



NIRB File No.: 11MN034

February 11, 2013

Stéphane Robert
Manager, Regulatory Affairs, Nunavut
Agnico-Eagle Mines Ltd.
93, Rue Arseneault Bureau 202
Val d'Or, QC J9P 0E9

Sent via email: stephane.robert@agnico-eagle.com

Re: Results of the NIRB's Conformity Review of AEM's Draft EIS Submission for the Meliadine Gold Mine project

Dear Stéphane Robert:

On January 28, 2013 the Nunavut Impact Review Board (NIRB or Board) provided formal notification that it had received Agnico Eagle Mines Ltd.'s (AEM or Proponent) Draft Environmental Impact Statement (DEIS) submission for the Meliadine Gold Mine Project (the Project) and initiated an internal review of the submission for conformity with the EIS Guidelines issued by the Board on February 20, 2012.¹ The NIRB has now completed its conformity review of AEM's DEIS submission and determined that the DEIS does not conform to the NIRB's EIS Guidelines, as the submission contains deficiencies which must be addressed in order to facilitate an effective public review of the document and understanding of the Project's potential impacts. Until the deficiencies in the submission as identified by the NIRB in this letter have been addressed and the NIRB subsequently determines that the DEIS conforms to the EIS Guidelines, the technical review of the submission will not commence.

General areas where deficiencies have been encountered in the DEIS submission can be summarized as follows:

- 1) **Amendment of Scope:** The NIRB has identified a change in scope as presented within the DEIS and requires clarification regarding the deposits AEM intends to pursue as a part of its currently communicated development strategy.
- 2) **Concordance Table:** The NIRB was unable to locate information in the DEIS documents using the concordance table supplied by AEM in Volume 1, Appendix 1A.

¹ *Guidelines for the Preparation of an Environmental Impact Statement for Agnico Eagle Mines Ltd. Meliadine Gold Mine Project*, issued by the NIRB on February 20, 2012

Inconsistencies in the format of cross-referencing of DEIS volume/section/page with the instructions in the EIS Guidelines complicated the NIRB's conformity review and would unduly hinder and complicate the public technical review process.

- 3) **Sections do not meet requirements of EIS Guidelines:** Certain sections within the DEIS submission do not address the requirements of EIS Guidelines or contain significant deficiencies in the information provided.
- 4) **Sections may require significant revision:** Certain sections within the DEIS submission may require significant revision and/or the inclusion of additional information in order to meet the expectations of reviewers. While it is possible that some information may be forthcoming at a later date (i.e. Final EIS), there is often no indication in the current document which sections, if any, may be supplemented in future submissions.
- 5) **Sections requiring clarification:** Numerous areas within the DEIS require additional information or clarification in order facilitate the NIRB's conformity review of material against requirements of the EIS Guidelines.

Amendment of Scope

The NIRB received correspondence from AEM on January 19, 2012² which noted specifically that it "[had] become evident that AEM should modify its initial project development plan by removing the Wolf, Discovery and Pump deposits from this phase of the development proposal." Furthermore, AEM stated that "these three deposits [would] continue to be explored and advanced but [would be] best deferred to later phases of the project development several years downstream (likely subject to a later, separate NIRB review process)."

During the NIRB's EIS Guidelines Workshop held in Rankin Inlet on January 31 and February 1, 2012 the NIRB confirmed that it would amend the EIS Guidelines to refer to only those deposits that AEM identified it would pursue, and that it would remove the Discovery, Pump and Wolf deposits from the assessment. As set out in the EIS Guidelines issued by the Board on February 20, 2012 the Wolf, Discovery, or Pump deposits were to be included in the EIS only as items for discussion and consideration in terms of future developments and associated potential cumulative impacts, but would not be included or assessed as components of the project undergoing assessment.

However, despite these limits on the inclusion of the Wolf, Discovery and Pump deposits in the assessment, based upon the NIRB's initial conformity review of Volume 2 of the Meliadine DEIS, it appears that AEM now intends for the Discovery and Pump deposits and associated haul roads to be included within the scope of the project and these deposits are not solely being presented by AEM in the context of future development and cumulative effects. As this constitutes a change from the Final Scope included with the EIS Guidelines for the assessment of the Meliadine project, the NIRB requests that AEM submit formal notification clarifying its

² AEM Letter to NIRB Re Comments to Revised Draft EIS Guidelines, January 19, 2012 (pg.4). Available from: <http://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/11MN034-AEM%20MELIADINE/2-REVIEW/04-SCOPING%20%26%20GUIDELINES/02-EIS%20GUIDELINES/02-REVISED/COMMENTS/120120-11MN034-AEM%20Comments-1A1E.pdf>.

intentions with respect to the inclusion of the Discovery and Pump deposits and the resulting change to the scope of the project to be assessed. As AEM is aware, establishing the appropriate scope of the project is a step of critical importance in the environmental assessment process that is the product of considerable public consultation and commentary by participants. Reflecting the fundamental importance of establishing a clear project scope, the NIRB will be unable to accept any subsequent resubmission of the DEIS until such time as AEM has provided a formal clarification of their understanding of the project scope. The Proponent is reminded that the Board may, when clarification is received, determine that additional information is required pursuant to Section 1.5 of the EIS Guidelines:

“The NIRB reserves the right at any time, having given reasonable notice to the Proponent, to reassess these Guidelines and to update and amend them accordingly to allow for consideration to changes in the Project description, baseline information, relevant technological advances, or changes in the regulatory and/or regional environments.”

Concordance Table

Specific deficiencies in the DEIS submission as identified by the NIRB are highlighted in the enclosed table. Items highlighted in red signify that the section does not appear to meet the requirements of the EIS Guidelines. Items highlighted in purple signify that the section may require significant revision and/or additional information in order to meet with the expectations of reviewers. Those items highlighted in yellow signify that the section requires clarification and/or additional information to assist with determining its conformity with the EIS Guidelines. Finally, items highlighted in blue represent instances of non-conformity whereby a referenced EIS section or page did not contain the information as referenced, however our technical staff did manage to locate the required information in another section of the document(s), but members of the public undertaking the same review should not be expected to undertake the same search for information.

As outlined above, the format of the concordance table provided within the DEIS submission presented a significant obstacle to the NIRB’s conformity review. A revised concordance table is therefore needed and must include the name of the relevant volume/document/appendix where the information can be found as well as both section number(s) and page number(s) as required by Section 4.2 of the NIRB’s EIS Guidelines:

“the EIS shall contain a concordance table directing reviewers to the location (document, section, and page number) where specific information addressing the Guidelines and the NIRB's Minimum EIS Requirements may be found.”

General Comments

In undertaking this cursory review of AEM’s submission, the NIRB has also identified the following issues which, while not impacting upon the current conformity determination, are provided here for the Proponent’s information and which the NIRB recommends be addressed in a revised DEIS submission to facilitate an efficient and effective technical review:

1. *Electronic Copy & Document Naming:* The submission of the Low Resolution documents has been complicated by the manner in which documents have been divided into the smaller file sizes but where the same are not linked electronically. Duplicated and unnecessarily long file names (containing file numbers not apparently relevant to the document under review, for example “*Volume 3.0 Doc 288-1013730076_0108_13 DDEAR Volume 03 Data Collection - MEL Ver 0*”) and duplication of similar titles has made it difficult for the NIRB to upload appropriately named files to its FTP site where the public will have access to these documents.
2. *Data Presentation:* The overarching objective of an EIS is to provide an understandable document which allows readers an opportunity to evaluate the materials presented. In most instances AEM’s submission presents an all-text representation of data which, in many cases, does not utilize visuals such as tables, figures or diagrams which are typically provided in EIS documents to foster effective communication of highly technical information to a variety of reviewers who may not have technical backgrounds. Accordingly, the Board encourages the Proponent to consider the needs of various readers in the presentation of materials.
3. *Data Sourcing and Referencing:* The NIRB has identified areas where it appears that data has been presented without properly referencing that the sources are materials submitted by other proponents to the NIRB for separate and distinct projects undergoing assessment. The NIRB’s EIS Guidelines specifically require that the information provided in the EIS be properly referenced. Further, it is also the NIRB’s expectation that the information provided by the Proponent for the current assessment will address baseline conditions and impact pathways specific to and respecting the integrity of the study area for the Meliadine Project, and will not be reproduced from the assessments of other projects unless the use of this information is properly supported and attributed.

The NIRB requests that AEM review the enclosed table and advise the Board of its anticipated submission date for a revised DEIS submission which adequately addresses the identified deficiencies, on or before **Monday March 11, 2013**. Upon receipt of a revised DEIS submission, the Board will endeavour to conduct a conformity review of the submission against the EIS Guidelines and the enclosed table within 15 days, and will communicate its determination prior to initiating the technical review period.

Should you have questions or require further clarification regarding the Board’s information requirements or the conformity review process, please contact the NIRB’s Director of Technical Services, Amanda Hanson, at (867) 983-4615 or ahanson@nirb.ca.

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Meliadine Distribution List

Enclosed: NIRB Conformity Review Table (*February 11, 2013*)