



## **NUNAVUT WATER BOARD**

**WATER LICENCE NO: 2AM-MEA1525**

**REASONS FOR DECISION  
INCLUDING RECORD OF PROCEEDINGS**

# NUNAVUT WATER BOARD



In the Matter of:

Applicant: Agnico Eagle Mines Limited

Subject: Application for Renewal and Amendment of Type "A"  
Water Licence 2AM-MEA0815

Date: August 5, 2015

Precedence: Where there is any inconsistency or conflict between the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the 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 PROCEEDINGS**

Applicant: Agnico Eagle Mines Limited

Address: 10200, Route de Preissac  
Rouyn-Noranda, Québec  
J0Y 1C0

Purpose: Application for Renewal and Amendment of  
Type “A” Water Licence 2AM-MEA0815 to  
authorize use of Water and the deposit of Waste in  
support of a Mining undertaking

Application Received on: August 5, 2014

Application Received from: Agnico Eagle Mines Limited

Date of Public Hearing: April 29 and 30, 2015

Date Public Hearing Record  
Closed: June 1, 2015



## **ATTENDEES:**

### **NWB Representatives:**

Nunavut Water Board Panel Members	Panel Chairperson and Board Vice Chairperson	L. Toomasie
(Meadowbank Panel P9):	Member	D. Aglukark, Sr.
	Member	R. Mrazek
Nunavut Water Board Staff:	Acting Executive Director/ Director Technical Services	D. Hohnstein
	Board Secretary/Interpreter	B. Kogvik
	Technical Advisor	K. Kharatyan
	Licensing Administrator	R. Ikkutisluk
	Legal Counsel (Shores Jardine LLP)	T. Meadows
	Interpreter:	A. Alooq
Dicta Court Reporting, Inc.	Court Reporter:	S. Anderson CSR(A)
PIDO Productions	Sound Technician	R. Dempster

### **Applicant:**

Agnico Eagle Mines Limited:	Manager of Regulatory Affairs	S. Robert
	Corporate Director of Regulatory Affairs	L. Connell
	Environmental Superintendent	K. Buck
	Geotechnical Engineer	E. Voier
	Manager, Environment and Sustainable Development	J. Brazeau



**Parties:**

Kivalliq Inuit  
Association:

Director of Lands

L. Manzo

Legal Counsel  
(Duboff Edwards Haight &  
Schachter, LLC)

K. Gilson

Aboriginal Affairs and  
Northern Development  
Canada:

Director, Resource Management,  
Nunavut Regional Office

K. Costello

Regional Coordinator, Water  
Resources  
Nunavut Regional Office

D. Abernethy

Consultant, BCG Engineering

J. Seto

Legal Counsel  
(Department of Justice Canada)

K. Landa

Environment Canada  
(via Teleconference)

Senior Environmental  
Assessment Co-ordinator

Community  
Representatives:

Chesterfield Inlet

L. Autut

Baker Lake

E. Elytook

Written Record of  
Submissions:

Available from the Board's public registry using the following  
(username: public; password: registry):

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA0815%20Agnico/1%20APPLICATION/2015%20Renewal/>

Hearing Record  
(including Hearing  
Transcript):

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA0815%20Agnico/2%20ADMIN/4%20HEARINGS/2%20HEARING/>



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## **ABBREVIATIONS**

In this decision, the following abbreviations may be used:

<b>Short Form</b>	<b>Full Name</b>
AANDC	Aboriginal Affairs and Northern Development Canada
AEM	Agnico Eagle Mines Limited
DFO	Department of Fisheries and Oceans Canada
DIO	Designated Inuit Organization
EC	Environment Canada
GN	Government of Nunavut
KIA	Kivalliq Inuit Association
NIRB	Nunavut Impact Review Board
NLCA	Nunavut Land Claims Agreement
NPC	Nunavut Planning Commission
NWNSRTA	Nunavut Waters and Nunavut Surface Rights Tribunal Act
NWB	Nunavut Water Board
PHC	Pre-Hearing Conference
PH	Public Hearing
RIO	Regional Inuit Association
TM	Technical Meeting

## **REASONS FOR DECISION**

### **Executive Summary**

This decision is in relation to an application before the Nunavut Water Board (NWB or Board), filed by Agnico Eagle Mines Limited (the Applicant, Licensee or AEM), for the 10-year renewal and amendment of Type “A” Water Licence No. 2AM-MEA0815 (the Renewal and Amendment Application). The Renewal and Amendment Application was received by the NWB on August 5, 2014 and sought authorization to use water and deposit waste for a Mining undertaking at the Meadowbank Gold Mine, which is located approximately 70 kilometres (km) north of the community of Baker Lake in the Kivalliq Region of Nunavut.

The Meadowbank Gold Mine has been in commercial operation since 2010, and, as stated in the Renewal and Amendment Application, having mined out the Portage, Goose and Vault pits, the Applicant is expected to transition the mine towards closure during the requested ten-year term of a renewed and amended licence.





The NWB conducted a review of the Renewal and Amendment Application, including a completeness check, technical review, a technical meeting and pre-hearing conference held in person in the nearest community, Baker Lake, Nunavut on January 14 and 15, 2015. On April 29 and 30, 2015 the Board held an in-person Public Hearing to consider the Renewal and Amendment Application in Baker Lake. A Community Session was hosted by the NWB on the evening of April 29, 2015, with a Community Representative from Chesterfield Inlet and several residents from Baker Lake in attendance.<sup>1</sup>

Before the conclusion of the Public Hearing the Board granted a motion to keep the Hearing Record open for the purposes of receiving additional submissions from the interveners and AEM with respect to the amount of security that should be held under a renewed and amended licence. Following the Board's receipt and review of the additional submissions, the Board closed the Public Hearing Record for the Renewal and Amendment Application on June 1, 2015 and remitted the file to the Panel for decision-making.

On the basis of the information provided with the Application by AEM, technical review of the Renewal and Amendment Application by the Board, interveners and the public, commitments and responses to information requests from the parties during the technical review of the Application, comment submissions received throughout the Board's consideration of the Application, the final written submissions filed with the Board in advance of and following the Public Hearing and the information provided during the Public Hearing and Community Session, the three-member panel of the Board, Panel (P9 or the Meadowbank Panel), duly appointed by the Board to consider the Application has by way of Motion No. 2015-15-P9-05 and Motion No. 2015-15-P9-06 decided the following:

- To grant AEM's request to renew and amend Water Licence No. 2AM-MEA0815 in accordance with the terms and conditions outlined in this Decision and the attached amended Licence No.: 2AM-MEA1525 (the renewed and amended licence);
- Specific terms and conditions of note in the renewed and amended licence include the following:
  - the term will be 10 years, expiring on July 22, 2025, as this term is expected to be sufficient to govern the mine through the completion of the operating stage of the Licence and into closure;
  - the security required to be posted under the amended and renewed licence is seventy-one million, seven hundred thousand dollars (\$71,700,000);

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<sup>1</sup> For a complete list of attendees at the Public Hearing and Community Session, see APPENDIX E - Sign-in Sheets – Participants At the Public Hearing.



- the volume of water AEM is authorized to use has been revised to reflect the requirements for pit re-flooding (scheduled to begin in 2015) and reflects a phased approach to the maximum volumes;
- items that no longer apply (such as items applicable to construction that has now been completed, items that have not been relevant since operations commenced, requirements to file updated plans for approval that have been submitted and approved by the Board, etc.) have been removed;
- the monitoring requirements set out in Schedule I Tables 1 and 2 of the Existing Licence have been simplified to streamline and rationalize the monitoring required to reflect that most of the mine infrastructure has been constructed, pits have been mined and the mine is in operation; and
- amendments to specific terms and conditions have been made to reflect recent amendments to legislative requirements and changes requested by regulatory authorities (e.g., changes to the requirements associated with the Nunavut Waters Regulations and amendments to reflect changes to the Department of Fisheries and Oceans Canada's regulatory structure).

## **SECTION I**      **FILE BACKGROUND AND REGULATORY HISTORY**

### **Current Application**

The application before the Board filed by Agnico Eagle Mines Limited (AEM or the Applicant) on August 5, 2014 (the Renewal and Amendment Application or Application), is for the renewal of, amendments to and updates to the Existing Licence, Type "A" Water Licence 2AM-MEA0815 (the Existing Licence). The scope of the Renewal and Amendment Application includes the following:

[Note: capitalized terms are defined terms in the Existing Licence]

- Ten (10) year renewal and amendment of Licence No. 2AM-MEA0815 to allow for continued Use of Water from Third Portage Lake for mining and milling, associated activities and domestic purposes;
- Withdrawal and Use of Water from unnamed lake approximately 250 metres from the Emulsion Plant for use in explosives mixing;
- Quarrying of materials from specified locations;
- Operation of mine site facilities including bulk fuel storage, mill, shops, offices, laboratory, warehouse, camp, and explosives mixing;
- Operation of a camp at the Meadowbank Project site;
- Operation of the Baker Lake Marshalling Facility;



- Operation of the All Weather Private Access Road, site roads, airstrip, and water crossings;
- Construction and operation of the Portage Waste Rock Storage Facility and the Vault Waste Rock Storage Facility;
- Operation of a Sewage Treatment Plant and controlled discharge during Operations;
- Set-up and operation of diesel fired equipment, including the Waste Incinerator;
- Operation of Contact Water and Non-Contact Water management systems;
- Operation of an Operations Landfill and Construction and Operation of a Demolition Landfill in the Portage Waste Rock Storage Facility;
- Operation of a Landfarm;
- Operation of the Portage Attenuation Ponds and the Vault Attenuation Pond;
- Management and disposal of Wastes associated with the Sewage Treatment Plant, Portage Waste Rock Storage Facility, Vault Waste Rock Storage Facility, Portage Attenuation Pond, Vault Attenuation Pond, Reclaim Pond, Operations Landfill, Demolition Landfill, Landfarm, Incinerator, and other wastes as described in the original Water Licence Application;
- Handling and storage of petroleum products and hazardous materials;
- Controlled and regulated Discharge of effluent to Third Portage Lake from the Portage Attenuation Pond;
- Controlled and regulated Discharge of effluent to Wally Lake from the Vault Attenuation Pond;
- Re-flooding or re-watering of Portage, Goose and Vault open pits following pit development; and
- Progressive Reclamation and Abandonment planning of site facilities and infrastructure.

In addition to the requested changes to the scope of Licence No. 2AM-MEA0815 (the Existing Licence), the Application also requested updates and amendments to various Terms and Conditions in the Existing Licence to improve the clarity and consistency of the Amended and Renewed Licence, and to reduce redundancy for future monitoring as the mine moves towards closure. The proposed updates and amendments include the following:

- Increases to water usage volumes required for pit re-flooding, which is scheduled to begin in 2015; AEM estimates that the Portage Pit and Goose Pit re-flooding will require 450,000 m<sup>3</sup> per year in 2015, 1.2 million m<sup>3</sup> per year in 2016-2017, 4.88 million m<sup>3</sup> per year in 2018-2025 and that the Vault Pit re-flooding will require



4.18 million m<sup>3</sup> per year from 2018-2023 and 4.05 million m<sup>3</sup> per year of water in 2024;

- Updates to the Existing Licence to remove items that no longer apply (such as items applicable to construction that has now been completed, items that have not been relevant since operations commenced, requirements to file updated plans for approval that have been submitted and approved by the Board, etc.);
- Simplified monitoring requirements set out in Schedule I Tables 1 and 2, with parameters to be grouped into 6 monitoring categories – mine site, receiving environment, prior to mine site discharge (i.e. non-contact diversion ditches and attenuation pond discharge), prior to secondary containment of fuel storage areas, MMER (Metal Mining Effluent Regulations) and Full Suite; and
- Changes to reflect recent amendments to legislative requirements (e.g. Nunavut Waters Regulations) and changes requested by regulatory authorities (e.g. Department of Fisheries and Oceans Canada).

The following documents were received from AEM in support of the Application:

- Cover Letter;
- Application fees;
- Nunavut Water Board (NWB 2AM-MEA0815) Type A Water Licence Renewal Application – Main Supporting Document including:
  - Executive Summary – English and Inuktitut;
  - Water Licence Compliance Assessment;
  - Appendix A – List of Leases, Permits and Authorizations;
  - Appendix B – Management Plans including:
    - Appendix B1 – Aquatic Effect Management Program (AEMP), Version 2 (Dec. 2012);
    - Appendix B2 – Appendix B2 - Core Receiving Environment Monitoring Program (CREMP), Design Document, Version 1 (Dec. 2012);
    - Appendix B3 – Water Quality Monitoring and Management Plan for Dike Construction and Dewatering, Version 4 (April 2010);
    - Appendix B4 – Groundwater Monitoring Plan, Version 4 (Jan. 2014);



- Appendix B5 – Quality Assurance/Quality Control (QA/QC) Plan, Version 2 (July 2014);
- Appendix B6 – Water Quality and Flow Monitoring Plan, Version 3 (July 2014);
- Appendix B7 – Emergency Response Plan, Version 6 (Aug. 2013);
- Appendix B8 – Hazardous Material Management Plan, Version 3 (Oct. 2013);
- Appendix B9 – Spill Contingency Plan, Version 4 (Nov. 2013);
- Appendix B10 – Operational ARD/ML Testing and Sampling Plan, Version 2 (Nov. 2013);
- Appendix B11 – Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 3 (June 2014);
- Appendix B12 – Meadowbank Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 2 (June 2014);
- Appendix B13 – Incinerator Waste Management Plan, Version 5 (July 2014);
- Appendix B14 – Interim Closure and Reclamation Plan, Version 2 (Jan. 2014);
- Appendix B15 – Landfarm Design and Management Plan, Version 3 (Feb. 2013);
- Appendix B16 – Landfill Design and Management Plan, Version 2 (March. 2013);
- Appendix B17 – 2013 Water Management Report and Plan, Version 1 (March 2014);
- Appendix B18 – Ammonia Management Plan, Version 1 (Feb. 2013);
- Appendix B19 – Dewatering Dike : Operation, Maintenance and Surveillance Manual, Version 3 (Sept. 2013);
- Appendix B20 – Tailings Storage Facility: Operation, Maintenance and Surveillance Manual, Version 3 (Sept. 2013);
- Appendix B21 – Mine Waste Rock and Tailings Management Plan, Version 1 (March 2014);
- Appendix B22 – Operation and Maintenance Manual: Sewage Treatment Plan, Version 4 (Apr. 2013);



- Appendix C – Nunavut Water Board Type A Licence Renewal Application;
- Appendix D – Core Receiving Environment Monitoring Program (CREMP) 2013 (Azimuth, 2014); and
- Appendix E – AANDC Inspectors Direction and AEM’s Response.

In addition to the above-mentioned submissions and in support of the Renewal and Amendment Application, the NWB received the following additional documents from the Applicant:

- AEM Letter Proposed Water Level Trigger for Weekly Monitoring in TPL;
- AEM Freshet Action Plan dated April 2014;
- Technical Memorandum: Meadowbank Gold Project – Update to Interim Closure and Reclamation Plan Cost Estimate Using Reclaim 7.0 and dated December 2, 2014; and
- Water Quality and Flow Monitoring Plan, Version 4, January 2015 as required in the pre-hearing conference decision.

Copies of all submissions received for the Renewal and Amendment Application, as well as documents related to the file are available on the NWB’s Public Registry and the FTP site at the following link (user name: public; password: registry):

<ftp://ftp.nwb-open.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA0815%20Agnico/1%20APPLICATION/2015%20Renewal/>

## **History of Project**

Meadowbank Mining Corporation (MMC), a wholly owned subsidiary of Cumberland Resources Ltd. (Cumberland), began actively exploring the Kivalliq Region approximately 70 km north of the Hamlet of Baker Lake in 1995. Engineering, environmental baseline studies and community consultations paralleled the exploration programs and were integrated to form the basis of the Meadowbank Gold Project. As a result of feasibility studies initiated by Cumberland in 2003, the Meadowbank Gold Project was established 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 are: Vault, Portage (including the Third Portage deposit, and the Connector Zone and North Portage deposit), and Goose Island deposits. The potential ecosystemic and socio-economic effects of the Meadowbank Gold



Project were assessed by the Nunavut Impact Review Board (NIRB),<sup>2</sup> and a Project Certificate [No. 004] was issued in December 2006.

In 2007, Agnico Eagle Mines Limited (AEM or the Applicant) was amalgamated with Cumberland and MMC. As a result of this amalgamation, all of the rights, titles, interests, liabilities and obligations of Cumberland and MMC were automatically, by law, transferred to, and assumed by, AEM who accelerated the development and started the construction of the mine. The Meadowbank Gold Mine Project (the Project) as licensed by the NWB in 2008,<sup>3</sup> involved the construction, operation, maintenance, reclamation, closure and monitoring of an open pit gold mine and milling facility at Meadowbank mine site, and the processing plant achieved commercial production in March 2010.

At present, the project components included in the scope of the Existing Licence consist of the Meadowbank mine site and the Vault mine site, a Marshalling Facility in Baker Lake, and a 110 kilometre (km) All Weather Private Access Road between Baker Lake and Meadowbank. 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 pond reclaimed during operation. Waste rocks are placed in separate Portage and Vault Waste Rock Storage Facilities.

When the deposits have been mined, AEM will fully decommission the mine, including the mill, off-site All Weather Private Access Road and Baker Lake Marshalling Facility.

Re-watering of the mined-out Goose Pit is projected to commence in 2015 with a full re-watering of all three pits planned for seven years from 2018 to 2025.

### **Licensing History for the Undertaking**

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<sup>2</sup> 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 AANDC) 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. **NOTE:** In 2009, the NIRB reconsidered and revised Term and Condition #32 of Project Certificate NIRB No.: 004 (this term and condition related to restrictions on non-mine use of the All Weather Access Road), but as this reconsideration did not result in consequential amendments to the Existing Licence, this assessment is not discussed further.

<sup>3</sup> Nunavut Water Board, Reasons for Decision: 2AM-MEA0815, Applicant: Agnico Eagle Mines Limited, June 9, 2008.





The existing Type “A” Water Licence 2AM-MEA0815 was issued by the NWB on June 9, 2008 (the Existing Licence). The Existing Licence was subsequently approved by the Minister on July 10, 2008.<sup>4</sup> The Existing Licence authorizes the use of water and deposit of waste in relation to the Mining Undertaking at the Meadowbank Gold Mine Project located approximately 70 km north of Baker Lake within the Kivalliq Region of Nunavut.

**Amendment No. 1 to 2AM-MEA0815** was issued by the NWB on May 6, 2010, and was subsequently approved by the Minister on June 18, 2010. Amendment No. 1 allowed AEM 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 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 m<sup>3</sup> *per* year of fresh water for all purposes (domestic camp use, mining, milling and associated uses), to a total amount of 1,870,000 m<sup>3</sup> in 2013 and 1,150,000 m<sup>3</sup> *per* year after 2013.

**Short-Term Renewal of 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 Existing Licence by an additional 180 days to allow time for the Board to complete their consideration of the full Renewal and Amendment Application. The Board’s grant (and Minister’s approval) of the Short-Term Renewal Application resulted in the extension of the expiry of the Existing Licence to the earlier of November 27, 2015 or the grant of a renewed water licence if the Board decides to grant AEM’s request to renew the licence and the Minister approves the renewed water licence. Under the Short-Term Renewal, all other terms and conditions of the Existing Licence remained unchanged.

### **Procedural History of the Renewal and Amendment Application**

The following listing summarizes key steps in the procedural history of the NWB’s processing of this Application:

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<sup>4</sup> 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 Aboriginal Affairs and Northern Development Canada) to T. Kabloona, NWB, Interim Chair, July 10, 2008.





- **August 5, 2014**
  - NWB received an application to renew and amend Licence 2AM-AEM0815 from AEM
- **August 29, 2014**
  - NWB acknowledged receipt of the Renewal and Amendment Application and asked interested persons to review the scope and completeness of information provided
- **September 29, 2014**
  - NWB received comments on the completeness of the Application and also received comments relating to the initial technical assessment of the Application by Aboriginal Affairs and Northern Development Canada (AANDC), Environment Canada (EC), Department of Fisheries and Oceans Canada (DFO) and the Kivalliq Inuit Association (KIA)
- **September 30, 2014**
  - The Nunavut Impact Review Board (NIRB) issued a screening exemption decision for the application in accordance with section 12.4.3 of the Nunavut Land Claims Agreement (NLCA)
- **October 14, 2014**
  - AEM provided responses to the comments provided by Interveners in the context of their completeness review
- **November 24, 2014**
  - NWB issued the public notice of the Application and commenced the technical review period, setting December 24, 2014 as the deadline for submission of technical comments. Parties were advised to set aside the week of January 12-16, 2015 as a tentative date for the Technical Meeting and Pre-Hearing Conference (TM/PHC) in Baker Lake
- **November 28, 2014**
  - The Nunavut Planning Commission (NPC) issued correspondence indicating that the Renewal and Amendment Application does not warrant a further review for conformity with the Keewatin Regional Land Use Plan by the NPC
- **December 15, 2014**
  - DFO advised the NWB that AEM's October 14, 2014 responses to Interveners' comments addressed DFO's general concerns. Therefore, DFO would not be submitting further technical review comments and would not be in attendance at the in-person TM/PHC
- **December 24, 2014**



- NWB received technical review comments from AANDC, EC, and KIA
- **January 7, 2015**
  - NWB received confirmation of attendance at the TM/PHC from AEM, AANDC, EC and KIA
  - AEM provided responses to the technical review comments received from AANDC, EC and KIA, including a listing of 94 commitments in response to the parties' technical review comments
  - AANDC requested that the NWB make teleconference arrangements for its consultant (BGC Engineering Inc.) to participate in the TM via teleconference
- **January 8, 2015**
  - NWB confirmed the venue and dates of the Technical Meeting, Community Session and Pre-Hearing Conference as January 14-15, 2015, and provided parties with a proposed Agenda
- **January 12, 2015**
  - Parties suggested revisions to the draft Agenda to allow for discussion by specific topic areas as set out in the Existing Licence
- **January 14, 2015**
  - Parties provided the Board with their presentation materials to be presented at the Technical Meeting and Community Session
  - AANDC indicated that due to unexpected travel problems they would now be unable to attend the TM/PHC in person in Baker Lake and would be participating via teleconference
  - The TM commenced in Baker Lake, and the Community Session was held that evening
- **January 15, 2015**
  - The NWB staff concluded the TM and the PHC in Baker Lake
  - At the TM/PHC a commitment list was prepared by the NWB, with the agreement of AEM and Parties
- **January 23, 2015**
  - As discussed at the TM/PHC, AEM submitted an application to the Board for a Short-Term Renewal of the Licence (STR Application) with a term not to exceed 180 days from the date of the expiry of the Existing Licence to bridge any gap between the May 31, 2015 expiry of the Existing Licence and the potential issuance of a renewed and updated Type "A" Licence if the Board and Minister approve the granting of a renewed and amended licence



- **February 2, 2015**
  - NWB provided notice to the distribution list of the STR Application
- **February 6, 2015**
  - NWB issued the public notice of the STR Application and commenced the technical review period, with deadline for comment submissions set for March 9, 2015
- **February 20, 2015**
  - NWB issued a Pre-Hearing Conference Decision Report and procedural direction to the parties and the Board's general Meadowbank Distribution list summarizing the results of the TM/PHC, indicating that the Renewal and Amendment Application could proceed to a Public Hearing, clarifying the procedures for the Public Hearing, the timetable for exchange of information prior to the hearing and the list of issues remaining to be discussed at the Public Hearing
- **February 27, 2015**
  - NWB issued the notice of the in-person Public Hearing to be held in relation to the Renewal and Amendment Application on April 29 and 30, 2015, in Baker Lake
- **March 9, 2015**
  - NWB received submissions from AANDC, EC and DFO before the deadline for comments with respect to the Short-Term Renewal Application
- **March 20, 2015**
  - NWB issued the Short-Term Renewal Licence with the revised expiry date set as the earlier of November 27, 2015 or the date upon which a renewed and amended licence is issued (if the NWB grants AEM's renewal and amendment request and if the issuance of a renewed and amended licence is subsequently approved by the Minister)
- **April 8, 2015**
  - NWB (after granting a one-week extension from the original final submission deadline of April 1, 2015 to April 8, 2015) received the final written submissions for the Public Hearing from AANDC, EC and KIA
- **April 16, 2015**
  - NWB received AEM's final submission for the Public Hearing
- **April 16 and 21, 2015**
  - NWB received copies of presentations and Executive Summaries from AANDC



- **April 22, 2015**
  - NWB received a letter from KIA as a response to AANDC's April 8, 2015 letter regarding the Reclamation Security deposit
- **April 23, 2015**
  - NWB received copies of the Final Hearing presentations of AANDC, KIA and AEM
- **April 23, 2015**
  - NWB distributed a Reminder of Public Hearing and proposed Agendas for the Public Hearing and Community Session
- **April 29 and 30, 2015**
  - NWB held the Public Hearing and Community Session associated with the Renewal and Amendment Application in Baker Lake
- **April 30, 2015**
  - Prior to the close of the Public Hearing, the NWB granted a request by AANDC (supported by AEM and KIA) to keep the Public Hearing Record open in order to allow the parties to file further written submissions regarding the quantum of reclamation security that should be held under an amended and renewed licence
- **May 4, 2015**
  - NWB issued correspondence to provide further direction regarding keeping the Public Hearing Record open and establishing the date for filing further submissions as May 22 (which was subsequently extended to May 26 due to extenuating circumstances and a request by AANDC)
- **May 26, 2015**
  - AANDC and KIA filed further written submissions regarding the quantum of reclamation security that should be held under a renewed and amended licence
  - AEM requested, and the NWB extended the Applicant's deadline for filing their submissions on security, to provide AEM with an opportunity to reply to the submissions of AANDC and KIA
- **May 27, 2015**
  - AEM filed a further written submission on security and replied to the submissions of AANDC and KIA
- **June 1, 2015**
  - Following the review of all submissions received to date, the NWB issued correspondence to the Meadowbank Distribution List to confirm that the



Public Hearing Record in respect of the Renewal and Amendment Application was closed and that the file had been remitted to the Meadowbank Panel for deliberations

### **Regulatory History of the Renewal and Amendment Application**

As noted above, the Renewal and Amendment Application was received on August 5, 2014, and following a period of review and comment on the scope and completeness of the application materials, the NWB issued the formal notice of the Renewal and Amendment Application on November 24, 2014<sup>5</sup> and distributed the Application for a detailed thirty-day (30) Technical Review period. The notice also invited interveners and other interested persons to make submissions to the NWB regarding the Application on or before December 24, 2014.<sup>6</sup>

Pursuant to Article 13, Clause 13.3.6 of the NLCA and s. 29<sup>7</sup> of the NWNSRTA, the NWB delegated its power to dispose of all matters relating to this Application, including the conduct of the Public Hearing, to a three-member panel (P9 or the Meadowbank Panel) of the NWB.

In accordance with Article 11, s. 11.5.10 of the Nunavut Land Claims Agreement (NLCA), the Application was reviewed by the Nunavut Planning Commission (NPC) to determine whether further review was required by the NPC under the Keewatin Regional Land Use Plan. The NPC issued confirmation on November 28, 2014, indicating that the Renewal and Amendment Application did not require further review by the NPC to assess conformity.<sup>8</sup>

With respect to the impact assessment requirements of the NLCA, the NWB also required confirmation of any screening, exemption, or review decisions issued by the Nunavut Impact Review Board (NIRB) in accordance with the NLCA development assessment

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<sup>5</sup> As required under s. 55(1) of the *Nunavut Waters and Surface Rights Tribunal Act*.

<sup>6</sup> Letter from D. Hohnstein, NWB to S. Robert, AEM Re: Licence No. 2AM-MEA0815, Meadowbank Gold Mine Project, Agnico Eagle Mines Limited Notice of Application and Commencement of Technical Review Period, November 24, 2014.

<sup>7</sup> Section 29 of the NWNSRTA states:

(1) The Board may establish panels of the Board and delegate any of its powers, duties and functions to them.

<sup>8</sup> Letter from B. Aglukark, NPC to D. Hohnstein, NWB and A. Hanson, NIRB, Re: NWB file #: 2AM-MEA0815 Meadowbank Renewal Application, November 28, 2014.



provisions of Article 13, s. 13.5.1 and as required under s. 39(1) of the NWNSRTA.<sup>9</sup> Specifically, the NWB sought direction from the NIRB regarding whether, in light of the amendments sought under the Renewal and Amendment Application there was a change from the scope of the project proposal that was originally screened by the NIRB in 2006. On September 30, 2014, the NIRB issued its Screening Exemption Decision<sup>10</sup> for the Application, in accordance with Article 12, s. 12.4.3 of the NLCA.

Specifically, the NIRB correspondence indicated that:

*...the NIRB is of the understanding that AEM's application for a renewal to its water licence (No. 2AM-MEA0815) with the NWB does not change the general scope of the original Meadowbank Gold Project as previously reviewed by the NIRB, and that the exceptions noted in NLCA 12.4.3 (a) and (b) do not apply. Therefore, this application is exempt from the requirements for screening pursuant to Section 12.4.3 of the NLCA and the amendment activities proposed therein remain subject to the terms and conditions of the NIRB Project Certificate [004] as issued on December 31, 2006.<sup>11</sup>*

Following confirmation of the completion of the land use and assessment requirements, the NWB's technical review of the file continued, and by the end of December the technical review submissions from AANDC, EC and KIA had been received. The Meadowbank Panel then directed the NWB staff to hold an in-person Technical Meeting (TM) and Pre-hearing Conference (PHC) for the file. The TM/PHC and Community Session for the Renewal and Amendment Application was held on January 14 and 15, 2015. As is the NWB's normal practice with TM/PHC meetings, the Board's Panel Members were not present during these meetings, and the meetings were conducted by the NWB staff.

The TM/PHC was chaired by the NWB's Director of Technical Services and Acting Executive Director, David Hohnstein. In advance of the TM/PHC, AEM filed a listing of some 94 commitments that were developed by AEM in consultation with the Interveners in order to address the parties' technical review comments. The Board notes that AEM and the parties are to be commended for the considerable efforts to provide information and

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<sup>9</sup> Section 39(1) prescribes that the NWB may not issue, renew, or amend a Type "A" Licence until the NIRB has completed the screening, reconsideration, or where a review is required, issued a project certificate.

<sup>10</sup> Letter from R. Barry, Executive Director, NIRB to T. Kabloona, Chairperson, NWB, September 30, 2014.

<sup>11</sup> Letter from R. Barry, Executive Director, NIRB to T. Kabloona, Chairperson, NWB, September 30, 2014 at p. 3.



resolve issues in this way prior to the TM. This made the TM/PHC very focused with productive meetings and also streamlined the Public Hearing process as well.

The focus of the TM/PHC was to support discussion amongst the Applicant, intervening parties, interested members of the public and the NWB's technical staff to discuss the few remaining issues identified during the technical review of the Application and to determine the next steps in the licensing process for the Application, including discussions regarding the progression of the Renewal and Amendment Application to a Public Hearing.

At the Pre-hearing Conference, which immediately followed the TM, the participants, including representatives from AEM, the Kivalliq Inuit Association, and Environment Canada (EC) and Aboriginal Affairs and Northern Development Canada (AANDC) attended by teleconference due to last-minute travel issues. The Department of Fisheries and Oceans Canada (DFO) did not attend the TM/PHC but had provided written technical review comments about the Application to the NWB. The Board also benefitted from the attendance of several members of the community of Baker Lake at the TM/PHC and associated Community Session.

As it was confirmed at the PHC that there were no outstanding issues that would prevent the file from proceeding to a Public Hearing, the NWB staff then polled the participants with respect to the possible form (in person, in writing or teleconference), timing and venue for a Public Hearing.

As discussed at the TM/PHC, AEM had concerns that as the Existing Licence was set to expire on May 31, 2015, there may be insufficient time for the NWB to complete the processing of the Renewal and Amendment Application before the Existing Licence would expire. On that basis, AEM applied to the NWB on January 23, 2015 for a Short-Term Renewal of the Existing Licence (STR Application) to extend the expiry of the Existing Licence to the earlier of 180 days from May 31, 2015 or the date on which a renewed and amendment licence is issued by the NWB and approved by the Minister, if the full Renewal and Amendment Application were to be granted.

As set out under s. 9(1)(b) of the *Nunavut Waters Regulations*, SOR/2013-69, the STR (as the renewal would not exceed 180 days in total) may be processed by the Board without holding a Public Hearing. On February 6, 2015 the Board issued Notice of the STR Application and commenced a 30-day technical review and comment period, which closed on March 9, 2015.





Following the review of technical comments received during the 30-day comment period, and pursuant to Article 13 Clause 13.3.6 of the Nunavut Land Claims Agreement and s. 29<sup>12</sup> of the NWNSRTA, on March 20, 2015, the members of the Meadowbank Panel granted the STR Application. The Minister approved the amendment to the Existing Licence proposed under the STR Application on April 20, 2015. The STR Application resulted in a single amendment to the Existing Licence, being a change to the expiry date of the Licence from May 31, 2015 to the earlier of November 27, 2015 or the issuance and Ministerial approval of a renewed and amended licence.

While the STR Application was being processed, the NWB also issued the Pre-Hearing Conference Decision Report<sup>13</sup> that provided further direction to the parties, set the timelines for the exchange of information required to be filed in advance of the Public Hearing and established that the form of Public Hearing would be in person in the community of Baker Lake during the week of April 27 – May 1, 2015. In the PHC Report, the Board also identified the following as issues that remained to be discussed further at the Public Hearing:

- Scope of the Licence
- Annual Reporting
- Security
- Water Use and Management
  - Confirmation of Water User Compensation
- Waste Disposal and Management including tailings and waste rock disposal
- Operations and Maintenance Planning and Procedures
- Review and Comments on Updated and Revised Plans
  - (including all updated plans available for review prior to Public Hearing)
- Monitoring (including)
  - Aquatic Effects Monitoring Program
  - Core Receiving Environment Monitoring Program
  - Water Quality and Flow Monitoring Plan
  - Groundwater Monitoring Plan

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<sup>12</sup> Section 29 of the NWNSRTA states:

(1) The Board may establish panels of the Board and delegate any of its powers, duties and functions to them.

<sup>13</sup> Nunavut Water Board, Pre-Hearing Conference Decision 2AM-MEA0815 Type “A” – Application for Renewal and Amendment, February 20, 2015.





- QA/QC Procedures

- Closure and Reclamation Planning

On February 27, 2015, the Board issued the Notice of Public Hearing<sup>14</sup> to be held on April 29 and 30, 2015. The Public Notice also advised any parties wishing to seek compensation for significant adverse effects caused by the use of waters or the deposit of waste associated with the Renewal and Amendment Application that failure to respond to the notice and advise the NWB of their intention to make representations about compensation at least 10 days before the Public Hearing may lose the right to seek compensation.<sup>15</sup>

In advance of the Public Hearing, further written submissions were received from KIA, AANDC, EC and AEM in accordance with the direction in the NWB's PHC Decision Report (and subsequent extensions granted by the Board). On April 16, 2015, the last of the written submissions filed in advance of the Public Hearing was received from AEM, constituting a response to Interveners' final written submissions.

On April 29 and 30, 2015, the NWB held the Public Hearing in the community of Baker Lake. Unfortunately, due to travel delays for two of the members of the Meadowbank Panel, the Public Hearing did not commence on the morning of April 29<sup>th</sup> as originally scheduled but did convene in the afternoon of April 29<sup>th</sup>, with the Community Session commencing as scheduled on the evening of April 29<sup>th</sup>, and the remainder of the Public Hearing concluding on April 30, 2015.

#### Disposition of Oral Motion to Keep the Hearing Record Open

At the conclusion of the technical portion of the Public Hearing but prior to the parties providing Closing Statements, Aboriginal Affairs and Northern Development Canada made an oral motion, supported by the Applicant and the Kivalliq Inuit Association, to keep the Public Hearing Record open for a set period in order to allow the parties to provide additional evidence on the question of the quantum of security that should be held under an amended and renewed licence. As described by AANDC's legal counsel:

...the motion is that the Board should please keep the record open for a period of three weeks, and at the end of that three weeks, or within that three weeks, new information, new evidence would be filed, and it would give the opportunity for updating the

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<sup>14</sup> As required under s. 55 of the NWNSRTA.

<sup>15</sup> As established by ss. 13, 55, 58 and 59 of the NWNSRTA.



submissions of potentially each of the parties. And the goal is, having realized that there's one very significant issue on which the Board is getting advice, pushing the Board in different directions, there may well be an opportunity to reduce the issues and to give the Board, if not one single consent set of recommendations, at least recommendations that are updated on the best evidence that's available and have made best efforts to accommodate the views and submissions of the other parties.<sup>16</sup>

Agnico Eagle Mines Limited expressed the Applicant's support for the motion:

...Thank you, Mr. Chairman. It's Larry Connell with Agnico Eagle. We can agree with this -- the motion to extend -- or leave the hearing open for a three-week period. This is obviously a very key issue to us. We want to work hard with the parties to see if we can't find a way through the issue of over-bonding and address it, and so we can agree that -- that this is a logical thing to try and do.<sup>17</sup>

The Kivalliq Inuit Association also indicated their consent to the motion.<sup>18</sup>

The Panel adjourned the Public Hearing for brief deliberations regarding the motion, and upon their return, indicated the following:

...recognizing the obvious importance of these issues of security to the Applicant, to Aboriginal Affairs and Northern Development Canada, and the Kivalliq Inuit Association, as well as to the Board, and to the importance of having a full and complete record before the Board and the panel -- before making this decision, the Board has decided to grant the motion to keep the public hearing record open.<sup>19</sup>

Consequently, following the close of the in-person portion of the Public Hearing on April 30, 2015, the Board awaited the filing of the additional information by the parties with a direct interest in the quantum of security to be held under a renewed and amended licence, AANDC, KIA and AEM. Following an extension of the deadlines for filing these

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<sup>16</sup> K. Landa, AANDC, NWB Public Hearing File No. 2AM-MEA0815, Transcript., April 30, 2015, p. 183, lines 7- 21.

<sup>17</sup> L. Connell, AEM, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 184, lines 6-13.

<sup>18</sup> See K. Gilson, KIA, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 184, lines 24-26.

<sup>19</sup> T. Meadows, NWB, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 187-188, lines 24-26 and lines 1-5.



additional written submissions on the issue of the quantum of reclamation security, AANDC, KIA and AEM filed further written submissions by May 27, 2015. After reviewing the record before the Board, including the additional written submissions, on June 1, 2015, the NWB concluded that all the information required by the Board to fully consider the Renewal and Amendment Application had now been received. Consequently, the NWB issued correspondence to the parties and the Meadowbank Distribution List to confirm that the Public Hearing Record in respect of the Renewal and Amendment Application was closed and that the file had been remitted to the Meadowbank Panel for deliberations.

A complete list of all submissions and correspondence in support of the Renewal and Amendment Application and that comprised the record before the Board is provided in APPENDIX D - List of Submissions and Correspondence. All listed submissions and correspondence associated with the Application have been placed on the NWB's public registry and are available from the NWB's ftp site at the link below.

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEA0815%20Agnico/1%20APPLICATION/2015%20Renewal/>

## **SECTION II**      **SUMMARY OF FINAL HEARING SUBMISSIONS OF THE PARTIES**

### **Nunavut Tunngavik Incorporated (NTI) and Kivalliq Inuit Association (KIA)**

NTI and KIA participated jointly in the review of the project. KIA is the representative of Kivalliq Inuit and is the Designated Inuit Organization (DIO) for the purposes of Article 20 of the Nunavut Land Claims Agreement (NLCA). KIA is the owner and has water rights and management authority over the Inuit Owned Land (IOL) on which the mine is located. KIA's role with respect to the Meadowbank Gold Mine Project relates to NLCA: Article 6, wildlife compensation; Article 19, licensing and permitting; Article 20, water compensation; and Article 26, Inuit Impact and Benefits Agreement (IIBA). KIA participated throughout the review process of the Renewal and Amendment Application including the Technical Review, Technical Meeting and Prehearing Conference (TM/PHC), and Public Hearing (PH or Hearing).

KIA and NTI provided technical review comments on September 30, 2014 and December 12, 2014, which focused primarily on ensuring that adequate protection of the environment



occurs by requiring the Applicant to implement best practices in their mitigation and monitoring programs. The following issues were specifically discussed in the comments provided:

- AEM's proposed changes to terms and conditions in the Existing Licence;
- Review of management plans with specific comments provided on:
  - The Aquatic Effects Management Program (AEMP) (Appendix B1);
  - Core Receiving Environment Monitoring Program (CREMP) (Appendix B2);
  - Spill Contingency Plan (Appendix B9);
  - Interim Closure and Reclamation Plan (Appendix B14);
  - Dewatering Dike: Operation, Maintenance and Surveillance Manual (Appendix B19);
  - Tailings Storage Facility: Operation, Maintenance and Surveillance Manual (Appendix B20); and
  - Mine Waste Rock and Tailings Management Plan (Appendix B21).
- Specific recommendations from KIA regarding suggested changes to the plans, monitoring programs and Existing Licence terms and conditions; and
- Recommendations regarding the monitoring programs in relation to the following specific issues:
  - annual comparisons of predicted water quality and quantity within the pits to the water quality and quantity actually measured during project monitoring;
  - inclusion of additional effluent discharge criteria (free cyanide) and use of the lowest commercially available detection limits for water quality parameters;
  - discussions on inconsistencies between water quality predictions for Second Portage and Third Portage Lakes;
  - establishing a reference site for Wally Lake;
  - using more stringent Data Quality Objectives (DQO) to evaluate blanks and duplicates;
  - altering the minimum criteria (10% of the samples exceeding the method detection limit (MDL)) for reporting water quality parameter exceedances;
  - using more stringent discharge criteria for chromium;
  - depth sampling from 1 metre off the lake bottom as part of the CREMP at sample sites where stratification has been demonstrated through routine lake profiles of field temperature, conductivity, dissolved oxygen and pH;



- inclusion of event monitoring requirements in the Spill Contingency Plan; and
- recommending AEM establish an accredited laboratory on-site.

### Water Compensation

On June 12, 2014, in association with the NWB's consideration of Amendment No. 2 to 2AM-MEA0815, the Board received written confirmation from KIA that there were no outstanding water compensation issues under the Existing Licence. With respect to this Renewal and Amendment Application specifically, KIA confirmed at the Public Hearing that KIA: "...hold[s] a compensation agreement with the proponent which cover[s] all the compensation issues that the proponent will -- may have during and after operations."<sup>20</sup>

### KIA's March 30, 2015 Submission

In KIA's final written submission filed in advance of the Public Hearing,<sup>21</sup> KIA indicated that almost all information requests and technical comments had been resolved to the satisfaction of both KIA and AEM through the exchange of submissions prior to, and at the time of, the TM/PHC. Many of the issues raised in the technical comment submissions were successfully resolved through a WebEX held between AEM and KIA representatives: GeoVector and HESL, on January 9, 2015, and through "active participation by HESL and KIA at the January 14-15, 2015 NWB Renewal Hearings held in Baker Lake, NU."<sup>22</sup>

Consequently, KIA advised the Board that they were generally satisfied that their concerns had been sufficiently addressed through additional information and implementing adaptive engineering and monitoring. On this basis, KIA's submissions were provided as a record of the issues that had been raised by KIA and resolved amongst the parties in advance of the Public Hearing, and were not indicative of outstanding issues that remained to be addressed at the Public Hearing. The summary indicated that the key issues raised by KIA which were addressed included the following:

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<sup>20</sup> L. Manzo, the KIA, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 156, lines 15-18.

<sup>21</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, dated March 30, 2015, Re: Kivalliq Inuit Association Intervener Submission for 2AM-MEA0815 Meadowbank Water License Renewal Application Public Hearing Process.

<sup>22</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, dated March 30, 2015, Re: Kivalliq Inuit Association Intervener Submission for 2AM-MEA0815 Meadowbank Water License Renewal Application Public Hearing Process, at p. 1.



### ***Fresh Water Quantity***

KIA initially expressed concerns regarding the increase in fresh water use under the amended licence and potential for impacts to occur on Third Portage Lake as a result. KIA noted that this concern will be addressed through implementation of a staged water licence that will limit unnecessary excess fresh water consumption in any given year. AEM also provided further documentation that indicated that no significant negative impact would occur to Third Portage Lake from the additional fresh water use.

### ***Waste Disposal and Management***

KIA identified concern related to the potential for seepage from the tailings storage facility (TSF) to leak into the receiving environment, based on the 2013 seepage detected at AEM's Monitoring Station ST-16 and subsequent elevated cyanide concentrations identified in Lake NP-2. KIA was satisfied with AEM's commitment to update the Freshet Action Plan, a subsection in the Water Management Plan, within 60 days of a renewed and amended licence being issued. The updated plan would include additional mitigation measures that had been discussed between the parties and a monitoring plan specifically linked to detecting this type of seepage.

### ***Emergency and Spill Contingency Planning***

KIA comments focused on ensuring that AEM adequately characterizes all spills and monitors and mitigates any associated environmental impacts. KIA noted that there is now agreement with AEM that seepages will be considered and characterized as constituting a "spill" within the associated plans.

### ***Monitoring***

It was stated that the majority of the issues raised on behalf of KIA focused on ensuring that mine-related impacts to the aquatic environment are adequately assessed, have been addressed effectively through changes to the Aquatic Effects Monitoring Program (AEMP) and Core Receiving Environmental Monitoring Program (CREMP). KIA specifically noted that these issues have been resolved through: "key changes to the CREMP reporting framework; commitments to implement adaptive management; commitments to improve data quality, achieve lower detection method limits and meet hold time requirements;



inclusion of key parameters in the water quality analysis suite; and providing additional supporting information for decisions made regarding statistical analysis.”<sup>23</sup>

### ***Closure and Reclamation Planning***

KIA concerns regarding the successful capping of potentially acid generating rock storage and tailings storage facilities, as well as the post-closure monitoring of these facilities were alleviated through “commitments to continued adequate monitoring and AEM’s work with ‘Research Institute in Mines and Environment’ and their consultants which began in 2013”.<sup>24</sup> AEM has committed to submit specific details regarding the waste rock and tailings storage facility encapsulation and freeze control strategies within the Final Reclamation and Closure Plan which would be completed at least one year prior to closure.

### **KIA Submission of April 22, 2015**

On April 22, 2015, KIA provided additional correspondence<sup>25</sup> to NWB in response to the position expressed by AANDC regarding the holding of security to be posted by AEM for the Meadowbank Gold Mine Project under a renewed and amended water licence.<sup>26</sup> In their submission, KIA stated that a security management agreement amongst AANDC, AEM and KIA does not appear to be achievable for this Renewal and Amendment Application. KIA also stated “...as the fee simple owner of the lands upon which the Meadowbank Project is situated, [KIA] does require AEM to post security under its Production Lease”, and provided provisions of KIA’s standard form of Production Lease.<sup>27</sup>

KIA stated that:

*based on KIA’s assessment of the Meadowbank Project, KIA believes the total security should be \$86,519,614. Of that amount, KIA will require that the sum of \$78,834,710 be lodged with it as*

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<sup>23</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, dated March 30, 2015, Re: Kivalliq Inuit Association Intervener Submission for 2AM-MEA0815 Meadowbank Water License Renewal Application Public Hearing Process at p. 4.

<sup>24</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, dated March 30, 2015, Re: Kivalliq Inuit Association Intervener Submission for 2AM-MEA0815 Meadowbank Water License Renewal Application Public Hearing Process at p. 5.

<sup>25</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, April 22, 2015, Re: Agnico Eagle Mines, Meadowbank Project.

<sup>26</sup> Letter to P. Beaulieu, NWB from K. Costellow, AANDC, dated April 8, 2015, Re: Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Mines Ltd.’s Application to Renew and Amend Water Licence #2AM-MEA0815.

<sup>27</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, April 22, 2015, Re: Agnico Eagle Mines, Meadowbank Project at p. 1.





*the Reclamation Security Deposit under the Production Lease. KIA agrees to provide notice to the NWB when it receives the Reclamation Security and further notice when and if the Security Deposit is accessed, reduced or increased.*<sup>28</sup>

It was also stated that while KIA acknowledged that there should not be over-bonding, KIA also noted that KIA has a responsibility to hold adequate security to protect its interests as the landowner and intends to ensure that the required security is held under the Production Lease. KIA stated that although it had initially supported a 50/50 split of the security, when it became apparent that a security management agreement on such terms could not be reached prior to the Public Hearing, KIA would no longer support such a split.

#### KIA Submission of May 26, 2015

KIA in their final submission of May 26, 2015<sup>29</sup> indicated that KIA's position, as stated at the Public Hearing remained unchanged: 90% of the reclamation security for the undertaking should be held by KIA under the land lease, and 10% of the security should be held under the Water Licence. According to KIA as the tailings impoundment area is no longer a water body (by virtue of the designation of the facility under the *Metal Mining Effluent Regulations*<sup>30</sup> as no longer a water body to which the *Federal Fisheries Act*<sup>31</sup> applies), the reclamation of the tailings impoundment area should now be fully covered under the land-based portion of security that KIA proposes should be held by KIA under the Production Lease.

#### **Aboriginal Affairs and Northern Development Canada (AANDC)**

AANDC 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*;<sup>32</sup>
- *the Nunavut Land Claims Agreement and the Nunavut Land Claims Agreement Act*;<sup>33</sup>
- *the Territorial Lands Act*<sup>34</sup> and applicable *Regulations*;<sup>35</sup>

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<sup>28</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, April 22, 2015, Re: Agnico Eagle Mines, Meadowbank Project at p. 2.

<sup>29</sup> Letter to P. Beaulieu, NWB, from L. Manzo, KIA, dated May 26, 2015, Re: No. 2AM-MEA0815 Meadowbank Security Deposit Final Submission.

<sup>30</sup> SOR/2002-22.

<sup>31</sup> R.S.C. 1985, c. F-14.

<sup>32</sup> R.S.C. 1985, c. I-6.

<sup>33</sup> S.C. 1993, c. 29.





- the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*; <sup>36</sup>
- the *Nunavut Waters Regulations*; <sup>37</sup>
- the *Canadian Environmental Assessment Act*; <sup>38</sup> and
- the *Mine Site Reclamation Policy for Nunavut*. <sup>39</sup>

AANDC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcement of Type “A” Water Licences issued by the NWB and approved by the Minister.

The following key issues were highlighted in AANDC’s technical review comment submissions of September 26, 2014 and December 24, 2014:

- AEM’s proposed changes to specific terms and conditions in the Existing Licence;
- Requesting additional information with respect to the Freshet Action Plan within the Water Management Report and Plan (Appendix B17);
- Comments arising from the review of approved plans, with specific issues identified in respect of:
  - Water Management Report and Plan (Appendix B17);
  - Interim Closure and Reclamation Plan (Appendix B14); and
  - Mine Waste Rock and Management Plan (Appendix B21);
- Comments in respect of the reclamation financial security cost estimate, final closure covers details for tailings storage facility (TSF) and waste rock storage facilities (WRSF), water management structures around the TSF and WRSF and thermal monitoring of TSF and WRSF for closure;
- Information requests and recommendations related to the Assay Road Seepages, Phase 2 Environmental Site Assessment and Engineering Quality Assurance and Quality Control (QA/QC);
- A request for water management plans for possible WRSF seepage into Lake NP-2 area with potential specific measures or monitoring reflected in the closure cost estimate; and

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<sup>34</sup> R.S.C. 1985, c. T-7.

<sup>35</sup> 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.

<sup>36</sup> S.C. 2002, c. 10.

<sup>37</sup> SOR/2013-69.

<sup>38</sup> S.C. 1992, c. 37.

<sup>39</sup> 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](http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf).



- Recommendations to the plans, annual monitoring reports, and additional information to be included within the Final Closure and Reclamation Plan.

#### AANDC Submission of April 8, 2015

In its April 8, 2015 final submission,<sup>40</sup> AANDC set out recommendations to the NWB regarding the fixing of security under s. 76(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*,<sup>41</sup> and s. 10 of the *Nunavut Waters Regulations*,<sup>42</sup> including recommendations specific to this Application and background explanation on security discounting.

#### ***Site-Specific Water Licence Security Recommendations***

AANDC stated that while AANDC largely accepted the Golder Associates Inc. (December 2, 2014) reclamation cost estimate of \$84,869,488 developed for AEM on the basis of RECLAIM Model (ver. 7), AANDC would recommend an increase to the estimated reclamation costs associated with the Meadowbank Gold Mine of an additional \$1,650,126 to include the additional costs associated with a post-abandonment interim care and maintenance phase. This would increase the overall security required to be held under the Licence from \$84,869,488 to **\$86,519,614**.

AANDC recognized the interest of KIA as a private landowner to ensure that its own interests are also secured, but noted that in AANDC's view the Board lacked the evidence on the KIA's private security to discount security held under private instruments from the quantum of security the Board should require AEM to hold under a renewed and amended licence. On this basis, AANDC recommended that the entire reclamation cost estimate of \$86,519,614 be secured under the water licence.

AANDC also stated that:

*On the assumption that the Board may receive evidence of private security that furthers the purposes of the Act, it may prove necessary for the Board to consider whether and how much of a discount to apply on the basis of private security. AANDC observes that RECLAIM 7 used by the licensee and accepted by*

<sup>40</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated April 8, 2015, Re: Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Ltd.'s Application to Renew and Amend Water Licence #2AM-MEA0815.

<sup>41</sup> S.C. 2002, c. 10.

<sup>42</sup> SOR/2013-69.



*AANDC identifies roughly 68% of the reclamation costs estimates as related to water-based components and the remaining roughly 32% of the reclamation costs estimates are related to land component.<sup>43</sup>*

Further, AANDC indicated that because AEM could apply for a reduction in security as part of an amendment process if AEM and KIA subsequently provide the Board with evidence regarding the private security arrangements, the NWB should not entertain discounting of security to be held under a renewed and amended licence on the basis of insufficient evidence.

### ***The Approach to Discounting***

AANDC stated that although there is general support for the notion of discounting to avoid over-bonding, AANDC's support is conditional and AANDC is of the view that the Board should discount only where it is satisfied that the landowner actually holds adequate security. Therefore AANDC believes that before the Board should consider a request to discount from the security amount held under a licence, the Applicant, with the potential support of the land-owner should provide evidence to the Board that:

- The private security would be available for the same purposes as licence security under s. 76(2)(b) of the Act;
- The landowner intends to use the security for the same purposes as licence security under s. 76(2)(b) of the Act;
- In the event of default by the operator, the landowner accepts responsibility to ensure that the purposes of the Act are carried out, including responding to an inspector's direction under s. 87 of the Act;
- The private security cannot be used for purposes other than those covered in s. 76(2)(b) of the Act, because otherwise the private security could be reduced without fulfilling the purposes of the Act. For example, if the security could be drawn as compensation for damages, as opposed to funding physical remediation, the purposes of the Act would not be fulfilled; and
- The private security is no more vulnerable to the operator's or land-owner's creditors than security that would be held under the NWNSRTA.

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<sup>43</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated April 8, 2015, Re: Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Ltd.'s Application to Renew and Amend Water Licence #2AM-MEA0815 at p. 2.



### ***Discounting – Procedural Issues for Future Changes***

In addition, AANDC suggested that if discounting would be permitted on the basis of security held outside the water licence, the Board should require the Applicant to promptly inform the Board of any material change in the private security arrangement that formed the basis for discounting. AANDC also recommended that:

*...the licence itself should not include procedural requirements for security reassessment as procedural requirements of a given situation are difficult to predict, and could make them un-modifiable without a licence amendment.*<sup>44</sup>

AANDC noted that appropriate processes can be developed at the relevant time based on the Board's own judgment and expertise and the flexibility provided by ss. 43(1)(b)(iii), 49 and 52(1)(a) of the NWNSRTA and s. 9 of the Nunavut Waters Regulations.

In addition to this letter, AANDC's submission included the following:

- Technical memorandum prepared by AANDC staff, dated February 24, 2015; and
- Technical review comments prepared by BGC Engineering Inc., dated February 20, 2015.

These documents included all technical review comments provided by AANDC during the entire licensing process and AEM responses/clarifications. It was stated that all of AANDC technical review comments have been adequately addressed by Applicant.

### **AANDC Submission of May 26, 2015**

In its updated submission<sup>45</sup> AANDC recommended that the Board should fix security under the water licence in the amount of \$58,833,338 (68% of \$86,519,614) to secure the costs associated with reclamation activities that address needs and risks related primarily to the protection of waters throughout the project site. This amount is based on:

1. The December 2, 2014 Golder Associates' interim reclamation cost estimate, augmented by the \$1,650,126 allowance for interim care and maintenance costs that was discussed in previous submissions; and

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<sup>44</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated April 8, 2015, Re: Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Ltd.'s Application to Renew and Amend Water Licence #2AM-MEA0815, at p. 4.

<sup>45</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated May 26, 2015, Re: Amount of Security Required under a Renewal and Amendment to the Water Licence No. 2AM-MEA0815.



2. Discounting the water licence security by the amount that is (i) not primarily required for the protection of waters and (ii) is, or will be, secured by KIA under their commercial lease arrangements with AEM.

The AANDC recommendation with respect to the discounting the water licence security was based on the review of additional information provided by KIA following the Public Hearing, specifically the Commercial Lease between KIA and AEM and existing letter of credit furnished under that Lease. On the basis of this review, AANDC concluded that:

*...lease puts the land owner as a private actor in much the same position as the Minister of Aboriginal Affairs and Northern Development is in vis-à-vis the publicly-held security under the Nunavut Waters and Nunavut Surface Rights Tribunal Act. The lease positions the land owner well to protect their interests and to be stewards of the environment on their land.*

*On that basis, the department is prepared to support a reduction of the total reclamation cost estimate from \$86,519,614 to \$58,833,388. However this is the limit of the reduction that the department can support, because any further discount would reduce the security quantum below the costs of water protection in the event of operator abandonment.<sup>46</sup>*

AANDC noted that its support for discounting the global security amount to be held under the licence is premised on KIA and AEM making adjustments to the existing commercial lease arrangements (which AANDC stated had been discussed with both parties and they have expressed that they are “amenable” to such changes) as follows:

- *A new provision requiring that any realization on the Closure and Reclamation Security Deposit for damages other than for the costs of remedial work must be deferred until confirmation from all regulatory bodies governing the project that Agnico Eagle has fulfilled all project closure requirements...; and*
- *A modification of the confidentiality provisions or the addition of a new provision in which Agnico Eagle and the Kivalliq Inuit Association each consent to the sharing of environmental and security related information with the department and the NWB.<sup>47</sup>*

<sup>46</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated May 26, 2015, Re: Amount of Security Required under a Renewal and Amendment to the Water Licence No. 2AM-MEA0815 at p. 3.

<sup>47</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated May 26, 2015, Re: Amount of Security Required under a Renewal and Amendment to the Water Licence No. 2AM-MEA0815 at p. 3.



## Department of Fisheries and Oceans Canada (DFO)

DFO is responsible for regulating coastal and inland fisheries, as well as administering habitat protection and serious harm provisions under the Federal *Fisheries Act*.<sup>48</sup> Although not a participant in the TM/PHC and in the Public Hearing for the Renewal and Amendment Application, DFO provided on September 24, 2014, its initial review comments with respect to the Application regarding the following:

- Review of approved plans, highlighting specific issues with respect to:
  - The Water Quality Monitoring and Management Plan for Dike Construction and Dewatering (Appendix B3);
  - Water Quality Flow and Monitoring Plan (Appendix B6);
  - Water Management Report and Plan (Appendix B17); and
  - Interim Closure and Reclamation Plan (Appendix B14);
- Clarification on whether a similar schedule and plan will be used during re-watering (re-flooding), and posing questions regarding specific threshold criteria to be used to determine unacceptable low water lake levels;
- Requesting AEM to provide a date for the Final Closure and Reclamation Plan with detailed engineering closure designs, prior to the first re-flooding event beginning in 2015;
- Details regarding engineering practices to be used to mitigate permafrost-related terrain instability during re-watering of lakes;
- Clarification of data, modeling or other factors used to determine that lake water levels will not be affected;
- Details regarding the approach for reclamation of the All Weather Private Access Road (AWPAR), and in particular, plans for channel bed reclamation;
- Clarification on how fish passage needs have been taken into account when considering possible locations for dike breaches, given that these locations will vary seasonally, and requesting detailed designs of the dike breaches;
- Clarification on how the withdrawal volumes from Third Portage Lake and Wally Lake were selected for the purposes of pit re-flooding, and whether Second Portage or Third Portage Lake is the intended source of water for re-flooding of Goose and Portage Pits;
- Clarification on the calculation of water volume from Wally Lake for Vault Pit re-flooding; and

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<sup>48</sup> R.S.C. 1985, c. F-14.



- Clarification on AEM's plans related to the potential development of Phaser Pit involving de-watering of Phaser Lake.

On December 12, 2015, DFO advised the Board that all technical issues of concern to DFO related to fish habitat have been addressed by AEM, and therefore DFO would not be attending the TM/PHC.

### **Environment Canada (EC)**

The primary relevant legislation and standards that Environment Canada (EC) administers or adheres to and that are applicable to the Renewal and Amendment Application are

- the *Department of the Environment Act*,<sup>49</sup>
- *Canadian Environmental Protection Act (1999)*,<sup>50</sup>
- the pollution prevention provisions of s. 36 of the *Fisheries Act*,<sup>51</sup> and the *Metal Mining Effluent Regulations*.<sup>52</sup>

EC is a science-based Department responsible for leading implementation of the Government of Canada's environmental agenda that is committed to contributing to the realization of sustainable development in Canada's North. The Department focuses on the provision of scientific expertise for incorporation into decisions on developments, such that all parties, by working together, can ensure that there is a minimal impact on the natural environment and that ecosystem integrity is maintained and preserved for future generations.

The following key issues were highlighted in EC's technical review comment submissions of September 29, 2014 and December 24, 2014:

- AEM's proposed changes to terms and conditions in the Existing Licence; and
- Review of approved plans with specific comments provided in regards to:
  - Groundwater Monitoring Plan (Appendix B4);
  - Quality Assurance and Quality Control (QA/QC) Plan (Appendix B5);
  - Water Quality and Flow Monitoring Plan (Appendix B6);
  - Operational ARD/ML Testing and Sampling Plan (Appendix B10);
  - Water Management Report and Plan (Appendix B17);

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<sup>49</sup> R.S.C. 1985, c. E-10.

<sup>50</sup> S.C. 1999, c. 33.

<sup>51</sup> R.S.C. 1985, c. F-14.

<sup>52</sup> SOR/2002-222.





- Ammonia Management Plan (Appendix B18);
  - Tailings Storage Facility: Operation, Maintenance and Surveillance Manual (Appendix B20);
  - Interim Closure and Reclamation Plan (Appendix B14);
  - Mine Waste Rock and Management Plan (Appendix B21); and
  - Operation and Maintenance Manual: Sewage Treatment Plant (Appendix B22);
- Recommendations to the plans, monitoring programs and Existing Licence terms and conditions;
  - Recommendations related to the monitoring of water chemistry and hydrologic dynamics of the Goose Pit attenuation pond with potential treatment option of water prior to deposition in Goose Pit; additional pit water quality forecasting for the interval between 2015 and 2025; details on thickness of the non-potentially acid generating (NPAG) material that will provide encapsulation for the potentially acid generating (PAG) material; ammonia management and additional ammonia treatment options; seepage management as an effluent from the mine site; and
  - Recommendations regarding collection and monitoring of seepage and runoff from the Vault WRSF, details on the predicted thermal behavior of the Vault waste rock pile and final cover of Vault WRSF.

EC filed a final submission with the NWB<sup>53</sup> summarizing the results of EC's review of the renewal Water Licence Application, and reflecting ongoing discussions with AEM and information and commitments provided by AEM throughout the review process. As a result of these discussions, EC indicated that there were no outstanding issues from the technical review. EC provided the sections with areas where resolution was achieved, and the full table of technical comments (now all resolved) as an attachment.

### ***Draft Water Licence Conditions***

EC indicated they were satisfied that, although no further effluent discharge from the main mine final discharge point ST-9 is contemplated, the licence effluent criteria will be maintained in the amended and renewed Licence. EC recommended that AEM sample at the final discharge point for total dissolved solids (TDS) and proposed a discharge limit for the final discharge point. EC recommended new licence wording for the Aquatic Effects Monitoring Plan (AEMP) conditions. EC's recommendations were accepted by AEM and the other parties.

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<sup>53</sup> Letter and attachments to P. Beaulieu, NWB, from M. Mohammed, Environment Canada, dated April 8, 2015, Re: 2AM-MEA0815 Notice of Public Hearing - Type "A" Renewal Application – Meadowbank Gold Project.





## ***Plans and Reports***

EC identified a number of concerns and issues with respect to the various plans and reports submitted with the renewal application and made recommendations to be incorporated into ongoing updates of these plans. In response, AEM provided the requested information and committed to updating the relevant plans.

## ***Closure***

EC emphasized the importance of using monitoring and updated modeling to inform closure planning, particularly of the open pits. EC was satisfied that AEM committed to continue monitoring and updating the water quality models for the pits on an annual basis.

## **Agnico Eagle Mines Limited (AEM or the Applicant)**

Prior to the TM/PHC, AEM provided additional information and responses to the comments provided by interveners with respect to the completeness of the Renewal and Amendment Application / initial technical review comments on October 14, 2014, and responses to full technical review comments on January 7, 2015.

### AEM submission of April 16, 2015

In its final submission<sup>54</sup> of April 16, 2015, AEM expressed concerns over the AANDC recommendations with respect to the quantum of security to be held under an amended water licence. While AEM didn't contest the increase to AEM's reclamation estimate by AANDC that would increase the total reclamation security for the Meadowbank Gold Mine by \$1,650,126 to a total of \$86,519,614 and will adjust the estimate accordingly, AEM was concerned with AANDC asking the Board:

*...to ignore the recommendations put forward by the Kivalliq Inuit Association who have recommended that the amount of security bonding be split 50%-50% between the Government of Canada and the private land owner, the Kivalliq Inuit Association.*<sup>55</sup>

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<sup>54</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated April 16, 2015, Re: Renewal of Meadowbank Water License #2AM-MEA0815 Response to the Final written Submission.

<sup>55</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated April 16, 2015, Re: Renewal of Meadowbank Water License #2AM-MEA0815 Response to the Final written Submission at p. 2.



AEM further observed that:

*...in the 2008 Type A water license process, Agnico Eagle agreed to provide security covering 134% of the agreed upon reclamation liability, an amount representing \$14.8 Million with the understanding that the Government and Canada would work with the KIA to resolve the “double bonding” issue before the end of the license period.<sup>56</sup>*

According to AEM the AANDC’s April 8, 2015 position (that the full quantum of reclamation security should be held under the amended and renewed water licence) demonstrates “an unwillingness of the Government of Canada to work with KIA to jointly manage the holding and ultimate use of the reclamation security”.<sup>57</sup> AEM indicated that this creates concerns that the project will continue to be “double-bonded” again as a result of AANDC’s position.

AEM suggested possible approaches that could ensure that adequate reclamation security is posted by the Proponent to protect the environment while minimizing the amount of “over-bonding” as follows:

- The total amount of required reclamation security to be set at \$86,519,614 with 50% of the security to be held by the Government of Canada and 50% to be held by KIA. Within 30 days of issuance of Licence, AEM would provide evidence to the NWB and the Minister that both securities have been posted in the forms of irrevocable Letters of Credit and that such amounts are to be posted against reclamation should the Proponent fail to meet its obligations.

An alternative approach would be:

- The total amount of required reclamation security to be set at \$86,519,614 with 68% (\$58.8 Million) of the security to be held by the Government of Canada and 32% (\$27.8 Million) to be held by the KIA. The 68%-32% split is based on the water-land reclamation liability split estimation using the RECLAIM Model. AEM would provide evidence to the NWB and the Minister that both securities have been posted in the forms of irrevocable Letters of Credit and that such amounts are to be posted against reclamation should the Proponent fail to meet its obligations.

Finally, AEM raised its concerns related to the issue of “double-bonding” in light of its Meliadine Project due to proceed into the water licensing process later this year, when

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<sup>56</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated April 16, 2015, Re: Renewal of Meadowbank Water License #2AM-MEA0815 Response to the Final written Submission at p. 2.

<sup>57</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated April 16, 2015, Re: Renewal of Meadowbank Water License #2AM-MEA0815 Response to the Final written Submission at p. 3.



AEM “could be in a position of being asked to pledge close to \$80 Million in the form of extra security (overbonding) on top of the amounts that all parties agree is the amount required to reclaim both sites”, and urged the Board “to take a strong position against setting security requirements that result in Double Bonding”.<sup>58</sup>

#### AEM Submission of May 24, 2015

On May 24, 2015 the NWB received a technical review letter<sup>59</sup> prepared by Golder Associates (Golder) for AEM. The letter stated that the closure cost estimates considers the liability for both land and water portions of the closure and reclamation works, anticipating that both components are equally important with some tasks potentially having more impact on land or water. Therefore, attempting to split the cost estimate in terms of impacts on land or water is a very subjective exercise when considering the current mine operation and mine location.

Golder noted that the tailings storage facility (TSF) is the key element of Meadowbank Mine closure. Although the closure of the TFS would take place on land, as its final design elevation is above the levels of the surrounding lakes, the closure must also consider the potential impacts to the adjacent water bodies and the regional groundwater. For example, capping of the TFS is required for the protection of the land on which the TSF is located, as well as the adjacent lands, but is also for the protection of water/groundwater adjacent to and beneath the TSF. As the central purpose of the cap is the “ultimate protection of the water resources adjacent to and under the closed tailings storage facility” the split of “75% water to 25% land would be considered reasonable for this site”.<sup>60</sup> However, Golder admitted that “making the split is a subjective judgement, and it could be considered 50%-50% or 75%-25% in favor of land or 75%-25% in favor of water protection, but it should not be 100% in favor of land or water”. Golder also indicated that: “if the tailings are already frozen or are freezing before the final closure cap is placed, then the split may be 33% water liability and 67% land liability”.<sup>61</sup>

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<sup>58</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated April 16, 2015, Re: Renewal of Meadowbank Water License #2AM-MEA0815 Response to the Final written Submission at p. 5.

<sup>59</sup> Letter to L. Connell, AEM, from J. Hull and D. Walker, Golder Associates Ltd., dated May 22, 2015, Re: Comments on Technical Review of Split on Liability on Reclaim Model Closure and Reclamation Plan for Meadowbank Mine, NU.

<sup>60</sup> Letter to L. Connell, AEM, from J. Hull and D. Walker, Golder Associates Ltd., dated May 22, 2015, Re: Comments on Technical Review of Split on Liability on Reclaim Model Closure and Reclamation Plan for Meadowbank Mine, NU at p. 2.

<sup>61</sup> Letter to L. Connell, AEM, from J. Hull and D. Walker, Golder Associates Ltd., dated May 22, 2015, Re: Comments on Technical Review of Split on Liability on Reclaim Model Closure and Reclamation Plan for Meadowbank Mine, NU at p. 2.



### AEM Submission of May 27, 2015

In its May 27, 2015 final submission,<sup>62</sup> AEM accepted that the global reclamation security be set at **\$86,519,614 million in total**. AEM recognized that the Crown and landowner require protection in the form of reclamation security, however that it is “unacceptable to AEM to be in a position to be required to double-bond”.

While recognizing that the Board’s power to fix security is limited by s. 10(1) of the *Nunavut Waters Regulations* (Regulations), AEM proposed an interim solution that would allow the Board to apply its holistic approach to the issue of land and water security required under *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA).

The interim solution proposed by AEM would be to set the security due to the Minister under the licence in the amount of **\$8,651,961 (approximately 10% of the total estimated reclamation liability agreed to by all parties)** with a provision in the renewed and amended licence to revisit the security amount within one year of the licence being issued, or earlier at the request of AANDC, KIA or AEM, should the parties make an arrangement or should any other relevant circumstances change. AEM would also post the additional security of **\$62,967,653 (additional to the \$14,900,000 currently held by KIA)** with KIA in the form of a letter of credit from an accredited Canadian bank within 30 days of issuance of the renewed and amended licence and would provide evidence of this amount having been posted with KIA to the Board and to AANDC. At that time, the letters of credit comprising the over-bonding amount would be released back to AEM by AANDC. As part of this arrangement, the Board and AANDC would be provided with at least sixty (60) days’ prior notice of any reduction in security held by KIA, and AEM expects there would be a formal mechanism in the licence which would permit the Board to increase the security required under the licence on application by any party.

AEM highlighted the following as evidence before the Board that justifies the proposed interim approach (KIA holding 90% of the global security amount and AANDC holding 10% of the global security amount), for one year only, pending an agreed arrangement by the parties:

***The Security under the Production Lease is held for equivalent purposes as security under the Water Licence***

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<sup>62</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated May 27, 2015, Re: Security Arrangements in Respect of Amended and Renewed Type A Meadowbank Water Licence No. 2AM-MEA0815 (the Water Licence).



In AEM's view, the reclamation bond to be held by KIA is held for equivalent purposes to those that are required under the NWNSRTA, as the security deposit that AEM posted with KIA is governed by clause 14.10 of the Production Lease, as follows:

*If AEM breaches any material term, covenant or condition pertaining to its obligations relating to the Environment or the abandonment, closure and reclamation of the Project and fails to remedy such breach within the time permitted pursuant to this Lease, KIA may, at its option and without prejudice to any other rights, on thirty (30) days' prior written notice to AEM of its intention to do so, appropriate and apply the Closure and Reclamation Security Deposit or so much of it as may be necessary to compensate KIA for loss, costs or damages sustained by KIA arising out of or in connection with such breach by AEM.*

***Liability should be considered holistically***

AEM stated that the tailings impoundment area is located on Inuit Owned Lands and given the function of the cover to protect both land and water, it would not be in KIA's interest not to use the bond to place the cover, should that action become necessary. AEM believes that "in the unlikely event that KIA were to take control over the reclamation of the Meadowbank Mine in future and cause a release of waste into Nunavut waters protected by the NWNSRTA, AANDC may take any of the enforcement actions available under the NWNSRTA, including but not limited to directions, orders, regulatory charges and fines".<sup>63</sup>

***Security has been maintained by AEM in respect of the existing Water Licence and other regulatory approvals and permits***

AEM noted that AEM currently has posted security with a variety of regulatory authorities for different purposes: \$5 million with the Government of Nunavut (GN), \$25,950,000 with Fisheries and Oceans Canada (DFO), \$14,900,000 with KIA and \$43,900,000 with AANDC under the Existing Licence.

***It is unlikely that security (held by KIA or AANDC) will need to be accessed in the interim 12-month period following issuance of a renewed and amended licence***

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<sup>63</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated May 27, 2015, Re: Security Arrangements in Respect of Amended and Renewed Type A Meadowbank Water Licence No. 2AM-MEA0815 (the Water Licence) at p. 5.



AEM indicated that AEM is a publicly traded company, in a strong financial position with numerous assets that “far exceed” the reclamation liability at the Meadowbank Gold Mine. AEM also noted that AEM holds \$100 million in environmental insurance which could be accessed in the event of an environmental incident at the mine. In addition, there are significant gold resources remaining in the ground at the site, and as such, there are at least two further years of production remaining at the Meadowbank Gold Mine. Further, AEM noted that in the very unlikely event that AEM abandoned the site in the year ahead, it is unlikely that KIA or AANDC would implement the final closure and reclamation of the site within the 12 months following the issuance of the Water Licence.

### **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. Table 1 that follows provides a summary of key issues that were raised by members of the public or designated community representatives during the Community and Technical Sessions of the Public Hearing in Baker Lake held on April 29 and 30, 2015.

**TABLE 1: KEY ISSUES RAISED BY COMMUNITY REPRESENTATIVES DURING COMMUNITY SESSION**

<b>Topic</b>	<b>Issues/Concerns/Comments</b>
Fish	You say that when you refill the pit there will be fish returning to the fish—how will the water quality be monitored and how will those fish be monitored to make sure they are healthy and can live in the pit?
	Clarification regarding the lake; when the water first return and the fish are going to return to the lake; will there be vegetation and a food source for the fish when they return?
	How will you make sure that before the fish are put back in the lake that they are not exposed to any contamination that would be present in the pits (for example fuel spills from loaders)?
Employment	Are there any available jobs at the mine site right now?
Licensing	When AEM has removed water from the lake why do they need to get a water licence for that lake?



Topic	Issues/Concerns/Comments
Reclamation	How long will it take to reclaim the mine and the associated areas and then how long will it be monitored
Reclamation	When the lakes are refilled, if there is any contamination in the pits how will you make sure that it does not get spread around or released from the contaminated area into other areas?

#### **SECTION IV**      **JURISDICTION OF THE NWB**

Under Division 2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*<sup>64</sup> (NWNSTRTA) the NWB has jurisdiction to issue a licence,<sup>65</sup> amend a licence,<sup>66</sup> or in certain circumstances, cancel a licence.<sup>67</sup> In exercising the Board's statutory functions under the Nunavut Land Claims Agreement (NLCA) and the statutory regime governing the Board (the NWNSTRTA and the *Nunavut Waters Regulations*), the NWB must be guided by the following objects:

... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.<sup>68</sup>

In setting the terms and conditions of a licence, the NWB is guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading several of the Articles of the NLCA together,<sup>69</sup> the NWB relies on the broad definition of "ecosystem" found in Article 12, Section 12.1.1. of the NLCA, requiring not only the NIRB but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the NWNSTRTA.

<sup>64</sup> Sections 42-81 of the NWNSTRTA.

<sup>65</sup> See ss. 42, 48, 55, 56, and 70 of the NWNSTRTA.

<sup>66</sup> See s. 43(1)(b) of the NWNSTRTA.

<sup>67</sup> See s. 43(1)(c) of the NWNSTRTA.

<sup>68</sup> See s. 35 of the NWNSTRTA.

<sup>69</sup> This approach is consistent with the direction provided in Article 2, section 2.9.1 of the NLCA.





As with any applications considered by the NWB, the burden of proof rests with the Applicant, Agnico Eagle Mines Limited (AEM), to demonstrate that the request for a renewed water licence should be granted and that the proposed amendments should be granted. In addition, the NWB Rules of Practice state: “[a]ny party offering evidence before the NWB shall have the burden of introducing sufficient and appropriate evidence to support its position.”<sup>70</sup>

## **SECTION V**                      **REQUIREMENTS OF THE NWNSRTA, NWR AND NLCA**

### **Objects of the NWB and its Relationship to Other Bodies**

#### **Land Use Planning**

As noted in the section of this decision discussing the regulatory history of the file, the Renewal and Amendment Application was reviewed by the Nunavut Planning Commission (NPC) to determine whether further review was required by the NPC under the Keewatin Regional Land Use Plan. The NPC issued confirmation on November 28, 2014,<sup>71</sup> indicating that the Renewal and Amendment Application did not require further review by the NPC to assess conformity, and the NWB has considered the requisite land use planning requirements of the Nunavut Land Claims Agreement (NLCA), Article 11 to be fulfilled.

#### **Environmental Assessment**

As outlined in more detail in the section of this decision discussing the regulatory history of the file, as the Nunavut Impact Review Board (NIRB) had previously screened the Meadowbank Gold Mine Project<sup>72</sup> and as the Renewal and Amendment Application did not involve any substantive changes to the project proposal as originally screened, further screening by the NIRB was not required<sup>73</sup> before the NWB could process the Renewal and Amendment Application.

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<sup>70</sup> Section 23.1 of the Nunavut Water Board “Rules of Practice and Procedure for Public Hearing” (May 11, 2005).

<sup>71</sup> Letter from B. Aglukark, NPC to D. Hohnstein, NWB and A. Hanson, NIRB, Re: NWB file #: 2AM-MEA0815 Meadowbank Renewal Application, November 28, 2014.

<sup>72</sup> 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 AANDC then was) 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.

<sup>73</sup> Letter from R. Barry, NIRB to T. Kabloona, NWB, September 30, 2014.





## Inuit Water Rights

KIA confirmed at the Public Hearing that KIA: "...hold a compensation agreement with the proponent which cover[s] all the compensation issues that the proponent will -- may have during and after operations."<sup>74</sup> On this basis, the Board has determined that the compensation requirements of s. 63(1)(a)<sup>75</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA) have been met with respect to the Renewal and Amendment Application.

## **SECTION VI**      **DECISION TO ISSUE**

On the basis of the Board's review of the Renewal and Amendment Application, all associated written submissions by the parties, comments from the public and community members at the in-person meetings and Public Hearing 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 Application, by Motion No. 2015-15-P9-05 and Motion No. 2015-15-P9-06 has decided to grant AEM's request to renew and amend Water Licence No. 2AM-MEA0815 in accordance with the terms and conditions outlined below.

Further, the Board has determined that if a renewed and amended Water Licence is granted, Licence 2AM-MEA1525 (the renewed and amended licence) contains the terms and conditions necessary to protect the environment, conserve water resources and ensure that the Meadowbank Gold Mine continues to meet acceptable standards for water quantity, water quality and effluent quality. In addition, the terms and conditions included in the renewed and amended licence have also been developed to provide appropriate safeguards as the mine transitions from an active operating mine to the development and implementation of major mine reclamation and remediation measures such as pit refilling.

### **Conditions for Issuance of a Licence**

As set out under ss. 57, 58, 60, 63 the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, (NWNSRTA) and as specifically discussed below, there are a number of

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<sup>74</sup> L. Manzo, the KIA, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 156, lines 15-18.

<sup>75</sup> Section 63(1) states:

The Board shall not issue a licence in respect of a use of waters or a deposit of waste that may substantially affect the quality, quantity or flow of waters flowing through Inuit- owned land, unless  
(a) the applicant has entered into an agreement with the designated Inuit organization to pay compensation for any loss or damage that may be caused by the change; or ...



conditions that must be met before the Board can consider issuing a renewed and amended water licence.

### 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.

With respect to the first element of this inquiry, the financial ability of the Applicant to complete the appurtenant undertaking, the Board notes the following:<sup>76</sup>

- the undertaking is 100% owned by Agnico Eagle Mines Limited (AEM);
- AEM is a senior Canadian gold mining company, with more than 50 years of producing precious metals (started producing in 1957);
- AEM currently has nine operating mines in Canada, Mexico and Finland, and the Meadowbank Gold Mine is one of two AEM active mines in Canada;
- AEM has declared a cash dividend in every year since 1983 (the most recent cash dividend was declared in February 2015); and
- AEM "maintains a solid financial position and forecasts being fully funded for its currently planned growth".<sup>77</sup>

Neither the Applicant's submissions with respect to current financial status as reported publicly, nor the Applicant's financial capacity in general, were challenged by any party in written submissions or at the Public Hearing. The Board finds that on the basis of the evidence provided, the Applicant has established that AEM has the financial capacity to carry out the undertaking.

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<sup>76</sup> Summarized from the Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated May 27, 2015, Re: Security Arrangements in Respect of Amended and Renewed Type A Meadowbank Water Licence No. 2AM-MEA0815 (the Water Licence) and the attached Agnico Eagle Management's Discussion and Analysis ("MD&A") for the year ended December 31, 2014, dated March 25, 2015 and filed with the NWB as an attachment AEM's May 27, 2015 letter.

<sup>77</sup> AEM, MD&A, March 25, 2015, filed with the NWB as an attachment AEM's May 27, 2015 letter.



With respect to the second element of financial capacity, the Applicant's ability to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts, the Board notes that over the course of the seven-year term of the Existing Licence AEM has largely been in compliance with the extensive monitoring and reporting requirements of the Existing Licence.<sup>78</sup> As confirmed by Aboriginal Affairs and Northern Development Canada (AANDC), the regulatory agency responsible for the enforcement of the Existing Water Licence at the Community Session conducted as part of the Public Hearing considering the Renewal and Amendment Application:

Meadowbank was last inspected the week of March 22<sup>nd</sup>, so basically five weeks ago. At that time, the inspector noted that Agnico is in compliance with the water licence, with the terms and conditions of its water licence, and a follow-up inspection is planned for later this year in the spring during the time when all the melting occurs, so basically in the spring freshet.<sup>79</sup>

With respect to the implementation of mitigation measures in AANDC's technical submissions, AANDC's consultant, BCG Engineering Inc., indicated that since mining began:

*two geo-environmental incidents that resulted in uncontrolled discharge of seepage waters that did not meet water quality criteria occurred...BCG is of the opinion that the short-term measures implemented by AEM to manage these issues (described in Appendix B17 of the renewal application and in Appendix C of the Response to NWB completeness review, respectively) are appropriate.*<sup>80</sup>

Based on the Board's prior experience with the Applicant in terms of receiving the annual reporting required under the Existing Licence and the submissions of the parties during the Board's review of the Renewal and Amendment Application, the Board has concluded that the Applicant has demonstrated the financial capacity to adequately monitor for impacts, as well as to implement mitigation measures as may be required.

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<sup>78</sup> See the summary in Table 8.1, found at p. 61 under Part 8.2 Water Licence Compliance Assessment, in the Nunavut Water Board (NWB 2AM-MEA0815) Type A Water Licence Renewal Application—Main Supporting Document, filed July 2014, which notes that with the exception of applying to have an accredited lab on-site (ISO/IEC Standard 17025) and instead sending samples to an external accredited lab, AEM complies with all monitoring and reporting requirements.

<sup>79</sup> K. Costello, AANDC NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 29, 2015, p. 64, lines 2-8.

<sup>80</sup> See p. 5 in Attachment 2 (Letter from BCG Engineering Inc. to D. Abernathy, AANDC, dated Dec. 18, 2014) to the letter from I. Parsons, AANDC to P. Beaulieu, NWB, Re: Aboriginal Affairs and Northern Development Canada Technical Review of Agnico Eagle Mines Ltd.'s Application to Renew Water Licence #2AM-MEA0815, dated December 24, 2014.



With respect to the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment, the situation under the Existing Licence was summarized by AEM as follows:

So our current situation is that there's \$58.8 million of bond pledged against the reclamation security that was in the licence of \$43.9 million. So we have an over-bonding right now of about 14.9 million for 134 percent of the total liability. In all, the company has bonds of security for various permits and applications on the Meadowbank project of getting close to 80, \$85 million. We've mentioned the 25 million with -- with DFO; you see the 58.8 million here; this 5 million with the Government of Canada -- or sorry, with the Government of Nunavut. There's a number of smaller bonds as well.<sup>81</sup>

With respect to the reclamation liability under the Renewal and Amendment Application to reflect not only increases to costs since 2008, but also the changes to the site as the Mine transitions to closure of some mined-out pits as contemplated during the proposed ten-year term of a renewed and amended licence, there was no dispute as to the amount of security required to reclaim the undertaking, and there was no dispute as to AEM's ability to provide this security. As summarized by AEM at the Public Hearing on this point:

In this case here, there was a lot of work prior to this hearing to come to an agreement on how much that reclamation security should be. The parties have worked through that with us, and we've come to an estimate of \$86.5 million, which you heard about last night. So there seems to be a consensus building that 86.5 million is currently the best estimate of what it will take to fully reclaim the Meadowbank site on the basis that Agnico is no longer there to do it.

This estimate, as you see the second bullet here, represents what we see as a worst-case assumption. In other words, we're no longer on the site.<sup>82</sup>

This estimate included not only the original reclamation cost estimate provided by AEM, but also the extra costs for holding the mine in a care and maintenance phase in the event

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<sup>81</sup> L. Connell, AEM, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, pp. 124-125, lines 24-26 and lines 1-9.

<sup>82</sup> L. Connell, AEM, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, pp. 113-114, lines 25-26 and lines 1-10.



the Applicant defaults and either a regulator or other operator assumes responsibility for the site. As noted by AEM at the Public Hearing:

We agreed to include the extra 1.65 million and to raise the estimate up to the 86.5 million that you have in front of you today. So in a nutshell, we haven't contested what AANDC recommended as an increase; we accepted that and adjusted what you see accordingly. So what is -- what -- in summary, when it looks to what is the liability, the -- that third-party liability of -- that liability in the event that we fail to live up to our obligation, I think it's a consensus that it's 86-and-a-half million.<sup>83</sup>

AANDC confirmed that they are in agreement with the total security for reclamation of the undertaking being set at \$86.5 million under a renewed and amended licence as follows: "The \$86.5 million estimate the department believes is a reasonable estimate of the reclamation cost."<sup>84</sup>

The Kivalliq Inuit Association also confirmed their agreement with the assessment of the total updated reclamation security:

In the -- in the case of the security, the Kivalliq Inuit Association is in agreement with the financial security total amount, which is \$86.5 million. It was assessed -- it was properly, and it was an increase also for getting maintenance and management \$1.5 million, to come to this amount.<sup>85</sup>

On this basis, the Board has determined that evidence has established that AEM has the financial resources to meet the obligation to post **\$86.5 million** in total reclamation security as required to maintain and restore the site during care and maintenance, closure and abandonment.

With these considerations in mind, the Board concludes that the Applicant has established that AEM has the financial ability to discharge all three elements of financial responsibility for the site as required under the NWSRTA.

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<sup>83</sup> L. Connell, AEM, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 120, lines 12-22.

<sup>84</sup> K. Costello, AANDC, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 29, 2015, p. 62, lines 4 and 5.

<sup>85</sup> L. Manzo, KIA, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 152, lines 2-7.



### Compensation of Existing or Other Users

The NWNSRTA requires that before the NWB can issue a licence, the Board must be satisfied that compensation of existing or other water users affected by the Application has been or will be paid.<sup>86</sup> To ensure that all parties with the potential to bring a water compensation claim had been notified of their rights under the NWNSRTA, in the Notice of Application issued on November 24, 2014 (and reiterated in the Notice of Public Hearing issued on February 27, 2015), the Board provided an invitation to parties with water user compensation issues to advise the NWB regarding such issues. The NWB confirms that no representations regarding compensation were made to the NWB during the processing of the Renewal and Amendment Application, and no response was received by the NWB from any party in response to the invitations to the parties potentially affected by the Renewal and Amendment Application contained in the Notice of Application and Notice of Public Hearing.

### **Issuance of a Licence**

As stated above and pursuant to s. 42(1) of the NWNSRTA, the NWB has decided to issue Water Licence #2AM-MEA1525 subject to the terms and conditions set out in this decision. In issuing the Licence, the NWB is satisfied that the Application contained the required information and is in the proper form having regard to the requirements of the NWNSRTA<sup>87</sup> and associated regulations.<sup>88</sup>

### **Assumptions**

As with the Existing Licence, when faced with choices regarding monitoring requirements such as standards, parameters and monitoring frequency established under the Licence, the NWB has opted to maintain a precautionary approach to monitoring requirements to ensure that monitoring continues to serve as an effective “early warning system” to identify the potential for impacts prior to harm occurring on fresh water resources or the environment in general and to support AEM’s development of effective mitigation measures that may be required when potential impacts are identified.

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<sup>86</sup> See ss. 58-60 of the NWNSRTA.

<sup>87</sup> See s. 48 of the NWNSRTA.

<sup>88</sup> *Nunavut Waters Regulations*, SOR/2013-69.



## **Applications in Relation to the Licences**

Overall, the NWB is satisfied that the requirements of s. 48 of the NWNSRTA have been met. The Applicant, Agnico Eagle Mines Limited (AEM), filed an Application which complied with the NWB's Rules, accompanied by the fees required by regulation, including the application fee. In addition, AEM has provided the necessary application and supplementary information required to evaluate whether the renewed and amended licence should be granted, and also to assess whether the amendments to the Existing Licence requested by the Applicant are reasonable and consistent with the objects of the Board as established under the NLCA and the NWNSRTA.

In particular, the Board notes that there was a clear commitment from AEM and the Interveners, Environment Canada, Fisheries and Oceans Canada, Aboriginal Affairs and Northern Development Canada and the Kivalliq Inuit Association to work cooperatively to resolve, to the extent possible, technical issues going into the Technical Meeting and Pre-Hearing Conference for the Application, and that a considerable amount of information was exchanged as part of this process. The Board commends the Applicant and Interveners for being responsive and providing, to the extent possible, comprehensive and substantive submissions that enabled the other parties and the Board to conduct a thorough review of the Renewal and Amendment Application.

## **Application to Amend or Application for Future Modifications**

In relation to future applications to amend or modify the post-closure monitoring activities proposed by AEM and associated reclamation and remediation measures that may become necessary, the NWB reminds the Applicant that all significant changes to the scope of the Renewed and Amendment Licence must comply with all requirements of the NLCA<sup>89</sup> and NWNSRTA<sup>90</sup> where applicable.

## **Assignment of a Licence**

In future, should AEM wish to assign the Licence, it should be aware that a water licence is only assignable if the requirements of s. 44 of the NWNSRTA have been met. This section states:

A sale or other disposition by a licensee of any right, title or interest in an appurtenant undertaking constitutes, subject to the

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<sup>89</sup> See Article 12, Clause 12.4.3 (b) of the NLCA.

<sup>90</sup> See s. 43 of the NWNSRTA.





authorization of the Board, an assignment of the licence to the person to whom the sale or other disposition is made.

All necessary forms for filing an application for assignment can be obtained from the NWB Licensing Department.

### **Cancellation or Expiry of the Licence**

The NWB notes that s. 46 of the NWNSRTA states: “[t]he expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.”

The Applicant is reminded that the NWB has the authority to cancel a licence either on application by a licensee, or on its own motion (if the cancellation is in the public interest).<sup>91</sup> Further, it is noted that typically in order for the NWB to consider cancellation of a licence, the NWB requires evidence from the current licensee and AANDC’s Inspector that establishes to the Board’s satisfaction that the undertaking has been abandoned, fully reclaimed and there are no outstanding obligations under the licence.

### **Term of Licence**

Section 45 of the NWNSRTA provides that the term of a licence or any renewal shall not exceed twenty-five years. The Applicant has applied for a term of 10 years (essentially 2015-2025), on the basis that this term is required to allow AEM to transition the mine from active operations to closure.

The Interveners, Aboriginal Affairs and Northern Development Canada indicated that: “we’re satisfied with the term; we have no issues with a -- with a ten-year licence term.”<sup>92</sup>

The Board has considered the Applicant’s request for the renewal of the licence for a further ten-year term, and on the basis of the reasonableness of the request, the current compliance status of the operations and the general support of all parties for the term requested, the Board has determined that 10 years is an appropriate term for the renewed and amended licence.

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<sup>91</sup> As established under s. 43(1)(c)(iii) of the NWNSRTA.

<sup>92</sup> at p. 174, lines 21-22





## **SECTION VII**      **WATER LICENCE 2AM-MEA1525 TERMS AND CONDITIONS**

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.<sup>93</sup> As indicated in Section VI, the Meadowbank Panel (P9) has decided to issue a renewed and amended Type “A” Water Licence No. 2AM-MEA1525, subject to the terms and conditions contained in the attached Licence. To provide context and clarity, the NWB has provided discussion and comments about specific terms and conditions that follow. The NWB has not, however, provided specific comments for those licence terms and conditions that are clear in their wording and intent on the face of the Licence.

From an enforcement and compliance perspective overall, the Board has endeavoured to prepare the renewed and amended Type “A” Water Licence No. 2AM-MEA1525 in a manner that fairly reflects the phase of development of the Project, the Board’s previously approved Licence amendments, the Applicant’s amendment requests, the issues presented to the Board during the licensing process, including the final submissions filed with the Board both before and after the Public Hearing, and the Board’s mandate and jurisdiction. The Board has attempted to bring forward clear and effective discharge parameters and other limits from the Existing Licence into this Licence and consolidated previous Board amendments to the Licence.

### **Part A: Scope, Definitions and Enforcement**

The renewed and amended licence related to this decision is for a Mining undertaking as classified under Schedule 1, Item 2 of the *Nunavut Waters Regulations*.<sup>94</sup> The general scope of the renewed and amended licence includes the following activities and/or facilities that involve Water Use and/or impact the Waters and/or the deposit of Waste:

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<sup>93</sup> 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.

It should be noted that 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.

<sup>94</sup> Formerly classified as a “Mining and Milling Undertaking” under Schedule 1 of the *Northwest Territories Waters Regulations*, S.O.R./93-303 and Application of Regulations made under paragraph 33(1) (m) or (n) of the *Northwest Territories Waters Act* in Nunavut Order, SOR/2002-253.



#### For Water Use:

- Water for the purpose of mining and milling and associated activities and domestic camp use from Third Portage Lake;
- Water for the purpose of explosives mixing from unnamed lake approximately 250 metres from the Emulsion Plant; and
- Water for the purpose of re-watering of Portage, Goose, and Vault open pits following pit development from Third Portage Lake and Wally Lake.

#### For The Deposit of Waste:

- Deposition of tailings into the Tailings Storage Facilities;
- Controlled and regulated Discharge of effluent to Third Portage Lake from the Portage Attenuation Pond;
- Controlled and regulated Discharge of effluent to Wally Lake from the Vault Attenuation Pond;
- Operation of a Sewage Treatment Plant and controlled discharge during operations;
- Treatment and discharge of petroleum contaminated water from Meadowbank and Baker Lake Petroleum storage facilities; and
- Construction and operation of a Demolition Landfill and operation of Operations Landfill in the Portage Waste Rock Storage Facility.

Detailed assessment of the Scope is provided under Part A, Item 1(a) of the Licence, allowing the Licensee to conduct mining, milling and associated activities at the Meadowbank Gold Mine.

#### Definitions

Most of the definitions that were included under the Existing Licence have been retained under the renewed and amended licence. As required, the NWB has updated some of the definitions to reflect or emphasize the current scope of activities included under the renewed and amended licence.

#### Enforcement and Compliance

For the purpose of ensuring compliance with the Licence, an Inspector designated by the Minister of AANDC may inspect or examine works, waters or waste and exercise other powers according to the NWNSRTA.<sup>95</sup> The NWNSRTA also includes provisions

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<sup>95</sup> Sections 85-94 of the NWNSRTA.



authorizing the NWB to require a licensee to furnish and maintain security and prescribing serious penalties for breach of the licence.<sup>96</sup> Investigations or inspections to support enforcement and compliance are carried out by persons designated and empowered by the Minister.<sup>97</sup>

The Licence states that “Compliance with the terms and conditions of this Licence does not absolve the licensee from responsibility for compliance with all applicable legislation, guidelines and directives”.<sup>98</sup>

There were no non-compliance issues identified during the review phase of the application process, and no issues were brought forward by intervening parties at the Public Hearing.

## **Part B: General Conditions**

### Water Use Fees

It should be noted that within Amendment No. 2 to the Existing Licence, the Board updated the terms and conditions related to the calculation of fees payable for the right to use waters, to reflect the coming into force of s. 12 of the *Nunavut Waters Regulations*, SOR 2013/69 (the Regulations), in April 2013. The Regulations changed the basis for calculating the water use fees payable by Licensees, and s. 12(6) of the Regulations stated: “no licence fees are payable for the right to the use of waters on, in or flowing through Inuit-owned Lands”. As a result, water use fees are now only payable for waters on, in or flowing through Crown Lands, and this section of the Licence only applies to these waters. If water use fees are payable under the Licence, the applicable fees must be remitted by the Licensee to the NWB’s Manager of Licensing and made payable to the Receiver General for Canada. The Licensee is responsible to conduct the appropriate water use fee calculations for all waters in, on or under Crown Lands that will be used by the Licensee in the upcoming year and then remit the required water use fees in advance.

### Reports and/or Plans filed with the NWB

The Applicant has filed updated management plans and reports with the Board under the Application. Unless management plans are accepted or approved by the Board in writing, the plan cannot be considered as meeting the relevant requirements in the Licence. In addition, the Board may alter or modify a Plan, if necessary, to achieve the legislative

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<sup>96</sup> Section 90 of the NWNSRTA.

<sup>97</sup> Section 85-88 of the NWNSRTA.

<sup>98</sup> Licence Part A, Item 1(c).



objectives and will notify the Licensee in writing of acceptance, rejection, or alteration of any Plan. The Plan must then be carried out in a manner and time frame consistent with the Board's direction.

Every Plan to be carried out pursuant to the terms and conditions of the Licence shall become a part of the Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.

The following plans have been concurrently approved by the Board with the approval of the renewed and amended licence; however, the Licensee may be required to update or to make corresponding changes to the Plans to reflect the appropriate terms and conditions in the Licence and status of the Project:

- Aquatic Effect Management Program (AEMP), Version 2 (Dec. 2012);
- Core Receiving Environment Monitoring Program (CREMP), Design Document, Version 1 (Dec. 2012);
- Water Quality Monitoring and Management Plan for Dike Construction and Dewatering, Version 4 (April 2010);
- Groundwater Monitoring Plan, Version 4 (Jan. 2014);
- Quality Assurance/Quality Control (QA/QC) Plan, Version 2 (June, 2014);
- Water Quality and Flow Monitoring Plan, Version 4 (January 2015);
- Emergency Response Plan, Version 6 (Aug. 2013);
- Hazardous Material Management Plan, Version 3 (Oct. 2013);
- Spill Contingency Plan, Version 4 (Nov. 2013);
- Operational ARD/ML Testing and Sampling Plan, Version 2 (Nov. 2013);
- Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 3 (June 2014);
- Meadowbank Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 2 (June 2014);
- Incinerator Waste Management Plan, Version 5 (June 2014);
- Interim Closure and Reclamation Plan, Version 2 (Jan.2014);
- Landfarm Design and Management Plan, Version 3 (Feb. 2013);
- Landfill Design and Management Plan, Version 2 (March. 2013);
- 2013 Water Management Report and Plan, Version 1 (March 2014);
- Ammonia Management Plan, Version1 (Feb. 2013);



- Dewatering Dike : Operation, Maintenance and Surveillance Manual, Version 3 (Sept. 2013);
- Tailings Storage Facility : Operation, Maintenance and Surveillance Manual, Version 3 (Sept. 2013);
- Mine Waste Rock and Tailings Management Plan, Version 1 (March 2014);
- Operation and Maintenance Manual: Sewage Treatment Plan, Version 4 (Apr. 2013); and
- Freshet Action Plan, (April, 2014).

The Licensee will be required to update the following plans and submit to the Board for review, acceptance or approval in accordance with the relevant terms and conditions in the Licence within sixty (60) days of issuance of the renewed and amended licence:

- Aquatic Effect Management Program (AEMP);
- Core Receiving Environment Monitoring Program (CREMP);
- Water Management Report and Plan;
- Freshet Action Plan;
- Ammonia Management Plan;
- Groundwater Monitoring Plan;
- Tailings Storage Facility : Operation, Maintenance and Surveillance Manual;
- Operation and Maintenance Manual: Sewage Treatment Plan; and
- Spill Contingency Plan.

The Board advises the Licensee that as required under s. 14(1) of the *Nunavut Waters Regulations*<sup>99</sup> the Licensee is required to submit an annual report to the Board, in a form acceptable to the Board, by March 31<sup>th</sup> of each year. The Regulations and Schedule B provide a list of the information that must be included within the annual report.

### **Part C: Conditions Applying to Security**

As set out in the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRTA)<sup>100</sup> the Board has the jurisdiction to require the Licensee to furnish and

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<sup>99</sup> SOR/2013-69.

<sup>100</sup> Subsection 76(1) of the NWNSTRTA states:

The Board may require an applicant, a licensee or a prospective assignee to furnish and maintain security with the Minister in the form, of the nature, subject to such terms and conditions and in an amount prescribed by, or determined in accordance with, the regulations or that is satisfactory to the Minister.



maintain security under the Licence with the Minister, in a form determined by the regulations or that is satisfactory to the Minister. Further, as outlined in the section of the decision discussing the Financial Responsibility of the Applicant, the Board may not issue a licence unless the Board is satisfied regarding the financial responsibility of the Applicant, including reviewing any costs associated with the closing or abandonment of the undertaking.<sup>101</sup> As outlined in that part of the decision, the Board is satisfied that the Applicant has the financial resources to meet the financial security obligations established by the Board for the renewed and amended licence.

### Form of Security

With respect to the form of security pursuant to s. 76(1) of the NWNSRTA, the form of security is as established by the Minister or the regulations:

*The Board may require an applicant, a licensee or a prospective assignee to furnish and maintain security with the Minister in the form, of the nature, subject to such terms and conditions and in an amount prescribed by, or determined in accordance with, the regulations or that is satisfactory to the Minister.*

Since April 2013 when the *Nunavut Waters Regulations S.O.R./2013-69* came into force, the form of security has been prescribed by regulation as follows:

*10(3) Security must be in the form of*

*(a) a promissory note guaranteed by a bank listed in Schedule I or II to the Bank Act and made payable to the Receiver General;*

*(b) a certified cheque drawn on a bank listed in Schedule I or II to the Bank Act and made payable to the Receiver General;*

*(c) a performance bond approved by the Treasury Board for the purposes of paragraph (c) of the definition "security deposit" in section 2 of the Government Contracts Regulations;*

*(d) an irrevocable letter of credit from a bank listed in Schedule I or II to the Bank Act; or*

*(e) a cash payment.*

### Financial Security

In addition to the general jurisdiction under s. 76(1) of the NWNSRTA, to include terms and conditions in a licence relating to the furnishing or maintaining of security, the NWB is

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<sup>101</sup> As outlined under the NWNSRTA, s. 57(b)(iii)



also bound by the limits on the Board's jurisdiction to fix the amount of security set out in the *Nunavut Waters Regulations*<sup>102</sup> (Regulations) as follows:

*10. (1) For the purposes of subsection 76(1) of the Act, the Board may fix the amount of security required to be furnished by an applicant for a licence, a licensee or a prospective assignee in an amount not exceeding the aggregate of*

*(a) the costs of the abandonment of the undertaking;*

*(b) the costs of the restoration of the site of the undertaking;*

*(c) the costs of any ongoing measures that may remain to be taken after the abandonment of the undertaking; and*

*(d) the compensation that a person, including the designated Inuit organization, who is adversely affected by the use of waters or deposit of waste may be entitled to under section 13 of the Act.*

As always, the NWB's authority must be exercised in light of its objects, stipulated under s. 35 of the NWNSRTA.<sup>103</sup>

### ***Estimated Total Financial Reclamation Security for the Project under the Renewed and Amended Licence***

As required under Part C, Item 1 of the Existing Licence, the Applicant has posted \$43,900,000 for reclamation security under the water licence. In advance of the Technical Meeting/Pre-hearing Conference for the Renewal and Amendment Application, AEM provided an updated closure cost estimate for the proposed 10 year term of a renewed and amended licence.<sup>104</sup> This updated closure cost estimate updated the original estimate provided with the Renewal and Amendment Application to reflect AANDC's request that the model used to generate the estimate be updated from the previous version (RECLAIM 6.1) to the newest model (RECLAIM 7.0). Applying the new version, AEM indicated that the updated closure cost estimate was 84,869,488. Following the receipt of technical comments, and a request from Aboriginal Affairs and Northern Development Canada to add an additional \$1.65 million to the reclamation estimate to reflect extra costs for holding

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<sup>102</sup> SOR/2013-69.

<sup>103</sup> Section 35 states:

The objects of the Board are to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters or the residents of Nunavut in particular and Canadians in general.

<sup>104</sup> Technical Memorandum from R. Gould, Golder Associates to R. VanEngen, AEM, RE: Meadowbank Gold Project – Update to 2014 Interim Closure and Reclamation Plan Cost Estimate Using RECLAIM 7.0, December 2, 2014.





the mine in a care and maintenance phase, AEM agreed to revise the closure cost estimate to approximately \$86.5 million.<sup>105</sup>

As noted earlier in this decision, this updated and revised closure cost estimate for the reclamation of the Meadowbank Gold Mine of **\$86,519,614** has been accepted as adequate by AANDC<sup>106</sup> and the KIA.<sup>107</sup> As the Minister currently holds only \$43,900,000 in security under the Existing Licence, an amendment is required to the security amount to reflect the updated and revised estimate. Having accepted that \$86.5 million is required to ensure the full costs of abandoning and reclaiming the undertaking are secured, the Board now turns to the vexing question of how the \$86.5 million in security should be secured as amongst the landowner and pursuant to the water licence.

### ***Addressing the Issue of Overbonding***

At the time the Existing Licence was issued in 2008, AEM, AANDC and the KIA were unable to come to an agreement as to how the overall security amount of \$43,900,000 could be divided and held by the KIA as landowner and the Minister under the water licence in order to address the issue of potential overbonding. The Board noted in the 2008 decision:

*Absent evidence of an agreement between various holders of security, in this case INAC and KIA, on how total financial security for final reclamation will be held such that the total outstanding reclamation liability for land and water combined is secured, and will be executed such that land and water related reclamation will be approached holistically, the Board is not prepared to split land and water security.*

*What this Board can do is encourage INAC and KIA to continue to work diligently toward a solution, and remind AEM that Part C, Item 3 of the Licence permits AEM to request, with supporting evidence to justify the request, that the Board review the amount of the security requirement.*<sup>108</sup> [underlining in the original]

On this basis, under Part C, Item 1, the Board required AEM (in accordance with a phased-in schedule set out in Item 1) to ultimately post the entire \$43,900,000 security amount under the Existing Licence. Shortly after the Existing Licence was issued in 2008, the KIA

<sup>105</sup> L. Connell, AEM, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, pp. 113-114, lines 25-26 and lines 1-10.

<sup>106</sup> K. Costello, AANDC, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 29, 2015, p. 62, lines 4 and 5.

<sup>107</sup> L. Manzo, KIA, NWB Public Hearing File No. 2AM-MEA0815, Transcript, April 30, 2015, p. 152, lines 2-7.

<sup>108</sup> Nunavut Water Board, Reasons for Decision for 2AM-MEA0815, June 9, 2008 at p. 27.





also required AEM to post reclamation security under the Commercial Production Lease in the amount of \$14,900,000,<sup>109</sup> with the result that AEM has, when reclamation security under the Existing Licence and the Commercial Production Lease are considered together, secured a total of \$58,800,000 in reclamation security for the undertaking. As noted by AEM, with reclamation security posted with both the KIA and the Minister, the project has for some time been “overbonded” with security in place for 134% of the agreed upon reclamation liability.<sup>110</sup>

Clearly, if the Board fails to consider the existing private arrangements between the KIA and AEM with respect to land and water reclamation security under the Commercial Production Lease in fixing the amount of security to be held under a renewed and amended water licence and required the total \$86.5 million to be secured under the water licence, the Board’s assessment of reclamation liability for the undertaking would exceed the limits imposed on the Board under s. 10(1) of the *Nunavut Waters Regulations*. Consequently, the Board is required to consider the reclamation security posted under the Commercial Production Lease in assessing the extent to which the whole amount of the global reclamation security required to reclaim the undertaking has been secured by instruments applicable to the project and in addition to the water licence.

As noted recently by the Board in the Mary River Amendment No. 1 decision<sup>111</sup> and as acknowledged by all the parties in respect of this Renewal and Amendment Application, where there is no agreement between AANDC and the landowner for the portion of the project on Inuit Owned lands, overbonding remains a challenging issue that the Board must approach within its jurisdictional and legislative limits.

The lack of resolution on the overbonding issue continues to place all parties in a difficult position. The Board is mindful of the potential adverse consequences of overbonding on project development on Inuit Owned Lands as described by AEM in 2008 at the Public Hearing (cited with approval by the Board in the original 2008 decision) and that these concerns are as relevant in 2015 as they were in 2008:

*On a very large scale, that double bonding could add tens of millions of dollars to a reclamation bonding requirement, which*

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<sup>109</sup> Irrevocable Standby Letter of Credit No. S18572/27688, issued by Scotiabank, To: Kivalliq Inuit Association and Applicant: Agnico-Eagle Mines Limited, Security Pursuant to Production Lease #KVPL0BD280 Dated July 24, 2008, filed with the Board following the close of the Public Hearing.

<sup>110</sup> Letter to P. Beaulieu, NWB, from L. Connell, AEM, dated April 16, 2015, Re: Renewal of Meadowbank Water License #2AM-MEA0815 Response to the Final written Submission at p. 2.

<sup>111</sup> Nunavut Water Board, Reasons for Decision 2AM-MRY1325 –AMENDMENT NO. 1, July 31, 2015 at pp. 58-64.



*would make development of mining projects on Inuit-owned land at a disadvantage compared to Crown land where you don't have those two owners or two responsible parties. So it places a disadvantage, this double bonding, the ability for mines to actually move forward on Inuit-owned lands. It's also an issue that would be unfair to industry as it does result in us having to put more money into a bond at the front end than is actually needed to do reclamation.*<sup>112</sup>

With respect to the Renewal and Amendment Application specifically, the parties have proposed several alternative approaches to address the overbonding issue over the course of the Board's processing of the Application. As summarized briefly in **TABLE 2** that follows, there was no consensus amongst the parties, despite the considerable effort of all parties to come to an agreement on jointly managing the reclamation security for the undertaking prior to, at and after the Public Hearing.

**TABLE 2: SUMMARY OF PARTIES' SUBMISSIONS REGARDING RECLAMATION SECURITY REQUIRED UNDER THE WATER LICENCE**<sup>113</sup>

Submission	Water Licence	KIA (Production Lease)	Total Reclamation Security
Allocation of Security – Submissions of AEM			
Renewal and Amendment Application	Not discussed	Not discussed	<b>\$73,666,647</b>
Updated and revised prior to TM/PHC (RECLAIM 7)	Not discussed	Not discussed	<b>\$84,869,488</b>
At the PH	\$43,259,807 (50 %)	\$43,259,807 (50 %)	<b>\$86,519,614</b>
After PH AEM preferred Option Interim Solution for 1 year	\$7,684,904 (10%)	\$78,834,710 (90%)	<b>\$86,519,614</b>

<sup>112</sup> See Nunavut Water Board Hearing Re: Meadowbank Gold Mine Project Type A Water Licence, Hearing Transcript, April 15, 2008, at pp. 43-44, as cited in Nunavut Water Board, Reasons for Decision for 2AM-MEA0815, June 9, 2008 at p. 27.

<sup>113</sup> This abbreviated summary of the parties' submissions in this respect is based on the submissions received, but a more detailed summary of the parties' submissions is included under the following sections of this decision: Closure and Reclamation Planning; KIA Submission of April 22, 2015; KIA Submission of May 26, 2015; AANDC Submission of April 8, 2015; AANDC Submission of May 26, 2015; AEM submission of April 16, 2015 and AEM Submission of May 24, 2015.



Submission	Water Licence	KIA (Production Lease)	Total Reclamation Security
After PH Alternative Option Consultants water/land based split	\$58,833,338 (68%)	27,686,276 (32%)	<b>\$86,519,614</b>
Allocation of Security – Submissions of AANDC			
Prior to the PH	\$86,519,614 (100%)	0 (0%)	<b>\$86,519,614</b>
At the PH and after (discounting on basis of land/water based split)	\$58,833,338 (68%)	27,686,276 (32%)	<b>\$86,519,614</b>
Allocation of Security – Submissions of KIA			
Prior to the PH (joint management agreement)	\$43,259,807 (50 %)	\$43,259,807 (50 %)	<b>\$86,519,614</b>
At the PH and after (discounting on the basis of land/water based split)	\$7,684,904 (10%)	\$78,834,710 (90%)	<b>\$86,519,614</b>

Clearly, the positions of the parties varied widely regarding the amount of reclamation security that should be fixed by the Board under an amended water licence from a low of approximately 10% of reclamation liability or approximately \$7.7 million to a high of 100% of the reclamation liability or \$86.5 million. These variations are based on two key questions regarding the Board’s approach to fixing security. Firstly, the question is whether the Board should address the problem of overbonding by discounting from the global security amount required to reclaim both the land and water impacted by the undertaking an amount which reflects reclamation security held by the landowners under a land-based instrument such as the commercial production lease which comprises security used for reclamation purposes analogous to the reclamation security held under a water licence.

The Board’s views and the parties’ views on the general issue of discounting have been the subject of much discussion, debate and development over the intervening years since 2008 when the Existing Licence was issued. Ultimately, as indicated by AANDC in their submissions in the Renewal and Amendment Application, there is more general acceptance of the Board’s practice of discounting as an appropriate mechanism to address, at least in part, overbonding. However, AANDC’s acceptance of the discounting approach is premised on the assumption that the Board will have evidence establishing that the security held under a private land-based instrument between the Applicant and the landowner is



equivalent to security held under a water licence, and that the security is in place in a form and on similar terms and conditions as the security that would be held under the water licence.<sup>114</sup>

As indicated by the Board in the licensing decisions and Annual Security Review decisions issued by the Board to fix reclamation security associated with the Mary River Iron Ore Project, the Board considers discounting to be in keeping with the Board's jurisdiction, including the limits of s. 10(1) of the Regulations. The Board's focus in adopting the discounting approach to reduce overbonding is to ensure that: *"..the Applicant must have posted sufficient security, through all means, when taken together, to ensure that the overall reclamation of the site (land and water) has been adequately addressed."*<sup>115</sup>

In the case of the Renewal and Amendment Application, the Board has evidence from the KIA and AEM,<sup>116</sup> and accepted by AANDC that there is currently \$14,900,000 of reclamation security that *"...puts the land owner as a private actor in much the same position as the Minister of Aboriginal Affairs and Northern Development is in vis-à-vis the publicly-held security under the Nunavut Waters and Nunavut Surface Rights Tribunal Act."*<sup>117</sup> On this basis, the Board accepts that the \$14,900,000 currently held by the KIA should be considered by the Board to be discounted from the global security amount of \$86,500,000.

The second question that is fundamental to assessing the various alternatives recommended to the Board by the parties to address overbonding is what should be the basis for determining how the reclamation liability should be split between the reclamation security held under the landowner's private commercial agreement and the reclamation security to be fixed under the water licence.

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<sup>114</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated April 8, 2015, Re: Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Ltd.'s Application to Renew and Amend Water Licence #2AM-MEA0815 at p. 2

<sup>115</sup> Letter from T. Kabloona, NWB to the Hon. B. Valcourt, AANDC, P. J. Akeeagok, QIA and E. Madsen, BIMC, Re: Licence No. 2AM-MRY1325, Baffinland Iron Mines Corporation Type "A" Water Licence, Mary River Project; Part C, Schedule C, Annual Security Review Process: Direction from Nunavut Water Board, February 11, 2015 at pp. 12-13.

<sup>116</sup> Irrevocable Standby Letter of Credit No. S18572/27688, issued by Scotiabank, To: Kivalliq Inuit Association and Applicant: Agnico-Eagle Mines Limited, Security Pursuant to Production Lease #KVPL0BD280 Dated July 24, 2008, filed with the Board following the close of the Public Hearing.

<sup>117</sup> Letter to P. Beaulieu, NWB, from K. Costello, AANDC, dated May 26, 2015, Re: Amount of Security Required under a Renewal and Amendment to the Water Licence No. 2AM-MEA0815 at p. 3.



As noted at the Public Hearing, and in the written submissions on this point that were filed while the Public Hearing Record remained open, both the Kivalliq Inuit Association (KIA) and Aboriginal Affairs and Northern Development Canada (AANDC) urged the Board to adopt, as the basis for discounting, a process that distinguishes between land- and water-based security. If the Board adopted this approach, the landowner would hold land-based security under the commercial production lease and the Minister would hold water-based security under the water licence.<sup>118</sup> Although the KIA and AANDC strongly disagreed about how to divide water-based reclamation and land-based reclamation in the circumstances of the reclamation of the Meadowbank Gold Mine Project, and in particular about how to characterize the reclamation associated with the Tailings Storage Facility, their submissions at the Public Hearing and thereafter focused on urging the Board to conduct discounting on the basis of this split in liability.

In 2008 the Board cited, with approval, AEM's practical objection to attempting to split land- and water-based reclamation security as follows:

*This is an issue we recognize the Water Board has already spoken to, and we recognize that you have indicated in the past that you agree that land and water can't be split, that they're interrelated. In trying to isolate water from land, we end up, if we were to work that way in actually doing reclamation, our reclamation would be very inefficient. For example, I would have one group coming in to do one activity, and they have to bring all their equipment to the site, and then another group coming in to do another activity because they're doing only land and I'm only doing water, it would not be an efficient way of moving forward, and it would result in much higher costs. You'd have double management, double administration.*<sup>119</sup>

In 2015, AEM's updated submissions from their reclamation consultant filed with the Board following the Public Hearing also identified the difficulty inherent in attempting to draw somewhat arbitrary distinctions between land- and water-based security (specifically in the context of categorizing the reclamation liability associated with the Tailings Storage Facility):

*The key element of the Meadowbank closure is the tailings storage facility (TSF)...The purpose of the cap has more [to] do with*

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<sup>118</sup> See the summaries of the positions of the parties under the following sections of this decision: Closure and Reclamation Planning; KIA Submission of April 22, 2015; KIA Submission of May 26, 2015; AANDC Submission of April 8, 2015; and AANDC Submission of May 26, 2015.

<sup>119</sup> See Nunavut Water Board Hearing Re: Meadowbank Gold Mine Project Type A Water Licence, Hearing Transcript, April 15, 2008, at pp. 43-44, as cited in Nunavut Water Board, Reasons for Decision for 2AM-MEA0815, June 9, 2008 at p. 27.



*ultimate protection of the water resources adjacent to and under the closed tailings storage facility, and thus we would propose to assign a split of 75% to water and 25% to land for this activity. However, the cap is for the protection of both land and water, and thus how the split is made is a subjective judgement. It could be considered 50%-50% or 75%-25% in favour of land or 75%-25% in favour of water protection, but it should not be 100% in favour of land or water...*

*As stated above, in determining what proportion of the estimate would be related to water or land is subjective, but an important element is related to water liability and water quality long term. We would take the approach that a key to the success of the cover is protecting both components and minimizing contaminants from reaching the surrounding land and water. Therefore, a split of 75% water to 25% land would be considered reasonable for this site based on the above points. However, it is possible to take the view point that if the tailings are already frozen or are freezing before the final closure cap is placed, then the split may be 33% water liability and 67% land liability. The split should then depend on the actual conditions at closure or as predicted in modelling of freezing the tailings long term.<sup>120</sup>*

In addition to the practical limits on confidently attempting to draw such distinctions at the point in time when the Board is fixing security at the beginning of the term of a licence, the Board also notes that although the NWB has jurisdiction to consider the reclamation security posted with the Designated Inuit Organization (DIO) as landowner under the private commercial agreement negotiated between the Applicant and the DIO, the Board has no jurisdiction or even involvement in the process or outcome of those private and independent negotiations. As such, the Board has no authority or ability to control the basis for the negotiated reclamation amount that is agreed to by the Applicant and the DIO. Recognizing this limitation in the Board's jurisdiction, the Board is not comfortable with fixing security in a manner under the Licence that attempts to direct or otherwise bind the KIA in terms of what the KIA will require of AEM to ensure the KIA is confident that adequate security is in place for the site.

Consequently, the Board notes that although there has been considerable development of the Board's approach to fixing security to allow for discounting, the Board remains bound by jurisdictional and practical realities that do not support the repudiation of the Board's fundamental view that reclamation security requires a holistic approach that must consider

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<sup>120</sup> Letter to L. Connell, AEM from J. Hull and D. Walker, Golder Associates, RE: Comments on Technical Review of Split on Liability on Reclaim Model Closure and Reclamation Plan for Meadowbank Mine, NU, May 22, 2015 at pp. 1-2.





land- and water-based reclamation security in an integrated manner. As recently emphasized by the Board in the Mary River Amendment No. 1 decision:

*It is important to remember that throughout the Board's development and implementation of the discounting approach, the Board has consistently maintained that the basis for discounting is NOT a repudiation of the holistic approach to fixing security that considers, in an integrated way both the land- and water-based reclamation activities that must be undertaken to ensure that the undertaking can be reclaimed in its entirety. As the Board has clearly stated, the discounting approach is not based on a division of reclamation security into an amount to be secured for "water-based" reclamation versus "land-based" reclamation. In developing a discounting approach under the Existing Licence, the Board continues to reaffirm that the exercise of fixing the amount of security under a given licence is not about attempting to segregate land-related reclamation from water-related reclamation, and the foundation of this approach continues to be the holistic and practical approach of the Board first articulated in the Board's BHP Boston Licence renewal decision...*<sup>121</sup>

### ***Specific Amendments to Part C***

Consequently, the Board is unwilling to fix the security required to be posted under Part C Item 1 of the renewed and amended licence by discounting on the basis of drawing distinctions between land and water based security. Rather, the Board has confined the discounting under the renewed and amended licence to only the amount of security for which the Board has evidence would be used for equivalent purposes as reclamation security posted under the water licence and has been furnished and maintained with the KIA. When the global security amount of \$86.5 million is discounted by the \$14.9 million currently posted under the KIA Commercial Production Lease, the amount of security the Board has fixed under Part C, Item 1 is currently set at \$71,700,000 (\$71.7 million).

In fixing this amount, the Board was aware that the KIA has indicated that they would be requiring AEM to update the reclamation security held under the Commercial Production Lease by a considerable margin, which could result in AEM, in the near future, being overbonded by tens of millions of dollars. Although the Board understands that in the absence of agreement amongst the parties this may be a regrettable outcome, as the Board has no authority over the KIA and AEM's private negotiations with respect to the timing, process, scope or amount of financial security that may be filed under the Commercial

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<sup>121</sup> Nunavut Water Board, Reasons for Decision for 2AM-MRY1325, July 31, 2015 at p. 60.



Production Lease in future, the Board is unable to consider discounting on the basis of an indeterminate amount of security filed with the KIA at some future time.

However, the parties should be aware that the Board has amended Part C to expressly allow for AEM, the KIA or the Minister to bring an application to amend the security amount required under Part C, Item 1 of the renewed and amended licence (under the Existing Licence this authority was limited to a request by the Licensee). This amendment to the renewed and amended licence would permit AEM or the KIA to apply to the Board to consider a reduction in the security amount required under Part C, Item 1 to reflect any changes to the security held under the Commercial Production Lease (increases OR decreases). Part C has also been amended to permit the Board to discount from the security amount fixed under the licence the reclamation security amount held by the KIA under the Commercial Production Lease (or other land- based instrument) where that security is held for equivalent purposes.

Reflecting the submissions of the parties, and AANDC in particular, the Board has not included in the renewed and amended licence a prescribed process for the Board's consideration of such an amendment to the security amount required under Part C, Item 1. Consequently, the general requirements associated with an amendment to a Type "A" Water Licence will apply. As noted in s. 9 of the *Nunavut Waters Regulation*<sup>122</sup> it is possible that this type of amendment may not require a public hearing. Accordingly, the Board has also included an amendment to Part C that permits the Board, upon request, or upon its own initiative to issue further directions under Part C with respect to the process for amending the amount of security to be furnished and maintained under the renewed and amended licence.

Also with the recognition that there may be a requirement to revisit the security held under the water licence if there are any material changes to the security arrangements between AEM and KIA under the Commercial Production Lease that were used as the basis for discounting from the amount of security required to be filed under Part C, Item 1 of the renewed and amended licence, the Board has also amended Part C to require AEM to provide the Board and Minister with 60 days' prior written notice of any material changes to the security arrangements between AEM and the KIA.

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<sup>122</sup> Section 9(1) of the *Nunavut Waters Regulations*, SOR/2013-69 provides that: For the purposes of section 13.7.3 of the Agreement [NLCA] and subsection 52(1) of the Act [NWSRTA], 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.





## **Part D: Conditions Applying to Construction**

Generic terms and conditions were included in the Existing Licence to apply to the construction activities associated with the Mine. Now that construction is largely complete, these activities have been incorporated into the scope of the undertaking under the renewed and amended licence. While construction of most mine infrastructure was completed during the term of the Existing Licence, several of the “construction” conditions will still apply to the Portage and Vault Waste Disposal Facilities, Contact and Non-Contact Water management systems, including the Saddle Dams, Central and new potential dikes, and to the Landfills.

Conditions have been included under Part D of the Licence that require the submission of final design and construction drawings to the Board for approval at least six (6) months prior to the construction of Saddle Dams or new dikes, accompanied by a detailed assessment report from the “Independent Geotechnical Expert Review Panel”. The Board is aware that AEM established an Independent Geotechnical Peer Review Panel consisting of a panel of geotechnical specialists to independently review the design put forward for the dikes by AEM’s consultants as previously required.<sup>123</sup> The Board recommends that as a minimum the review standards meet the requirements of the Canadian Dam Association Safety Guidelines.

The Licensee shall be also required to submit, to the Board for review, final design and construction drawings of the Demolition Landfill at least one (1) year prior to commissioning the facility.

In addition, conditions applying to construction activities, including ensuring that only materials free of acid-generating and metal-leaching properties are used for construction, and the requirements for submission of as-built drawings within ninety (90) days following construction of on-site facilities have also been included in the Licence.

## **Part E: Conditions Applying to Water Use and Management**

### Water Use

Section 11 of the NWNSRTA states “... no person shall use, or permit the use of, water in Nunavut except in accordance with the conditions of a licence.”

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<sup>123</sup> See Nunavut Water Board Hearing, Re: Meadowbank Gold Mine Project Type A Water Licence, Transcript, April 15, 2008, at p. 77.



Most of the fresh water used by the Project for mining, milling and potable purposes is obtained from Third Portage Lake. A relatively small amount of fresh water used for explosives mixing is obtained from a non-fish bearing, unnamed lake located approximately 250 m from the Emulsion Plant.

The original Licence authorized the Licensee to use a total of up to 700,000 m<sup>3</sup> of fresh water per year for all purposes. In 2014, the original Licence was amended under Amendment No. 2, to increase the authorized use of water from 700,000 m<sup>3</sup> for all purposes (domestic camp use, mining, milling and associated uses), to a total licensed amount of 1,870,000 m<sup>3</sup> for 2013 only and 1,150,000 m<sup>3</sup> per year after 2013.

In the Renewal and Amendment Application, the Licensee indicated that “recent updates in closure planning have advanced the Second Portage and Third Portage pits re-flooding schedule”. AEM estimated that to begin re-flooding or re-watering in 2015 that an additional approximately 450,000 m<sup>3</sup> of fresh water will be used on an annual basis. By 2018, when the full re-watering of all three mined-out pits is expected to start, the fresh water use for re-watering of Portage and Goose Pits from Third Portage Lake will increase to 4.88 Million m<sup>3</sup> per year and to 4.18 Million m<sup>3</sup> per year from Wally Lake for re-watering of Vault Pit. At that time, 55,000 m<sup>3</sup> per year of fresh water from Third Portage Lake will also be needed for mill and camp use.

AEM provided the following annual fresh water use estimate for all purposes, including pit re-watering from 2015 to 2025 in the Renewal and Amendment Application:

<b>Year</b>	<b>Mill/Camp Freshwater Use from Third Portage Lake (m<sup>3</sup>/year)</b>	<b>Emulsion Plan Freshwater Use from Unnamed Lake (m<sup>3</sup>/year)</b>	<b>Portage and Goose Pit Flooding from Third Portage Lake (m<sup>3</sup>/year)</b>	<b>Vault Lake Pit Flooding from Wally Lake (m<sup>3</sup>/year)</b>
2015	1,147,600	2,400	450,000	0
2016	1,147,600	2,400	1,200,000	0
2017	1,147,600	2,400	1,200,000	0
2018	55,000*	0	4,880,000	4,184,652
2019	55,000	0	4,880,000	4,184,652
2020	55,000	0	4,880,000	4,184,652
2021	55,000	0	4,880,000	4,184,652
2022	55,000	0	4,880,000	4,184,652
2023	55,000	0	4,880,000	4,184,652
2024	55,000	0	4,880,000	4,053,862
2025	55,000	0	4,880,000	0

\*Fresh Water use for domestic camp purposes.



In its technical review comments, the Kivalliq Inuit Association (KIA) expressed its concern<sup>124</sup> regarding the increase of requested fresh water use and potential impact on Third Portage Lake and recommended a staged water use limit to discourage excessive consumption in any given year. As proposed by the KIA the limit for Stage 1 (from the potential issuance date of the renewed and amended licence to 2018), would authorize the use of up to 2,350,000 m<sup>3</sup> per year for mine operations and re-flooding. The limit for Stage 2 (commencing in 2018 to the end of the term) would authorize the use of up to 9,119,652 m<sup>3</sup> per year of fresh water to be used for pit re-flooding and domestic camp use.

The Board agrees that the staged approach recommended by KIA, and as agreed to by the parties and AEM, strikes an appropriate balance between the increased requirements for AEM during proposed pit re-flooding and encouraging responsible water use and water conservation to the extent possible. On this basis, the Board has adopted a staged approach to water use, which authorizes for the Stage 1 the use of up to 2,350,000 m<sup>3</sup> per year water from Third Portage Lake from Licence Issuance date to the end of December 2017, followed by a maximum use of 4,935,000 m<sup>3</sup> per year of water from Third Portage Lake and up to 4,185,000 m<sup>3</sup> per year water from Wally Lake through to the Licence Expiry date for the Stage 2. The total volume of water from all sources shall not to exceed 9,120,000 m<sup>3</sup> per year.

### ***Water Balance and Water Quality Modeling***

The Existing Licence required that the Licensee submit a Water Balance and Water Quality Modeling biannually for a period of two (2) years following the commencement of Operations and annually thereafter. For more clarity and in light of the current scope of the Project, AEM proposed the following revised wording:

*The Licensee shall submit a Water Management Plan on an annual basis to the Board for review. The Report shall include a comparison of predicted and measured parameters. The plan must include an updated water balance. The Water Management Plans shall include an action plan if predicted re-flooded pit water quality indicates treatment is necessary...*

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<sup>124</sup> Letter and attachments to Nunavut Water Board (NWB), from Nunavut Tunngavik Inc. (NTI) and Kivalliq Inuit Association (KIA), dated December 11, 2014, Re: Updated Technical Review of the Meadowbank Gold Mine, J140091 GeoVector and KIA, Meadowbank Water Licence Renewal.



Environment Canada (EC) recommended<sup>125</sup> further revision to this condition to more specifically state when an action plan should be implemented. The Board agrees with EC's recommendation and has included a requirement to submit a Water Management Plan on an annual basis to include an updated Water Balance, and the Water Management Plan shall include the requirement that an action plan will be implemented if predicted re-flooded pit water quality indicates treatment is necessary. The dike will not be breached until the water quality in the re-flooded area meets the applicable CCME *Water Quality Guidelines for the Protection of Aquatic Life* baseline concentrations or appropriate site-specific water quality objectives.

The Water Management Plan shall also include a Quality Model for pit re-flooding to monitor the pit water quality and model the results on an annual basis. As recommended by EC and KIA<sup>126</sup> the predicted water quantity and quality within the pits shall be compared to the measured water quantity and quality to ensure that pit water quality meets CCME limits and ultimately protect aquatic biota, prior to breaching the dikes.

The Board further requires AEM to continue carrying out weekly inspections of all water management structures during periods of flow and to maintain records for review upon the request of an Inspector, and include this information in the annual update of Water Management Plan.

The Board also requires AEM to provide at least thirty (30) days' notice to the NWB and Inspector prior to starting the re-flooding of each pit.

## **Part F: Conditions Applying to Waste Disposal and Management**

The Board has included conditions in the Licence to ensure that the main types of waste and/or effluent generated by the Project do not negatively impact the receiving fresh water environment. The following lists the wastes, facilities and/or activities that are within the NWB's mandate and are included within the scope of the amended and renewed Licence:

- Tailings Impoundment Area or Tailings Storage Facility (TSF);
- Portage and Vault Rocks Storage Facilities (WRSF) and Ore stockpiles,
- Wastewater Treatment Plant;

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<sup>125</sup> Letter to M. Porter, NWB, from J. Price, EC, dated December 24, 2014, Re: Meadowbank Type A Water License Renewal.

<sup>126</sup> Letter and attachments to Nunavut Water Board (NWB), from Nunavut Tunngavik Inc. (NTI) and Kivalliq Inuit Association (KIA), dated December 11, 2014, Re: Updated Technical Review of the Meadowbank Gold Mine, J140091 GeoVector and KIA, Meadowbank Water Licence Renewal.



- Landfills;
- Landfarm;
- Meadowbank Mine site and Baker Lake Fuel Storage and Containment Facilities.

#### Tailings Storage Facility and Waste Rock Storage Facilities:

The Tailings Storage Facility (TSF) is delineated by a series of dikes that have been constructed and dikes that are planned but have not yet been fully built around and across the basin of the dewatered northwest arm of Second Portage Lake. The TSF is divided into the North and South Cells. From 2010 to 2015 tailings were to be stored in the North Cell, delineated by the Stormwater Dike and Saddle Dams 1 and 2. Once the North Cell is full, deposition will switch to the South Cell until mine operations cease in 2017. The South Cell will be delineated by the Central Dike and Saddle Dams 3, 4 and 5 (to be constructed). Operation in cells will allow progressive closure and cover trials to begin in the North Cell while tailings deposition continues in the South Cell.

Reclaim water represents the water reclaimed from the TSF (North and future South Cell) reclaim ponds. For the early years of operation, the pond in the South Cell is operated as an attenuation storage pond (Portage Attenuation Pond), while the Reclaim Pond is operated within the North Cell. With the deposition of tailings to the South Cell, the Attenuation and Reclaim Ponds are combined.

Waters collected from the Saddle Dams seepage collection systems are sent directly to the TSF. There are perimeter water control structures, comprising ditches and sumps, to collect surface water runoff and seepage from the TSF for pumping to the water treatment plant.

Waste rock within the RSFs was and will be disposed of on land as well as within the Portage Pit. The waste types that report to the RSFs show variable Acid Rock Drainage (ARD) potentials, some of which require control measures. The updated Waste Rock and Tailings Management Plan submitted within the Renewal and Amendment Application states that “as a further ARD control measure, the Portage RSF will be capped with a 4-m thick cover of NAG [Non-Acid Generating] rock. This capping is continually ongoing as parts of the RSF reach their limits. The final top capping will be completed at closure”. It was also stated that most of the waste rock (90%) from the Vault deposit is NAG, and water quality modeling concluded that the Vault RSF is not expected to require capping. As a precautionary measure, AEM stated that “any PAG [Potentially Acid-Generating]



material encountered at Vault RSF will be capped with NAG waste rock as dumping proceeds.”

The concept of permafrost encapsulation of mine wastes (PAG waste rock and tailings), which is being proposed for the Meadowbank Gold Mine, is technically feasible as a mitigative measure for managing ARD (Acid Rock Drainage) and ML (Metal Leaching) in arctic mines, as discussed in INAC’s 2007 *Mine Site Reclamation Guidelines for the Northwest Territories*.<sup>127</sup> In its technical review submission, Aboriginal Affairs and Northern Development Canada (AANDC) stated that:

*...current site conditions (climate and permafrost temperatures) are favourable for permafrost to aggrade into, and persist within, the proposed mine waste deposits. Further monitoring and analyses will be required to relate aspects of acid generation (oxidation potential), evaluate the potential effects of taliks within and below mine waste deposits, and assess the potential for cryo-concentration of solutes in tailings, including the collection and possible treatment of such impacted waters.*<sup>128</sup>

AANDC and EC indicated that AEM should provide further details on the predicted thermal behavior of the waste rock pile, with supporting information from other such facilities in the North. Also, clarifications will be needed on the details of granular material (granular composition, size, density, etc.) and the thickness of rock fill cover to be used for capping the TSF and RSF, and on how the PAG material will be capped within the Vault RSF to be able to isolate the PAG material such that any infiltration through the uncapped part of the RSF will not migrate and access the PAG material under the cap.

AANDC noted that the Licensee should develop management plans to deal with temperature rise conditions in the RSF (both predicted temperature rise and also increases that are unanticipated). It was also indicated that the TSF and RSF freeze control strategy needs to be analyzed in light of thermal monitoring results.

The Licensee indicated that AEM is currently working with the Research Institute in Mines and Environment (RIME) and consultants to ensure that the design controls for ARD in the TSF and WRSF encapsulation projects and freeze control strategies are effective. The

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<sup>127</sup> Indian and Northern Affairs Canada, *Mine Site Reclamation Guidelines for the Northwest Territories*, 2007, Indian and Northern Affairs Canada: Yellowknife, NWT.

<sup>128</sup> Letter to P. Beaulieu, NWB, from I. Parsons, AANDC, dated December 24, 2014, Re: Aboriginal Affairs and Northern Development Canada Technical Review of Agnico Eagle Mines Ltd.’s Application to Renew Water Licence #2AM-MEA0815 (BGC Engineering Inc. Technical Review of Type ‘A’ Water Licence Renewal Application, Meadowbank).



program will be developed to obtain additional relevant information on RSF thermal behavior and will be complementary to the existing instrumentation already in place. AEM will explore the possibility of installing piezometers in the RSF as part of the instrumentation program; however AEM acknowledged that such a program, including instrumentation, must be suitable to the site-specific conditions of the Portage RSF. The data from monitoring of the RSF will be used for the completion of the final reclamation and closure plan which, as required under the Licence, will be provided one (1) year prior to the closure.

AEM committed to include within the next updated *Tailings Storage Facility: Operation, Maintenance and Surveillance Manual* details on the management of seepage: collection; pumping to a treatment facility; treatment, if necessary, and discharge through a designated final discharge point as according to EC “seepage is defined under MMER as effluent, and as such whenever seepage is detected during inspection it will need to be managed as effluent from the mine site that should be discharged through a final discharge point (FDP)”.

The Board agrees to include Total Dissolved Solids (TDS) as a Licence Criteria for the effluent discharge at the final discharge point. Reflecting the potential for toxicity when TDS is above the concentration of 1400 mg/L, this limit is both the Maximum Grab and Monthly Average Concentration limit that was recommended by EC.

The Applicant does not propose to discharge any effluent from the Portage site mining and milling operations to the receiving environment (other than dike seepage) as storage in the mined-out Goose Pit will be available. Although no further effluent discharge from the main mine final discharge point ST-9 is contemplated, licence effluent criteria will be maintained in the renewed and amended licence.

### Wastewater Treatment

Portage water treatment plant (WTP) was used to treat water from the Portage Attenuation Pond (ATP) (future South Cell TSF) to be discharged to Third Portage Lake. With the tailings deposition to the South Cell, the Portage ATP is being switched to Goose Pit as mining of the Goose Pit will be completed in 2015. At this point any pit water observed in the Portage pits will be pumped/transferred to the mined-out Goose Pit and will become part of the Goose Pit re-flooding program. Thus, with no further discharge to Third Portage Lake the Portage WTP will no longer be required. Collection ditches along the





Portage RSF have directed any contact waters toward sumps. Contact water from these sumps are being pumped or allowed to drain by gravity to Reclaim Pond.

A portion of dewatered Vault Lake is serviced as Vault Attenuation Pond, which will operate until the end of mine life in 2017. All discharges will be through the Vault WTP which is designed to remove TSS only. According to AEM's *Water Management Report and Plan*, dated March 2014, all other parameters are predicted to be within the Water Licence and MMER criteria. The Vault Attenuation Pond will collect all pit and contact runoff waters prior to any discharge to Wally Lake.

The Sewage Treatment Plant is located on the northern end of the mine site. Treated sewage is pumped into a small attenuation pond (Stormwater Management Pond) which is a shallow (less than 2 m deep) water body located between the plant site and Portage Pit that does not contain fish. The Stormwater Management Pond is within the mine footprint, and is also used as a storm water management pond for the overall Meadowbank site. The wastewater is pumped periodically (when near capacity of the pond) directly to the TSF. Mine site runoff water accumulated on roads, the airstrip and collected in a series of ditches is also pumped to Stormwater Pond. As a result, there is no direct discharge of treated effluent or site runoff water into natural environment.

The Board agrees with AEM that it is no longer necessary for the Licence to contain any conditions regarding the sewage disposal at the Baker Lake Marshalling Facility, as there is no sewage generated at that site. Therefore, the renewed and amended licence does not include these conditions.

#### Landfills and Landfarm:

The current Landfill #1 (Construction and Operations Landfill) is for the disposal of non-salvageable, non-hazardous solid wastes from mining activities that cannot be incinerated. It is located on the Portage RSF and will consist of several sub landfills that evolve with the placement of waste rock.

A conceptual closure industrial waste landfill will be located near the top of the Portage RSF and would serve the mine for the last two years of the mine closure. Demolition waste from the plant site removal / reclamation will be disposed of in Landfill #2. Although the Landfill Design and Management Plan included a design drawing for the Landfill #2, it is not for construction. Therefore, the Licensee will be required to provide construction drawings for the Board's review prior to construction.



One soil remediation/storage cell Landfarm is constructed immediately adjacent to the North Cell TSF in 2012, with surface drainage to the east towards the TSF and away from Third Portage Lake. This location was chosen by AEM to minimize the waste footprint on site and the transport distance of contaminated material from spill locations. All site locations where waste is generated in the form of tailings and waste rock and the site landfill are in close proximity to the Landfarm. According to AEM the Landfarm was designed to readily accommodate the 4,146 m<sup>3</sup> of estimated total contaminated soil, should all of it need to be stored until closure. The Meadowbank facility pad is constructed with 2.7 m of compacted till with a hydraulic conductivity of 10<sup>-7</sup> m/s. Therefore, no impacts to groundwater are anticipated.

#### Non-Contact Water Diversion:

The Licence shall continue to regulate Total Suspended Solids (TSS) at non-contact water diversions during operations and closure. The Board accepts AEM's recommendation that East Dike seepage should be managed as non-contact water.

#### Mine Site and Baker Lake Fuel Storage Containment Facilities:

The Board agrees with AEM's suggestion and has changed the effluent discharge limit for lead (Pb) from the Baker Lake Fuel Storage Containment Facility. The rationale behind this change is that all secondary containment berms are actually discharging to land as opposed to discharging from effluent collection ditches and sumps into Baker Lake.

### **Part G: Conditions Applying to Modifications**

Pursuant to section 12.4.3<sup>129</sup> of the NLCA, a proposed modification submitted under this Licence may require a screening determination by the NIRB. Prior to the undertaking of any proposed modification, it is the responsibility of the Licensee to notify and consult the NIRB to ensure that Article 12 requirements are met prior to submission of any modification request to the NWB for consideration.

In addition, the Licensee is required to seek permission from the NWB to carry out any modifications being contemplated, and that all modifications must be consistent with the

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<sup>129</sup> Article 12, Clause 12.4.3 of the NLCA states:

Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirements for screening by NIRB unless

(a) Such component or activity was not part of the original proposal [i.e. not part of the original scope of the project]; or

(b) Its inclusion would significantly modify the project.



terms and conditions of the Licence. If changes are not consistent with the terms and conditions of the renewed and amended licence, they would not be considered “modifications” under the Licence, and amendment to the Licence may be required.

## **Part H: Conditions Applying to Emergency Response and Contingency Planning**

The development and implementation of measures to respond to spills and other emergencies are fundamental to ensuring that any potential undesired effects on the receiving environment associated with the Meadowbank Gold Mine are prevented and/or minimized. Accordingly, the Applicant has submitted updated *Emergency Response Plan (ERP)* and *Spill Contingency Plan (SCP)* as part of the licensing process in August 2014. These Plans identify potential emergencies that could arise while carrying out the undertaking and provides a procedural framework for responding to those emergencies.

In its technical review comments, KIA noted that seepages such as that in Lake NP2 was brought to the attention of regulatory bodies by the AANDC Inspector rather than by AEM itself. KIA was concerned that seepages are not considered as spills in the SCP. AEM has committed to adding a section in the updated version of the SCP that will include reports on any unanticipated seepages at the mine site.

## **Part I: Conditions Applying to General and Aquatic Effects Monitoring**

Section 73 of the NWNSRTA requires the Board to set conditions at least as stringent as conditions prescribed by regulation pursuant to subsection 36(5) of the *Fisheries Act*.<sup>130</sup> Furthermore, for the purpose of ensuring compliance with the licence or regulations, an Inspector designated by the Minister may inspect or examine works, waters or waste and exercise other powers according to the NWNSRTA.<sup>131</sup> For the purpose of monitoring, the Board may include conditions in its licence regarding monitoring programs to be undertaken.<sup>132</sup>

The monitoring program at site is presented in three sections, requirements of the compliance monitoring program, an overview of the event monitoring program, and then

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<sup>130</sup> Section 73 of the NWNSRTA states:

Where the Board issues a licence in respect of any waters to which regulations made under subsection 36(5) of the Fisheries Act apply, any conditions in the licence relating to the deposit of waste in those waters shall be at least as stringent as the conditions prescribed by those regulations.

<sup>131</sup> See ss. 85 to 94 of the NWNSRTA.

<sup>132</sup> See s. 70(1)(c) of the Act.



details of the adaptive management program designed to be implemented in response to monitoring results.

The Compliance Monitoring (CM) program monitors the chemistry of mine contact water and diverted water at specified locations prior to the release of these waters into the receiving water environment, in order to confirm and document compliance with regulatory requirements. The CM sampling program has multiple monitoring stations across the project site, with sampling occurring at different stages of the mine life. The CM details are included within a series of monitoring programs and plans: Water Quality and Flow Monitoring Plan; Aquatic Effects Monitoring Program (AEMP); and Core Receiving Environmental Monitoring Program (CREMP). The Groundwater Monitoring Plan is designed to help determining any effects of mining on groundwater quality through the collection and analysis of groundwater data.

The Event Monitoring (EM) program monitors the site for results associated with unexpected events such as spills, accidents and malfunctions. The response programs for such events are discussed in the Emergency Response Plan and Spill Contingency Plan.

The Board recognizes that some infrastructure components included within the original scope of the Meadowbank Gold Project and included in the scope of the Existing Licence were not actually constructed as AEM determined these components were not necessary, and therefore no associated Monitoring Program Stations were established. The Board also recognizes that some other Monitoring Program Stations are currently inactive as monitoring activities were related specifically to the mine construction phase. Although these Monitoring Program Stations are still listed within the Licence for the sake of continuity, the Board recognizes that monitoring is not currently required and conducted at these stations.

In its technical review comments EC recommended new additional Monitoring Stations to be included within the CM sampling program: one station for the Vault Rock Storage Facility runoff monitoring at late operations and closure phase, and another Station for the Vault Pit Lake monitoring at closure phase. The Board agrees with these recommendations.

The Board also agrees with AEM's recommendation to reduce the groupings of sampling parameters within the Licence from 9 groups included within the Existing Licence to 6 groups within the renewed and amended licence. This change will provide clarity and less



redundancy in parameter groups. The updated Parameters Groups and description of all Monitoring Program Stations are provided within the Schedule I of the Licence.

The Board recognizes that AEM updated the *Water Quality and Flow Monitoring Plan* prior to the Public Hearing to address the Board and Intervener comments regarding the monitoring requirements.

The Meadowbank effluent monitoring program (final discharge points ST-9 and ST-10) is based on MMER requirements, which includes characterization of total cyanide and toxicity testing and stipulates standard decision criteria for management actions.

The Board has not made any changes to the MMER list, and the Radium 226, as previously recommended by EC, is still included within the MMER list.<sup>133</sup> EC stated<sup>134</sup> that the MMER does not include the *Daphnia magna* bioassay as a regulated test, and suggested that the *Daphnia* test be moved to the monitoring section in the Schedule I of the Licence rather than be kept as regulated criteria. The Board agrees and has included the Acute Lethality Tests of Effluents to *Daphnia Magna* for discharge only within the Schedule I.

The Board has added the turbidity, total cyanide and free cyanide to the list of Conventional Parameters as proposed by AEM. These additions reflect EC's recommendation and further discussion between EC and AEM.<sup>135</sup> The Licensee committed to monitor the Weak Acid Dissociable Cyanide (WAD-CN) at monitoring stations of receiving environment triggered by Total Cyanide detected values of above 0.05mg/L. AEM also agreed with KIA's recommendation<sup>136</sup> and shall continue monitoring of Free Cyanide in the receiving environment, and its adaptive management plans will include provisions to add Free Cyanide in the discharge monitoring if triggers for Free Cyanide were activated.

NWB agreed with EC's recommendation to include specific threshold and trigger levels in the relevant monitoring reports, and also with KIA's recommendation requiring AEM to continue evaluating the Core Receiving Environmental Monitoring Program (CREMP) data against pre-established triggers and thresholds. To reflect this recommendation, AEM

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<sup>133</sup> See EC Written Submission dated March 31, 2008, at p.7.

<sup>134</sup> Letter to M. Porter, NWB, from J. Price, EC, dated December 24, 2014, Re: Meadowbank Type "A" Water Licence Renewal.

<sup>135</sup> See Nunavut Water Board Hearing Re: Meadowbank Gold Mine Project Type A Water Licence, Preliminary AEM Response to Technical Comments Sheet, Line 15.

<sup>136</sup> Letter and attachments to Nunavut Water Board (NWB), from Nunavut Tunngavik Inc. (NTI) and Kivalliq Inuit Association (KIA), dated December 11, 2014, Re: Updated Technical Review of the Meadowbank Gold Mine, J140091 GeoVector and KIA, Meadowbank Water Licence Renewal.



will be required to complete a more detailed review of the CREMP data against the FEIS predictions and evaluate it in AEM's annual report submissions.

AEM also committed to implement adaptive management to mitigate changes to receiving environment's sediment quality as proposed by KIA.

AEM recognized that stratification may occur and that sampling at depth may be appropriate. AEM indicated that this has already been incorporated into the CREMP by instructing field teams to take samples at depth when vertical profiling suggests the presence of stratification (e.g., abnormally high conductivity, low dissolved oxygen and temperature measurements during the open water / ice free seasons).

As part of the licensing process, AEM also committed to make changes to the CREMP reporting framework and to implement adaptive management, to improve data quality and achieve lower detection method limits and meet hold time requirements within the updated CREMP. The updated CREMP will also provide additional supporting information for decisions made regarding the statistical analysis.

The Board agrees that at the closure phase of the Project, closure criteria for breaching of pit lake dikes will be based on appropriate standards in place at the time, such as the Canadian Council of Ministers of the Environment (CCME) *Water Quality Guidelines for the Protection of Freshwater Aquatic Life*.

## **Part J: Conditions Applying to Abandonment, Reclamation and Closure**

The Licensee submitted an Interim Closure and Reclamation Plan dated January 2014 as part of the Renewal and Amendment Application, which the NWB has approved with the issuance of the renewed and amended licence. The Board requires AEM to prepare a Final Closure and Reclamation Plan in accordance with the *Mine Site Reclamation Guidelines for the Northwest Territories, 2007* and consistent with the *INAC Mine Site Reclamation Policy for Nunavut, 2002*. The Final Closure and Reclamation Plan will be required at least 12 months prior to the closure of the mine.

The Board agrees with Interveners' recommendations and AEM's commitments to have TSF and RSF rock fill cover designs, design controls for ARD/ML in the TSF and RSF encapsulation projects, TSF and RSF thermal behaviour details and freeze control strategies and other recommendations provided by Parties within the Final Closure and Reclamation Plan. The recommendations by the Interveners in their written submissions



are not specifically addressed as terms and conditions of the Licence unless otherwise stated in the Licence. However, the Board encourages AEM to further consider all submissions that have been made during the Board's review of the Renewal and Amendment Application with respect to abandonment, reclamation, and closure in preparation of the Final Closure and Reclamation Plan.

The Board has also included a requirement to notify the Board in writing, as soon as practically possible, of any intent to enter into a Care and Maintenance Phase or at the very least sixty (60) days prior to entering into a Care and Maintenance Phase. A Care and Maintenance Plan shall also be submitted to the Board within thirty (30) days of notification, to detail the Licensee's plans for maintaining compliance with the Terms and Conditions of the Licence.

### **Schedules A-J**

Schedules provide instructive detail to the conditions appearing in more general terms in the main body of the Licence and are spelled out in this format for greater clarity and as an aid to interpretation for the Licensee. Except for Schedule A, the schedules provide, if needed, specific requirements for Plans to be submitted to the Board.

If the Board subsequently determines that an item in any of the Schedules requires revision in order to better reflect the intent and objectives of the Licence, the Board may at its discretion, and upon consulting and providing written notice to the Licensee and intervening parties, revise the Schedule. Unless the Board directs otherwise, such revision may not necessarily be considered as an "Amendment" to the Licence.





## **APPENDIX A - Agenda for Public Hearing and Community Session**

### **AGENDA: Public Hearing**

Licence No. 2AM-MEA0815, Type "A"  
Renewal/Amendment Application

April 29 and 30, 2015  
Baker Lake Community Hall  
8:30 a.m. – 5:00 p.m. CDT (Daily)

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1. Opening Prayer
  2. Opening Remarks by the Chairperson, which shall include the purpose of the Hearing and the scope of matters which will be considered by the Board
  3. Introduction of the Board Members and staff
  4. Identification and introduction of the Parties
  5. Introduction of the Elders and their role in the Hearing
  6. Introduction and Identification of the persons, associations, agencies, etc., who have not submitted interventions but who have expressed a desire to speak at the Hearing
  7. Identification of any Motions or any objections
  8. Presentation by the Applicant
  9. Questioning of the Applicant by Parties respecting the Applicant's presentation
  10. Questioning by the Board staff and Panel Members
  11. Presentation by Interveners
  12. Questioning of Interveners by Parties
  13. Questioning by the Board staff and Panel Members
  14. Presentation by any other persons, associations, agencies, etc. who have advised the Chairperson that they wish to speak
  15. Questioning of other persons, associations, agencies, etc. by Parties



16. Question by the Board staff and Panel Members
17. Upon completion of presentations by all Parties, the Board will give the Applicant the opportunity to reply. Then all Parties will have the opportunity to make final closing statements taking into account matters raised at the Hearing;
18. Closing remarks by the Chairperson
19. Closing Prayer



### **AGENDA: Community Session**

Licence No. 2AM-MEA0815, Type “A” Renewal/Amendment Application

Baker Lake Community Hall

April 29, 2015  
7:00 p.m. – 10:00 p.m. CDT

- 
1. Opening Prayer
  2. Opening Remarks by the Chair
  3. Presentation by the Nunavut Water Board (NWB): Type “A” water licensing process (15 minutes)
  4. Questions and/or comments from community members and other participants
  5. Presentation by Agnico Eagle Mines Limited of the Renewal and Amendment Application before the Board for Type “A” Water Licence 2AM-MEA0815 (20 Minutes)
  6. Question and/or comments from community members and other participants
  7. Presentation from each intervening party pertaining to its mandate and role(s) in the water licensing process as well as an overview of their overall findings during the technical review (15 Minutes/Intervener)
  8. Questions and/or comments from community members and other participants
  9. Closing Remarks
  10. Closing Prayer



## **APPENDIX B - Exhibit List**

<b>Exhibit</b>	<b>Exhibit Description</b>	<b>Date</b>	<b>From</b>
1	Hard copy PowerPoint Presentation NWB Community Session Presentation for Type “A” Water Licence 2AM-MEA0815 Renewal Application Meadowbank Gold Mine Project English/Inuktitut	April 29, 2015	Nunavut Water Board
2	Hard copy PowerPoint Presentation Meadowbank Type A Licence Renewal Final Public Hearing Community Presentation April 29-30 2015 Inuktitut	April 29, 2015	Agnico Eagle Mines Ltd.
3	Hard copy PowerPoint Presentation Meadowbank Type A Licence Renewal Final Public Hearing Community Presentation April 29-30 2015 English	April 29, 2015	Agnico Eagle Mines Ltd.
4	Hard copy PowerPoint Presentation NWB 2AM MEA0815 Community Sessions April 29, 2015 Baker Lake, NU English/Inuktitut	April 29, 2015	Kivalliq Inuit Association
5	Hard copy PowerPoint Presentation Amendment and Renewal of Water Licence #2AM-MEA0815 Meadowbank Gold Project Community Presentation Agnico Eagle Mines Ltd. (AEM) English/Inuktitut	April 29, 2015	Aboriginal Affairs and Northern Development Canada
6	Hard Copy PowerPoint Presentation Type A Licence Renewal Final Public Hearing Presentation April 29-30, 2015 English Only	April 30, 2015	Agnico Eagle Mines Ltd.



Exhibit	Exhibit Description	Date	From
7	Hard Copy PowerPoint Presentation Meadowbank Water Licence Renewal 2AM-MEA0815 April 29-30, 2015 English/Inuktitut	April 30, 2015	Kivalliq Inuit Association
8	Hard Copy PowerPoint Presentation Amendment and Renewal of Water Licence #2AM-MEA0815 Meadowbank Gold Project Agnico Eagle Mines Ltd. (AEM) English/Inuktitut	April 30, 2015	Aboriginal Affairs and Northern Development Canada





## **APPENDIX D - List of Submissions and Correspondence**

### **Application Submissions:**

1. Cover letter and initial submission of application for renewal of water licence 2AM-MEA0815 by Agnico Eagle Mines Limited (“AEM”) dated **August 5, 2014**.
2. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Nunavut Water Board (NWB 2AM-MEA0815) Type A Water Licence Renewal Application – Main Supporting Document.
3. Submitted on **August 5, 2014** by Agnico Eagle Mine Limited; Aboriginal Affairs and Northern Development Canada (AANDC) Inspectors Direction and AEM’s Response.
4. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Aquatic Effect Management Program (AEMP), Version 2 (Dec. 2012).
5. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Core Receiving Environment Monitoring Program (CREMP), Design Document, Version 1 (Dec.2012).
6. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Water Quality Monitoring and Management Plan for Dike Construction and Dewatering, Version 4 (April 2010).
7. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Groundwater Monitoring Plan, Version 4 (Jan. 2014).
8. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Quality Assurance/Quality Control (QA/QC) Plan, Version 2 (July 2014).
9. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Water Quality and Flow Monitoring Plan, Version 3 (July 2014).
10. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Emergency Response Plan, Version 6 (Aug. 2013).
11. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Hazardous Material Management, Version 3 (Oct. 2013).
12. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Spill Contingency Plan, Version 4 (Nov. 2013).
13. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Operational ARD/ML Testing and Sampling Plan, Version 2 (Nov. 2013).
14. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 3 (June 2014).
15. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Incinerator Waste Management Plan, Version 5 (July 2014).
16. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Interim Closure and Reclamation Plan, Version 2 (Jan. 2014).





17. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Landfarm Design and Management Plan, Version 3 (Feb. 2013).
18. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Landfill Design and Management Plan, Version 2 (March 2013).
19. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; 2013 Water Management Report and Plan, Version 1 (March 2014)
20. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Ammonia Management Plan, Version (Feb. 2013).
21. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Dewatering Dike: Operation, Maintenance and Surveillance Manual, Version 3 (Sept. 2013).
22. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Tailings Storage Facility: Operation, Maintenance and Surveillance Manual, Version 3 (Sept. 2013).
23. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Mine Waste Rock and Tailings Management Plan, Version 1 (March 2014).
24. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Operation and Maintenance Manual: Sewage Treatment Plan, Version 4 (Apr. 2013).
25. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Core Receiving Environment Monitoring Program 2013 – Meadowbank Mine.
26. Submitted on **August 5, 2014** by Agnico Eagle Mines Limited; Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM: Agnico Eagle Mines Meadowbank Mine Type “A” Water Licence – 2AM-MEA0815 (issue June 9, 2008 by the Nunavut Water Board) Renewal dated **July 23<sup>rd</sup>, 2014**.
27. Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Stephane Robert, Manager Regulatory Affairs Nunavut, AEM; Re: Agnico Eagle Mines Meadowbank Mine Type A Water License – 2AM-MEA815 (issued June 9, 2008 by the Nunavut Water Board) Renewal – Admin Fee Cover Letter received **August 8, 2014**.

#### **Additional File Submissions & Correspondence:**

1. Letter to Stephane Robert, AEM from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Re: Acknowledgement and Receipt of Application Fee – Renewal Water Licence – Meadowbank Gold Project dated **August 20, 2014**.
2. Letter to Stephane Robert, Manager Regulatory Affairs, Nunavut, AEM from Phyllis Beaulieu, Manager of Licensing, NWB; Re: Application for the renewal of Licence No. 2AM-MEA0815, Agnico Eagle Mines Ltd. – Renewal Application Completeness dated **August 29, 2014**.
3. Submission from Stu Niven, Senior Fisheries Protection Biologist, Department of Fisheries and Oceans Canada (DFO) to Phyllis Beaulieu, Manager of Licensing, NWB; Completeness Review and Initial Technical Assessment to the Nunavut Water Board Application for a Type “A” Water License dated **September 24, 2014**.



4. Submission from David Abernathy, Regional Coordinator, Water Resources Division, Aboriginal Affairs and Northern Development Canada (AANDC) to Robin Ikkutisluk, Licence Administrative Assistant, NWB; Re: Aboriginal Affairs and Northern Development Canada Completeness Review of Agnico Eagle Mines Ltd.'s Application to Renew Water Licence #2AM-MEA0815 dated **September 26, 2014**.
5. Submission from Michael I. Mohammed, Senior Environmental Assessment Coordinator, Environment Canada to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Application for the renewal of Licence No. 2AM-MEA0815, Agnico Eagle Mines Ltd. – Letter of Comment on Meadowbank WL Completeness Check dated **September 29, 2014**.
6. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); Technical Review of the Meadowbank Gold Mine Type A Water License Renewal (NWB 2AM-MEA0815) – KIA Final Report Review received **September 30, 2014**.
7. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); KIA Appendix 1 Info Reviewed Renewal received **September 30, 2014**.
8. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); KIA Appendix 2 HESL Tech Memo Renewal received **September 30, 2014**.
9. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); Appendix 3 GeoVector Tech Memo Renewal received **September 30, 2014**.
10. Email Cover to Stephane Robert, AEM from Karen Kharatyan, Technical Advisor, AEM; Meadowbank Mine 2AM-MEA0815 Licence Renewal email correspondence dated **September 30, 2014**.
11. Letter Thomas Kabloona, Chairperson from Ryan Berry, Executive Director, NIRB; Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Agnico Eagle Mines Ltd.'s Application to Renew its Type A Water Licence for the Meadowbank Gold Project, Kivalliq Region dated **September 30, 2014**.
12. Submission from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM to M. Karen Kharatyan, Technical Advisor, NWB; Re: NWB 2AM-MEA0815: Response to NWB completeness reviews of the Type A Water License renewal application received **October 14, 2014** (*no appendix*).
13. Submission from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM to M. Karen Kharatyan, Technical Advisor, NWB; Re: NWB 2AM MEA0815: Response to NWB completeness reviews of the Type A water license renewal application received **October 14, 2014** (*part 1*).
14. Submission from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM to M. Karen Kharatyan, Technical Advisor, NWB; Re: NWB 2AM MEA0815: Response to NWB completeness reviews of the Type A water license renewal application received **October 14, 2014** (*part 2*).
15. Submission from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM to M. Karen Kharatyan, Technical Advisor, NWB; Re: NWB 2AM MEA0815: Response



to NWB completeness reviews of the Type A water license renewal application received **October 14, 2014** (*part 3*).

16. Submission from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM to M. Karen Kharatyan, Technical Advisor, NWB; Re: NWB 2AM-MEA0815: Response to NWB completeness reviews of the Type A water license renewal application received **October 14, 2014** (*part 4*).
17. Letter to Stephane Robert, Manager of Regulatory Affairs, Nunavut, AEM from David Hohnstein, Director of Technical Services/Acting Executive Director; Licence No. 2AM-MEA0815, Meadowbank Gold Mine Project, Agnico Eagle Mines Ltd. – Notice of Application and Commencement of Technical Review Period dated **November 24, 2014**.
18. Notice of Application to Local Organizations from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Request to Post Notices – Notice of Application and Commencement of Technical Review Period dated **November 24, 2014**.
19. Public Notice; Nunavut Water Board Public Notice – Renewal Application to the Type “A” Licence 2AM-MEA0815 Agnico Eagle Mines Ltd. dated **November 24, 2014** (*English*).
20. Public Notice; Nunavut Water Board Public Notice – Renewal Application to the Type “A” Licence 2AM-MEA0815 Agnico Eagle Mines Ltd. dated **November 24, 2014** (*Inuktitut*).
21. Email Cover to Bill McConkey, Nunatsiaq News from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Request to Post Notices in Newspapers dated **November 24, 2015**.
22. Letter to David Hohnstein, Director of Technical Services/Acting Executive Director, NWB from Brian Aglukark, NPC; Re:NWB File # 2AM-MEA0815 AEM Meadowbank Renewal Application Nov 14 – No Conformity Required dated **November 28, 2014**.
23. Submitted on **December 2, 2014** by Agnico Eagle Mines Limited; Meadowbank Gold Project – Update to 2014 Interim Closure and Reclamation Plan Cost Estimate Using Reclaim 7.0.
24. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); Updated Technical Review of the Meadowbank Gold Mine Type A Water License Renewal (2AM-MEA0815) – Updated Final Report received on **December 12, 2014**.
25. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); KIA Updated Appendix 1 Information Reviewed received **December 12, 2014**.
26. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); Updated Appendix 2 HESL Technical Memorandum received **December 12, 2014**.
27. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board (NWB); Updated Appendix 3 GeoVector Technical Memorandum received **December 12, 2014**.



28. Submission from Julie Dahl, Regional Coordinator, Fisheries Protection Program, Department of Fisheries and Oceans Canada (DFO); Technical Review of the Nunavut Water Board Application for a Type “A” Water Licence Renewal, 2AM-MEA0815 , Meadowbank Gold Mine Project, Agnico Eagle Mines Ltd. received on **December 15, 2014**.
29. Submission from John Price, Environmental Assessment Officer, EC to Megan Porter, Licensing Administrator Assistant, NWB; Meadowbank Type “A” Water License Renewal – Comments received on **December 24, 2014**.
30. Submission from Ian Parsons, Regional Coordinator, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Aboriginal Affairs and Northern Development Canada Technical Review of Agnico Eagle Mines Ltd.’s Application to Renew Water Licence #2AM-MEA0815 – Comments on Renewal received on **December 24, 2014**.
31. Email Cover to Stephane Robert, AEM and Meadowbank Distribution from Phyllis Beaulieu, Manager of Licensing, NWB; Re: 141224 2AM-MEA0815 Responses to Technical Review – Renewal – Agnico Eagle – Kivalliq Region – Notice to All Parties of Comments received dated **December 24, 2014**.
32. Email Cover to Stephane Robert, AEM and Meadowbank Distribution from Phyllis Beaulieu, Manager of Licensing, NWB; Notice of Error on Submissions Received dated **December 30, 2014**.
33. Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM; Re: NWB 2AM MEA0815: AEM Preliminary Response to NWB technical reviews of the Type A water license renewal application dated **January 7, 2015**.
34. Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM; Re: NWB 2AM MEA0815: AEM Preliminary Response to NWB technical reviews of the Type A water license renewal application dated **January 7, 2015** (*Table of responses*).
35. Nunavut Water Board; Community Session Presentation for Type “A” Licence 2AM-MEA0815 Renewal Application Meadowbank Gold Project – Technical Meeting and Pre-Hearing Conference dated **January 7, 2015**.
36. Letter to Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB; Licence No. 2AM-MEA0815, Meadowbank Gold Mine Project, Agnico Eagle Mines Ltd.; Application for Renewal – TM and PHC – Confirmation of TM-PHC and Agenda dated **January 8, 2015**.
37. Email Cover to Stephane Robert, AEM and Meadowbank Distribution from Phyllis Beaulieu, Manager of Licensing, NWB; Notice to All Parties re; Notice of TM-PHC dated **January 8, 2015**.
38. Submitted on **January 8, 2015** by Agnico Eagle Mines Limited to Nunavut Water Board; 2014-07-27 TSF Aerial Inspection.
39. Submitted on **January 8, 2015** by Agnico Eagle Mines Ltd. to Nunavut Water Board; 2AM-MEA0815 Type “A” Pre-Hearing Conference Proposal (*English*).



40. Submitted on **January 8, 2015** by Agnico Eagle Mines Ltd. to Nunavut Water Board; 2AM-MEA0815 Type “A” Community Session Presentation (*Inuktitut*).
41. Submitted on **January 8, 2015** by Stephane Robert, Manager Regulatory Affairs, AEM to Nunavut Water Board; Type “A” Technical Meetings Intro and Licence Updated Final – No Video Presentation (*English*).
42. Submitted on **January 8, 2015** by Stephane Robert, Manager of Regulatory Affairs to Nunavut Water Board; 2AM-MEA0815 Type “A” Technical Meetings Intro and Licence Updates Final (*English*).
43. Nunavut Water Board; Agenda Technical Meeting and Pre-Hearing Conference Meadowbank Gold Project – Type “A” Water Licence 2AM-MEA0815; Renewal Application dated **January 12, 2015**.
44. Email Cover to Stephane Robert, Manager of Regulatory Affairs Nunavut, AEM and Phyllis Beaulieu, Manager of Licensing, NWB from David Abernathy, AANDC; AANDC Participation in technical meeting and pre-hearing conference, 2AM-MEA0815 renewal application dated **January 13, 2015**.
45. Submission from David Abernathy, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Executive Summary – Technical Meeting and Pre-Hearing Conference Renewal Application Water Licence #2AM-MEA0815 Type “A” – Meadowbank Gold Mine Agnico Eagle Mines Ltd. Kivalliq region received on **January 14, 2015** (*English*).
46. Submission from David Abernathy, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Executive Summary – Technical Meeting and Pre-Hearing Conference Renewal Application Water Licence #2AM-MEA0815 Type “A” – Meadowbank Gold Mine Agnico Eagle Mines Ltd. Kivalliq region received on **January 14, 2015** (*Inuktitut*).
47. Submission from David Abernathy, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Renewal Application AANDC Presentation – Meadowbank Mine Type “A” Water Licence Renewal Application 2AM-MEA0815 – Nunavut Water Board Technical Meeting and Pre-Hearing Conference received on **January 14, 2015**.
48. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board; 2AM-MEA0815 KIA Presentation to NWB – Community Meeting Meadowbank Water Licence Renewal received on **January 14, 2015** (*English*).
49. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board; 2AM-MEA0815 KIA Presentation to NWB – Community Meeting Meadowbank Water Licence Renewal received on **January 14, 2015** (*Inuktitut*).
50. Submission from Kivalliq Inuit Association (KIA) to Nunavut Water Board; KIA Presentation to NWB-Meadowbank WL Renewal received on **January 14, 2015**.
51. Submission from Anne Wilson, EC to Nunavut Water Board; Environment Canada’s Presentation to the Nunavut Water Board – Technical Meeting regarding Agnico Eagle’s Meadowbank Gold Project Type A Water Licence Renewal received on **January 14, 2015**.





52. Submitted on **January 14, 2015** by Agnico Eagle Mines Ltd. to Nunavut Water Board; Preliminary AEM Response to Technical Comments Received (revised).
53. Nunavut Water Board; 2AM-MEA0815 Community Session Sign In Sheets – Day 1 Evening Session Meadowbank Gold Project dated **January 14, 2015**.
54. Nunavut Water Board; 2AM-MEA0815 Day 1 Sign Sheets – Technical Meeting and Pre-Hearing Conference Meadowbank Gold Project dated **January 14, 2015**.
55. Nunavut Water Board; 2AM-MEA0815 Day 2 Sign In Sheets – Technical Meeting and Pre-Hearing Conference Meadowbank Gold Project dated **January 14, 2015**.
56. Email Cover to Phyllis Beaulieu, Manager of Licensing, NWB and David Hohnstein, Director of Technical Services from Anne Wilson, Head, Water Quality, EC; Draft Licence AEMP Clause dated **January 19, 2015**.
57. Submission from Anne Wilson, EC to Phyllis Beaulieu, NWB; EC AEMP clause revision received on **January 19, 2015**.
58. Submitted on **January 30, 2015** by Agnico Eagle Mines Limited; Meadowbank Quality and Flow Monitoring Plan, Version 4 (Jan. 2015).
59. Submission from Hal Leadlay, Acting Manager – Environmental Assessment and Marine Programs Section, EC to Megan Porter, Licensing Administrator Assistant, NWB; Re: Meadowbank Gold Mine Type “A” Water Licence Renewal – Total Dissolved Solids Effluent Quality Criteria received on **February 6, 2015**.
60. Letter to Stephane Robert, Manager of Regulatory Affairs, AEM and Meadowbank Distribution List from David Hohnstein, Director of Technical Services. Acting Executive Director, NWB; Type “A” Water Licence 2AM-MEA0815: Pre-Hearing Conference Decision Regarding an Application for Renewal and Amendment – Final Decision Report dated **February 20, 2015**.
61. Notice Local; Public Hearing Notice to Local Organizations – Request to Post Notices 2AM-MEA0815 dated **February 27, 2015**.
62. Public Notice; Nunavut Water Board Notice of Public Hearing – 2AM-MEA0815 Renewal Notice of Public Hearing dated **February 27, 2015** (*English*).
63. Public Notice; Nunavut Water Board Notice of Public Hearing – 2AM-MEA0815 Renewal Notice of Public Hearing dated **February 27, 2015** (*Inuktitut*).
64. Submission from Andrea Morgan, A/Manager of Water Resources, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Final Written Submission Extension Request – Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Mines Ltd.’s Application to Renew Water Licence #2AM-MEA0815 dated **March 20, 2015**.
65. Submission from Luis Manzo, Director of Land, Kivalliq Inuit Association to Phyllis Beaulieu Manager of Licensing, NWB; Re: Final Written Submission Extension Request #2AM-MEA0815 dated **March 20, 2015**.
66. Cover Email to Andrea Morgan, AANDC, Veronica Connelly, KIA from Phyllis Beaulieu, Manager of Licensing, NWB; Request for Extensions Granted – Renewal Application Public Hearing Process dated **March 20, 2015**.



67. Cover Email to Phyllis Beaulieu, Manager of Licensing from Michael Mohammed, EC; Re: EC Request for Extension dated **March 31, 2015**.
68. Cover Email to Robin Ikkutisluk, Licensing Administrator Assistant, NWB from Stephane Robert, AEM; re: Environment Canada- Request for Extensions on written submissions dated **April 1, 2015**.
69. Cover Email to Michael Mohammed, EC from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; 2AM-MEA0815 Renewal Application Request for Extensions Granted dated **April 1, 2015**.
70. Cover Email to Robin Ikkutisluk, Licensing Administrator Assistant, NWB from David Abernathy, AANDC; 2AM-MEA0815 AANDC Late Submission dated **April 8, 2015**.
71. Submission from Karen Costello, Director, Resource Management, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Aboriginal Affairs and Northern Development Canada Final Written Submission on Agnico Eagle Mines Ltd.'s Application to Renew and Amend Water Licence #2AM-MEA0815 received on **April 8, 2015**.
72. Submission from Luis Manzo, Director of Lands, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Kivalliq Inuit Association Intervener Submission for 2AM-MEA0815 Meadowbank Water Licence Renewal Application for Public Hearing Process –Cover Letter PH Submission received on **April 8, 2015**.
73. Submission from Luis Manzo, Director of Lands, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Kivalliq Inuit Association Intervener Submission for 2AM-MEA0815 Meadowbank Water License Renewal Application Public Hearing Process received on **April 8, 2015**.
74. Submission from Luis Manzo, Director of Lands, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Appendix A. Meadowbank Water Licence Review – L150331 J140091 KIA Cover Letter received on **April 8, 2015**.
75. Submission from Luis Manzo, Director of Lands, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Appendix B. 150114 2AM-MEA0815 Preliminary AEM Response to Technical Comments revised received on **April 8, 2015**.
76. Submission from Michael I. Mohammed, Senior Environmental Assessment Coordinator, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-MEA0815 Notice of Public Hearing – Type “A” Renewal Application – Meadowbank Gold Project – EC Cover Letter on Meadowbank received on **April 8, 2015**.
77. Submission from Michael I. Mohammed, Senior Environmental Assessment Coordinator, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Environment Canada’s Intervention to the Nunavut Water Board – Respecting Renewal of the Meadowbank Gold Project Type “A” Water Licence April 2015 received on **April 8, 2015**.
78. Submitted on **April 16, 2015** from Larry Connell, Corporate Director of Regulatory Affairs, AEM to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Renewal of Meadowbank Water Licence #2AM-MEA0815 Response to the Final Written Submission.





79. Submission from AANDC to NWB; 2AM-MEA0815 AANDC Community Presentation – Amendment and Renewal of Water Licence #2AM-MEA0815 Meadowbank Gold Project Community Presentation Agnico Eagle Mines Ltd. AEM received on **April 21, 2015**.
80. Submission from AANDC to NWB; 2AM-MEA0815 AANDC Main Presentation - Amendment and Renewal of Water Licence #2AM-MEA0815 - Meadowbank Gold Project Agnico Eagle Mines Ltd (AEM) received on **April 21, 2015**.
81. Submitted on **April 22, 2015** by Agnico Eagle Mines Ltd. to Nunavut Water Board; Meadowbank Type A License Renewal Final Public Hearing Presentation April 29-30 2015.
82. Submission from Luis Manzo, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; KIA Intervener Submission Meadowbank Final Hearing (*Inuktitut*).
83. Submission from Luis Manzo, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; KIA Intervener Submission (*Inuktitut*).
84. Submission from Luis Manzo, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Agnico Eagle Mines, Meadowbank Project – Kiv-IA Letter on Posting Security received **April 22, 2015**.
85. Submission from Luis Manzo, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; KIA Final Community Meeting Presentation – Meadowbank Water Licence Renewal received on **April 23, 2015**.
86. Submission from Luis Manzo, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; KIA Technical Presentation – Meadowbank Water License Renewal received on **April 23, 2015**.
87. Letter to Stephane Robert, Manager of Regulatory, AEM from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB; Re: Licence 2AM-MEA0815, Type “A”; Agnico Eagle Mines Limited, Renewal/Amendment Application, Meadowbank Gold Mine; Public Hearing Update and Hearing Agenda dated **April 23, 2015**.
88. Cover Email to Stephane Robert, AEM and Meadowbank Distribution List from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; 2AM-MEA0815 Public Hearing Update & Agenda – Type “A” Renewal Amendment Water Licence Application – Distribution of PH Update dated **April 23, 2015**.
89. Nunavut Water Board; Public Notice of Public Hearing – Television Advertisement – 2AM-MEA0815 Renewal Application dated **April 23, 2015**.
90. Submission from AANDC to NWB; Executive Summary – Final Submission Amendment and Renewal Application Water Licence #2AM-MEA0815 Meadowbank Gold Project Agnico Eagle Mines Ltd. Nunavut Canada received on **April 25, 2015** (*English*).
91. Submission from AANDC to NWB; Executive Summary – Final Submission Amendment and Renewal Application Water Licence #2AM-MEA0815 Meadowbank Gold Project Agnico Eagle Mines Ltd. Nunavut Canada received on **April 25, 2015** (*Inuktitut*).



92. Submission from EC to NWB; EC Meadowbank NWB Hearing Inuktitut Summary received on **April 28, 2015**.
93. Email Cover to Meadowbank Distribution List from Phyllis Beaulieu, Manager of Licensing, NWB; Email Distro EC Translated Summary dated **April 28, 2015**.
94. Submission from KIA to NWB; 2AM-MEA0815 KIA Final Hearings Technical Presentation – Meadowbank Water Licence Renewal received on **April 29, 2015** (*English and Inuktitut*).
95. Submission from KIA to NWB; 2AM-MEA0815 KIA Final Hearings Community Presentation – Meadowbank Water Licence Renewal received on **April 29, 2015** (*English and Inuktitut*).
96. Letter to Stephane Robert, Manager Regulatory Affairs Nunavut, AEM, Karen Costello, Director, Resource Management, AANDC and Luis Manzo, Director of Lands, KIA from Lootie Toomasie, Vice Chairperson, NWB; Licence 2AM-MEA0815, Type “A” Water Licence; Agnico Eagle Mines Limited Amendment-Renewal Application, Meadowbank Gold Mine – Nunavut Water Board Written Direction Regarding Public Hearing Record Remaining Open dated **May 4, 2015**.
97. Email Cover to Karen Kharatyan, Technical Advisor and Phyllis Beaulieu, Manager of Licensing, NWB from David Abernathy, AANDC; Meadowbank Follow-Up Technical Review Memo received on **May 8, 2015**.
98. Email Cover to Phyllis Beaulieu, Manager of Licensing, NWB from David Abernathy, AANDC; Extension Request- open public hearing record – Water Licence No. 2AM-MEA0815 – 2015 Renewal Application received on **May 20, 2015**.
99. Email Cover to Phyllis Beaulieu, Manager of Licensing, NWB from Larry Connell, AEM; Re: AANDC Request Extension – AEM grant extension received on **May 20, 2015**.
100. Email Cover to Larry Connell, AEM and Phyllis Beaulieu, Manager of Licensing, NWB; KIA Supports Extension Request received on **May 20, 2015**.
101. Email Cover to Stephane Robert, AEM and Larry Connell, AEM from Phyllis Beaulieu, Manager of Licensing, NWB; Extension to Closing of the Record – Notice to All Parties dated **May 20, 2015**.
102. Email Cover to Phyllis Beaulieu, Manager of Licensing, NWB from Larry Connell, AEM; Meadowbank Type “A” Renewal – Reclamation Security – Land vs Water Splitting received on **May 24, 2015**.
103. Submission from Larry Connell, AEM to Phyllis Beaulieu, Manager of Licensing, NWB; Comments on Technical Review of Split on Liability on Reclaim Model Closure and Reclamation Plan for Meadowbank Mine, NU – 1416641-001-L-Rev0-Reclcostsplit received on **May 24, 2015**.
104. Email Cover to Stephane Robert, AEM and Larry Connell, AEM from Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Agnico- Eagle Mines Comments on Reclamation Cost – Notice to Parties dated **May 25, 2015**.



105. Email Cover to Phyllis Beaulieu, Manager of Licensing, NWB from Veronica Connelly, KIA; 2 Hour delay KIA Final Submission – Extension Request to Meadowbank technical report received on **May 26, 2015**.
106. Email Cover to Veronica Connelly, KIA and Luis Manzo, KIA from Phyllis Beaulieu, Manager of Licensing, NWB; Email Distro Delay in KIA Final Submission – Notice to All Parties dated **May 26, 2015**.
107. Email Cover to Stephane Robert and Meadowbank Distribution from Phyllis Beaulieu, Manager of Licensing, NWB; Email Distro Further Extension to Closing of Record to Allow AEM a Right of Reply dated **May 26, 2015**.
108. Submission from Luis Manzo, Director of Lands, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Re: No. 2AM-MEA0815 Meadowbank Security Deposit Final Submission received on **May 26, 2015**.
109. Submission from Karen D. Costello, Director, Resource Management, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Amount of Security Required Under a Renewal and Amendment to Water Licence No. 2AM-MEA0815 received on **May 26, 2015**.
110. Submitted on **May 27, 2015** by Agnico Eagle Mines Ltd to Nunavut Water Board; 2AM-MEA0815 2014 Annual Report – Discovering Value.
111. Letter to Phyllis Beaulieu, Manager of Licensing, NWB from Larry Connell, AEM; Security Arrangements in Respect of Amended And Renewed Type “A” Meadowbank Water Licence No. 2AM-MEA0815 (the Water Licence) dated **May 27, 2015**.
112. Submitted on **May 27, 2015** by Agnico Eagle Mines Ltd. to Nunavut Water Board; Agnico Annual Audited Consolidated Financial Statements.
113. Submitted on **May 27, 2015** by Agnico Eagle Mines Ltd. to Nunavut Water Board; Agnico Eagle Management’s Discussion and Analysis.
114. Email Cover to Larry Connell, AEM and Stephane Robert, AEM from Phyllis Beaulieu, Manager of Licensing, NWB; Notice to All Parties – Final Hearing Submissions Received dated **May 27, 2015**.
115. Letter to Stephane Robert, AEM and Meadowbank Distribution List from Lootie Toomasie, Hearing Chair, NWB; 2AM-MEA0815 Close of the Public Hearing Record in Respect of the Type “A” Water Licence Renewal and Amendment Application by Agnico Eagle Mines Limited for the Meadowbank Gold Mine Project dated **June 1, 2015**.



# **APPENDIX E - Sign-in Sheets – Participants At the Public Hearing and Community Session**

Public Hearing Conference Meadowbank Project  
Baker Lake, Nunavut  
Day 1 Session

1 of 3

## **Registration Form**

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	KAREN	COSTELLO	ANND	1011117.			David.Abernethy@annd-ccbc.ca
2	David	Abernethy	ANND	1941117.NV			David.Abernethy@annd-ccbc.ca
3	Jack	Seto	ANND's consultants				Telecom
4	Ame	Wilson	Public				Telecom
5	John	Tapanas	Public	Baker Lake.			
6	Malita	Kadillac	Public	Baker Lake			
7	Ryan	Dempster	PIDO	Yellowknife			
8	Allyson	Blaney	NWB-Interpolar	Baker Lake.			
9	Ben	Kogvik	NWB-BS	Gjona Haven	340-6338	340-6339	ben.kogvik@nwb-ccbc.ca
10	Sera	Andersson	District Court Registry	Calgary.			
11	Karla	Kharatyan	NWB-TA	Gjona Haven.	340-6338	340-6339	Karla.Kharatyan@nwb-ccbc.ca
12	Terese	Meekins	NWB-Legal	Edmonton.			
13	David	Hobartstein	NWB-DPS	Edmonton.			David.Hobartstein@nwb-ccbc.ca
14	Dan	ESPART	Public	Baker Lake			
15	David	Agalakov	NWB-Board	Arviat			
16	Lothar	Tomassie	NWB-Board	Oketojiong			
17	Ross	Arazel	NWB-Board	Edmonton			
18	Robin	Kristichuk	NWB-1A	Gjona Haven	340-6338	340-6339	robin.kristichuk@nwb-ccbc.ca
19	Johnny	Naukasik		Baker Lake/Rokki			
20	Basil	Kayevianuk		B.L.			
21	Lucy	Mukitoo	Public				
22	Yuk	Qiyuk	Public	Edm.			
23	Alfred	Simek	Public	Edm.			
24	Nora	Pana		CH			



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25	Louise	Arthur	Chesterfield				
26	Shaneen	Okerson					
27	Kimberly	Gilson	KIA - Legal				
28	Alice	Kalappa	Waterbury	Baker Lake			
29	AM 4328						
30	Luis	Manzo	KIA				
31	Kris	Gilson	Justice demands				
32	Jeff	Hart	KIA				
33	Ryan	Q. York	Public				
34	Mark	Pagack	Chesterfield				
35	Larry	Copack	Agnes Eagle				
36	Ravin	Buck	AM				
37	Basil	Kayavnik					
38	Angelina	Singh	CI				
39	Luis	Arthur	Chesterfield				
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### Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	Kevin	Bucc	AEM	METROBARAK			Kevin.Bucc@nwb.ca
2	JOSIE	BRADZAU	AEM	Roupy-Branda			josee.branda@nwb.ca
3	JCE	Hans	KIA	Baker Lake			Stephan.mukil@nwb.ca
4	Stephane	Byrdy	AEM	Nauyuk			
5	David	Costance	AMDC	Idanuit			
6	David	Auerneith	AMDC	Iqaluit			David.Auerneith@nwb.ca
7	Ken	Landt	Justice Canada	Yukonville			
8	Roby	Schmidt	Public	Baker Lake			
9	Alex	Allog		Baker Lake			
10	Alex	Kreml	Public	Chesterfield			
11	Shawn	OKech					
12	Alex	Kalera	AEM				
13	Lois	Aitut	Representative	Chesterfield			
14	Mark	Papal	Representative	Chesterfield			
15	Angeline	Smith	"	"			
16	Theresa	Kakick	"	"			
17	Deane	Thompson	"	B.L			
18	Deane	Thompson	"	B.L			
19	Raymond	Musnyak	Public	Baker Lake			
20	Mary	Magnum	Public	Baker Lake			
21	Tomas	Eluot	Public	Baker Lake			
22	Maita	Kalluk	Public	Baker Lake			
23	Luis	Manzo	KIA	Baker Lake			
24	David	Manzo	KIA	Baker Lake			





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DeW. Saseha

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### Registration Form

First Name	Last Name	Organization Representing:	Address	Phone #	Fax	Email
25 Anika	Voxy	AGM/Meadowbank	Baker Lake Meadowbank			
26 AC	ELIFBOK					
27 Eua	Kayaliniik					
28 Basil	Waplan	Baker Lake				
29 Paula	KAC20	ELH				
30 Lewis	Endy	Public				
31 Ellison	IGULIK	Public				
32 Annie	Andy	Community				
33 Garrett	Utahay	B.L.				
34 Marcel	Tovine	Public				
35 Winnie	Yatons	B.L.				
36 Belinda	Yatons	Baker Lake				
37 John	Angoig	B.L. Community	Baker Lake			
38 Peter	Tullik	B.L.	Baker Lake			
39 Masha	Atutuvaa	Community	Baker Lake			
40 Paul	Hinhstern	NWB-BTS	Edmonton			
41 David	Kogvik	NWB-BTS	Celia Haver			
42 Ben	Morais	NWB-Loyal	Edmonton			
43 Teresa	Morais	NWB-Board	Edmonton			
44 Abby	Tommasie	NWB-Board	Arviat			
45 Lathie	Agukark Sr.	NWB-Board	Baker Lake			
46 David	Alora	NWB-Inspector	Baker Lake			
47 Alexander	Khachyan	NWB-Teacher	Gyan Haven			
48 Karen	Khachyan	NWB-Teacher	Gyan Haven			
49 Rob	Khachyan	NWB-Teacher	Gyan Haven			





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50	Ryan	Dempster	Pido	Yellowknife				
51	Sara	Anderson	Dida Court Ropdy	Calgary				
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