

Kivalliq Inuit Association's Final Written Submission for the Nunavut Water Board Public Hearing on Agnico Eagle's Application to Amend Type A Water Licence No.: 2AM-MEL1631

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With Support From:

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Prepared for: Nunavut Water Board

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Executive Summary

The Kivalliq Inuit Association (KivIA) represents Inuit beneficiaries of the *Nunavut Agreement* in the Kivalliq Region and is responsible for the ownership and management of surface Inuit Owned Lands (IOL) in the region. The *Nunavut Agreement* sets out the purpose of IOL and provides KivIA with direction on how IOL should be managed. The KivIA takes its role as land owner and manager seriously and its main objective is to manage the land in such a way that it promotes self-reliance and social well-being of Inuit now and into the future. This includes ensuring that economic development is done in a way that is both environmentally and socially responsible, and respects the rights of Inuit guaranteed under the *Nunavut Agreement*.

Agnico Eagle's (the "Proponent") Application to Amend Nunavut Water Board Type A Water Licence No.: 2AM-MEL1631 ("Amendment Application") was submitted to the Nunavut Water Board ("NWB") on January 26, 2024, and has since been the subject of a technical meeting and pre-hearing conference which were held in Rankin Inlet on June 5, and 6, 2024. The Amendment Application affects Meliadine Lake which is of utmost importance to Inuit in the Kivalliq region. It also provides the potential for continued employment and benefits to Inuit, and as such, a review of the information presented by the Proponent was undertaken.

The KivIA reviewed the information presented by the Proponent and other Participants regarding the Amendment Application and provided input and recommendations to the NWB throughout the regulatory process. KivIA's primary goal of its review and recommendations was to ensure that the potential impacts and benefits are

comprehensively assessed through scientific and socio-economic best practices, and that Inuit Qaujimajatuqangit (IQ) values continue to be given great weight guiding and being incorporated into impact determination, mitigation, project design and monitoring.

Throughout the regulatory process, the KivIA's comments were focused on:

- Quantity and quality of discharges to Meliadine Lake;
- Updates to the Security Management and Water Compensation Agreements;
- Additional reference areas for the Aquatic Effects Monitoring Program ("AEMP");
- Details on remediation of Lake B7; and
- Updates to the Adaptive Management Plan;

The KivIA is pleased with the progress made at the technical meeting. Prior to the technical meeting, the KivIA had 4 technical comments. At the technical meeting the Proponent made commitments to the KivIA, which have provided assurances to KivIA that the Proponent will continue working with them, and the community, to understand, address and mitigate any impacts to Meliadine Lake and the environment. The KivIA has since met with the Proponent and other stakeholders to address outstanding concerns. The KivIA appreciates the collaborative work with the Proponent in reaching agreement on commitments that have substantially resolved KivIA's technical comments, and only a few issues remain. The commitments the Proponent agreed to include:

1. the setting of an upper bound discharge limit of a total authorized volume of two million six hundred 2,600,000 cubic meters per year to Meliadine Lake;
2. that throughout the mine operations, under no circumstances will the Proponent discharge underground saline groundwater to Meliadine Lake
3. that throughout the mine operations, the Proponent will continue to monitor Lake B7 to assess the potential requirement to remediate Lake B7 at closure; and
4. updating the Adaptive Management Plan to integrate the prioritized discharge strategy; and
5. the completion of a reference lake monitoring program, which will be included in the 2025, 2026, and 2027 Annual Reports.

The remaining comments of the KivIA relate to the following issues:

1. Ensuring that the commitments made by the Proponent remain binding on the Proponent and that they are enforceable by the NWB to the extent that they fall within NWB jurisdiction;

2. Security Management Agreement and Water Compensation Agreements; and
3. Comments on Draft Water Licence Framework.

Thank you for the opportunity to participate in this review.

Regards,

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Introduction

The KivIA has completed a technical review of the Amendment Application which seeks to add the following activities to the scope of the current type A Water Licence:

- *Increase in the annual freshwater consumption as follows:*
 - *Operations: currently 742,000 m³/year, increase to 1,100,296 m³/year;*
 - *Closure: currently 4,000,000 m³/year, increase to 8,676,481 m³/year;*
- *Open pit mining of Pump, F Zone, Wesmeg, and Discovery Deposits;*
- *Temporary ore stockpiles (three facilities located near Pump, F Zone, and Discovery);*
- *Tailings Storage Facility capacity increase to 20.6 m³;*
- *Additional waste rock storage facilities (WRSF6, WRSF7, WRSF9);*
- *Addition of Saline Pond (SP6);*
- *Contact water infrastructure associated with mining of Pump, F Zone, Wesmeg, and Discovery deposits;*
- *Dewatering of the Lakes/Ponds to support mining at Pump, F Zone, Wesmeg, and Discovery deposit sites;*
- *Fuel storage capacity increase at Rankin Inlet Itivia site from 37.5 million litres (ML) to 80 ML.*

The KivIA is the Designated Inuit Organization ("DIO") representing Inuit beneficiaries of the *Nunavut Agreement* in the Kivalliq Region. In particular, the KivIA holds title to and manages surface Inuit Owned Lands (IOL) in the region with the main purpose of promoting self-reliance and social well-being of Inuit now and in the future. The KivIA must ensure that decisions that are made are done so in the best interest and for the benefit of all Inuit whom they represent. The KivIA's mandate is to manage IOL in a manner that supports sustainable economic development opportunities for Inuit while at the same time ensuring that economic development, if it is completed, is completed in an environmentally and socially responsible manner that respects the wildlife and waters that Inuit rely upon. As the surface land owner, KivIA requires that the Proponent has in place licenses, leases, permits, and agreements for access related to the Meliadine Project, which includes:

- NIRB Project Certificate No. 006;
- KivIA Quarry Permit KVCA07Q08;
- KivIA Quarry Permit KVCA11Q01;
- KivIA Road Lease KRW11F02
- KivIA Production Lease KVPL11D01 and Amending Agreement for Lease KVPL11D01;
- The Meliadine Inuit Impact and Benefit Agreement;

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Specific Comments:

KivIA Comment 1: Water Compensation Agreement

Article 20 of the *Nunavut Agreement* requires a compensation agreement to be in place prior to the NWB approving a licence. It is the position of KivIA that the Amendment Application will substantially affect the quality, quantity, and flow of water flowing through IOL and that a compensation agreement must be in place to compensate KivIA for any loss or damage which may have been caused by the change in quality, quantity or flow of the water. The KivIA wishes to inform the NWB that they are working with the Proponent on amendments to the Water Compensation Agreement and expects to provide an update to the board prior to the final hearing.

KivIA Comment 2: Security Management Agreement

Ensuring that there is adequate security posted to address any issues that arise relating to the Meliadine operations is necessary and required. The KivIA wishes to inform the NWB that they are working with the Proponent and CIRNAC to resolve outstanding issues relating to amendments to the Security Management Agreement and that they expect to provide an update to the board prior to the final hearing.

KivIA Comment 3: Aquatic Effects Monitoring Plan Reference Areas

Prior to the technical meeting, the KivIA requested that the Proponent incorporate additional reference lakes in the monitoring program. The purpose of this request was to allow for the ability to better distinguish between mine-related impacts and local variability in the watershed, a concern that was also brought forth by ECCC. At the technical meeting, the Proponent committed to completing a three-year reference lake monitoring program which will commence in 2025. Results of the reference lake monitoring program will be reported in the 2025, 2026 and 2027 Annual Reports, including the Aquatic Effects Monitoring Plan Annual Reports. The KivIA appreciates the Proponent's collaboration on this commitment.

KivIA Comment 4: Lake B7 Remediation

Prior to the technical meeting, the KivIA asked the Proponent to include further detail on Lake B7 remediation in the Interim Closure and Reclamation Plan. The reason for this request is that the storage of saline groundwater in Lake B7, instead of tailings, raises the possibility of remediating Lake B7 to sustain aquatic life and be connected to the local watershed during closure and post-closure. The Proponent committed to monitoring Lake B7 during operations to assess the potential requirement of remediation of Lake B7 at closure. The KivIA is pleased with the collaboration efforts of the Proponent on this issue and looks forward to reviewing the monitoring work as it is undertaken.

KivIA Comment 6: Agnico Eagle Commitment 2 and Saline Groundwater Isolation

The importance of Meliadine Lake for traditional uses has been recognised throughout the various licencing and permitting processes for the Meliadine Project, and as such, the Proponent offered a commitment assuring the KivIA that saline groundwater is and will continue to be managed separately from surface contact water that is discharged into Meliadine Lake. Given the value to Kivallarmiut of Meliadine Lake and the severity of the impacts of discharge of saline groundwater to this environment, the KivIA recommends that the Proponent's Commitment 2 be included as a Term and Condition to the amended Water Licence.

KivIA Comment 7: Review of Draft Water Licence Framework

The KivIA appreciates the Proponent providing a draft Type A Water Licence for review in advance of the public hearing. The KivIA's comments are below:

1. General Comment: The KivIA is seeking to have the commitment list incorporated as an appendix to the licence.
2. Part B, Section 10: The KivIA seeks to ensure, that should the Board otherwise direct that Plans may be undertaken without further Board approval and direction after 60 days, comments of the KivIA and other Participants are addressed prior to issuing any such approval. The "approving the plan because a response hasn't been provided" approach will create restrictions on the NWB's discretion and will risk eliminating consultation and public input on important amendments to Plans.
3. Part B, removal of Section 14: The KivIA is of the view that there must be language within the licence reflecting the commitments that the Proponent made to update certain Plans. If the Proponent's commitment is to update various Plans and provide them to

KivIA and other Participants within 60 days, there is no reason to exclude the commitments from the licence.

4. Part C- The entirety of Part C remains under review by KivIA pending resolution of the Security Management Agreement outstanding issues. In addition, the KivIA is of the view the 2025 Work Plan be added to paragraph 1.
5. Part C section 7, The KivIA is of the view that section 7 should not be removed but instead be amended to state:

The Licensee shall, at the time the Licensee files the Final Reclamation and Closure Plan as required under the Licence, submit to the Board for review in writing an updated reclamation cost estimate, using the RECLAIM Reclamation Cost Estimating Model (Version 7.0 or the most current version at the time the updated reclamation cost estimate is submitted to the Board)

6. Part D, section 17: The KivIA does not agree to the amendment proposed by the Proponent. The KivIA recommends that section 17 be amended to state the following:

17. *The Licensee shall not excavate and/or remove material from the quarry beyond a depth of one (1) metre above the ordinary High Water Mark or above the Groundwater table, to prevent the potential contamination of surface and Groundwater. The quarrying shall be in accordance with all applicable legislation, and give due consideration to industry standards including the Northern Land Use Guidelines, Pits and Quarries (INAC, 2009, or as revised).*

7. Part D, section 19: The KivIA is seeking clarity from the Proponent as to why the addition of "relating to water and waste" was made.
8. Schedule C: Security Schedule Milestones: This Schedule remains under review by KivIA.