Nunavut Agreement</i>	<i>The Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada Nunavut Agreement</i>
NWB	Nunavut Water Board
NuPPAA	<i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s. 2
NWNSRTA	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> , S.C. 2002, c. 10
NWR	<i>Nunavut Waters Regulations</i> , SOR/2013-69
PH	Public Hearing
RIO	Regional Inuit Association

REASONS FOR DECISION

SECTION I

FILE BACKGROUND AND REGULATORY HISTORY

History of the Meadowbank Gold Mine Project

The Meadowbank Gold Mine Project (the Project) has a long regulatory history. The original proponent of the Project, Meadowbank Mining Corporation (MMC), a wholly owned subsidiary of Cumberland Resources Ltd. (Cumberland), began actively exploring the area in the Kivalliq Region approximately 70 km north of the Hamlet of Baker Lake in 1995. Engineering, environmental baseline studies, and community consultations accompanied the exploration programs and were combined and ultimately became the basis of the Project. As a result of feasibility studies initiated by Cumberland in 2003, the Meadowbank Gold Project was identified as a major Canadian gold project. The Project consisted of the exploitation of several gold-bearing deposits in relatively close proximity to one another and processing of the ore at a nearby mill facility. The three main deposits associated with the Project are: Vault, Portage (including the Third Portage deposit, and the Connector Zone and North Portage deposit), and Goose Island. The potential eco-systemic and socio-economic effects



of the Project were originally assessed by the Nunavut Impact Review Board (NIRB), and a Project Certificate No. 004 was issued in December 2006.¹

In 2007, Agnico Eagle Mines Limited (Agnico Eagle or the Applicant) was amalgamated with Cumberland and MMC. As a result of this amalgamation, all rights, titles, interests, liabilities and obligations of Cumberland and MMC were automatically transferred to, and assumed by, Agnico Eagle who accelerated the development and started the construction of the Meadowbank mine site. The Project, as licensed by the NWB in 2008² involved the construction, operation, maintenance, reclamation, closure and monitoring of an open pit gold mine and milling facility at the Meadowbank mine site, and the processing plant achieved commercial production in March 2010. The original licence was subsequently renewed by the Board in August 2015 and was amended in July 2018 to reflect changes to the Project associated with additional tailings deposition and associated ore processing at the Meadowbank mine site from Agnico Eagle's new mining undertaking at the Whale Tail Pit site. The Project is governed by current Water Licence No: 2AM-MEA1526 (the Licence).

At present, the project components included in the scope of the Licence consist of the Meadowbank mine site and the Vault mine site, a Marshalling Facility in Baker Lake, and a 110 kilometre All-Weather Private Access Road between Baker Lake and the Meadowbank mine site. There are also water retention dikes constructed from mined waste rock to allow for the mining of ore beneath shallow dewatered lakes and a tailings storage facility (Second Portage Lake's northwest dewatered arm), where tailings have been deposited sub-aerially as slurry and water from the ponds reclaimed during operation. Waste rock is placed in separate Portage and Vault Waste Rock Storage Facilities.

Licensing History for the Undertaking

The original Type "A" Water Licence No: 2AM-MEA0815 was issued by the NWB on June 9, 2008. The original Licence was subsequently approved by the Minister on July 10, 2008,³ authorizing the use of water and deposit of waste in relation to the Mining Undertaking at the Meadowbank Gold Mine Project.

Amendment No. 1 to Water Licence No: 2AM-MEA0815 was issued by the NWB on May

¹ See Nunavut Impact Review Board, Final Hearing Report for the Meadowbank Gold Project, Cumberland Resources Ltd., August 30, 2006; the letter from the Hon. J. Prentice, Minister of Indian and Northern Affairs Canada (as the Ministry was then—now Crown-Indigenous Relations and Northern Affairs Canada) to E. Copland, NIRB Acting Chair, November 17, 2006 accepting the NIRB's Final Hearing Report; and Project Certificate NIRB No.: 004 for the Meadowbank Gold Mine Project Proposal, issued December 30, 2006.

² Nunavut Water Board, Reasons for Decision: 2AM-MEA0815, Applicant: Agnico Eagle Mines Limited, June 9, 2008.

³ Letter from the Honourable C. Strahl, Minister of Indian and Northern Affairs Canada (as the Minister was then, the Ministry has since been renamed and is now Crown-Indigenous Relations and Northern Affairs Canada) to T. Kabloona, NWB, Interim Chair, July 10, 2008.



6, 2010, and was subsequently approved by the Minister on June 18, 2010. Amendment No. 1 allowed Agnico Eagle to expand the Marshalling Area Bulk Fuel Storage Facility and fuel storage area, with increasing capacity from 40 million litres (ML) to 60 ML of diesel fuel by adding two additional 10 ML capacity diesel fuel tanks. In addition, the amendment authorized the construction of an additional 2 ML tank for the bulk storage of Jet A fuel to refuel aircraft flying into the Meadowbank mine site.

Amendment No. 2 to Water Licence No: 2AM-MEA0815 was issued by the NWB on June 30, 2014, and was subsequently approved by the Minister on July 23, 2014 to increase the authorized use of water associated with the Meadowbank Gold Mine Project from the licensed amount of 700,000 m³ *per year* of fresh water for all purposes (domestic camp use, mining, milling and associated uses), to a total amount of 1,870,000 m³ in 2013 and 1,150,000 m³ *per year* after 2013.

Short-Term Renewal of Water Licence No: 2AM-MEA0815 was issued by the NWB on March 20, 2015 and was approved by the Minister on April 20, 2015. The Short-term Renewal extended the expiry of the licence by an additional 180 days to allow time for the Board to complete their consideration of the full renewal and amendment application, which was underway but would not have been completed by the original expiry of the licence. The Board's grant (and Minister's approval) of the Short-Term Renewal Application resulted in the extension of the expiry of the water licence to the earlier of November 27, 2015 or the grant of a renewed water licence should the Board decide to grant Agnico Eagle's request to renew the licence and the Minister approve the renewed water licence. Under the Short-Term Renewal, all other terms and conditions of the licence remained unchanged.

Renewed Water Licence No: 2AM-MEA1525 was issued by the NWB on July 23, 2015. The Licence was subsequently approved by the Minister on September 2, 2015.⁴ The Licence authorized Agnico Eagle to continue the use of water and deposit of waste in relation to the Mining Undertaking at the Meadowbank Gold Mine Project.

Amendment No. 1 to Water Licence No: 2AM-MEA1525 was issued by the NWB to Agnico Eagle on June 6, 2016 and subsequently approved by the Minister on July 19, 2016. Amendment No. 1 involved amendments to terms and conditions in Part C of the Licence related to the reclamation security to be held under the Licence. Amendment No. 1 included amendments to Part C to reflect that Agnico Eagle, the Kivalliq Inuit Association (KivIA), and the Minister of Indigenous and Northern Affairs Canada (as the Minister then was) had entered into a Security Management Agreement that split the reclamation security required

⁴ Letter from the Honourable B. Valcourt, Minister of Aboriginal Affairs and Northern Development (as the Minister was then, the Ministry has since been renamed and is now Crown-Indigenous Relations and Northern Affairs Canada) to L. Toomasie, NWB, Vice-Chair, September 2, 2015.



for the Project between an amount held by the Minister under the Licence and an amount held by the Kivalliq Inuit Association under the Commercial Land Lease.

Amendment No. 2 to Water Licence No: 2AM-MEA1525 was issued on May 29, 2018 and was subsequently approved by the Minister on July 11, 2018.⁵ The Amendment reflected that the mill and mining infrastructure at the existing Meadowbank Gold Mine would be used to manage the tailings and process the ore from the Whale Tail Pit mine site operated by Agnico Eagle. The term of the Water Licence was also extended by one year to coincide with the expiry of the water licence for the Whale Tail Pit Project, and as a result the Water Licence was renumbered to reflect the updated expiry in 2026 and became Water Licence No: 2AM-MEA1526 (the Licence).

The Current Application

On February 23, 2018, Agnico Eagle filed a modification request with the NWB seeking to commence tailings disposal in the mined-out Goose and Portage pits. The request was accompanied by an updated proposed:

- Mine Waste Rock and Tailings Management Plan;
- Water Management Report and Plan Updates; and
- Groundwater Monitoring Plan;
- as well as supporting documentation outlining changes in the no-net loss calculations for habitat gains in Second and Third Portage Lakes; and
- fish presence determination in the Goose Pit.

As detailed in [APPENDIX A - List of Submissions and Correspondence](#), during the course of the technical review of Agnico Eagle's modification request that commenced in July 2018, Agnico Eagle provided numerous other submissions addressing intervenor comments and information requests.

In terms of the need for the change to tailings deposition, the Applicant explained: "... *current tailing deposition reaches capacity August 2019, but our operational and environmental risk management guidelines require that we maintain between 6 to 12 months of tailing capacity.*"⁶ In addition, Agnico Eagle pointed out that:

⁵ Letter from the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs Canada to L. Toomasie, NWB, Chairperson, July 11, 2018.

⁶ Letter from Jamie Quesnel, Agnico Eagle, to Stephanie Autut, NWB; Re: Critical Need For an Expedited Review Schedule and Amendment Process to Ensure Operational Readiness and Mitigate Environmental Risks at Agnico Eagle's Meadowbank Facilities (Meadowbank In-Pit Tailings Deposition); dated December 13, 2018.



...the Meadowbank Dike Review Board (the "MDRB") supported the use of early in-pit tailings disposal as an attractive alternative in addition to current practices at Meadowbank. Specifically, in-pit disposal of tailings has advantages with respect to health and safety, quality of life, water, air, capital cost, technology, natural hazards and adaptability. The MDRB accepted that in-pit disposal would be recognized as the best available technology.⁷

Before the Applicant could commence in-pit deposit of tailings, Agnico Eagle would need to install pumping equipment and piping to connect slurry and water pumping to the Meadowbank mill. If approved, in-pit tailings disposal would commence thereafter.

Following the conclusion of the Nunavut Impact Review Board's assessment of the potential ecosystemic and socio-economic effects of the Project and the Minister's response to the NIRB's Reconsideration Report and Recommendations⁸ the NWB issued guidance to Agnico Eagle and the interveners providing technical review of the modification to indicate that the modification request was being brought forward to be processed as an amendment to the Licence on November 30, 2018.⁹ In response, on December 12-13, 2018 the Applicant provided the Board with an application for amendment to Water Licence No: 2AM-1526 to authorize the uses of water and deposits of waste associated with the In-Pit Tailings Disposal Proposal (the Amendment Application), as well as the following documentation in support of the Amendment Application:

- Response Letter to NWB, dated December 13, 2018;¹⁰
- Response Letter to CIRNAC regarding 2AM-MEA1526 In-Pit Disposal: Flooding Strategy, dated December 12, 2018;
- SNC Lavalin Inc. Memo, Meadowbank ICRP 2018 Update Considering Tailing In-pit Deposition, dated December 12 2018; and
- SNC Lavalin Inc. Memo, Meadowbank In-Pit Tailings Disposal - Thermal and Hydrogeological Modeling Update to Address NRCan's Comments, dated December 14 2018.

⁷ Letter from Jamie Quesnel and Ryan Vanengen, Agnico Eagle, to Karén Kharatyan, NWB; RE: Agnico Eagle Mines Meadowbank Mine Type "A" Water License – 2AM-MEA1525 Modification Request, dated February 23, 2018.

⁸ NIRB, Reconsideration Report and Recommendations, In-Pit Tailings Disposal Modification, Agnico Eagle Mines Ltd., NIRB File No.: 03MN107, August 31, 2018.

⁹ Letter from Richard Dwyer, NWB to Jamie Quesnel, Agnico Eagle; Re: Guidance of the Nunavut Water Board (NWB) Following the Decision of the Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade in Relation to the Assessment of Agnico Eagle Mines Limited's Proposed Modification to the Meadowbank Gold Mine Project to Allow In-Pit Tailings Deposition.

¹⁰ Letter from Jamie Quesnel, Agnico Eagle, to Stephanie Autut, NWB; Re: CRITICAL NEED FOR AN EXPEDITED REVIEW SCHEDULE AND AMENDMENT PROCESS TO ENSURE OPERATIONAL READINESS AND MITIGATE ENVIRONMENTAL RISKS AT AGNICO EAGLE'S MEADOWBANK FACILITIES (MEADOWBANK IN-PIT TAILINGS DEPOSITION)



All documentation associated with the NWB's review of the Amendment Application, including the supporting documents referenced above are available on the NWB's FTP site and can be accessed using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA1526%20Agnico/1%20APPLICATION/2018%20Amendment%20In-Pit/>

Procedural and Regulatory History of the Amendment Application

The following listing summarizes some of the key steps in the procedural history of the NWB's processing of this Amendment Application. For a review of all process and procedure associated with the Amendment Application, interested parties should consult [APPENDIX A - List of Submissions and Correspondence](#).

February 26, 2018

- The Nunavut Water Board (NWB or Board) received a request for a modification under Type "A" Water Licence No: 2AM-MEA1526 from Agnico Eagle Mines to authorize the in-pit disposal of tailings at the Meadowbank Gold Mine. At that time Agnico Eagle requested that the Nunavut Impact Review Board (NIRB) assessment of the "In-Pit Tailings Disposal Proposal" (the Proposal) and the Nunavut Water Board's consideration of the modification of the Water Licence be undertaken in a coordinated fashion.

March 22, 2018

- The Nunavut Planning Commission (NPC) confirmed that the Proposal conforms to the Keewatin Regional Land Use Plan, but because the Proposal constitutes a significant modification to the previously assessed Meadowbank Gold Mine Project, that the NIRB must conduct a screening of the Proposal.

July 3, 2018

- The NWB acknowledged Agnico Eagle's request for a modification under Type "A" Water Licence No: 2AM-MEA1526 to authorize the in-pit disposal of tailings at the Meadowbank Gold Mine and requested interested parties conduct a technical review of the modification request with comments due on August 3, 2018.

August 3 and 4, 2018

- Comments were received from Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC) and Natural Resources Canada (NRCan).

August 17, 2018



- Agnico Eagle responded to technical review comments from the parties and submitted additional information in response.

August 22, 2018

- The Kivalliq Inuit Association (KivIA) provided the Board with correspondence indicating that negotiations in respect of water compensation associated with the Amendment Application (as required under s. 63 of the NWNSRTA) were on-going between Agnico Eagle and KivIA.

August 31, 2018

- Agnico Eagle provided a final response to Interveners' concerns with the proposed modification request.
- The NIRB concluded its assessment of the "In-Pit Tailings Disposal Modification Proposal" and issued its Reconsideration Report and Recommendations to the Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade (the Minister), recommending that the Proposal should be allowed to proceed to the licensing stage.

November 26, 2018

- The decision of the Minister in response to the NIRB's Reconsideration Report and Recommendations was circulated by the NIRB. While largely accepting the NIRB's conclusions that the In-Pit Tailings Disposal Modification Proposal can be allowed to proceed to the licensing stage, the Minister indicated that *"the current [water] licence does not authorize this undertaking, and I suggest that an amendment process is required under the Nunavut Water and Nunavut Surface Rights Tribunal Act."*

November 30, 2018

- NWB issued correspondence providing procedural guidance to parties in response to the Minister's decision and requesting participation of parties during a teleconference on December 7, 2018, to discuss the modification request being resubmitted as a licence amendment and to discuss expedited processing of the Amendment Application.

December 7, 2018

- Agnico Eagle, KivIA, CIRNAC, DFO, ECCC, and NRCan participated in the NWB-hosted teleconference and agreed that because considerable technical review and submission of supplemental information had already taken place, and also recognizing that many of the outstanding technical issues associated with the proposed in-pit tailings deposition had been resolved, upon the Board's receipt of Agnico Eagle's application for an amendment, the Board could forego the completeness check stage and immediately initiate a technical review period. The parties also expressed their preference for waiving the requirement for a technical meeting associated with the Amendment Application.



December 17, 2018

- Agnico Eagle submitted the water licence amendment application (the Amendment Application) to the NWB and the NWB distributed the Amendment Application and materials provided in support of the Amendment Application for technical review.

January 16-31, 2019

- Technical review comments on the Amendment Application were received from DFO, CIRNAC, ECCC, NRCan and the KivIA.

January 18, 2019

- NWB published the Notice of the Amendment Application and commencement of technical review and comment period.

February 4, 2019

- Agnico Eagle provided final reply to comments of CIRNAC, ECCC, NRCan and the KivIA .

February 8, 2019

- The NWB's duly appointed Panel responsible for decision-making for the Amendment Application decided that the Amendment Application is an amendment that can be dealt with under s. 9 of the *Nunavut Water Regulations*¹¹ and as such, waived the requirement to hold some form of Public Hearing associated with the Amendment Application. The NWB also invited a final round of submissions from all parties.

February 19, 2019

- The KivIA advised the NWB that water compensation negotiations (as required under s. 63 of the *NWNSRTA*) were proceeding in good faith, and that the KivIA supported the NWB issuing the amendment to the Licence, but also indicated that a water compensation agreement with Agnico Eagle had not yet been concluded.

February 22, 2019

- Agnico Eagle submitted a request under s. 63(1)(b) of the *NWNSRTA* to have the NWB conduct a water compensation determination as the parties had been unable to enter into a water compensation agreement under s. 63(1)(a) of the *NWNSRTA*.

February 27, 2019

- The Board issued process and procedural guidance to Agnico Eagle and the KivIA accompanied by the NWB's draft Guide to Water Compensation

¹¹ Section 9 of the *Nunavut Waters Regulations*, SOR/2013-69 states:

9 (1) For the purposes of section 13.7.3 of the Agreement and subsection 52(1) of the Act, no public hearing is required in respect of an application for (a) an amendment to a type A licence that does not affect the use, flow or quality of waters or alter the term of the licence.



Determinations, including a Draft Water Compensation Determination Process Agreement.

February 28, 2019

- The NWB hosted a teleconference with the participation of Agnico Eagle and the KivIA to discuss the NWB's jurisdiction to conduct a water compensation determination, and to outline a water compensation determination process and potential timing issues associated with the determination.

March 4, 2019

- Agnico Eagle and the KivIA provided responses to preliminary procedural questions and identified periods of unavailability to attend an in person oral hearing associated with the NWB's water compensation determination.
- The NWB issued correspondence addressing the preliminary question of the Board's jurisdiction to conduct a water compensation determination process for the Amendment Application.

March 11, 2019

- The NWB issued correspondence providing updated process and timing guidance associated with the NWB's conduct of the water compensation determination process.

March 15, 2019

- The KivIA provided correspondence confirming:
... a Compensation Agreement has been entered into between the Kivalliq Inuit Association and Agnico Eagle Mines Limited in respect of the In-Pit Disposal Amendment Application for the Meadowbank Project, as contemplated by Section 20.3.1 of the Nunavut Agreement and Section 63 of the Nunavut Waters and Nunavut Surface Rights Tribunal Act.
- Agnico Eagle issued correspondence withdrawing its request to have the NWB conduct a water compensation determination associated with the Amendment Application under s. 63(1)(b) of the NWNSRTA.

March 18, 2019

- The NWB issued correspondence indicating that the Record associated with the NWB's consideration of the Amendment Application is now closed and remitted the Amendment Application to the NWB's duly appointed Panel (P9 or Meadowbank Panel) for decision-making.



SECTION II

SUMMARY OF TECHNICAL SUBMISSIONS OF THE PARTIES

The NWB's technical review associated with Agnico Eagle's In-pit Tailings Disposal Proposal was quite substantial. The following parties participated in the discussion/review associated with this modification/amendment request that commenced on July 3, 2018, and during which extensive information exchange took place:

- Agnico Eagle Mines Limited (Agnico Eagle or Applicant);
- Kivalliq Inuit Association (KivIA);
- Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC);
- Fisheries and Oceans Canada (DFO);
- Environment and Climate Change Canada (ECCC); and
- Natural Resources Canada (NRCan).

In addition to the participation of these interveners in the NWB's technical review process, the NWB was also aware that parties engaged in a number of sidebar discussions and meetings with Agnico Eagle in respect of specific outstanding technical concerns throughout the NWB's consideration of the modification request/Amendment Application.

The Kivalliq Inuit Association's (KivIA) Submissions

As indicated in the KivIA January 31, 2019, for all technical issues other than water compensation associated with the Amendment Application, the KivIA relied on the expertise of CIRNAC, ECCC, and NRCan. Consequently, the submissions provided by the KivIA throughout the NWB's review of the Amendment Application were focused primarily on issues of water compensation and security outlined below.

August 22, 2018 Submission

In its original submission of August 22, 2018, KivIA indicated that it was intending to review the Water Compensation Agreement with Agnico Eagle to reflect the activities proposed in the Amendment Application.



December 7, 2018 Teleconference

The teleconference was hosted by the NWB with the participation of Agnico Eagle, KivIA, CIRNAC, DFO, ECCC and NRCan. KivIA informed the Board that, in its view, the issue of water user compensation was outstanding. The NWB was not privy to the on-going discussions between KivIA and the Applicant in respect of water compensation, but on December 21, 2018 the Board received a communication from Agnico Eagle, notifying the NWB that Agnico Eagle may trigger a request to have the Board conduct a water compensation determination.

January 18, 2019 Submission

KivIA indicated that the KivIA did not agree with Agnico Eagle that the NWB should become involved in the water compensation determination, and indicated that the two parties were continuing to negotiate.

In response to the KivIA letter, Agnico Eagle communicated to the NWB on January 22, 2019,¹² noting major concerns over the slow pace of the water compensation review process and suggested that:

the need to resolve this matter in the very near term is currently being driven by the March 2019 deadline. However, if KIA would (a) confirm that it is satisfied that the NWB can proceed with its final decision making on the In-Pit Disposal amendment, and (b) confirm that KIA will issue the Whale Tail Production Lease to Agnico by Friday, Jan. 25th so that Agnico can proceed with its activities to develop the Whale Tail Project and commence production in July 2019, Agnico would be agreeable to extending the timeline for bilateral discussions on water compensation matters with the goal of achieving resolution during the NIRB and NWB Whale Tail Extension regulatory process.

January 25, 2019 Submission

The KivIA submitted a letter to the NWB disagreeing with Agnico Eagle's letter of January 22, 2019, but expressed its concurrence that the NWB may be requested to conduct a water compensation determination process, should the need arise. In addition, KivIA indicated that it remained open to further discussions with Agnico Eagle.

January 31, 2019 Submission

On January 31, 2019, KivIA advised that it relied on the expertise of CIRNAC, ECCC, and NRCan in the matters concerning the technical review of the Amendment Application. KivIA added that "the public needs the opportunity to be heard by the NWB" in response to NWB's inquiry about the necessity to hold a public hearing in respect of the Amendment

¹² Letter from Dominique Girard, Agnico Eagle, to Stephanie Autut, NWB; Re: Meadowbank Water Compensation Agreement, dated January 22, 2019.



Application.

On February 4, 2019 Agnico Eagle expressed its disagreement¹³ with the KivIA regarding the need for an in person Public Hearing in respect of the Amendment Application, noting that two public consultations were completed in 2018 in the community of Baker Lake.

On February 5, 2019, NWB received a letter from Agnico Eagle, stating that:

[Agnico Eagle] entered into an agreement (dated January 24, 2019) with KIA in connection with next steps required in order to permit KIA and Agnico to work together on outstanding items relating to water compensation, while allowing for the continued operation of the Meadowbank Mine and development of the Whale Tail Mine and not causing any delays to Whale Tail Mine production scheduled to commence in July 2019.

The above noted agreement includes the following covenant of KIA: KIA will confirm in writing by Friday, January 25, 2019 to the Nunavut Water Board that for the purposes of the In-Pit Disposal amendment/modification, it is satisfied that the water compensation in place is sufficient for the Nunavut Water Board to proceed with its final decision making in accordance with section 63 of the Nunavut Waters and Nunavut Surface Rights Tribunal Act ("NWNSTRA") and complete the Nunavut Water Board process relating to the In-Pit Disposal amendment/modification.¹⁴

February 7, 2019 Submission

In its letter to the NWB, the KivIA advised the Board that the KivIA was negotiating a water compensation agreement with Agnico Eagle, and would advise the NWB once an agreement was reached.

February 16, 2019 Submission

In the submission dated February 15, 2019 and received by NWB on February 16, 2019, the KivIA provided its point of view on the recommended reclamation security change:

The Kivalliq Inuit Association (KIA) has completed a review of the final financial security documents from Agnico Eagle Mines Limited (Agnico Eagle) and CIRNAC, which are related to the Meadowbank In-Pit tailings disposal amendment of Type A water license [sic licence] 2AM-MEA1526.

The KIA agrees with the final financial security number of \$89,427,746, which includes the installation of an aggregate cover over the in-pit tailings. The land/water liability split of the final

¹³ Agnico Eagle's submission to NWB, dated February 4, 2019.

¹⁴ Letter from Dominique Girard, Agnico Eagle, to Stephanie Autut, NWB; Re: Meadowbank Water Compensation Matters, dated February 5, 2019.



security amount will be \$38,362,535 / \$51,065,211. The KIA agrees to a 50/50 split with CIRNAC of the final security amount. The KIA and Agnico Eagle are currently negotiating a water compensation agreement for the Meadowbank In-Pit tailings disposal amendment of Type A water license [sic licence] 2AM-MEA1526. An agreement should be reached in the near future.

February 19, 2019 Submission

In its February 19, 2019 letter, the KivIA advised the NWB that water compensation negotiations were proceeding in good faith and expressed the KivIA's support for the issuance of the amended Licence. However, on February 22, 2019, Agnico Eagle submitted a request to have the NWB conduct a water compensation determination under s. 63(1)(b) of the *NWNSRTA*, as the parties had been unable to complete a water compensation agreement under s. 63(1)(a). On February 27, 2019, KivIA communicated to the NWB that it was considering a response to Agnico Eagle's request. The Board issued its guidance accompanied by the NWB's *Guide to Water Compensation Determinations*, including a Discussion Draft Water Compensation Determination Process Agreement, on February 27, 2019.

February 28, 2019 Teleconference

On February 28, 2019, NWB hosted a teleconference with the participation of Agnico Eagle and the KivIA to address preliminary issues associated with Agnico Eagle's request under s. 63(1)(b) of the *NWNSRTA*. During the teleconference, both Agnico Eagle and the KivIA informed the NWB that negotiations were still ongoing. In addition, the Applicant, although the party requesting the NWB involvement in the water compensation determination, expressed its reservations about the Board's jurisdiction to engage in the water compensation determination process in respect of an amendment application rather than an application for a new licence. NWB addressed the issue referencing the applicable provisions of Article 20 of the *Nunavut Agreement*, which states:

20.3.1

No project or activity within the Nunavut Settlement Area which may substantially affect the quality of water flowing through Inuit Owned Lands, or the quantity of such water, or its flow, shall be approved by the NWB unless the applicant for a licence has entered into a compensation agreement with the DIO for any loss or damage which may be caused by the change in quality, quantity or flow of the water or the NWB has made a determination in accordance with Section 20.3.2.

20.3.2

The applicant and the DIO shall negotiate in good faith for the purpose of reaching an agreement on compensation referred to in



Section 20.3.1, but in the event that they are unable to reach agreement, either may refer the determination of the appropriate compensation to the NWB, and the decision of the NWB shall be binding.

March 4, 2019 Submission

KivIA responded to the Board's preliminary information request regarding the NWB's process and timing for the conduct of a water compensation determination, stating that the KivIA did not consider any information pertaining to the process to be confidential, supported holding an oral public hearing, and identified the dates over the next 12 weeks when the KivIA was unavailable. On March 4, 2019, Agnico Eagle responded, indicating no confidentiality in the process was required, agreeing with holding either an oral or a written hearing, indicated that Agnico Eagle would make themselves available anytime in the 12-week frame, and expressed its readiness to submit the applicable materials by March 18, 2019. In addition, the parties provided their views of the timeline for the process.

March 15, 2019 Submission

On March 15, 2019, the NWB received a letter from KivIA advising that:

... a Compensation Agreement has been entered into between the Kivalliq Inuit Association and Agnico Eagle Mines Limited in respect of the In-Pit Disposal Amendment Application for the Meadowbank Project, as contemplated by Section 20.3.1 of the Nunavut Agreement and Section 63 of the Nunavut Waters and Nunavut Surface Rights Tribunal Act.

Agnico Eagle followed up with a request in its March 15, 2019 letter withdrawing Agnico Eagle's request for the NWB to conduct a water compensation determination process.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)

CIRNAC has a broad mandate for the co-management of water resources and the management of Crown land in Nunavut under the following applicable law and policy:

- *the Department of Indian Affairs and Northern Development Act;*¹⁵
- *the Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement) and the Nunavut Land Claims Agreement Act;*¹⁶

¹⁵ R.S.C. 1985, c. I-6.

¹⁶ S.C. 1993, c. 29.



- the *Territorial Lands Act*¹⁷ and applicable *Regulations*;¹⁸
- the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA)*;¹⁹
- the *Nunavut Waters Regulations (NWR)*;²⁰ and
- the “Mine Site Reclamation Policy for Nunavut.”²¹

During the technical review of the Application, CIRNAC provided expertise on the following topic areas:

- hydrological impact of the proposed activities;
- reclamation security update; and
- closure planning.

August 3, 2018 Submission

CIRNAC’s August 3, 2018 submission requested the following clarifications:

- identifying the current location of tailings disposal for Meadowbank and Whale Tail Pit;
- providing the 2016 MDRB in-pit tailings disposal report referenced in the original modification request, as well as engineering drawings for the Goose and Portage pits and the recommendations of the Independent Geotechnical Expert Review Panel;
- providing the Meadowbank hydrological model reflecting changes in permafrost and groundwater contaminant transport;
- identification of potential seeps and detection methods;
- requesting more detailed information on the flooding strategy; and
- updating the Interim Closure and Reclamation Plan (ICRP) and revisiting reclamation security.

On August 17, 2018, Agnico Eagle provided its response to the CIRNAC’s comments. The Applicant clarified that the current tailings disposal is the existing North and South Cell Tailings Storage Facility (TSF) approved under the original Licence. Agnico Eagle agreed to provide an updated hydrogeological model, information on potential seepage, details of

¹⁷ R.S.C. 1985, c. T-7.

¹⁸ See for example *Territorial Land Use Regulations*, C.R.C. c. 1524 and the *Northwest Territories and Nunavut Mining Regulations*, C.R.C. c. 1516.

¹⁹ S.C. 2002, c. 10.

²⁰ S.O.R./2013-69.

²¹ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available on-line: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.



the flooding strategy, and RECLAIM evaluation of required security. In addition, Agnico Eagle expressed its intent to update the groundwater monitoring strategy and also provided the requested reports and drawings.

August 24, 2018 Submission

Having reviewed the Applicant's response, CIRNAC informed the Board regarding its concerns that thermal monitoring and hydrogeological connectivity, flooding strategy, and updates to the ICRP and security were not addressed. The Applicant²² then expressed its intent to hold a meeting with CIRNAC (to which the intervenor agreed on September 7, 2018) to discuss these issues and provide the Board with more information afterward.

November 30, 2018 Submission

Responding to NWB's request for an update, CIRNAC informed the Board about a meeting between CIRNAC, the Applicant and NRCan held on September 25, 2018 on the topic of hydrogeology and permafrost. The meeting resulted in the Applicant's commitment to provide version 4 of the hydrogeological model for the purpose of addressing CIRNAC's concern over thermal monitoring and hydrogeological connectivity. CIRNAC noted that the remaining two concerns had not been discussed by the Applicant.

On December 12, 2018, Agnico Eagle provided a document with its In-pit Disposal Flooding Strategy along with Memoranda on the Closure and Reclamation Security Assessment by SNC Lavalin Inc. and the results of the thermal and hydrogeological simulation, received by NWB on December 13 and 14, 2018, respectively. Agnico Eagle's Memorandum on Closure and Reclamation Security Assessment stated:

ICM [interim closure and maintenance] duration of three (3) years is not considered anymore. Treatment costs are now in water management costs as treatment is required and not considered as if necessary. Maintenance, surveillance, monitoring and inspection costs for the Active Closure period were included in the Post-Closure Monitoring and Maintenance costs.

The Memorandum provided the cost estimate for total reclamation security of \$83,551,136.

January 17 and 24, 2019 Submissions

On January 15, 2019, the NWB granted a deadline extension to CIRNAC for thermal monitoring and hydrogeological connectivity comments to be provided by January 24, 2019. On January 17, 2019, Agnico Eagle's flooding strategy was confirmed by CIRNAC as satisfactory. In regards to reclamation security, CIRNAC discussed two scenarios supporting

²² Agnico Eagle's submission to NWB, dated August 31, 2018.



an increase to the total reclamation security for the undertaking to account for:

- maintenance, surveillance, monitoring, and inspection during interim closure of the mine estimated to result in a \$1.1M increase, excluding the need of aggregate cover for capping of in-pit tailing and
- a potential capping of the tailings deposited in the Goose and Portage mined-out pits resulting in the incremental increase of security by \$5.9M.

On January 24, 2019, as agreed with NWB, CIRNAC provided a separate submission dedicated to thermal monitoring and hydrogeological connectivity²³ where it expressed its support of NRCan's recommendations to the monitoring to:

- determine the goals of the groundwater monitoring program, such as measured parameters and duration;
- simulate 3-D groundwater flowpaths and travel times to well screens using backwards pathlines;
- ensure monitoring wells are capable of intercepting the main axis of each groundwater plume during the monitoring period, and use the current model to assess path-lines, travel times and breakthrough curves for these wells;
- justify utilization of long well screens; and
- evaluate sub-permafrost groundwater potential for impacts to receptors in Third Portage Lake.

On January 25, 2019, the Applicant responded to CIRNAC's comments. In response to CIRNAC's recommendation of reclamation security increase, Agnico Eagle provided the following:

Currently the cover is not part of the closure plan. For clarification, Agnico Eagle refers CIRNAC to Section 2.2.2 Habitat Suitability rankings which are based on general life history characteristics published for Arctic fishes (eg Evans et al. 2002, Richardson et al 2001, Stewart et al. 2007). Based on Agnico's current evaluation a granular cap covering the tailings is not required to prevent tailings re-suspension (as wind wave induced shear at the tailings interface will be well below critical shear) and literature review suggests the following will occur as the tailings becomes incorporated into the benthic sediments without a cover.

Agnico Eagle agrees with the Scenario 1 incremental value of \$1.1M suggested by NRCan and will update the Meadowbank ICRP following the approval of the in-pit deposition amendment. For further clarity, our revised security that was submitted to the NWB on December 13 2018 for a total of \$83,551,136. Our existing LOC for Meadowbank is \$86,519,614. Based on this additional

²³ CIRNAC's submission to NWB, dated January 24, 2019.



\$1,100,000 our total will be \$84,651,136 which will remain within our existing LOC of \$86,519,614.

In addition, we will follow-up with CIRNAC to review their costs estimate in reclaim to finalize the security.

The Applicant informed the Board that it had addressed the rest of the concerns regarding groundwater in its January 23, 2019 response to NRCan.²⁴

January 31, 2019 Submission

Responding to NWB's inquiry on the necessity for a public hearing, CIRNAC stated:

With respect to a technical meeting, CIRNAC feels their comments can be satisfactorily addressed within the written comment period. Therefore, CIRNAC is comfortable in waiving the requirement for the technical hearing.

With respect to a public hearing, CIRNAC's perspective is that a public hearing should be held. Section 9 (1) (a) of the Nunavut Waters Regulations waives the requirement for a public hearing where there is no change in water use, flow or quality. CIRNAC sees this amendment as a new 'use' of water as it will now serve as a tailings cover. The amendment also risks affecting the quality of water as it involves a new deposition of waste into waters that are meant to be reconnected with the natural environment.

In advocating for a reclamation security increase, CIRNAC stated the following:

With respect to the Interim Closure Reclamation Plan (ICRP), CIRNAC's comment is unresolved. CIRNAC expects a term and condition be added to the water licence requiring an updated ICRP be approved by the NWB prior to any deposition of material in either pit specified in the In-Pit Tailings Disposal Modification Proposal. The updated ICRP shall specify that an assessment of the material deposited to date and pore water monitoring will be completed to inform mitigative measures, such as the depth of water cover and details of aggregate cover required, to comply with flooded pit water quality objectives - and that those mitigative measures are carried out in the event the ICRP is implemented.

Further to recent comments provided by ECCC and DFO regarding installation of an aggregate cover over the in-pit tailings, CIRNAC is proceeding with an incremental value of security of \$5.9M. For further clarity, AEM's revised security that was submitted to the NWB on December 13, 2018 was for a total of \$83,551,136. The existing security for Meadowbank is \$86,519,614. Based on this additional \$5,876,610, the Meadowbank security will be raised by \$2,908,132 for a total security value of \$89,427,746.

CIRNAC also voiced the support for NRCan's recommendations on:

²⁴ Discussed further in the text.



- employment of breakthrough curve analysis in conjunction with field data in selecting location of and designing monitoring wells; and
- further assessment of sub-permafrost groundwater quality and thermal and hydrological modelling.

CIRNAC also acknowledged Agnico Eagle's commitments to NRCan to include the groundwater monitoring plan and consider NRCan's recommendation to include well location selection and design into ICRP and FCRP. The agency recommended to include these commitments within Amendment as licence term and condition.

On February 4, 2019, the Applicant addressed CIRNAC's comments. On the issue of a public hearing, the Applicant stated:

The area is within an existing disturbance area of the mine and the approved closure strategy always involved reflooding these pits. Therefore, the flooding of the pits is not a "new use." There is no new diversion or use of water triggered by the In-Pit Disposal Modification/Amendment.

Instead, the In-Pit Disposal Modification/Amendment is focused on a change to the handling of "waste", specifically the placement of tailings in a previously disturbed mining area [sic] that Agnico is already permitted to place waste rock into. This has been allowed since 2007.

As confirmed in this document, there are no outstanding technical issues and Agnico does not agree with CIRNAC's suggestion that the In-Pit Disposal Modification/Amendment "risks affecting the quality of water".

The Applicant disagreed with CIRNAC's proposal that an Interim Closure and Reclamation Plan (ICRP) update should be included as an amended licence term requirement and committed to updating the ICRP by March 31, 2019. Agnico Eagle also commented on the issue of the security increase:

Agnico Eagle agreed to the incremental value associated with the ICM costs is estimated to be on the order of \$1.1M presented in the Scenario 1.

Agnico Eagle does not agree with the Scenario 2 – Tailings In-Pit Deposition with Cover which suggests an incremental value of the security associated with such efforts is estimated to be on the order of \$5.9M as the need for a cover above the tailings has been resolved with ECCC and DFO. CIRNAC should take into account that ECCC and DFO consider those comments to be resolved, and should not proceed with the \$5.9M incremental value.

At Agnico's last meeting with CIRNAC, they indicated they would reach out to Agnico with any follow up needed. CIRNAC did not indicate to Agnico that they had any outstanding questions about security, and so it was Agnico's assumption that given the confirmation of DFO and ECCC within the NWB process that their



technical issues were resolved, CIRNAC was no longer of the view that the \$5.9M incremental value was appropriate security.

The Applicant acknowledged CIRNAC's comments on groundwater well design and installation as resolved; however, Agnico Eagle suggested including the relevant commitments into the Tailings Storage Facility: Operation, Maintenance and Surveillance Manual as under the existing Licence Part B, Item 13 instead of reflecting these requirements in an amended licence condition.

February 15, 2019 Submission

In its final submission of February 15, 2019, CIRNAC urged the Board to ensure that Agnico Eagle's adaptive management commitments of February 4, 2019 regarding addressing tailings' PAG issue be captured in an updated ICRP that is approved by the NWB prior to in-pit tailings disposal taking place, requiring the following:

- *assessment of the material deposited to date and pore water monitoring be completed to inform mitigative measures, such as the depth of water cover and details of aggregate cover required, to comply with flooded pit water quality objectives - and that those mitigative measures are carried out in the event the ICRP is implemented;*
- *breakthrough curve analysis in conjunction with field data be used to select future groundwater monitoring well locations, sampling frequency and parameters in order to monitor the main path of the predicted contamination plumes; and*
- *new groundwater monitoring well installation locations, depths and screen lengths will consider monitoring results and model updates to ensure they intercept the predicted contamination plume;*
- *data from piezometers, groundwater monitoring wells, and thermistors will be incorporated into model calibration, verification and updating the groundwater monitoring plan; and*
- *sub-permafrost water quality and calibration of the thermal and hydrogeological modelling will be further assessed as part of the ICRP and Final Closure and Reclamation Plan, which may include installing a groundwater monitoring well into the sub-permafrost groundwater at the north end of Pit A.*

CIRNAC also reiterated its previous recommendation regarding the increase of reclamation security:

CIRNAC is requesting an increase in security by \$2,908,132 for a total security value of \$89,427,746. The security increase is to accommodate an aggregate cover over the in-pit tailings. At closure, an assessment of the in-pit material deposited to date and pore water monitoring of the in-pit material will inform whether an



aggregate cover over the in-pit tailings is no longer required. At this time, that data is not yet available therefore security is set with an aggregate cover in place over the in-pit tailings.

On February 18, 2019, the Applicant agreed to increase the amount of reclamation security:

Agnico Eagle has reviewed the information related to the additional security and agrees to increase the security by \$2,908,132 for a total security value of \$89,427,746. This increase is related to a proposed granular cover that will be placed over the tailings that would be deposited in the pits.

Fisheries and Oceans Canada (DFO)

Fisheries and Oceans Canada (DFO or DFO-FPP) is responsible for the administration of the *Fisheries Act*²⁵ and some aspects of the *Species at Risk Act*.²⁶ Under the *Fisheries Act*, DFO is responsible for the management, protection and conservation of fish (which include marine mammals as defined by the *Fisheries Act*) and their habitats, to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. The Minister of Fisheries, Oceans and the Canadian Coast Guard is also one of the competent ministers under the *Species at Risk Act*.

August 3, 2018 Submission

In its August 3, 2018 submission, DFO stated “given the uncertainty related to fish use of flooded in-pit tailings areas with regards to suitability of the substrate, and potential delays in use of the tailings substrate,” DFO recommends the Applicant to provide the following clarifications:

- provide additional information to support the prediction that Habitat 7²⁷ will provide viable habitat once fish are reintroduced, similar to Habitat 9²⁸, in the absence of a granular cap;
- explain how differences in physical features of the substrate affect habitat use;
- continue to work with DFO-FPP to update the accounting of habitat gains and losses;
- provide updated rationale for how predicted impacts of in-pit storage deposition will “diminish over time”; and

²⁵ R.S.C. 1985, c. F-14.

²⁶ S.C. 2002, c. 49.

²⁷ Fine substrate > 4m in depth, as defined in Agnico Eagle’s Updated NNL Calculations for Habitat Gains in Second and Third Portage Lakes dated November 17, 2017.

²⁸ Coarse substrate > 4m in depth, as defined in Agnico Eagle’s Updated NNL Calculations for Habitat Gains in Second and Third Portage Lakes dated November 17, 2017.



- provide updated contingency offsetting options to address the potential risk that water quality may not be suitable for the reintroduction or establishment of fish at closure.

Agnico Eagle responded to DFO's information requests in the Applicant's August 17, 2018 submission. The Applicant listed a number of studies where "environmental monitoring of lakes found insignificant impacts on lake water and aquatic populations due to historical subaqueous tailings deposition in these lakes." Agnico Eagle expressed its confidence in the reliability of the offsetting calculations and viability of the contingency offsetting options.

August 24, 2018 Submission

DFO reviewed Agnico Eagle's responses and noted that the studies were not applicable to Meadowbank's case. DFO also acknowledged Agnico Eagle's intent to work with DFO on offsetting calculations but did not agree that offsetting options suggested by Agnico Eagle were suitable. The Applicant²⁹ then expressed its intent to hold a meeting with Interveners to discuss these issues and provide the Board with more information afterward.

September 7, 2018 Submission

DFO acknowledged the Applicant's commitment to continue working on calculations of offsetting. In the submission, DFO reiterated its concerns centred on the potential impact on biota post-closure,³⁰ and recommended that the Applicant:

- research if Habitat 7 will provide viable/suitable habitat once fish are re-introduced, similar to Habitat 9, in the absence of a granular cap;
- understand how differences in physical features of the substrate impact habitat use;
- provide an updated accounting for the uncertainty that remains regarding the functionality of new habitat structure (i.e. Habitat Type 7) and the time lags associated with use of the new habitat structure. DFO-FPP also notes that any modifications to the accounting within the existing No Net Loss Plans require additional consideration by DFO;
- understand how the predicted impacts of in-pit storage deposition will diminish over time, especially with the assessment of the magnitude of impacts as they relate to life stages of fish and benthic organisms; and
- provide updated contingency offsetting options to address the potential risk that water quality may not be suitable for the reintroduction or establishment of fish at closure.

December 4, 2018 Submission

DFO notified NWB that DFO and the Applicant conducted a meeting on the remaining technical issues on November 22, 2018, and DFO was in the process of evaluating the information. In addition, DFO assured the NWB that it would continue working with the

²⁹ Agnico Eagle's submission to NWB, dated August 31, 2018.

³⁰ DFO's submission to NWB, dated September 7, 2018.



Applicant to resolve offsetting issues.

January 16, 2019 Submission

In its final submission DFO advised the NWB that it had no further comments in regards to the Amendment Application.

It is the Board's understanding that in line with NIRB's Reconsideration Report and Recommendations of August 31, 2018 and Agnico Eagle's submission on August 17, 2018, Agnico Eagle committed to:

[c]ontinue to work with DFO-FPP to update the accounting of habitat gains and losses, and associated offsetting resulting from any additional serious harm from the proposed In-pit Tailings Disposal Modification proposal, or from modifications to the accounting in the existing No Net Loss Plans.³¹

Environment and Climate Change Canada (ECCC)

ECCC provided comments reflective of their roles and obligations under the *Canadian Environmental Protection Act, 1999*,³² the "pollution prevention provisions" within the *Fisheries Act*,³³ the *Migratory Birds Convention Act, 1994*³⁴ and the *Species at Risk Act*.³⁵ ECCC has general responsibility for environmental management and protection; preservation and enhancement of water, air and soil quality; conservation and protection of migratory birds, species and risk, flora and fauna; the gathering and provision of meteorological information; and coordination of various specific environmental policies and programs.

In reviewing the In-pit Tailings Disposal Proposal and the Amendment Application, ECCC focused on the issue of final pit water quality and capping of the tailings.

August 3, 2018 Submission

ECCC's submission recommended that:

- Agnico Eagle optimize external treatment processes. If it is necessary to use in-pit treatment, the selected treatment process should be evaluated to ensure the long-term stability of the treatment residuals;

³¹ Agnico Eagle's submission to NWB, dated August 17, 2018.

³² S.C. 1999, c. 33.

³³ R.S.C. 1985, c. F-14.

³⁴ S.C. 1994, c. 22.

³⁵ S.C. 2002, c. 29.



- The NWB incorporate commitments by Agnico Eagle to conduct annual updates of predictive modeling, conduct pore water quality monitoring, and identify treatment plans prior to re-flooding into conditions for the water licence modification;
- Agnico Eagle develop plans for management and treatment of high-sulphate and total dissolved solids water;
- Agnico Eagle include within tailings closure plans an evaluation of the feasibility of introducing a rock cover above the tailings, and identify conditions where this may be warranted; and
- Agnico Eagle include within closure monitoring plans pore water quality monitoring and contingencies for mitigation, if exposure to pore water constituents would be undesirable for aquatic life.

In its August 17, 2018 submission, Agnico Eagle provided its response to ECCC's recommendations, and committed to including a consideration of out-of-pit treatment into the water treatment plant design. More specifically, the Applicant committed to:

continue its regular surface and groundwater monitoring at the site, as well as develop, design and implement a program to monitor the pore water quality in the tailings in consultation with ECCC, KivIA and other relevant stakeholders. The water treatment system required at the end of deposition will be developed prior to pit flooding. Water quality forecast will be updated during the operational window on an annual basis to continue updating the water quality forecast with monitoring data. Model result will be used to assess treatment options and duration of treatment. Final treatment plant design will be communicated in the final closure plan. Also, Agnico Eagle will use results of bench and pilot scale tests to develop water treatment plant design.

Other commitments included updating the water management plan annually to include water quality forecast, water balance, and water treatment requirements at closure, updating the Interim Closure and Reclamation Plan (ICRP) in light of in-pit tailings disposal, including water treatment plant design, conducting a feasibility study of capping the tailings, and including within closure monitoring plans pore water quality monitoring and contingencies for mitigation, if exposure to pore water constituents would be undesirable for aquatic life.

August 24, 2018 Submission

In this submission, ECCC requested a clarification on the timing of tailings disposal. The agency acknowledged Agnico Eagle's commitments to include final treatment plant design in the Final Closure and Reclamation Plan (FCRP), develop a strategy for management of high-sulphate and total dissolved solids wastewater in advance of closure planning, and evaluate tailings capping.



In response, on August 31, 2018, the Applicant advised that the FCRP submission is scheduled for January 2021. The FCRP will include mitigation strategies for pore water quality.

September 4, 2018 Submission

ECCC notified NWB that it had no further comments in regards to Agnico Eagle's response.

January 17, 2019 Submission

In the submission, ECCC recommended that the Applicant:

- conduct updated thermal and hydrogeological modeling following the completion of tailings deposition and identify the potential requirement for mitigation measures to be developed;
- clarify the currently anticipated timing for tailings deposition and identify any differences between the 2017 and 2019 modeling associated with timing/volumes of tailings deposited;
- identify the potential for accumulation of arsenic at the sediment-water interface of the pit lake; and
- incorporate its commitments made during the course of the technical review into the next version of the Interim Closure and Reclamation Plan.

Agnico Eagle followed up with a submission on January 25, 2019. The Applicant committed to updating the thermal and hydrogeological model and including it into the FCRP. It noted that the timing of tailings disposal is not defined due to operational uncertainties. Agnico Eagle added that the water quality forecast that was completed from 2017 and 2019 is conservative. In regards to the concern on the possibility of arsenic accumulation, the Applicant provided the following explanation:

As highlighted by ECCC, there are a number of differences between the Giant Mine site and the Meadowbank in pit deposition location for tailings. One of the main differences is that the arsenic in the tailings is present in sulphide minerals and any solid phase arsenic mobilization will require oxidation of arsenic in its most reduced state (i.e. as an arsenide). As the tailings will be stored underwater, sulphide oxidation will be effectively inhibited owing to the low solubility of oxygen in water compared to air (0.001% versus 21%, respectively).

The main accumulation pathway in the Giant Mine site was likely from atmospheric oxidation of tailings on the shore leaching oxidized arsenic (As(V)) into the water, which was later sequestered into the sediments and remobilized as As(III). There will not be a mass of atmospheric exposed tailings around the pit lake so the same level of accumulation will not occur.



In terms of impact, the reduction – oxidation (redox) process described by Andrade et al (2009) is likely naturally occurring in many lakes in the Giant Mine project area owing to small amount of arsenic leaching from the bedrock and as observed in the solid phase concentrations in the lake sediments. If this process occurs in the pit lakes at Meadowbank, the extent of this mobile arsenic is expected to be limited to only a few centimeters (as observed at the Giant Mine) above the sediment water interface and the overall impact on the pit lake water quality should be no different than any of the surrounding lakes. Over the long term once the Meadowbank pits (Portage and Goose) are full of water, there will be no new sources of arsenic entering the pit lakes. As a result, natural sediments will begin covering the tailings and the ability of any sequestered arsenic to diffuse upwards will slow down, with this redox cycling process further diminishing over time.

The Applicant agreed to incorporate all commitments made during the technical review into the ICRP.

January 31, 2019 Submission

In this submission, ECCC confirmed its satisfaction with the Applicant's responses and indicated that outstanding concerns can be managed through monitoring and closure planning. It also provided feedback to NWB's inquiry about the necessity of a public hearing:

If the NWB determines a Public Hearing is not necessary and the requirements of the Nunavut Waters and Nunavut Surface Rights Tribunal Act Section 52 (2) are adhered to, ECCC would be comfortable with the cancellation of the Public Hearing.

Natural Resources Canada (NRCan)

NRCan provided a considerable support in the technical review process. The intervenor provided its feedback on hydrodynamics of the groundwater in the pit area, impact on permafrost, and contaminant transport.

Submission dated August 4, 2018 received by the NWB on August 7, 2018

NRCan's submission to the NWB recommended to Agnico Eagle that the Applicant should:

- extend the thermal and groundwater simulation to include adjacent lakes. Otherwise, assign hydraulic heads to sub-permafrost groundwater;
- conduct a sensitivity analysis of sub-permafrost groundwater hydraulic heads to assess their influence on groundwater flow-paths in the open talik and, in particular, on the vertical gradients and related vertical groundwater flow;



- post-closure permafrost extent be used for updated groundwater modelling of post-closure conditions;
- higher hydraulic conductivity values of the Goose Dump be included in any subsequent groundwater simulations of the Meadowbank site;
- begin post-closure groundwater contaminant simulation towards Second Portage Lake once pit water levels exceed those of the Second Portage Lake;
- entire extent of tailings be included in any subsequent hydrogeological model;
- update the model with revised scenarios and boundary conditions that represent expected conditions at the site;
- assess the potential for groundwater flow to transport contaminants to surface waters overlying tailings;
- design a groundwater monitoring program for post-closure period to observe potential groundwater contaminant migration caused by flooding of the pits and surrounding areas;
- using breakthrough curves, assess the effectiveness of existing wells to provide sufficient data to monitor for contaminant transport;
- conduct a sensitivity analysis of contaminant transport simulating a tenfold variation in upper bedrock hydraulic conductivity;
- follow NWB's direction on a timeline for groundwater monitoring plan updates;
- reassess the groundwater monitoring plan before commencing tailings deposition; and
- the groundwater monitoring plan should include the list of wells for post-closure monitoring, monitoring and sampling frequency, contingencies for contaminant migration, and monitoring for groundwater flow to transport contaminants to tailings water cover.

Specific updates to the thermal and hydrogeological model were recommended, such as:

- use updated open talik and permafrost extent;
- use updated boundary conditions on the Second and Third Portage Lakes and pits to represent the actual post-closure hydraulic heads;
- update the boundary conditions on the sub-permafrost groundwater;
- conduct a sensitivity analysis of contaminant transport scenarios by varying the hydraulic conductivity of the upper bedrock hydraulic conductivity;
- assess the potential for groundwater contaminant transport from the tailings into the overlying Third Portage Lake during the post-closure period as a result of



groundwater flow, requiring careful consideration of the vertical hydraulic gradients in the sub-permafrost groundwater beneath each of the pits;

- include the entire extents of tailing deposition in the Goose and Portage Pits as sources of contamination; and
- update the modelling scenarios to represent planned conditions during and following in-pit deposition with a greater emphasis on predicting contaminant migration to natural receptors.

On August 7, 2018, Agnico Eagle objected to the NWB's receipt and consideration of NRCan's August 7 submission on the following basis:

As AEM has clearly communicated throughout this process, strict adherence by all parties to regulatory timelines is essential to meet the overall project timelines. It is unfair and disappointing that NRCan has failed to respect the deadlines set by the NWB in this process.

The Board provided guidance notifying Agnico Eagle that “NWB considers it appropriate to accept NRCan's late filed submissions for consideration in respect of the NWB's consideration of Agnico Eagle's modification request.”³⁶

On August 17, 2018, the Applicant provided its hydrogeological and thermal models and responses to NRCan's comments. Agnico Eagle committed to providing version 3 of its model during the week of September 17, 2018. The Applicant disagreed with including large elements suggested by NRCan, stating that doing so would lead to numerical errors. A commitment to include sub-permafrost into version 3 was made.

Agnico Eagle disagreed with NRCan's suggestion to further update its model with regards to permafrost extent, as well as conduct a sensitivity analysis for post-closure contaminant transport modelling results to a tenfold variation of the hydraulic conductivity, as Agnico Eagle believed version 2 was sufficient. The Applicant committed to incorporate a larger hydraulic conductivity value of the Goose Dump and begin post-closure groundwater contaminant simulation towards Second Portage Lake once pit water levels exceed those of the Second Portage Lake. Agnico Eagle advised that version 2 of the model includes the entire extents of tailing deposition as a source of contamination. The Applicant believed that, in general, versions 1 and 2 of the model were sufficient to inform the technical review of the modification request. The Applicant agreed to update groundwater modeling to assess the potential for groundwater flow through the tailings and conduct breakthrough curve analysis. Agnico Eagle stated that further simulation would demonstrate the following

³⁶ Letter from Stephanie Autut, NWB, to Jamie Quesnel, Agnico Eagle; Re: Nunavut Water Board Guidance Regarding Late Filed Submissions (Natural Resources Canada) and Next Steps in the Board's Processing of Agnico Eagle Mines Limited's Modification Request for Type “A” Water Licence No. 2AM-MEA1526, Meadowbank Gold Mine Project, dated August 10, 2018.



results:

- groundwater flow and travel time will be increased by approximately a factor of 3 to 4 times for Portage Pit E, 5 times for Portage Pit A and no change predicted for Goose Pit;
- groundwater flow through the tailings is expected to be dominated by downward flow;
- contaminant plumes concentration will remain the same;
- contaminant plumes location will remain the same; and
- the predicted impact in the receiving environment will not change as a result of the in-pits tailing deposition.

The Applicant committed to providing an updated Groundwater Monitoring Plan within 60 days of the approval of an amendment to the Licence.

September 12, 2018 Submission

NRCan notified NWB of its intent to provide feedback to Agnico Eagle's simulation model as prescribed within NIRB's Reconsideration Report and Recommendations. The agency informed the NWB of its meeting with the Applicant scheduled for September 24, 2018.

September 21, 2018

This submission contained the following recommendations for the Applicant to:

- include boundary conditions to replicate the hydraulic heads and flow field of Golder (2004);
- extend the model boundaries to adjacent lakes as part of the detailed engineering study;
- include the extent of the permafrost in the groundwater model, as it directly affects the Applicant's assessment of groundwater flowpaths and travel times to lakes;
- use updated boundary conditions on the Second and Third Portage Lakes and pits to represent the actual post-closure hydraulic heads;
- assess the vertical groundwater flow from the sub-permafrost groundwater, through the tailings and into the overlying Third Portage Lake;
- provide a table of all anticipated groundwater monitoring wells to be used following the flooding of the pits. The table should indicate the locations and depths monitored, when a conservative tracer (e.g. chloride) of groundwater contamination is expected to intercept each well, when the concentration will peak, and the maximum modelled concentration at each well location;



- consider the effect of a high permeability shallow bedrock hydraulic conductivity on contaminant transport results;
- follow NWB's direction on a timeline and content of groundwater monitoring plan updates; and
- assess the effectiveness of the monitoring well locations and depths.

In addition, NRCan acknowledged the Applicant's provision of anticipated pit water levels, inclusion of the entire extent of tailings in groundwater simulation, and commitments to include higher conductivity values for the Goose Dump.

November 21, 2018 Submission

NRCan provided a meeting record and Agnico Eagle's presentation that was provided on September 25, 2018. The meeting was attended by CIRNAC as well. The meeting resulted in the Applicant's commitment to issue version 4 of the model for the review of specific interveners.

December 7, 2018 Teleconference

The teleconference was hosted by the NWB with the participation of KivIA, CIRNAC, NRCan, DFO, ECCC and Agnico Eagle. NRCan informed that it was expecting Agnico Eagle's version 4 of thermal and hydrogeological simulation results. On December 14, 2018, Agnico Eagle submitted version 4 of the model.

January 1, 2019 Submission

Having reviewed Agnico Eagle's submission from December 14, 2018, NRCan provided its comments reflecting the following:

- the updated thermal modelling takes into consideration the long-term thawing of the permafrost beneath the pits following the flooding of the pits by Third Portage Lake;
- permafrost limits, hydrogeological model boundary conditions, hydrogeological modelling, and contaminant transport modelling were updated as agreed;
- impacts of thawing permafrost beneath Pit A need more research; and
- NRCan has concerns that the proposed monitoring well network is ineffective.

Therefore, the NRCan provided the following recommendations to the Applicant:

- clearly state the explicit goals of the groundwater monitoring program within the context of the overall monitoring expectations of the regulators;
- assess the 3-D groundwater flowpaths and travel times to each monitoring well screen using backwards pathlines;



- install monitoring wells that will intercept the main axis(es) of each groundwater plume during the monitoring period, indicating that the current model should be used to assess pathlines, travel times and breakthrough curves for these wells;
- assess the potential impact of sub-permafrost groundwater discharge to Third Portage Lake; and
- installing a monitoring well beneath the permafrost at the north end of Pit A would define the vertical hydraulic gradient (for upward flow into Third Portage Lake) and would effectively constrain the horizontal hydraulic gradient in sub-permafrost groundwater. Regarding this point, the NRCan noted that it realizes the expense and difficulty of installing such a well and therefore merely suggests the option.

On January 24, 2018, the Applicant responded to NRCan's comments outlining the following:

- a commitment to review, optimize and adapt the location of the monitoring wells as part of the final closure plan in collaboration with the regulators. In addition, available thermistors and piezometer across the site will inform the hydrogeological model and update the groundwater monitoring plan;
- disagreement with the requirement to use backwards pathlines instead of breakthrough curves, as the curves consider all contaminant migration processes;
- commitment to include groundwater monitoring as part of the FCRP;
- commitment to consider installing new wells if required, according to modelling results;
- commitment to adapt well characteristics at closure to ensure plume interception, in agreement with monitoring period defined with the regulators as part of the final closure plan;
- expectation that post-closure background groundwater quality will be similar to the background chemical results at Meadowbank which indicate very low chloride concentrations in natural groundwater seepage areas, and upward flow will be limited to the northern portion of Pit A, once the open talik is developed;
- groundwater monitoring stations are composed of a groundwater well, five piezometers and one thermistor; and
- commitment to explore the potential of installing a groundwater monitoring station in the vicinity of pit A as part of the final closure plan.

January 31, 2019 Submission

In this submission, NRCan recommended that:



- the regulators establish the approximate expected duration of the monitoring program, noting that the duration should be consistent with the goals and expectations of the monitoring program(s) and the parameters to be monitored;
- the current monitoring network will not be effective for post-closure, and the breakthrough curves are sufficient to demonstrate the predicted ineffectiveness of the monitoring network without the backward particle tracking; and
- the issues of sub-permafrost water quality and discharging pore water tailings to Third Portage Lake should be considered.

In addition, NRCan acknowledged Agnico Eagle's commitment to adapt well characteristics at closure to ensure plume interception and explore the potential of installing a groundwater monitoring station in the vicinity of Pit A as part of the final closure plan.

Agnico Eagle acknowledged NRCan's recommendations in a submission on February 4, 2019.

SECTION III **SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC**

There were no written submissions provided to the NWB by any other intervening party or members of the public.

SECTION IV **REQUIREMENTS OF THE NUNAVUT AGREEMENT, NuPPAA AND NWNSRTA**

Land Use Planning

As noted in the discussion of the regulatory history, on March 22, 2018 the Nunavut Planning Commission (NPC) provided the NWB with confirmation that the In-Pit Tailings Disposal Proposal (the Proposal) conforms to the Keewatin Regional Land Use Plan, but because the Proposal constituted a significant modification of the previously assessed Meadowbank Gold Project, the Proposal was referred to the Nunavut Impact Review Board for screening. On this basis, the NWB considered the requisite land use planning requirements of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*, the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA) and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) to be fulfilled such that the NWB could process the Amendment Application.

Environmental Assessment



Although as noted above, the Amendment Application was initially processed by the NWB as a modification that did not require a formal amendment to the Water Licence, opportunities for technical review and comment on the proposed changes to allow in-pit tailings disposal were provided by the Board while the changes were being assessed by the Nunavut Impact Review Board (NIRB) under a reconsideration of the existing Meadowbank Gold Mine Project Certificate [No. 004], under Article 2, Section 12.8.2 of the *Nunavut Agreement* and s. 112 of *NuPPAA*.

As Agnico Eagle had requested that the NIRB's assessment and the NWB's consideration of the In-Pit Tailings Disposal Proposal (the Proposal) be undertaken in a coordinated fashion, while the NIRB's assessment was on-going (February – August, 2018), the NWB invited interested parties to conduct a review of the modification request and to submit relevant comments to the NWB at the close of the comment period in August 2018.

On August 31, 2018, the NIRB concluded the assessment of the potential ecosystemic and socio-economic effects of the In-Pit Tailings Disposal Proposal and issued the NIRB's Reconsideration Report and Recommendations³⁷ to the Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade (the Minister). The NIRB recommended that the proposal be allowed to proceed to the next stages in the regulatory process.

On November 26, 2018 the Minister provided direction to the NWB in the Minister's decision in response to the NIRB's Reconsideration Report and Recommendations, expressing the Minister's view that the Water Licence would not authorize this undertaking without an amendment.

Consequently, the NWB revised the Board's approach to consideration of the modification and brought forward Agnico Eagle's modification request as an amendment to Water Licence No: 2AM-MEA1526. Additional procedural guidance regarding this approach was provided in the NWB's correspondence issued on November 30, 2018. On this basis, the NWB considered the requisite project assessment requirements of the *Nunavut Agreement*, the *NuPPAA* and the *NWNSRTA* to be fulfilled such that the NWB could process the Amendment Application.

Inuit Water Rights

As required under s. 63 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) the NWB could not issue an amendment to a water licence unless there is confirmation that Agnico Eagle had entered into an agreement with the KivIA to pay compensation for any loss or damage that may be attributable to the amendments to

³⁷ NIRB, Reconsideration Report and Recommendations, In-Pit Tailings Disposal Modification, Agnico Eagle Mines Ltd., NIRB File No.: 03MN107, August 31, 2018.



the current Meadowbank Licence necessary to approve the In-Pit Tailings Disposal Proposal. The NWB required confirmation of compliance with s. 63 before the record for the Amendment Application could be closed and the matter remitted to the NWB's duly appointed Panel for decision-making. Confirmation of compliance with s. 63 could take two forms:

- Under s. 63(1)(a), if both Agnico Eagle and the KivIA confirmed that there were no outstanding issues of water compensation in respect of the potential effects on the quality, quantity or flow of waters flowing through Inuit-owned land associated with the Amendment Application; or
- Under s. 63(1)(b), if there was no agreement referred to in s. 63(1)(a) and the Board had, on the request of Agnico Eagle or the KivIA, made a determination of appropriate compensation.

As outlined in more detail in the review of the KivIA's submissions, the issue of water compensation was first raised by the KivIA in a submission filed with the Board on August 23, 2018. In that submission, the KivIA indicated that it was intending to review and revise the existing Meadowbank agreement with Agnico Eagle to reflect the change to tailings disposition as proposed in the Agnico Eagle's modification request. Negotiations and occasional updates from Agnico Eagle and the KivIA were received by the Board in December 2018 – February 2019, generally indicating to the NWB that water compensation negotiations were proceeding in good faith but noting that Agnico Eagle and the KivIA had not yet entered into a final water compensation agreement associated with the Amendment Application as required under s. 63 of the *NWNSRTA*.

On February 22, 2019, Agnico Eagle submitted a request to the NWB to conduct a water compensation determination under s. 63(1)(b) of the *NWNSRTA*, noting that the parties had been unable to complete a water compensation agreement under s. 63(1)(a). Subsequently, from February 27 through to March 11, 2019 the NWB issued process, procedure and timing guidance in consultation with the parties to establish for the parties the NWB's jurisdiction to conduct a water compensation determination in respect of the Amendment Application and to set out the NWB's proposed approach to conducting a water compensation determination.

On March 15, 2019, the NWB received a letter from the KivIA advising that:

... a Compensation Agreement has been entered into between the Kivalliq Inuit Association and Agnico Eagle Mines Limited in respect of the In-Pit Disposal Amendment Application for the Meadowbank Project, as contemplated by Section 20.3.1 of the Nunavut Agreement and Section 63 of the Nunavut Waters and Nunavut Surface Rights Tribunal Act.



On March 15, 2019, immediately following the KivIA's correspondence, Agnico Eagle provided correspondence to the NWB withdrawing Agnico Eagle's request to have the NWB conduct a water compensation determination under s. 63(1)(b) of the *NWNSRTA*. Reflecting these developments, the Board is now satisfied that the requirements of s. 63 of the *NWNSRTA* have been met and has proceeded to consider whether to grant the Amendment Application.

SECTION V DECISION TO ISSUE THE AMENDMENT

On the basis of the Board's review of the Amendment Application, all associated written submissions by the parties, and with the Board's consideration of the Board's mandate and objects, the three-member panel of the Board, Panel P9, duly appointed by the Board to consider the Amendment Application, by Motion No. 2018-21-P9-05 and Motion No. 2018-21-P9-06 has decided to grant Agnico Eagle's request to amend Water Licence No: 2AM-MEA1526, as described in [SECTION VI AMENDMENTS TO WATER LICENCE 2AM-MEA1526 TERMS AND CONDITIONS](#) that follows, to allow Agnico Eagle to undertake the in-pit disposal of tailings as proposed in the Amendment Application.

Conditions for Issuance of a Licence

Section 57 of the *NWNSRTA* provides several key legislative requirements that must be satisfied before the NWB may issue a licence (or amendment to a licence).

The Board may not issue a licence unless the applicant satisfies the Board that

- (a) any waste produced by the appurtenant undertaking will be treated and disposed of in a manner that is appropriate for the maintenance of the water quality standards and effluent standards that are prescribed by the regulations or, in the absence of such regulations, that the Board considers acceptable; and
- (b) the financial responsibility of the applicant, taking into account the applicant's past performance, is adequate for
 - (i) the completion of the appurtenant undertaking,
 - (ii) such measures as may be required in mitigation of any adverse impact, and
 - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking.



Financial Responsibility of the Applicant

As outlined under the *NWNSRTA*, s. 57(b), the NWB considers three aspects of financial responsibility:

- the financial ability of the Applicant to complete the appurtenant undertaking;
- the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

Section 57 also makes it clear that the NWB's assessment of the Applicant's financial responsibility is a contextual analysis that considers not only the undertaking which is the subject matter of the Amendment Application, but also the Applicant, with particular regard to the Applicant's past performance.

With respect to considering Agnico Eagle's past performance to assess their financial capacity to carry out the In-Pit Tailings Disposal Proposal (the Proposal), the Board notes that since 2008 Agnico Eagle has been successfully operating and monitoring Agnico Eagle's operations at the Meadowbank Gold Mine Project, now under Water Licence No: 2AM-MEA1526. There is no evidence before the Board of any outstanding issues in respect of the current operations at the Meadowbank Gold Mine that would suggest limits on the financial ability of Agnico Eagle to carry out the In-Pit Tailings Disposal Proposal as proposed in the Amendment Application.

With respect to ensuring that Agnico Eagle has the ability to maintain and restore the site if the activities proposed in the Amendment Application proceed, the Board is confident that Agnico Eagle will be able to fulfill these obligations with the amendment to Part C, Item 1 under Amendment No. 3 and resulting increases to the quantum of security required to be posted for the reclamation of the Mining Undertaking. Under the amended Part C, Item 1, Agnico Eagle will be required to post total reclamation security under the Security Management Agreement between Agnico Eagle, the Kivalliq Inuit Association and Crown-Indigenous Relations and Northern Affairs Canada of eighty-nine million, four hundred and twenty-seven thousand seven hundred and forty-six dollars (\$89,427,746). This represents an increase to the reclamation security associated with the Undertaking of \$2,908,132, and reflecting the February 16, 2019 submissions of KivIA, and noting that under the Licence the total reclamation security associated with the Undertaking is split 50/50 between the Minister under the Licence and the KivIA under the commercial lease agreement as set out under the provisions of a Security Management Agreement between Agnico Eagle, CIRNAC and the KivIA the NWB has amended Part C, Item 1 of the Licence to reflect that an additional \$1,454,066 will be required to be posted under the Water Licence, with the remaining \$1,454,066 to be added to the existing security held by the KivIA.



Compensation of Existing or Other Users

The *NWNSRTA* requires that the NWB be satisfied that compensation of existing or other water users affected by the Application has been or will be paid.³⁸ To ensure that all parties with the potential to bring a water compensation claim have been notified of their rights under the *NWNSRTA*, the NWB provides, in the Notice of Application, an invitation to parties with water user compensation issues to advise the NWB regarding such issues. Notice of the Application in accordance with s. 55 of the *NWNSRTA* was issued by the Board on December 18, 2018 and the NWB confirms that no representations regarding compensation were made to NWB at any time during the Board's consideration of the modification request/Amendment Application.

SECTION VI **AMENDMENTS TO WATER LICENCE 2AM-MEA1526** **TERMS AND CONDITIONS**

The Applicant is reminded that the amendment to the Licence does not take effect until approval of the Minister is given or deemed to have been given pursuant to s. 56 of the *NWNSRTA*.³⁹ As indicated above, the Panel has decided to issue an amendment to Type "A" Water Licence No: 2AM-MEA1526 to reflect the activities proposed in the Amendment Application. To provide context and clarity, the NWB has provided the following discussion and comments about the amendments to the Licence and specified management plans, manuals and reports that follows.

Part B: General Conditions

Management Plans, Manuals and Reports

Throughout the review of the Amendment Application, interveners, the Board, and the Applicant have considered and commented, to various extents, on the following management plans, which were received with the Amendment Application and original modification request:

1. Mine Waste Rock and Tailings Management Report and Plan Update, dated

³⁸ See ss. 58-60 of the *NWNSRTA*.

³⁹ Section 56 of the *NWNSRTA* states:

The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.



- November 2016;
2. Water Management Report and Plan Update, dated November 2017; and
 3. Groundwater Monitoring Plan, dated January 2018.

In general, Agnico Eagle is reminded that the NWB expects Agnico Eagle to fulfill all commitments made in the course of technical review for the Amendment Application, observing the agreed upon timelines, and highlights the following comments regarding specific plans.

Mine Waste Rock and Tailings Management Report and Plan Update

The subject Plan dated November 2016 was submitted with the original modification request in February 2018. The Plan includes the proposed activities of in-pit deposition of tailings. As a different version of the Plan (dated March 2017) had already been approved by the Board with the issuance of Amendment No. 2 in May 2018, the Board acknowledges that the November 2016 version of the Plan must be updated by Agnico Eagle to update the approved version of the Mine Waste Rock and Tailings Management Plan (March 2017) in order to account for in-pit tailings disposal activities within sixty (60) days of Minister's approval of Amendment.

Water Management Report and Plan Update

The Board acknowledges the receipt of the Water Management Report and Plan Update dated November 2017. Agnico Eagle is reminded to adhere to Part E, Item 7 of the existing terms and condition of the Licence, which requires the submission of the Plan and updates to the Plan on an annual basis. Specifically, Agnico Eagle is advised that the NWB will expect the next annual report will include an updated Water Management Plan that addresses in-pit tailings deposition with a particular focus on total dissolved solids and high-sulphate wastewater.

Groundwater Monitoring Plan

The technical review of the Amendment Application revealed the requirement to update the Groundwater Monitoring Plan dated January 2018. Agnico Eagle is required to provide an updated version of the Plan for Board review within sixty (60) days of Minister's approval of this Amendment incorporating amongst other recommendations the following:

- suggestion of new monitoring stations whose selection is based on plume transport modeling and field observation; and
- monitoring strategy that takes into account monitoring well design and characteristics (location, depth, screen length, etc.).

Water Quality Model

Agnico Eagle is reminded of the requirements of Part E, Item 8 of the existing terms and



conditions of the Licence in regards to the submission a Water Quality Model for pit re-flooding as part of the Water Management Plan. The Model is to incorporate the data obtained through the Groundwater Monitoring Plan referenced above. The Model is to inform the subsequent interim and final closure and reclamation planning.

Pore Water Quality Monitoring Program

Agnico Eagle is required to submit a Pore Water Quality Monitoring Program for Board review and approval within sixty (60) days of Minister's approval of this Amendment. Upon receiving the Board's approval for the subject Program, the Licensee is to incorporate the Program into all applicable management plans and programs, such as the Water Management Plan, Water Quality and Flow Monitoring Plan, and Aquatic Effects Management Plan, whose updated versions are to be submitted with the subsequent annual report.

Interim Closure and Reclamation Plan

The Licensee is required to submit an updated Interim Closure and Reclamation Plan (ICRP) within sixty (60) days of Minister's approval of this Amendment. The Plan is required to address in-pit tailings disposal with a special focus on a pore water quality monitoring program, water quality at closure, closure groundwater monitoring program, and other commitments made during the technical review of the Amendment Application.

The Board is aware that further research and data collection is required in order to address existing uncertainties in planning for interim closure and maintenance. Therefore, the Board reminds the Applicant of the requirements of Part B, Item 13 and Schedule B, Item 21 outlining requirements for submission of significantly modified plans for Board approval and submission as Addenda, with an indication of where changes have been made, for Plans, Reports, and Manuals with an annual report, respectively.

Final Closure and Reclamation Plan

Agnico Eagle is reminded to adhere to Part J, Item 3 of the existing terms and conditions of the Licence in regards to the submission of a Final Closure and Reclamation Plan at least twelve (12) months prior to the expected end of planned mining. The FCRP is to incorporate the contingency for out-of-pit water treatment, anticipated duration of monitoring, discussion and assessment for potential aggregate cover for in-pit tailings, an updated cost estimate and other commitments made during the technical review of the Application.

Part C: Conditions Applying to Security

Amend Item 1 to Read:



The Licensee shall, within thirty (30) days following the approval of this Amendment by the Minister, furnish and maintain security with the Minister in the amount of \$44,713,873. As set out in the Meadowbank Security Management Agreement, May 17, 2016 Version (as subsequently updated by the parties), the amount secured under this Part constitutes 50% of the total global security amount of \$89,427,746 that is required to reclaim the Undertaking, and also reflects that the remaining 50% of the global security amount will be held outside the Licence by the Kivalliq Inuit Association, in accordance with the terms and conditions of the Meadowbank Security Management Agreement.

Part E: Conditions Applying to Water Use and Management

Although the Board has not recommended amendments to Part E of the Licence, the Board highlights the following obligations in Part E, of the existing terms and conditions of the Licence:

The Licensee shall submit a Water Management Plan on an annual basis to the Board for review following the commencement of Operations. The Plan must include an updated Water Balance. The Water Management Plans shall include an action plan to be implemented if predicted re-flooded pit water quality indicates that treatment is necessary. The Licensee shall not breach dikes until the water quality in the re-flooded area meets CCME Water Quality Guidelines for the Protection of Aquatic Life, baseline concentrations, or appropriate site specific water quality objectives. Subject to the Board approval, if water quality parameters are above CCME Guidelines, a site specific risk assessment must be conducted to identify water quality objectives that are protective of the aquatic environment.

The Applicants are also reminded of their obligations under per Part E, Item 9 of the Licence, which reads as follows:

The Licensee shall, on an annual basis during Operations and Closure, compare the predicted water quantity and quality within the pits, to the measured water quantity and quality. Should the difference between the predicted and measured values be 20% or greater, then the cause(s) of the difference(s) shall be identified and the implications of the difference shall be assessed and reported to the Board.



NWB CHAIRPERSON AND MINISTER SIGNATURE PAGE

All remaining terms and conditions of Type "A" Water Licence 2AM-MEA1526 dated July 23, 2015, Amendment 1 dated June 6, 2016, and Amendment 2 dated May 29, 2018 shall continue to apply.

This Licence Amendment issued and recorded at Gjoa Haven, Nunavut on March 29, 2019.

A handwritten signature in black ink, likely belonging to the Chairperson of the Nunavut Water Board.

Nunavut Water Board
Chairperson

A handwritten signature in black ink, likely belonging to the Minister of State to assist the Minister of Indian Affairs and Northern Development.

APPROVED BY: Minister of State to assist the Minister of
Indian Affairs and Northern Development

DATE LICENCE APPROVED:

MAY 16 2019



APPENDIX A - List of Submissions and Correspondence

Application Submissions:

1. Cover letter and initial submission of a Modification Request to Type A Water Licence, Agnico Eagle Mines Limited (Agnico Eagle), Meadowbank Mine (NWB File No. 2AM-MEA1526), submitted **February 23, 2018**.
2. Submitted **December 17, 2018**, by Agnico Eagle, RE: Water Licence Amendment Application, dated December 17, 2018.

File Submissions & Correspondence:

1. Cover Letter to Karén Kharatyan, Nunavut Water Board (NWB) RE: Agnico Eagle Mines Meadowbank Mine Type A Water Licence – 2AM-MEA1525 Modification Request, from Jamie Quesnel, Environmental Superintendent, Ryan Vanengen, Amaruq Permitting Lead, Agnico Eagle Mines Limited (Agnico Eagle) dated **February 23, 2018**.
2. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, Agnico Eagle Mines Limited (Agnico Eagle), RE: 2016 Mine Waste Rock and Tailings Management Report & Plan Update.
3. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, Agnico Eagle, RE: 2016 Water Management Report and Plan.
4. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, Agnico Eagle, RE: SNC Lavalin Multiple Accounts Analysis for the tailings facility extension project.
5. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, Agnico Eagle, Technical Memorandum To: Mark d'Aguiar, Sally Wong, Laura Richards (DFO) From: Ryan Vanengen (Agnico Eagle), Leilan Baxter (Consultant to Agnico Eagle) RE: Updated NNL Calculations for Habitat Gains in Second and Third Portage Lakes
6. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, (Agnico Eagle), Letter to Jamie Quesnel, Environmental Superintendent, (Agnico Eagle) RE: Additional information regarding determining the presence/absence of fish in Goose Pit, from George A. Coker, Hon. B.Sc. Fisheries Cam Portt, Hon. B.Sc. Fisheries, M.Sc., C. Portt and Associates, Fisheries Consultants, dated November 20, 2017.
7. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, (Agnico Eagle), Letter to Robin Allard, Environmental Senior Coordinator, Agnico Eagle, RE: Determining the presence/absence of fish in Goose Pit, from George A. Coker, C. Portt and Associates, Fisheries Consultants, dated October 5, 2017.



8. Submitted, **February 23, 2018**, by Jamie Quesnel, Environmental Superintendent, (Agnico Eagle), RE: Groundwater Monitoring Plan, Version 8, dated January 2018.
9. Cover E-mail: . To Michel Groleau, Agnico Eagle, and Meadowbank Distribution List RE: Agnico Eagle Mines Ltd's "Meadowbank" Project: Type A - In-Pit Tailings Disposal Licence Modification Request 7 of 7, from Richard Dwyer, NWB, dated **February 26, 2018**.
10. Letter to Jamie Quesnel, Environmental Superintendent, Ryan Vanengen, Amaruq Permitting Lead, Agnico Eagle, RE: . NWB Request for Technical Review Comments by August 3, 2018 Regarding Proposed Modification to Allow In-Pit Tailings Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525 for the Meadowbank Gold Mine Project, from Karén Kharatyan, Director of Technical Service, NWB, dated **July 3, 2018**.
11. Cover E-mail: to Jamie Quesnel, Ryan Vanengen, Agnico Eagle and Meadowbank Distribution List, RE: NWB Request for Technical Review Comments by August 3, 2018 Regarding Proposed Modification to Allow In-Pit Tailings Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525 for the Meadowbank Gold Mine Project, from Richard Dwyer, NWB, dated **July 3, 2018**.
12. Letter to Karén Kharatyan, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) assessment of the Proposed Modification to Allow In-Pit Tailings Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1526 for the Meadowbank Gold Mine Project as an amendment, from Michelle Blade, CIRNAC, dated **July 16, 2018**.
13. Submitted, **August 3, 2018**, by Michelle Blade, CIRNAC, RE: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) Technical Review Comments of the Proposed Modification to Allow In-Pit Tailings Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1526 for the Meadowbank Gold Mine Project.
14. Submitted, **August 3, 2018**, by Martyn Curtis, DFO, RE: Proposed modification to allow In-Pit Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525 Technical Review.
15. Submitted, **August 3 2018**, by Susanne Forbrich, Environment and Climate Change Canada (ECCC), RE: 2AM-MEA1525 – Agnico Eagle Mines Ltd. – Meadowbank In-Pit Tailings Disposal Modification – Technical Review Comments.
16. Submitted, August 4, 2018, by Peter Unger, Natural Resources Canada (NRCan), RE: Final Written Submission Agnico Eagle Mine's In-Pit Tailings Disposal Modification (NIRB File No. 03MN107) Natural Resources Canada Submission to the Nunavut Impact Review Board August 3, 2018.
17. Cover E-mail: to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, RE: NWB Request for Technical Review Comments by August 3, 2018 Regarding Proposed Modification to Allow In-Pit Tailings Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525 for the Meadowbank Gold Mine Project, Agnico Eagle to



respond to comments by August 15, 2018, from Richard Dwyer, NWB, dated **August 3, 2018**.

18. Letter to Karén Kharatyan, NWB, RE: NWB Request for Technical Review Comments by August 3, 2018 Regarding Proposed Modification to Allow In - Pit Tailings Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No.2AM-MEA1525 for the Meadowbank Gold Mine Project, from Jamie Quesnel, Agnico Eagle, dated **August 7, 2018**.
19. Letter to Jamie Quesnel, Agnico Eagle, RE: Nunavut Water Board Guidance Regarding Late Filed Submissions (Natural Resources Canada) and Next Steps in the Board's Processing of Agnico Eagle Mines Limited's Modification Request for Type "A" Water Licence No. 2AM-MEA1526, Meadowbank Gold Mine Project, from Stephanie Autut, NWB dated **August 10, 2018**.
20. Cover E-mail: to Jamie Quesnel & Michel Groleau, Agnico Eagle, & Meadowbank Distribution List, RE: Nunavut Water Board Guidance Regarding Late Filed Submissions (Natural Resources Canada) and Next Steps in the Board's Processing of Agnico Eagle Mines Limited's Modification Request for Type "A" Water Licence No. 2AMMEA1526, Meadowbank Gold Mine Project, dated **August 10, 2018**.
21. Letter to Karén Kharatyan, NWB, RE: NWB File No. 2AM MEA1526- Modification Request: Technical Review of the Modification Proposal, from Jamie Quesnel, Agnico Eagle, dated **August 17, 2018**.
22. Submitted **August 17, 2018**, by Agnico Eagle, Prepared by SNC-Lavalin RE: HYDROGEOLOGICAL MODELLING, TSFE PROJECT - IN-PIT TAILINGS DEPOSITION DETAILED ENGINEERING STUDY.
23. Submitted **August 17, 2018**, by Agnico Eagle, Prepared by SNC-Lavalin RE: IN-PIT TAILINGS DEPOSITION THERMAL MODELING, IN-PIT TAILINGS DEPOSITION DETAILED ENGINEERING.
24. Submitted **August 17, 2018**, by Agnico Eagle, RE: 2AM-MEA1526 PROPOSED MODIFICATION NWB IN-PIT TAILINGS DISPOSAL COMMENT RESPONSES.
25. Submitted **August 17, 2018**, by Agnico Eagle, RE: Resume Don Chorley Golder Associates.
26. Submitted **August 17, 2018**, by Agnico Eagle, RE: MEADOWBANK IN-PITDISPOSAL MEETING ECCC/AGNICO EAGLE JULY 12TH, 2018.
27. Submitted **August 17, 2018**, by Agnico Eagle, RE: Report No 19 Meadowbank Mine Dike Review Board Meeting September 19-22, 2016, dated October 7, 2016.
28. Submitted **August 17, 2018**, by Agnico Eagle, RE: Report No 22 Meadowbank Mine Dike Review Board Meeting September 4-7, 2017, dated October 10, 2017.
29. Submitted **August 17, 2018**, by Agnico Eagle, RE: Curriculum Vitae Henri Sangam, SNC Lavalin.



30. Cover E-mail: to Michel Groleau & Jamie Quesnel, Agnico Eagle & Meadowbank Distribution List, RE: 2AM-MEA1526 Agnico Eagle's Submission of Final Written Responses - Meadowbank Distribution, dated **August 20, 2018**.
31. Letter to Stephanie Autut, NWB, Re: Meadowbank Water Compensation Agreement, from Luis Manzo, Kivalliq Inuit Association (KivIA), dated **August 22, 2018**.
32. Cover E-mail: to Robin Ikkutisluk, NWB, RE: 2AM-MEA1526 Agnico Eagle's Submission of Final Written Responses - Meadowbank Distribution, from Michelle Blade, CIRNAC, dated **August 24, 2018**.
33. Letter to Nunavut Water Board, RE: Proposed modification to allow In-Pit Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525, from Bev Ross, DFO, dated **August 24, 2018**.
34. Letter to Richard Dwyer, NWB, RE: 2AM-MEA1526 – Agnico Eagle Mines Ltd. – In-pit Tailings Disposal Modification – Review of Applicant Responses to ECCC Technical Comments, from Susanne Forbich, ECCC, dated **August 24, 2018**.
35. Cover E-mail: to Manon Turmel & Michel Groleau, Agnico Eagle, RE: 2AM-MEA1526 In-Pit Tailings Modification, from Richard Dwyer, NWB, dated **August 27, 2018**.
36. Cover E-mail: to Manon Turmel & Michel Groleau, Agnico Eagle, RE: 2AM-MEA1526 In-Pit Tailings Modification (updated response date), from Richard Dwyer, NWB, dated **August 27, 2018**.
37. Submitted **August 31, 2018**, by Agnico Eagle, RE: 2AM-MEA1526 PROPOSED MODIFICATION NWB IN-PIT TAILINGS DISPOSAL RESPONSES TO FINAL CONCERNS August 31, 2018.
38. Cover E-mail: to Richard Dwyer, NWB, Re: 2AM-MEA1526 In-Pit Modification Agnico Eagle Response, from Melissa Pinto, ECCC, dated **September 4, 2018**.
39. Letter to Richard Dwyer, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC) Reply to 2AM-MEA1526 Agnico-Eagle Mines Limited's (Agnico Eagle) Response to Comments on In-Pit Tailings Disposal Modification Request, from David Zhong, CIRNAC, dated **September 7, 2018**.
40. Letter to Nunavut Water Board, RE: Proposed modification to allow In-Pit Deposition under Agnico Eagle Mines Limited's Type "A" Water Licence No. 2AM-MEA1525, from Bev Ross, DFO, dated **September 7, 2018**.
41. Cover E-mail: to Richard Dwyer, NWB, RE: NRCAN comments on hydrogeological model - Agnico Meadowbank in-pit disposal modification, dated, from Peter Unger, NRCAN, dated **September 12, 2018**.
42. Cover E-mail: to Richard Dwyer, NWB, RE: NRCAN's Final Comments on the Proposal for In-Pit Tailings Disposal at the Meadowbank Mine + proposed meeting agenda, from Peter Unger, NRCAN, dated **September 21, 2018**.



43. Submitted **September 21, 2018**, by NRCAN, RE: Draft September 25, 2018, Meeting Agenda Geological Survey of Canada and Agnico Eagle Mines meeting to discuss thermal and hydrogeological modelling for the Meadowbank In-Pit Tailings Disposal Modification.
44. Submitted **September 21, 2018**, by NRCAN, RE: NRCan's Final Comments on the Proposal for In-Pit Tailings Disposal at the Meadowbank Mine.
45. Cover E-mail: to Michel Groleau & Jamie Quesnel, Agnico Eagle, RE: 2AM-MEA1526 NRCan's Final Comments on the Proposal for In-Pit Tailings Disposal at the Meadowbank Mine proposed meeting agenda, from Richard Dwyer, NWB, dated **September 21, 2018**.
46. Submitted **November 21, 2018**, by Agnico Eagle, prepared by SNC-Lavalin, Re: PROPOSED MODIFICATION NWB IN-PIT TAILINGS DISPOSAL COMMENT RESPONSES--Updated results (version 3) for contaminant transport model, dated September 25, 2018.
47. Submitted **November 21, 2018**, by NRCAN, Re: Meeting record Agnico Eagle Mines (Agnico Eagle) at Natural Resources Canada (NRCan) Meadowbank In-Pit Tailings Disposal Modification (NIRB File No. 03MN107) Hydrogeology and Permafrost Discussion.
48. Cover E-mail: to Manon Turmel, Agnico Eagle & Meadowbank Distribution List, RE: 2AM-MEA1526 In-Pit Tailings Disposal at the Meadowbank Mine NRCan and Agnico Eagle Meeting, from Richard Dwyer, NWB, dated **November 22, 2018**
49. Cover E-mail: to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, Michelle Blade, CIRNAC, Luis Manzo, KivIA, Sally Wong, DFO, Peter Unger, NRCAN, Agnes Simonfalvy, CANNDO, RE: Meadowbank in-pit deposition of tailings, from Assol Kubeisinova, NWB, dated **November 26, 2018**.
50. Cover E-mail: to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, Michelle Blade, CIRNAC, Luis Manzo, KivIA, Sally Wong, DFO, Peter Unger, NRCAN, Agnes Simonfalvy, CANNDO, RE: Meadowbank in-pit deposition of tailings (updates requested by November 30, 2018), from Assol Kubeisinova, NWB, dated **November 26, 2018**.
51. Letter to Assol Kubeisinova, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) reply to Nunavut Water Board's (NWB) request for update on parties' discussions with Agnico Eagle Mines Limited's (Agnico Eagle) on In-Pit Tailings Deposition – Meadowbank Gold Mine Project under Agnico Eagle's Type "A" Water Licence No. 2AM-MEA1526, from Michelle Blade, CIRNAC, dated **November 30, 2018**.
52. Cover E-mail: to Assol Kubeisinova, NWB, RE: Meadowbank in-pit deposition of tailings (DFO Update), from Sally Wong, DFO, dated **November 30, 2018**.
53. Letter to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, RE: Guidance of the Nunavut Water Board (NWB) Following the Decision of the Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade in Relation to the Assessment of Agnico



Eagle Mines Limited's Proposed Modification to the Meadowbank Gold Mine Project to Allow In-Pit Tailings Deposition, from Richard Dwyer, NWB, dated **November 30, 2018**.

54. Cover E-mail: to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Tailing In-Pit Deposition Modification Response to Ministers Decision, from Richard Dwyer, NWB, dated **November 30, 2018**.
55. Cover E-mail: to NWB, RE: 2AM-MEA1526 Tailing In-Pit Deposition Modification Response to Ministers Decision, from Jamie Quesnel, Agnico Eagle, dated **December 3, 2018**.
56. Cover E-mail: to NWB, RE: 2AM-MEA1526 Tailing In-Pit Deposition Modification Response to Ministers Decision, from Michelle Blade, CIRNAC, dated **December 3, 2018**.
57. Cover E-mail: to NWB, RE: RE: 181130 2AM-MEA1526 Tailing In-Pit Deposition Modification Response to Ministers Decision, From Eva Walker, ECCC, dated **December 3, 2018**.
58. Cover E-mail: to NWB, RE: Meadowbank In-pit Tailings Licence Amendment teleconference, from Peter Unger, NRCAN, dated **December 3, 2018**.
59. AGENDA (DRAFT) TELECONFERENCE AMENDMENT OF TYPE "A" LICENCE 2AM-MEA1526 (IN-PIT TAILINGS DISPOSAL PROPOSAL) Teleconference Call-In Information: 1-888-289-4573; Access Code: 7214943 December 7, 2018, prepared by Assol Kubeisinova, NWB, **December 4, 2018**.
60. Cover E-mail: to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Amendment In-Pit Teleconference (Draft) Agenda, from Richard Dwyer, NWB, dated **December 4, 2018**.
61. AGENDA TELECONFERENCE AMENDMENT OF TYPE "A" LICENCE 2AM-MEA1526 (IN-PIT TAILINGS DISPOSAL PROPOSAL) Teleconference Call-In Information: 1-888-289-4573; Access Code: 7214943 December 7, 2018, prepared by Assol Kubeisinova, NWB, **December 6, 2018**.
62. Cover E-mail: to Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Amendment In-Pit Teleconference Agenda, from Richard Dwyer, NWB, dated **December 6, 2018**.
63. Cover E-mail: to NWB, RE: 2AM-MEA1526 Amendment In-Pit Teleconference Agenda, from Sally Wong, DFO, dated **December 6, 2018**.
64. Letter to Michelle Blade, CIRNAC, Re: NWB File No. 2AM MEA1526- In-Pit Disposal: Flooding Strategy, from Jamie Quesnel, Agnico Eagle, dated **December 12, 2018**.



65. Cover E-mail: to Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 In-Pit Disposal: Flooding Strategy, from Richard Dwyer, NWB, dated **December 12, 2018**.
66. Letter to Stephanie Autut, NWB, Re: CRITICAL NEED FOR AN EXPEDITED REVIEW SCHEDULE AND AMENDMENT PROCESS TO ENSURE OPERATIONAL READINESS AND MITIGATE ENVIRONMENTAL RISKS AT AGNICO EAGLE'S MEADOWBANK FACILITIES (MEADOWBANK IN-PIT TAILINGS DEPOSITION), from Jamie Quesnel, Agnico Eagle, dated **December 13, 2018**.
67. Cover E-mail: to Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Agnico Eagle Response to NWB Guidance, from Richard Dwyer, NWB, dated **December 13, 2018**.
68. Letter to Luis Manzo, KivIA and Ian Parsons, CIRNAC, RE: Tailings In-pit Deposition Security – Meadowbank Mine, from Jamie Quesnel, Agnico Eagle, dated **December 13, 2018**.
69. Submitted **December 13, 2018**, by Agnico Eagle, prepared by SNC-Lavalin, Re: Meadowbank ICRP 2018 Update considering Tailings In-Pit Deposition, dated December 12, 2018.
70. Cover E-mail: to Jamie Quesnel, Agnico Eagle, Meadowbank Distribution List, Re: 2AM-MEA1526 Tailings In-pit Deposition Security assessment. From Richard Dwyer, NWB, dated **December 13, 2018**.
71. Submitted **December 14, 2018**, by Agnico Eagle, prepared by SNC-Lavalin, RE: Meadowbank In-Pit Tailings Disposal - Thermal and Hydrogeological Modeling Update to Address NRCan's Comments, dated December 14, 2018.
72. Cover E-mail: to Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 In-Pit Tailings Disposal Update Thermal and Hydrogeological Modeling, from Richard Dwyer, NWB, dated **December 14, 2018**.
73. Letter to NWB, RE: Guidance of the Nunavut Water Board (NWB) Following the Decision of the Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade in Relation to the Assessment of Agnico Eagle Mines Limited's Proposed Modification to the Meadowbank Gold Mine Project to Allow In-pit Tailings Deposition, from Jamie Quesnel, Agnico Eagle, dated **December 17, 2018**.
74. Submitted **December 17, 2018**, by Agnico Eagle, RE: NWB File # 2AM-MEA0815 Agnico Eagle Meadowbank Renewal Application NOV 14, NPC Decision Letter, dated November 28, 2014.
75. Submitted **December 17, 2018**, by Agnico Eagle, RE: NPC File # 148681 [Agnico Eagle Mines Meadowbank Modification - In-Pit Tailings Disposal], dated March 22, 2018.
76. Submitted **December 17, 2018**, by Agnico Eagle, RE: In the matter of an application by Agnico Eagle Mines Limited for Mine Development of the Meadowbank Gold Mine



Project Proposal in the Kivalliq Region of Nunavut NIRB PROJECT CERTIFICATE
[NO.: 004], dated August 12, 2016.

77. Submitted **December 17, 2018** by Agnico Eagle, RE: Nunavut Impact Review Board Reconsideration Report and Recommendations In-Pit Tailings Disposal Modification Agnico Eagle Mines Ltd. NIRB File No.: 03MN107, dated August 31, 2018.
78. Submitted **December 17, 2018**, by Agnico Eagle, RE: Annual Audited Consolidated Financial Statements, dated March 23, 2018.
79. Submitted **December 17, 2018**, by Agnico Eagle, RE: Non-technical summary (English).
80. Submitted **December 17, 2018**, by Agnico Eagle, RE: Non-technical summary (Inuktitut).
81. Submitted **December 17, 2018**, by Agnico Eagle, RE: Certificate of Incorporation, dated November 26, 2018.
82. Letter to Jamie Quesnel, Ryan Vanengen, Agnico Eagle, RE: Notice of Application and Commencement of Technical Review of an Amendment to Type “A” Water Licence No: 2AM-MEA1526 Associated with the In-Pit Tailings Disposal Modification Proposal at the Meadowbank Gold Mine; Agnico Eagle Mines Limited, from Stephanie Autut, NWB, dated **December 17, 2018**.
83. Cover E-mail: to Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Notice of Application & Commencement of Technical Review, from Richard Dwyer, NWB, dated **December 17, 2018**.
84. Cover E-mail to Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Notice of Application & Commencement of Technical Review (comment extension on thermal monitoring and hydrogeological connectivity, to January 24, 2019, granted CIRNAC only), dated **January 15, 2019**.
85. Submitted **January 16, 2019**, by DFO, Technical Review of an Amendment to Type “A” Water Licence No: 2AM-MEA1526 Associated with the In-Pit Tailings Disposal Modification Proposal at the Meadowbank Gold Mine; Agnico Eagle Mines Limited.
86. Submitted **January 17, 2019**, by CIRNAC, Re: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) reply to Nunavut Water Board’s (NWB) notice of application and commencement of technical review of an amendment to Type “A” Water Licence No: 2AMMEA1526 associated with the In-Pit Tailings Disposal Modification Proposal – Meadowbank Gold Mine Project.
87. Submitted **January 17, 2019**, by ECCC, RE: 2AM-MEA – Agnico Eagle Mines Limited, - Meadowbank Gold Mine – Type A Water Licence Amendment.
88. Letter to Richard Dwyer, NWB, Re: Amendment to Type “A” Water Licence No: 2AM-MEA1526 Associated with the In-Pit Tailings Disposal Modification Proposal at the Meadowbank Gold Mine; Agnico Eagle Mines Limited – Natural Resources Canada



request for extension of deadline of technical comments, from Peter Unger, NRCAN, dated **January 17, 2019**.

89.

90. Submitted **January 18, 2019**, by NRCAN, Re: Amendment to Type “A” Water Licence No: 2AM-MEA1526 Associated with the In-Pit Tailings Disposal Modification Proposal at the Meadowbank Gold Mine; Agnico Eagle Mines Limited – Natural Resources Canada comments on results of Version 4 hydrogeological modelling.

91. Cover E-mail: to Jamie Quesnel, Agnico Eagle, Re: 2AM-MEA1526 Notice of Application & Commencement of Technical Review, from, Richard Dwyer, NWB, dated **January 18, 2019**.

92. Submitted **January 24, 2019**, by CIRNAC, Re: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) reply to Nunavut Water Board’s (NWB) notice of application and commencement of technical review of an amendment to Type “A” Water Licence No: 2AM-MEA1526 associated with the In-Pit Tailings Disposal Modification Proposal – Meadowbank Gold Mine Project. Thermal monitoring and hydrogeological connectivity comment.

93. Submitted **January 24, 2019**, by Agnico Eagle, Re: Agnico Eagle Mines Limited – Meadowbank Division 2AM-MEA1526 Notice of Application & Commencement of Technical Review Responses to Natural Resources Canada Technical Review Comments January 23 2019.

94. Submitted **January 25, 2019**, by Agnico Eagle, Re: Agnico Eagle Mines Limited – Meadowbank Division 2AM-MEA1526 Notice of Application & Commencement of Technical Review Responses to Environment and Climate Change Canada and Crown-Indigenous Relation and Northern Affairs Canada Technical Review Comments January 25 2019.

95. Cover E-mail to Jamie Quesnel, Michel Groleau, Agnico Eagle, & Meadowbank Distribution List, RE: 2AM-MEA1526 Notice of Application & Commencement of Technical Review, dated **January 25, 2019**.

96. Letter to Richard Dwyer, NWB, Re: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) reply to Agnico Eagle Mines Limited (Agnico Eagle)’s responses to CIRNAC, Environment and Climate Change Canada (ECCC) and Natural Resources Canada (NRCAN)’s technical review comments regarding an amendment to Type “A” Water Licence No: 2AM-MEA1526 associated with the In-Pit Tailings Disposal Modification Proposal – Meadowbank Gold Mine Project, from Michelle Blade, CIRNAC, dated **January 31, 2019**.

97. Letter to Richard Dwyer, NWB, RE: 2AM-MEA1526 – Agnico Eagle Mines Ltd. – Meadowbank Gold Mine Project – Responses to ECCC Technical Review Comments for the Type A Water Licence Amendment, from Emily Nichol, ECCC, dated **January 31, 2019**.

98. Letter to Karén Kharatyan, NWB, Re: Request for Opinion regarding whether the NWB should consider waiving the requirement for a Public Hearing to consider Agnico Eagle



Mines Ltd.'s "In-pit Tailings Disposal Modification" amendment application, from Jamie Quesnel, Agnico Eagle, dated **January 31, 2019**.

99. Letter to Richard Dwyer, NWB, RE: 2AM-MEA1526 Notice of Application & Commencement of Technical Review, from Luis Manzo, KivIA, dated **January 31, 2019**.
100. Letter to Richard Dwyer, NWB, RE: Amendment to Type "A" Water Licence No: 2AM-MEA1526 Associated with the In-Pit Tailings Disposal Modification Proposal at the Meadowbank Gold Mine; Agnico Eagle Mines Limited – Nunavut Water Board request to parties regarding concerns being addressed, from Peter Unger, NRCAN, dated **January 31, 2019**.
101. Letter to Richard Dwyer, NWB, Re: Reply to Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Natural Resources Canada (NRCAN), Environment and Climate Change Canada (ECCC) and Kivalliq Inuit Association (KivIA) responses regarding an amendment to Type "A" Water Licence No: 2AM-MEA1526 associated with the In-Pit Tailings Disposal Modification Proposal – Meadowbank Gold Mine Project, from Jamie Quesnel, Agnico Eagle, dated **February 4, 2018**.
102. Letter to Meadowbank Distribution List, Re: Nunavut Water Board (NWB) Regarding Waiving Public Hearing and Request for Final Submissions in Respect of Agnico Eagle Mines Limited's Amendment to Type "A" Water Licence No: 2AM-MEA1526 for the Meadowbank Gold Mine Project to Allow In-Pit Tailings Deposition, from Richard Dwyer, NWB, dated **February 8, 2019**.
103. Cover E-mail: to Jamie Quesnel, & Meadowbank Distribution List, Re: 2AM-MEA1526 Waiving Public Hearing and Request for Final Submissions, from Richard Dwyer, NWB, dated **February 8, 2019**.
104. Letter to Richard Dwyer, NWB, Re: 2AM-MEA1526 – Agnico Eagle Mines Ltd. – Meadowbank Gold Mine Project – Type A Water Licence Amendment Final Comments, from Emily Nichol, ECCC, dated **February 15, 2019**.
105. Letter to Richard Dwyer, NWB, Re: Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) reply to Agnico Eagle Mines Limited (Agnico Eagle)'s February 4, 2019 responses to CIRNAC, Natural Resources Canada (NRCAN), Environment and Climate Change Canada (ECCC), and Kivalliq Inuit Association (KivIA) comments regarding an amendment to Type "A" Water Licence No: 2AM-MEA1526 associated with the In-Pit Tailings Disposal Modification Proposal – Meadowbank Gold Mine Project, from Michelle Blade, CIRNAC, dated **February 15, 2019**.
106. Cover E-mail: To Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, RE: Final Submissions Acknowledged, from Richard Dwyer, NWB, dated **February 15, 2019**.
107. Submitted **February 16, 2019**, by KivIA, R: FINANCIAL SECURITY FOR THE MEADOWBANK IN-PIT TAILINGS DISPOSAL AMENDMENT FOR MEADOWBANK TYPE A WATER LICENCE 2AM-MEA1526 KIVALLIQ INUIT ASSOCIATION, February 15, 2019.



108. Cover E-mail: To Jamie Quesnel, Agnico Eagle, & Meadowbank Distribution List, Re: Final Submissions Acknowledged, from Richard Dwyer, NWB, dated **February 16, 2019**.
109. Letter to Richard Dwyer, NWB, Re: 2AM-MEA1526 – Agnico Eagle Mines Ltd. – Meadowbank Gold Mine Project – Type A Water Licence Amendment Final Comments, from Jamie Quesnel, Agnico Eagle, dated **February 18, 2019**.
110. Letter to Stephanie Autut, NWB, Re: Meadowbank Water Compensation Matters, from Gabriel Karlik, KivIA, dated **February 19, 2019**.
111. Letter to Stephanie Autut, NWB, Re: Request for a Determination of Compensation under Section 63 of the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA), from Dominique Girard, Agnico Eagle, dated **February 22, 2019**.
112. Letter to Gabriel Karlik, KivIA, Dominique Girard, Agnico Eagle, Re: Guidance of the Nunavut Water Board (NWB) Process: Water Compensation Determination in Relation to the Amendment to Water Licence No. 2AM-MEA1526 by Agnico Eagle Mines Limited to Allow In-Pit Tailings Deposition at the Meadowbank Gold Mine, from Stephanie Autut, NWB, dated **February 27, 2019**.
113. Distributed **February 27, 2019** by the NWB to KivIA and Agnico Eagle, Re: Water Compensation Determinations February 2019.
114. Cover E-mail: To Gabriel Karlik, Luis Manzo, KivIA, Dominique Girard, Jamie Quesnel, Agnico Eagle, Stephanie Autut, Karen Kharatyan, Teresa Meadows, Assol Kubeisnova, NWB, RE: Guidance of the Nunavut Water Board (NWB) Process: Water Compensation from Richard Dwyer, NWB, dated **February 27, 2019**.
115. Cover E-mail: To Richard Dwyer, NWB, Re: 2AM-MEA1526 Guidance of the Nunavut Water Board (NWB) Process: Water Compensation (Agnico Eagle teleconference attendance confirmation) from Jamie Quesnel, Agnico Eagle, dated **February 27, 2019**.
116. Cover E-mail: To Stephanie Autut, NWB, Re: 2AM-WTP1826 Operation & Maintenance Manual Sewage Treatment Plan, Agnico Eagle (KivIA teleconference attendance confirmation on water compensation), dated **February 27, 2019**.
117. Letter to Stephanie Autut, NWB, RE: Meadowbank Water Compensation, from Luis Manzo, KivIA, dated **February 27, 2019**.
118. Letter to Jamie Quesnel, Agnico Eagle, Luis Manzo, KivIA, Re: Follow Up Request of the Nunavut Water Board (NWB) Regarding Water Compensation Determination in Relation to the Amendment to Water Licence No: 2AM-MEA1526 by Agnico Eagle Mines Limited to Allow In-Pit Tailings Deposition at the Meadowbank Gold Mine, from Stephanie Autut, NWB, dated **February 28, 2019**.
119. Cover E-mail: To Jamie Quesnel, Christine Kowbel, Agnico Eagle, Luis Manzo, Kimberly Gilson, KivIA, & Meadowbank Distribution List, RE: 2AM-MEA1526 Water Compensation Determination Teleconference Follow Up, from Richard Dwyer, NWB, dated **February 28, 2019**.



120. Letter to Stephanie Autut, NWB, Re: Meadowbank Water Compensation – Amendment of Type “A” License 2 AM-MEA 1526, from Kimberley Gilson, KivIA, dated **March 4, 2019**.
121. Letter to Stephanie Autut, NWB, Re: Follow Up Request of the Nunavut Water Board (NWB) Regarding Water Compensation Determination in Relation to the Amendment to Water Licence No: 2AM-MEA1526 by Agnico Eagle Mines Limited to Allow In-Pit Tailings Deposition at the Meadowbank Gold Mine, from Jamie Quesnel, Agnico Eagle, dated **March 4, 2019**.
122. Letter to Jamie Quesnel, Agnico Eagle, Luis Manzo, KivIA, Re: Follow Up Guidance of the Nunavut Water Board (NWB) Regarding NWB Jurisdiction to Conduct a Water Compensation Determination in Relation to the Amendment to Water Licence No: 2AM-MEA1526 by Agnico Eagle Mines Limited to Allow In-Pit Tailings Deposition at the Meadowbank Gold Mine, from Stephanie Autut, NWB, dated **March 4, 2019**.
123. Letter to Jamie Quesnel, Agnico Eagle, Luis Manzo, KivIA, Re: Follow Up Process and Timing Guidance of the Nunavut Water Board (NWB) in Relation to the NWB’s Water Compensation Determination Associated With the In-Pit Tailings Deposition Amendment to Water Licence No: 2AM-MEA1526 by Agnico Eagle Mines Limited, from Lootie Toomasie, NWB, dated **March 11, 2019**.
124. Distributed **March 11, 2019** by the NWB, Meadowbank Distribution List, Re: DRAFT NWB WATER COMPENSATION DETERMINATION PROCESS AGREEMENT BETWEEN: Agnico Eagle Mines Limited (Agnico Eagle or the Applicant) and the Kivalliq Inuit Association (KivIA or the DIO)
125. Cover E-mail: To Gabriel Karlik, Luis Manzo, Kimberley Gilson, KivIA, Dominique Girard, Jamie Quesnel, Christine Kowbel, Agnico Eagle, RE: 2AM-MEA1526 Water Compensation Determination Process, from Richard Dwyer, NWB, dated **March 11, 2019**.
126. Letter to Stephanie Autut, NWB, RE: Meadowbank In-Pit Disposal License Application, from Kimberley Gilson, KivIA, dated, **March 15, 2019**.
127. Cover E-mail: To Gabriel Karlik, Luis Manzo, KivIA, Re: 2AM-MEA1526 water compensation, from Richard Dwyer, NWB, dated **March 15, 2019**.
128. Letter to Richard Dwyer, NWB, Re: NWB’s Water Compensation Determination Associated With the In-Pit Tailings Deposition Amendment to Water Licence No: 2AM-MEA1526 by Agnico Eagle Mines Limited, from Jamie Quesnel, Agnico Eagle, dated **March 15, 2019**.
129. Letter to Meadowbank Distribution List, Re: Closure of the Record in Respect of the Type “A” Water Licence Amendment Application 2AM-MEA1526 by Agnico Eagle Mines Limited Associated with the In-Pit Tailings Disposal Proposal at the Meadowbank Gold Mine Project, from Lootie Toomasie, NWB, dated **March 18, 2019**.
130. Cover E-mail: To Meadowbank Distribution List, Re: Water Licence Amendment Closure of Record, from Richard Dwyer, NWB, dated **March 18, 2019**.

