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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

**File No: 2AM-MEL1631/
Amendment Application**

March 26, 2024

Jamie Quesnel
Director – Permitting & Regulatory Affairs
Agnico Eagle Mines Limited
Suite 540,
Baker Lake, NU, Canada X0C 0A0

Manon Turmel
Permitting Technical Advisor
Agnico Eagle Mines Limited
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**RE: Notice of Amendment to Type A Water Licence No: 2AM-MEL1631 for the
Meliadine Mine Project; Amendment Application by Agnico Eagle Mines Limited.**

Dear Mr. Quesnel:

Further to the Nunavut Water Board (NWB or Board) correspondence, dated January 29, 2024¹, with respect to the determination of completeness of the 2AM-MEL1631 Water Licence Amendment Application and supporting documentation (Application) submitted by Agnico Eagle Mines Limited (Agnico Eagle or Applicant) for the Meliadine Mine Project, the Board received, on or before February 16, 2024, the Information Requests (IRs) and recommendations from the Kivalliq Inuit Association (KivIA), Crown-Indigenous Relations and Northern Affairs (CIRNA), Department of Fisheries and Oceans (DFO) and the Environment and Climate Change Canada (ECCC).

On March 1, 2024, the Applicant provided their responses to the parties' IRs and recommendations on the completeness of the Application. Intervenor was requested to confirm whether the Applicant's responses were satisfactory. The KivIA responded on March 6, 2024, that they had no further concerns and were ready to participate in the Technical Review. On March 6, 2024, the NWB received a correspondence from Crown-Indigenous Relations and Northern Affairs (CIRNA) on behalf of Federal agencies, requesting an extension to March 21, 2024.

The NWB granted an extension till March 13, 2024, reminding Intervenor that the NWB was looking for their feedback on the completeness of information to start the full technical review

¹ R. Dwyer (NWB) to J. Quesnel and M. Turmel (Agnico Eagle); RE: Meliadine Mine Water Licence Amendment 2AM-MEL1631; January 29, 2024.

stage, and not necessarily for the qualification of adequacy of information. On March 8, 2024, Agnico Eagle expressed concerns² about delays resulting from granting this extension.

Further, the NWB received second round of submissions from CIRNA, ECCC and DFO on March 13, 2024. The Interveners, in their submissions, stated that they have some unresolved information requests. Agnico Eagle submitted their second-round of responses on March 21, 2024.

After reviewing all submissions from Interveners and responses from Agnico Eagle, the NWB notes that there may be some unresolved questions in the Agnico Eagle's two round of responses to Interveners. However, the Board is of the opinion that these concerns are not necessarily information requests, but issues that could be discussed during the Technical Review stage. On March 21, 2024, the NWB provided a response/clarification associated with CIRNA submission³, explaining the Board's position related to some of these questions raised by CIRNA. Therefore, the Board decided that the Application can proceed to the technical review stage with the proposed technical review timelines.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Application have been placed in the Board's Public Registry and made available through the NWB's FTP site using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/2%20ADMIN/3%20SUBMISSIONS/2024%20Amendment>

Based on the scope and nature of Undertaking, the Application has been deemed to be a complete application for a type A Water Licence. As such, it will require a public hearing as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*. All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

NWB Notice of Application and Commencement of Technical Review

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Application, Interveners' submissions, and the Board's initial review, that the Application submitted by Agnico Eagle generally constitutes an administratively and materially complete Application in accordance with the Guides⁴. The Board has therefore decided that the Application can proceed to the next stage(s) of the licensing process, subject to any outstanding pre-licensing considerations that may be associated with the Application. The NWB retains the rights, however, to request additional information and studies pursuant to s. 48(2) of the *NWNSRTA* or to issue additional guidelines for the provision of information pursuant to s. 48(3) of the *NWNSRTA*, if it becomes necessary.

² J. Range to R. Dwyer, RE: 2AM-MEL1631 Amendment Application Completeness Check, March 8, 2024.

³ R. Dwyer to A. Haque and others, RE: NWB Response to CIRNAC submission 2AM-MEL1631, March 21, 2024.

⁴ The minimum information requirements set out in the NWB Guidance Documents: Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1; and Guide 5 – Processing Water Licence Applications, July 2015, see Table 1.

Notice of Application and Commencement of Technical Review

In accordance with s. 55(1) of the *NWNSRTA*, the **Board gives notice of the Application** and invites interested persons to make representation to the Board no later than **April 26, 2024** (3:00 p.m. MST). Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond are outlined in s. 59 and s. 60(2) of the *NWNSRTA*⁵.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the amendment to the type A Water Licence No: 2AM-MEL1631, available from the NWB Public Registry or by directly contacting Jamie Quesnel, Agnico Eagle, at jamie.quesnel@agnicoeagle.com.

Next Steps in the Process

The next steps in the Board's consideration of the Application have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

Steps Preceding Technical Meeting

March 26, 2024	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board
April 26, 2024	Submission of technical review comments and representations to the Board.
May 10, 2024	Applicant to provide response(s) to technical review comments. Parties given an opportunity to review responses from Applicant.
May 16, 2024	Circulation of draft Agenda
May 24, 2024	Submission of Applicant's and Interveners' presentations for the proposed technical meeting (including translated versions). Confirmation of attendance and receipt of draft agenda.
May 29, 2024	Circulation of final agenda for the Technical Meeting / Pre-Hearing Conference.

⁵ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

Steps including and following Technical Meeting**1. Technical Meeting / Pre-Hearing Conference: June 5-6, 2024**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person.

The Board has directed the staff of the NWB, in accordance with the NWB Rules, to hold an in-person TM/PHC in Rankin Inlet in the week of **June 3, 2024** (tentatively on **June 5-6, 2024**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM/PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

2. Pre-Hearing Conference (PHC) Decision

Following the TM/PHC, the NWB will issue a PHC decision that may outline the technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

Public Hearing (PH) Notice

Sub-section 55(2) of the *NWNSRTA* requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting / Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the hearing will be determined, and a notice will be published by the Board in advance of the Public Hearing and in a manner that promotes public awareness and participation in the hearing.

3. Public Hearing Decision

Following the Public Hearing (PH), the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of the Northern Affairs (Minister) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with Agnico Eagle to discuss issues in advance of the proposed TM/PHC. The NWB, however, requests to be kept informed of any issues and any agreements reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as marine discharges, air quality, noise, and wildlife, be provided within the limits of the NWB's jurisdiction over the use of Waters and the deposit of Waste in Waters or that may enter Waters.

All submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email at licensing@nwb-oen.ca by Friday, April 26, 2024 (3:00 p.m. MST).

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Licensing Manager, at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27).

For any technical inquiries, please contact Mohammad Ali Shaikh, Technical Advisor, at ali.shaikh@nwb-oen.ca or by phone at 867-360-6338, ext. 33, or Karén Kharatyan, Director of Technical Services, by e-mail to karen.kharatyan@nwb-oen.ca.

Sincerely,

NUNAVUT WATER BOARD

Stephanie Autut
Executive Director

SA/as/rqd

Cc: Distribution List – Meliadine