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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No: 2AM-MEL1631/  
Amendment No. 1**

June 2, 2020

Editors  
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**Subject: Clarifications and corrections provided by the Nunavut Water Board in respect of matters discussed in a letter to the editor entitled “*Nunavut Inuit should be wary of ever-evolving mine plans*” by Joan Scottie published in the Nunatsiaq News on May 28, 2020**

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Dear Editors:

This Nunavut Water Board (NWB or Board) correspondence provides clarifications and corrections to the characterization of the scope, process and procedure associated with the NWB’s recent decision in respect of an Emergency Amendment to the Meliadine Type “A” Water Licence No: 2AM-MEL1631 (the Emergency Amendment) that was referenced in Ms. Scottie’s May 28, 2020 letter to the editor as described above (the letter). While the Board appreciates the media and members of the public drawing attention to the water licensing process and expressing their concerns with specific licensing applications, the NWB also thinks it is important that these discussions be based on accurate and complete information. The NWB provides this letter to correct some of the facts outlined in the letter and to explain the NWB licensing process and outcome associated with the NWB’s consideration of the Emergency Amendment referenced in the letter.

First and foremost, the NWB offers the following correction: the Emergency Amendment did not involve a “*new Water Licence*”, as suggested in the letter. More specifically, the release of water from the approved containment pond (CP1) into Meliadine Lake was approved in 2016 when the Water Licence was originally issued for the development, operation and reclamation of the Meliadine Gold Mine. Since 2016, discharges from CP1 into Meliadine Lake have taken place on an annual basis as authorized under the Licence. However, this year due to high volumes of surface

run off and various conditions at the Meliadine Gold Mine site, Agnico Eagle Mines Limited (Agnico Eagle) applied in January 2020 for an Emergency Amendment that would allow the levels of Total Dissolved Solids (TDS) in the water that would be discharged during the 2020 spring freshet to be greater than the limits for TDS that were set out under Part F, Item 3 of the existing Licence (1,400 mg/L). The scope of the Emergency Amendment sought by Agnico Eagle was limited to the temporary discharge in 2020 of the treated, non-toxic process water from Containment Pond 1 (CP1) into Meliadine Lake that would exceed the TDS limit in the existing Licence via the previously-approved Meliadine Lake Outfall Diffuser.

Secondly, the NWB clarifies that the NWB does not have jurisdiction to approve the release of water or waste into the marine environment. Consequently, the activities approved under the Emergency Amendment did not authorize discharges of saline groundwater from the Meliadine Gold Mine into the marine environment. Discharges into the marine environment of saline groundwater from the underground mine as recently proposed by Agnico Eagle are being considered in a separate process by the Nunavut Impact Review Board (NIRB File No. 11MN034) and these releases are not within the scope of the Water Licence which is limited to freshwater.

Thirdly, the NWB highlights that the Board's recommendation to the Minister of Northern Affairs that this amendment be considered on an emergency basis was based on the NWB's consideration of the following circumstances:

- the discharge from CP1 was urgently required this spring to lower the levels in the pond to avoid permanent damage to the pond and associated water management infrastructure at the site;
- if the excess water in CP1 could not be discharged to Meliadine Lake during the spring freshet in 2020, damage to the pond and infrastructure could result, which increased the potential for uncontrolled releases or other negative impacts on Meliadine Lake;
- mandatory notice provisions and regulated timelines associated with the NWB's normal processing of a Type "A" Water Licence, mean that 9 to 12 months is normally required for the NWB and the Minister of Northern Affairs to review and complete decision-making for this type of amendment, which would, in this case, have been several months after the spring freshet (expected to occur in May 2020); and
- during the technical review of the Emergency Amendment, the Kivalliq Inuit Association (KivIA) and Crown-Indigenous Relations and Northern Affairs Canada (CIRNA) acknowledged that the discharge from CP1 was required during the 2020 spring freshet to avoid the potential for damage to the pond and water management infrastructure.

Fourthly, the NWB also wishes to clarify that although the NWB's consideration of the Amendment Application and participation of interested parties and members of the public was conducted in a manner that reflected the urgent circumstances of the request, there was still thorough and rigorous technical review of the amendment request conducted by the NWB and by representatives from the Kivalliq Inuit Association (KivIA), Crown-Indigenous Relations and Northern Affairs (CIRNA) and Environment and Climate Change Canada (ECCC). The NWB notes that the technical review of the Emergency Amendment also reflected the limits on travel and public gatherings in Nunavut resulting from public health measures implemented in response

to the COVID-19 (novel coronavirus) pandemic. Reflecting these circumstances, the NWB's consideration of the Emergency Amendment consisted of a combination of both written comment submissions and teleconferences.

In terms of transparency, the NWB's normal practice for providing public access to information about an amendment application was followed, with the Emergency Amendment and all associated documentation filed by Agnico Eagle being made available through the NWB's ftp site at the following link:

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

All written submissions filed with the NWB by interveners during the technical review of the Emergency Amendment are available at the following link.

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/2%20ADMIN/3%20SUBMISSIONS/2020%20Emergency%20Amendment/>

In addition, specific information about the teleconference meeting to discuss technical comment submissions about the Emergency Amendment was posted to the NWB's registry and was sent in advance directly to the distribution list for the Meliadine file, which includes several local Kivalliq organizations. The teleconference call in information was provided, and anyone wishing to participate was welcome to call into the meeting.

Further, the NWB noted that a high level of public interest and concern was expressed to the Board about the discharges into Meliadine Lake. Therefore, the NWB recommended that Agnico Eagle take additional measures to inform the public about the discharges from CP1 over the course of this summer. Specifically, the NWB recommended Agnico Eagle consider measures such as posting information on Facebook or other social media platforms that are readily available to community members.

In closing, the NWB's also highlights that the amendments to the existing Water Licence to authorize the temporary discharges in 2020 also require Agnico Eagle to implement an additional monitoring program specifically developed to monitor the potential for effects during the 2020 discharge. The monitoring program was developed by Agnico Eagle and was modified by the NWB to reflect changes proposed by the KivIA, CIRNA and Environment and Climate Change Canada (ECCC) during the technical review of the Emergency Amendment. Additionally, a specific Water Management Working Group consisting of Agnico Eagle, KivIA, CIRNA, ECCC, and the NWB has been established to review the discharges and on-going monitoring results during the 2020 season. The Working Group will be fulfilling this role via ongoing regular teleconference meetings while the discharges occur over the summer.

The NWB appreciates being given this opportunity to provide these corrections and clarifications of the Board's water licensing process. The NWB invites any party having specific questions about the topics addressed in this letter, or more generally, in relation to the NWB's regulatory role with respect to the Meliadine Gold Mine, to please contact me, Stephanie Autut, the NWB's Executive Director, by e-mail at [stephanie.autut@nwb-oen.ca](mailto:stephanie.autut@nwb-oen.ca).

Sincerely,

NUNAVUT WATER BOARD

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Stephanie Autut  
Executive Director