



March 6, 2023

NWB File No.: 2AM-MEL1631

NIRB File No.: 11MN034

Karén Kharatyan
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0

Re: Agnico Eagle Response to Meliadine Extension Completeness Check Review

Dear Mr. Kharatyan:

Agnico Eagle thanks the Kivalliq Inuit Association (KivIA), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada (ECCC), and Fisheries and Oceans Canada (DFO) for their Completeness Check review and comments on the Meliadine Extension Water Licence Amendment Application.

As acknowledged in their letter of January 16, 2023, Nunavut Water Board (NWB) staff have already reviewed the Amendment Application and supporting materials and determined that those materials meet the requirements allowing for public distribution in support of an initial technical assessment. The completeness review is for parties to review these materials and make any information requests required to enable the technical review, to help the NWB determine if all of the necessary information and studies required to evaluate the quantitative and qualitative effects of the undertaking on the freshwater environment have been provided.

As provided in the enclosed, CIRNAC has clarified its earlier request for more information on in-pit disposal, and agrees with Agnico Eagle's proposed approach to this issue that approval of this alternative component of the application would need to be conditional on the review and approval of additional information as required. Generally, CIRNAC concludes that sufficient information has been provided.

ECCC has provided no IRs and Agnico Eagle thanks them for their participation.

Agnico Eagle has responded to the KivIA and DFO IRs in the enclosed document but wishes to comment on a few matters. In particular, the KivIA and DFO appear to suggest that the NWB process should be suspended until their outstanding concerns within the NIRB process are resolved. Respectfully, the concerns raised before NIRB are being dealt with as part of that process. The NIRB and NWB process can and should proceed in parallel as a partially coordinated process.

As an example, Agnico Eagle understands the comments regarding ongoing discharges to Meliadine Lake, and has made previous applicable commitments regarding those discharges. Extensive monitoring of Meliadine Lake is conducted annually through the Aquatic Effects Monitoring Program (AEMP). The AEMP is a requirement of the Water Licence and is the primary monitoring program used to evaluate short-term and long-term effects of the mine on the aquatic environment. The AEMP was developed in consultation with community and regulatory stakeholders. Through multiple years of monitoring, and since operation of

the mine, it has been observed that Meliadine Lake continues to be healthy, ecological function is maintained, water is safe, and fish are safe to eat.

The issues raised by KivIA are not of a nature that should prevent the NWB from continuing to advance its process, but instead will be the subject of further submissions and discussions as both the NIRB and the NWB process unfold in parallel as a partially coordinated process. We suggest that the NWB is particularly well placed to host these conversations, as specialists in waste and water tasked with these matters under the Nunavut Agreement, and that the NWB process should not be suspended while the NIRB process continues in parallel.

Similarly, DFO's comments are focused on what they see as information deficiencies in the NIRB process which are not necessarily relevant to the NWB process. As Agnico Eagle has stated as part of the NIRB process, the information that DFO is seeking might have been appropriate for a greenfields project; however, their comments are not scoped appropriately to this application as reconsiderations are not supposed to "re-assess" components that were previously approved by NIRB. Agnico Eagle emphasizes that Meliadine Extension is not a new project but is a reconsideration of Project Certificate No.006. The scope of the reconsideration is primarily focused on the addition of saline water management infrastructures to support underground mining at Pump, F Zone, and Discovery deposits, and associated infrastructure in the Tiriganiaq-Wolf mining area. Proceeding with the Meliadine Extension will occur in the existing permitted mine footprint, and the same activities that were considered and assessed under Project Certificate No.006 will be conducted as part of the Meliadine Extension.

Agnico Eagle appreciates the DFO's knowledge of the permitting process and the various stages through an environmental assessment and post-approval regulatory process. Agnico Eagle confirms effects were assessed through the 2014 FEIS, and the changes associated with Meliadine Extension FEIS Addendum provide appropriate additional information within the scope of a reconsideration process. The next step in the process is water licensing where more data and information is required to support the activities covered under the Water Licence (e.g., construction of roads). The final step (with respect to DFO) is to obtain approvals under the protections of the *Fisheries Act*. This step starts with a Request for Review, and depending on the activity would conclude with a *Fisheries Act* Authorization, approved offsetting plan, and approved monitoring and reporting. At this stage, the Request for Review application summarizes information on potential effects of the activity on fish and fish habitat, and also includes protection measures that Agnico Eagle has incorporated into activity design and management.

The Water Licence Amendment Application should be considered complete and the NWB process should move forward, and any issues the participants have with the NIRB process should be resolved in that forum. We have shown in our responses that information has been provided to the intervenors, which in turn NWB has been an observer in some of these workshops as well. As Agnico Eagle has stated in its Water Licence Amendment Application, enclosed responses, and through the NIRB process, Meliadine Extension is predominately focussed on new water and waste activities which does trigger the need to make changes to existing Water Licence and associated management plans regulated under 2AM-MEL1631 and should be considered through the NWB Water Licence Amendment process.

In closing, as you can see in our enclosed responses and also the documents within our application, Agnico Eagle strongly feels that we can continue with the NWB process for the amendment of the Water Licence 2AM-MEL1631 through the partially coordinated process that was communicated to Nunavut Planning Commission for conformity, plus to NIRB at that time of our submission of our application for the reconsideration of our Project Certificate, which in turn we received a completeness check to continue.

Should you have any questions or require further information, please contact the undersigned at your convenience.

Regards,



Jamie Quesnel
Jamie.quesnel@agnicoeagle.com
Director - Permitting & Regulatory Affairs

Enclosed: Response to Completeness Check Review