

File No. 2AM-MEL1631/ Emergency Amendment Request

March 25, 2020

Jamie Quesnel
Regional Manager - Permitting and Regulatory Affairs
Agnico Eagle Mines Limited
Meadowbank Division - Baker Lake
Nunavut, Canada X0C 0A0

Email: jamie.quesnel@agnicoeagle.com

Subject: Request to Process Amendment to NWB Water Licence No. 2AM-MEL1631

to Authorize the Release of Water from Containment Pond 1 (CP1) on an

Emergency Basis

Dear Mr. Quesnel:

By way of this correspondence, the Nunavut Water Board (NWB or Board) acknowledges receipt of the request to amend Type "A" Water Licence No. 2AM-MEL1631 (Licence) submitted on March 24, 2020 by Agnico Eagle Mines Limited (Agnico Eagle or Applicant). This request seeks an emergency amendment to the Licence under ss. 43, 52 and 55 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) to authorize the temporary release of Water from the Containment Pond 1 (CP1) prior to the 2020 freshet, because the TDS concentration of this Water exceeds current Licence criteria (Amendment Application). In its correspondence accompanying the Amendment Application, Agnico Eagle indicates that although the site conditions are not currently an emergency, the high water volumes at the site have created urgent circumstances that necessitate that a temporary release take place prior to the 2020 freshet (expected in May) in order to prevent damage to the integrity of the water management infrastructure at the site.

Copies of all information received in support of Amendment Application can be accessed using the following FTP link:

 $\frac{ftp://ftp.nwb-oen.ca/registry/2\%20MINING\%20MILLING/2A/2AM\%20-\%20Mining/2AM-MEL1631\%20Agnico/1\%20APPLICATION/2020\%20Emergency\%20Amendment/$

As recognized by Agnico Eagle, if the Amendment Application were processed under the normal timeline for an amendment to a Type "A" Water Licence (including the time associated with any applicable pre-licensing requirements under the *Nunavut Planning and Project Assessment Act* and the mandatory requirements for comment periods and notice in advance of a form of Public Hearing to consider the Amendment Application under the *NWNSRTA*) the NWB and the Minister would be unable to complete the consideration of the Amendment Application and decision-making required until several months after the 2020 freshet.

Consequently, as requested in the Amendment Application, the NWB is currently considering:

- whether to recommend to the Minister that Agnico Eagle's short term amendment request for the 2020 CP1 discharge constitutes emergency circumstances, as set out in ss. 52(2)(c), 55(5) and 56 of the *NWNSTRA*; and
- if the Board recommends to the Minister that the Amendment Application be considered under the emergency circumstances provisions, whether the Board would recommend that the Licence should be amended to authorize the temporary release, and if so, what amendments to the terms and conditions of the Licence are required..

To support the Board's consideration of Agnico Eagle's request, the NWB invites interested parties to review the information provided by the Applicant and provide their comments to the Board on the following:

- 1. whether they are in agreement that emergency circumstances exist and the Board should process the Amendment Application on that basis;
- 2. identifying any questions or technical review comments in respect of the Amendment Application that should be considered by the Board; and
- 3. indicating whether they are interested and available to participate in a Board-hosted teleconference to give parties an opportunity to discuss technical and procedural issues associated with the Amendment Application (tentatively April 8 or 9, 2020).

All interested parties should provide their submissions to the NWB's Manager of Licensing at licensing@nwb-oen.ca by April 2, 2020 (5:00 p.m. EDT).

Following the Board's receipt of comment submissions by interested parties, Agnico Eagle will have an opportunity to file their response to the parties' submissions with the Board by **April 6**, **2020** (5:00 pm EDT).

If you have any questions regarding this letter or procedural matters related to the file, please contact the NWB's Licensing Department by e-mail at licensing@nwb-oen.ca or by phone at (867)-360-6338. For inquiries related to technical matters, please contact Sergey Kuflevskiy, Technical Advisor, by email at sergey.kuflevskiy@nwb-oen.ca.

Karén Kharatyan

Nunavut Water Board, Director of Technical Services

Cc: Distribution List – Meliadine