



Water Resources Division
Resource Management Directorate
Nunavut Regional Office
918 Nunavut Drive
Iqaluit, NU, X0A 3H0

Your file - Votre référence
2AM-MEL1631
Our file - Notre référence
GCDOCS# 127824915

July 22, 2024

Richard Dwyer
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0
E-mail: licensing@nwb-oen.ca

Re: Crown-Indigenous Relations and Northern Affairs Canada's Final Written Submission in respect of the 2024 Amendment Application for the Type A Water Licence No. 2AM-MEL1631

Dear Richard,

Thank you for the email dated June 26, 2024, to provide the Pre-Hearing Decision Report following the Technical Meeting/ Community Session/PreHearing Conference on June 5-6, 2024, for the 2024 amendment to existing type A Water Licence No: 2AM-MEL1631. The Nunavut Water Board (NWB) has also requested that parties file any further and final written submissions regarding the 2024 Amendment Application with the Board by July 25, 2024.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has reviewed the information provided by the proponent, Agnico Eagle, before, during, and after the technical meeting. Per the Technical Meeting Commitment No. 16, CIRNAC met in person with Agnico Eagle on July 05, 2024, in Ottawa to discuss unresolved items regarding the Adaptive Management Plan. As such, CIRNAC provides the following to the NWB in response to your request.

Status of the Technical Review Comments

Per NWB's request (dated March 26, 2024) to review the 2024 Water Licence Amendment Application by Agnico Eagle Mines, CIRNAC submitted Six Technical Review Comments and associated recommendations on April 26, 2024. Agnico Eagle responded satisfactorily to CIRNAC to address a few concerns before the Technical meeting and provided further clarification during the meeting. Following our in-person meeting with Agnico Eagle on July 05, 2024, in Ottawa, a revised Adaptive Management Plan (AMP) has been submitted to the NWB satisfactorily addressing the technical comments related to the AMP. Therefore, CIRNAC identifies all the technical review comments submitted on April 26, 2024, as resolved.



Adaptive Management Plan

Technical review comments related to the Adaptive Management Plan have been resolved, and CIRNAC recommends that it be included in the license. However, under the Adaptive Management Plan principle, language must be added indicating that the Water License shall prevail if there is any conflict or inconsistency between the terms and conditions of the Water License or the Project certificate and the Adaptive Management Plan. Although AMP aims to give as much operational flexibility as possible to address water management hazards, it should also uphold NWB's authority and indicate that the Water License supersedes any conflicting requirements outlined in the Adaptive Management Plan. As discussed during the meeting on July 5th, it was agreed that AEM, CIRNAC and the Kiv IA would schedule a conference call with the NWB before the Public Hearing to seek input on satisfactory language to be included in the AMP. Agnico Eagle was to take the lead in scheduling this call, and CIRNAC would request NWB to prioritize this before the Public Hearing.

Security Estimate

CIRNAC has presented its security estimate to Agnico Eagle to update the security amount for the existing license and associated activities related to the current amendment application. CIRNAC intended to discuss the security amount during our in-person meeting in Ottawa on July 05, 2024. Unfortunately, Agnico Eagle was not ready to discuss this during the meeting. CIRNAC looks forward to addressing Security at the Public Hearing and seeks the NWB's direction on whether the Board would like security to form part of CIRNAC's presentation on outstanding information requests.

Security Management Agreement

CIRNAC is reviewing the Draft Amended Security Management Agreement proposed by AEM. CIRNAC is working on updating the current language of the Proposed Amended Security Management Agreement between Canada, the Kivalliq Inuit Organization (KIA) and Agnico Eagle. The update aims to align the agreement's language with the *Department of Crown-Indigenous Relations and Northern Affairs Act*, the Nunavut Agreement, and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. CIRNAC's update also reinforces and aligns the Minister's responsibilities, powers, functions and authorities in relation to land and water management throughout Nunavut, as outlined in these acts. CIRNAC would inform and involve NWB in this process as required and is working diligently to provide its response to the NWB and partners before the Public Hearing.

Draft Water Licence Amendment Framework

CIRNAC is reviewing the draft Water Licence Amendment Framework and Agnico Eagle's proposed edits. However, issues related to the Security Estimate and Security Management Agreement must be resolved before CIRNAC can provide edits and comments on the draft framework. As such, CIRNAC will update the board and provide comments on this matter in due time.

CIRNAC thanks the Board for the opportunity to participate in the Public Hearing for this amendment process. If you have any questions or concerns, please contact me at (867)



975-4282 or Aminul.Haque@rcaanc-cirnac.gc.ca or Andrew Keim at (867) 975-4550 or Andrew.Keim@rcaanc-cirnac.gc.ca.

Sincerely,

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Aminul Haque,
Water Management Coordinator