



**NIRB File No.: 11MN034**

July 12, 2013

Matthew Spence  
Director General, Northern Projects Management Office  
Canadian Northern Economic Development Agency  
P.O. Box 1500  
Yellowknife, NT X1A 2R3

*Sent via email: [matthew.spence@cannor.gc.ca](mailto:matthew.spence@cannor.gc.ca)*

**Re: Request for NIRB to Reconsider Deferral of Selected Information Requests Associated with Agnico-Eagle Mines Ltd.'s Draft EIS Submission for the Meliadine Gold Mine Project**

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Dear Matthew Spence:

Thank you for your recent correspondence of July 5, 2013 requesting that the Nunavut Impact Review Board (NIRB or Board) reconsider the Board's direction to Agnico Eagle Mines Ltd. (AEM or Proponent) regarding selected Information Requests (IRs) in respect of AEM's Draft Environmental Impact Statement (DEIS) submission for the Meliadine Gold Mine Project (the Project). As referenced in your letter, in the Board's correspondence of June 13, 2013, the Board indicated that based on its review of the IRs received and in recognition of the stage of the review, the Board had identified that there were various IRs that were outside the scope of what the Board would consider to be an IR or that are more appropriately addressed through the provision of comment submissions at the close of the technical review period. Although the NIRB encouraged the Proponent to review all IRs received, the Board did attach to the letter a listing in Appendix A of the specific IRs which the Proponent would not be expected to address at this point in the review.

On behalf of the various Federal authorizing agencies participating in the review and providing IRs to the Board, you requested that the Board reconsider allowing the Proponent to defer responses to selected IRs and further requested that the NIRB provide guidance regarding the criteria being applied during the Board's consideration of IRs to assess which IRs should be addressed at this point in the review and to identify which IRs may be deferred or are considered by the Board to be outside the scope of the review. In response, the Board wishes to reiterate for all participants in the review process what IRs and the IR stage in the review process are intended to accomplish. The IR process is intended to identify information gaps or request clarifications of issues that are considered necessary by the reviewing party to carry out their technical review of the DEIS. IRs are not preliminary technical review comments; IRs should

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identify information that is missing or requires clarification before a party can commence their technical review. Typically IRs do not, therefore involve qualitative assessments of the information provided, but are generally more in keeping with a discussion of the presence/absence of key information necessary to permit a more thorough qualitative assessment of the information presented in the DEIS.

The Board does not agree with the implication in your letter that the Board has only recently begun to apply criteria to identify IR requests for which the Board does not require the Proponent to respond at this stage. The Board has, during the IR stages in previous reviews, conducted exactly the same exercise as was undertaken in this review and has similarly identified in previous reviews those IRs for which a response would not be immediately required at the IR stage of the review. In this case, there was nothing new in the Board's approach, nor unique in the way that the Board reviewed, considered and categorized IRs. There were no "new criteria" applied in this case. As with the Board's previous review and categorization of IRs, in this case, the Board simply exercised its discretion to consider and provide direction to the parties regarding the most appropriate process to lead to a thorough and appropriate assessment at all stages of the review. The NIRB's June 13, 2013 direction regarding the list of IRs that the Proponent may defer responding to or that may be outside the scope or irrelevant to the review assists in achieving an appropriate, thorough and timely review of the DEIS, and the Board sees no basis to reconsider the matter further.

Further, the Board wishes to point out that although the Board did provide a listing of IRs that did not require an immediate response at this stage in the review, all IRs received were still provided to the Proponent and nothing in the Board's direction prevents the Proponent from addressing all IRs received if the Proponent chooses to do so. It has been the NIRB's experience that often Proponents address IRs where it is feasible and practical regardless of the direction of the Board regarding those IRs for which a response is not explicitly required at the IR stage. Where the NIRB has indicated in its June 13, 2013 correspondence that specific IRs are more appropriately addressed through the future provision of technical review comments, the Board recommends that all parties ensure that their forthcoming technical review comment submissions present the issue and request in sufficient detail at that time.

With respect to your second request that commenting parties could benefit from the NIRB's clarification of the criteria/factors considered by the Board in reviewing IRs and identifying those IRs for which an immediate response at the IR stage of the review will not be required, the Board recognizes that in addition to review-specific guidance, more general guidance for authorizing agencies and other commenting parties on the objectives of the IR stage in the process and examples of typical IRs in contrast to preliminary technical review comments may be very helpful. As you are likely aware, the Board has issued for comment on overall content and approach, a new draft technical Authorizing Agencies' Guide, which is available online from the NIRB's public registry at the following location: <http://ftp.nirb.ca/04-GUIDES/03-NEW%20GUIDES/04-DRAFT%20TECHNICAL%20GUIDES/>

The comment period for the draft Authorizing Agencies' Guide is set to close on **August 2, 2013**, and in light of your request for more guidance on IRs and the Board's consideration of IRs, it may be appropriate for the Board to consider the addition of more detail regarding this

process in the Authorizing Agencies' Guide. I would be happy to discuss this addition to the draft when the Board holds upcoming workshops to review and revise the draft Guide (currently anticipated to take place sometime in the late fall of 2013).

Thank you again for bringing the concerns of federal departments regarding this issue to my attention. If you have any additional questions or require further clarification regarding the Board's review of IRs, the IR and technical review processes in general or this review specifically please contact the NIRB's Director of Technical Services, Amanda Hanson, at (867) 983-4615 or [ahanson@nirb.ca](mailto:ahanson@nirb.ca).

Sincerely,

A handwritten signature in black ink that reads "Ryan Barry". The signature is fluid and cursive, with a long horizontal line extending from the end of the name.

Ryan Barry  
Executive Director  
Nunavut Impact Review Board

cc: Karen Costello and Margaux Brisco, Aboriginal Affairs and Northern Development Canada  
Dave Fox, Environment Canada  
Elizabeth Patreau, Fisheries and Oceans Canada  
Kathleen Cavallaro, Natural Resources Canada  
Meighan Andrews, Transport Canada  
Johann Pélage, Northern Projects Management Office  
Stephane Robert, Agnico-Eagle Mines Ltd.  
Meliadine Distribution List