



March 8, 2024

Karen Kharatyan
Director, Technical Services
PO Box 119
Gjoa Haven, NU
X0B 1J0

Re: NWB Email of March 6, 2024

Dear Mr. Kharatyan,

Agnico Eagle Mines Limited (**Agnico Eagle**) is writing further to the Nunavut Water Board (**NWB**)'s determination of March 6, 2024 to grant an extension on our Amendment Application at the request of Crown-Indigenous Relations and Northern Affairs Canada (**CIRNAC**) on behalf of Government of Canada to March 21, 2024.

Agnico Eagle is writing to express our deep concern about the delays that could result from the granting of this extension to March 13, 2024, and to respectfully request that further extensions not be granted by the NWB in future in relation to the Amendment Application.

Agnico Eagle agrees with the NWB that, per the NWB's email communication of March 6, 2024:

...it should be noted by parties once again that the Nunavut Planning Commission determined on January 25, 2024 that the modification of the NWB water licence to include the listed activities previously approved under NIRB Project Certificate No. C006, does not change the general scope of the original or previously amended project activities. Therefore, the focus of parties shall be related to the NWB consideration of amendment application information, and not associated with the general impact assessment.

Further to the above, referenced NPC conformity determination of January 25, 2024, Agnico Eagle reproduces that determination below for the information of the parties:

The Nunavut Planning Commission (NPC) has completed its review of the above noted project proposal. The NPC previously reviewed works and activities associated with the current proposal and conformity determinations were issued (e.g., June 2011, December 22, 2016, January 5, 2018, March 25, 2020, April 1, 2022, and January 22, 2024). These conformity determinations still apply. In addition, associated activities were previously reviewed by the Nunavut Impact Review Board, including construction, operation, reclamation, and closure of both underground and open-pits gold mines (NIRB FILE NO: 11MN034). It conforms to the Keewatin Regional Land Use Plan (KRLUP). The proponent has undertaken to comply with the applicable conformity requirements of Appendix C, G, and H of the KRLUP.

The above-noted project proposal is exempt from screening by the NIRB because the NPC is of the understanding that the modification of the NWB water licence 2AM – MEL1631 to include the

above listed activities previously approved under NIRB Project Certificate No. C006, does not change the general scope of the original or previously amended project activities, and the exceptions noted in Section 12.4.3 (a) and (b) of the Nunavut Agreement do not apply.

Agnico Eagle has followed all of the regulatory steps and determinations required to advance this application. Agnico Eagle trusts and respects the processes established under the Nunavut Agreement and in accordance with the associated conformities issued to date, Agnico Eagle is in agreement that the process moving forward should focus on water licencing components in accordance with the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*.

As Agnico Eagle has emphasized previously, it is important that the NWB process for the Amendment Application proceed in a timely and efficient manner. The Meliadine Mine provides significant benefits to Kivalliq Inuit and other Nunavummiut, and components of the Amendment Application must proceed in 2024 to ensure these benefits continue without interruption.

It is also important to note that many of the information requests referenced in CIRNAC's letter to the NWB of March 6, 2024 on behalf of the Government of Canada were not relevant to the topic of water licensing and were therefore beyond the scope of the Amendment Application. Of the 5 IRs from CIRNAC, 19 IRS from ECCC, and 2 IRs from DFO, only 14 IRs overall were directly connected to water licensing and the Amendment Application. In particular, in our view 12 of ECCC's information requests were beyond the scope of the Amendment Application.

Our summary of the 5 IRs from CIRNAC and current status is:

1. One related to graphs of water quality (which were provided to CIRNAC).
2. One related to security (which Agnico Eagle provided supporting Reclaim information to CIRNAC on Feb. 14, 2024 and also held a meeting with CIRNAC to discuss reclamation assumptions on March 7, 2024. Unfortunately, while CIRNAC attended the meeting, it did not appear prepared to participate in a technical discussion).
3. One related to waste rock storage facility (**WRSF**) stability, which Agnico Eagle addressed by providing an existing stability analyses. Agnico Eagle will provide a supplemental stability analyses to CIRNAC for the undeveloped WRSF in mid-March 2024 that will be similar to the approach of existing stability analyses of our other established WRSFs. It should be understood by all parties that given that Agnico Eagle has already established eight existing WRSFs at our operations in Nunavut, and so the process of stability analyses is fairly common and established.
4. One related to Lake B7 which is part of the MDMER Schedule 2 process that is a ECCC-led regulatory process separate from NWB water licensing which commenced on February 14, 2022. Status updates were communicated multiple times to the Government of Canada during the Meliadine Extension process and also via the Amendment Application.
5. The final IR was related to the Adaptive Management Plan, which was requested by CIRNAC and KivIA in late 2020. In fact, the first workshop to establish the plan was initiated in January 2021 with CIRNAC and their consultants, KivIA and their consultants, ECCC, and Agnico Eagle and our consultants. As such, the content and scope of the Adaptive Management Plan is already well known to CIRNAC.

To emphasize, Agnico Eagle has already provided additional information to CIRNAC on the ECCC-led Schedule 2 MDMER process as well as the current Adaptive Management Plan which should fully address and satisfy CIRNAC requests.

Our summary of the 7 IRs from ECCC that are relevant to water licensing topics are:

1. One related to water consumption for dust management (Agnico Eagle already provided the requested information in the Amendment Application and confirmed that information in our responses).
2. One related to water consumption for closure, which was previously assessed by NIRB and also included in the existing license. Agnico Eagle also notes that while we have made ourselves available to ECCC to discuss these matters, the meetings have been rescheduled due to availability of ECCC experts. In any event, the information provided and previously assessed is sufficient to meet ECCC's information request to the NWB. These matters will be refined as part of the Final Closure Plan that will be developed as the Meliadine Mine life draws to an end.
3. One related to water treatment (Agnico Eagle has provided a response to address this item).
4. One related to the MDMER Schedule 2 process related to a list of lakes (Agnico Eagle notes this information has previously been provided to the ECCC department responsible for MDMER Schedule 2 processes, and reviewed on several occasions by DFO).
5. One related to the approved fuel farm at Itivia (information provided).
6. One related to the waterline to Itivia (information provided, noting that this discharge is to Hudson Bay and is outside the jurisdiction of the NWB, as this discharge is regulated by the federal MDMER).
7. One related to climate change predictions (information provided, noting this information was previously considered, assessed and approved as part of the NIRB process).

Our summary of the 2 IRs from DFO are:

1. One related to mitigation of Watersheds A and B (information provided and discussed with DFO prior to submission).
2. One related to providing the most recent Offsetting Plan and field data from 2023 (information provided in the Amendment Application as Appendix F-22. In addition this was submitted to DFO as a Request for Review (RFR) on February 15, 2024.

It is not clear to Agnico Eagle why Government of Canada participants would suggest there are new items to raise with respect to the Amendment Application at this time. CIRNAC and the other Government of Canada participants have previously had ample opportunity to make information requests on all the components included in the Amendment Application and consider the information provided. All of the Amendment Application components were also previously part of our previous Extension Water Licence Application, which the NWB processed from January 2023-December 2023 including through the information request, technical comment and technical meeting process steps. In addition, Agnico Eagle did have meetings with CIRNAC, ECCC and DFO prior to our Amendment Application submission to the NWB in January 2024. As advised by NWB staff, Agnico Eagle has included relevant outcomes from the NWB process in our Amendment Application, as many of the technical questions have been resolved through further discussions and in some cases, additional commitments.

In light of the above, Agnico Eagle respectfully requests CIRNAC and other Government of Canada participants to follow the procedural determinations made by regulatory authorities in relation to the Amendment Application to date and deadlines set by the NWB going forward. Agnico Eagle also requests that should further extension requests be made to the NWB in future, Agnico Eagle would like the opportunity to respond. We are available to discuss these important topics with your staff, as needed.

Sincerely,



Jamie Quesnel
Director, Permitting & Regulatory Affairs
Agnico Eagle Mines Limited