

NUNAVUT WATER BOARD

Water License Amendment Application No: 2AM-MEL1631

HEARING

VOLUME 2

Rankin Inlet, Nunavut

September 12, 2024

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1 Proceedings taken at Singiitug Complex, Rankin
 2 Inlet, Nunavut

3

4 September 12, 2024 Morning Session

5

6 NUNAVUT WATER BOARD

7 E. Copland Chair of Hearing

8 L. Toomasie Panel Member

9 U. Puqignak Panel Member

10

11 NUNAVUT WATER BOARD STAFF

12 S. Autut Executive Director

13 K. Kharatyan Director of Technical
 14 Services

15 B. Kogvik Director of Board
 16 Administration and
 17 Communications

18 R. Dwyer Licensing Administrator

19 M. Shaikh Technical Advisor

20 T. Meadows Legal Counsel

21

22 APPLICANT

23

24 AGNICO EAGLE MINES LIMITED

25 J. Quesnel Director of Permitting
 26 and Regulatory Affairs

1	C. Prather	Permitting and Regulatory
2		Affairs Superintendent
3	J. Range	Regulatory Specialist
4	E. Malindzak	Permitting Specialist,
5		Fisheries
6	S. Savoie	Meliadine Environmental
7		Superintendent
8	L. Chouinard	Project Manager, Meliadine
9	J. Haloui	Meliadine Project Lead
10	P. Kusugak	Director of Nunavut
11		Affairs
12	D. Kitterdlik	IQ and Wildlife Advisor,
13		Whale Cove
14	M. Turmel	Public Affairs
15		Superintendent
16	B. Doroudiani	Permitting Specialist,
17		Water
18	J.C. Blais	Meliadine General Manager
19	D. Rodrigue	Meliadine General
20		Superintendent
21	S. Jackson	Consultant Senior
22		Hydrologist
23	C. Kowbel	Legal Counsel
24	J. Aggark	Community Liaison Officer,
25		Chesterfield
26	D. Aglukark	Kivalliq Elder, Arviat

1 L. Ramilo Permitting Specialist,
2 Water

3 L. Mah Permitting Specialist,
4 Water

5

6 INTERVENORS

7

8 NUNAVUT TUNNGAVIK INCORPORATED

9 E. Greene Acting Senior Advisor,
10 Land-Use Planning and
11 Regulatory Reviews

12 R. Mercer Resource Management
13 Coordinator, Department
14 of Wildlife and Environment

15 D. Fredlund Chief Operating Officer

16 A. Yuan Legal Counsel

17 G. Nirlungayuk Director of Wildlife and
18 Environment

19

20 KIVALLIQ INUIT ASSOCIATION

21 L. Manzo Director of Lands

22 J. Katz Legal Counsel

23 M. McDougall Water Quality and Fish
24 Habitat

25 A. Sexton Geology Engineer

26 J. Tulugak Wildlife and Traditional

1		Knowledge
2	A. Aupaluktuq-Burton	Lands Admin Coordinator
3		
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5	CANADA	
6	J. Hart	Acting Director of
7		Resource Management
8	A. Haque	Water Management
9		Coordinator
10	S. Tielesh	Legal Counsel
11	T. Brown	Consultant
12	G. Wiatzka	Consultant
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15	R. Wykes	Senior Environmental
16		Assessment Coordinator
17	S. Forte	Water Quality Analyst
18	S. Mallon	Environmental Assessment
19		Officer
20		
21	FISHERIES AND OCEANS CANADA	
22	J. Audet-Lecouffe	Acting Team Leader, Fish
23		and Fish Habitat Protection
24		Program
25	D. Donald	Fish Biologist
26	J. Loughery	Senior Fish Biologist

1 INTERPRETERS/TRANSLATORS

2 M. Angoshadluk Inuktitut Language
3 Translator

4

5 A. Vidal, CSR(A), RMR Official Court Reporter

6

7 R. Dempster Sound Technician

8

9 _____
(PROCEEDINGS COMMENCED AT 10:06 AM)

10 THE CHAIR: Good morning. Uriash
11 will do the opening prayer.

12 Opening Prayer

13 THE CHAIR: Thank you. Good morning.

14 Item Number 9, Fisheries and Oceans Canada
15 to give their presentation.

16 Legal counsel.

17 T. MEADOWS: Thank you, Madam Chair.
18 Teresa Meadows, legal counsel for the Nunavut
19 Water Board.

20 Do the witnesses wish to be sworn or
21 affirmed?

22 J. AUDET-LECOUFFE: Affirmed, please.

23 D. DONALD: Affirmed, please.

24 THE CHAIR: If I can have the
25 witnesses state and spell their names for the
26 record, please.

1 J. AUDET-LECOUFFE: Jose Audet-Lecouffe,
2 J-O-S-E A-U-D-E-T-L-E-C-O-U-F-F-E.

3 D. DONALD: Derek Donald, D-E-R-E-K
4 D-O-N-A-L-D.

5 JOSE AUDET-LECOUFFE, DEREK DONALD, Affirmed
6 T. MEADOWS: Teresa Meadows, legal
7 counsel for the Nunavut Water Board.

8 So, Madam Chair, I have two copies of the
9 presentations about to be provided by Fisheries
10 and Oceans Canada, and one version is in
11 English and Inuktitut, and the second version
12 is in French, and I will be marking those as
13 the next two exhibits in the public hearing.
14 And thank you, Madam Chair. Those are my
15 procedural matters.

16 EXHIBIT 12 - Hard Copy PowerPoint
17 Presentation, 2AM-MEL1631, Agnico
18 Eagle Mines, Meliadine Projet - Water
19 Licence Amendment 2AM-MEL1631
20 (English and Inuktitut)

21 EXHIBIT 13 - Hard Copy PowerPoint
22 Presentation, 2AM-MEL1631, Agnico
23 Eagle Mines, Meliadine Projet - Water
24 Licence Amendment 2AM-MEL1631
25 (French)

26 THE CHAIR: Thank you.

1 Fisheries and Oceans, you may proceed.

2 Presentation by Fisheries and Oceans Canada

3 J. AUDET-LECOUFFE: Thank you, Madam Chair,
4 and good morning, everyone.

5 This is Fisheries and Oceans' presentation
6 for the Meliadine project and its water licence
7 amendment.

8 Next slide, please. The fish and fish
9 habitat protection program. So Derek and I,
10 our mandate is to conserve and protect fish and
11 fish habitat from impact of human work and
12 activities under the Fisheries Act.

13 Next slide, please. So for this project,
14 DFO has considered what aspects of the project
15 could impact fish and their habitats, and for
16 this we had four areas of comment. We had
17 inconsistencies between documents and the
18 application, we had concerns about pit flooding
19 at closure, about fish passage, and about the
20 fish offsetting plan.

21 Next slide, please. Of our four comments,
22 three were resolved. The -- the proper
23 documents with the correct and complete
24 information were provided. That addressed the
25 first comment. And Agnico Eagle committed to
26 collecting additional information relating to

1 the fish offsetting plan. So that addressed
2 the two last comments.

3 Next slide, please. The one issue that
4 remains unresolved is related to pit flooding
5 at closure. In their application, Agnico Eagle
6 requested that water be taken from Meliadine
7 Lake to fill the pits when the mine closes and
8 that this volume be increased from 4 million
9 cubic metre per year to 8.7 cubic metre per
10 year, so more than double.

11 During the technical review of the
12 application, DFO noted that Agnico did not
13 assess the impacts of withdrawing that volume
14 of water, particularly on Meliadine and Diane
15 rivers that are critical to the migration of
16 local arctic char populations.

17 So DFO has requested that pit flooding
18 rates be removed from this application until
19 Agnico Eagle provides a proper impact analysis.
20 In their response, Agnico Eagle noted that they
21 should not remove pit filling rates and that
22 they were approved 17.06 million cubic metre a
23 year in the 2014 NIRB process.

24 So, now, why does it matter? Well, in
25 2014, Agnico Eagle provided only a general
26 understanding of the impact to flow associated

1 with 17.06 million cubic metre. We understand
2 that the volume requested is less than in 2014,
3 but it is not understood what impacts the
4 withdraw of this volume will have. The volume
5 that -- that Agnico Eagle requests might be
6 acceptable, but we don't know.

7 Also, Agnico Eagle identified in 2014 that
8 during low flow, flow rates would decrease by
9 as much as 35 percent compared to baseline
10 conditions, compared to natural conditions.
11 This is well above DFO's threshold. It is a
12 significant impact, and it requires a further
13 analysis.

14 Next slide, please. So DFO recommends to
15 the Board that flow rates for pit flooding be
16 removed from this application, that a detailed
17 pit flooding analysis and a management and
18 monitoring plan be provided as part of the
19 closure and reclamation plan, and that the
20 necessary information is collected, which
21 includes lake water levels and flow in Diane
22 and Meliadine rivers.

23 DFO recommends 20 years of data, and we
24 understand that this has not started yet. So
25 we would like the Board to consider this
26 recommendation and note that Environment

1 Canada, Fisheries and Oceans, the KIA, and NTI
2 share the same concerns.

3 DFO's committed to working with Agnico
4 Eagle and the partners around this table to
5 come to an acceptable solution. We have time
6 to revisit this topic before closure, but we
7 need the right information, and we need to
8 start collecting the right information now.
9 Thank you. Thanks for listening.

10 THE CHAIR: Thank you.

11 Questions to Fisheries and Oceans from
12 Agnico Eagle.

13 C. KOWBEL: Thank you, Madam Chair.
14 Christine Kowbel, legal counsel, Agnico Eagle.

15 If we could just have a moment to confer.
16 Many thanks.

17 Thank you, Madam Chair. Christine Kowbel,
18 legal counsel, Agnico Eagle.

19 Before I start, we will have a few
20 questions for Fisheries and Oceans Canada based
21 on that presentation. And, as part of that,
22 Madam Chair, we've heard a lot of talk about
23 this DFO policy relating to 20 years. We have
24 a copy of that policy. Mr. Audet-Lecouffe has
25 not shared it with the Board, but we will.

26 And I'd like to mark that as an exhibit.

1 We'll provide that with -- Teresa Meadows, by
2 email, but we will be referencing it in our
3 presentation.

4 And in order to explain our interpretation
5 of that policy and how that policy actually
6 applies, Mr. Jackson has prepared two slides,
7 which we'll also be putting on the screen and
8 asking to be marked as exhibits.
9 Procedural Matters by Nunavut Water Board Legal
10 Counsel

11 T. MEADOWS: Thank you, Madam Chair.
12 Teresa Meadows, legal counsel for the Nunavut
13 Water Board.

14 So with respect to the fisheries policy,
15 I'm just going to ask whether or not there are
16 any objections to that being filed as an
17 exhibit recognizing that it is publicly
18 available, that it was referenced by Fisheries
19 and Oceans Canada in their presentation, and
20 that it should not be a surprise to any of the
21 participants here.

22 But if I can poll the legal counsel for the
23 Kivalliq Inuit Association, I will then go to
24 Nunavut Tunngavik Incorporated and then
25 Government of Canada legal counsel as to
26 whether or not they object to the policy going

1 in via electronic form.

2 J. KATZ: Jonathan Katz, legal
3 counsel.

4 No objections, but I would like to see the
5 policy as soon as possible. Thank you.

6 T. MEADOWS: Arthur.

7 A. YUAN: Arthur Yuan, Nunavut
8 Tunngavik Inc.

9 The same situation. No objections from
10 here, and I would like to see the policy as
11 well.

12 T. MEADOWS: Teresa Meadows, legal
13 counsel for the Nunavut Water Board.

14 For Government of Canada, Simone?

15 S. TIELESH: Simone Tielesh, legal
16 counsel for the Government of Canada.

17 We have no objections.

18 T. MEADOWS: Thank you. Teresa
19 Meadows, legal counsel for the Nunavut Water
20 Board.

21 So I will circulate that to all legal
22 counsel, and, actually, we'll try and get it
23 posted on the registry, as well circulated to
24 everyone, as soon as I receive it.

25 EXHIBIT 14 - Electronic Copy,
26 Framework for Assessing the

1 Ecological Flow Requirements to
2 Support Fisheries in Canada, Science
3 Advisory Report, Fisheries and Oceans
4 Canada, Canadian Science Advisory
5 Secretariat (CSAS)(May 2013)(English)

6 T. MEADOWS: With respect to the
7 slides that you're proposing to provide, is
8 there any information in those slides, Agnico
9 Eagle, that is not currently on the public
10 record previously been provided by Agnico
11 Eagle?

12 J. QUESNEL: Thank you. Jamie
13 Quesnel, Agnico Eagle.

14 The first slide has references to the 2014
15 FEIS which has been discussed, and that's been
16 circulated. The second slide is more related
17 to the Department of Fisheries and Oceans' 2013
18 policy that we were just talking about, and
19 it's just highlighting a few components of that
20 policy that's tied into the presentation by the
21 Department of Fisheries and Oceans.

22 T. MEADOWS: Thank you. Teresa
23 Meadows, legal counsel for the Nunavut Water
24 Board. Thank you for that clarification.

25 So same order. We will go around the table
26 and ask whether or not there are any objections

1 to the two slides being projected to support
2 the questioning that Agnico Eagle is planning
3 for Fisheries and Oceans Canada.

4 And I recognize that if in the course of
5 the slides being projected there are --
6 something arises where it's new information and
7 you wish to object, you can, of course,
8 preserve your right to do so at that time. But
9 based on what is currently known of the slides,
10 are there any objection to this material being
11 entered as an exhibit?

12 So Kivalliq Inuit Association.

13 J. KATZ: Jonathan Katz, legal
14 counsel, Kivalliq Inuit Association.

15 I think it's difficult to provide an answer
16 without seeing the slides. So if we could
17 reserve the right, as you said, to object
18 later. I don't want to hold up the hearing
19 anymore, but I can't say whether there is or
20 isn't new information without seeing it. So no
21 objection right now but reserving the right to
22 object once we see the slides. Thank you.

23 T. MEADOWS: Teresa Meadows, legal
24 counsel for the Nunavut Water Board.

25 So our normal process with something like
26 this is we will mark it as an exhibit. We will

1 not enter it as an exhibit unless there are no
2 objections following the presentation of that
3 material, and then the Board will deal with any
4 objections at that time.

5 So you will have preserved your right to
6 object once you see the slides themselves, the
7 information, and hear the discussion associated
8 with those.

9 So, Mr. Yuan, from Nunavut Tunngavik?

10 A. YUAN: Arthur Yuan, legal
11 counsel for Nunavut Tunngavik Inc.

12 Yes. On the basis noted by Ms. Meadows, no
13 objections at this time.

14 T. MEADOWS: Thank you. Teresa
15 Meadows, legal counsel for the Nunavut Water
16 Board.

17 So Government of Canada legal counsel?

18 S. TIELESH: Simon Tielesh, legal
19 counsel with the Government of Canada.

20 I have no objections to the process as
21 described. Thank you.

22 T. MEADOWS: Thank you. Teresa
23 Meadows, legal counsel for the Nunavut Water
24 Board.

25 So we have a path forward. It's also my
26 understanding that -- and we will circulate the

1 materials as we receive them. I will circulate
2 them to legal counsel, and we will -- we will
3 not circulate the slides until we know for sure
4 that they will be entered. I will circulate
5 them only to legal counsel recognizing they are
6 subject to objections arising, and they may not
7 be entered on the record ultimately if there
8 are objections. With respect to the policy --
9 the policy, however, as there are no
10 objections, we'll circulate that and post it on
11 the registry.

12 EXHIBIT 15 - Electronic Copy, 2
13 Summary Slides Entitled "Meliadine
14 Lake Water Withdrawals" (English)

15 T. MEADOWS: And it's my understanding
16 as well that the person who will be presenting
17 the slides and conducting the potential
18 questioning is -- was not sworn in or affirmed.
19 So I would like to do that now, if I can.
20 Thank you.

21 So if I can have the witness state and
22 spell your name for the record, please.

23 S. JACKSON: Scott Jackson, S-C-O-T-T
24 J-A-C-K-S-O-N.

25 T. MEADOWS: Thank you. Teresa
26 Meadows, legal counsel for the Nunavut Water

1 Board.

2 Do you wish to be sworn or affirmed?

3 S. JACKSON: Either/or. Whatever --
4 whatever suits the water board.

5 T. MEADOWS: Thank you, Mr. Jackson.
6 Teresa Meadows, legal counsel for the Nunavut
7 Water Board.

8 The Board determines many things, but that
9 is not one of them. The choice -- the
10 difference between them is whether or not you
11 swear on a Bible or whether or not you affirm.

12 S. JACKSON: Thank you. Understood.
13 I will affirm.

14 T. MEADOWS: Thank you.

15 SCOTT JACKSON, Affirmed

16 T. MEADOWS: Teresa Meadows, legal
17 counsel for the Nunavut Water Board.

18 So I will be circulating things shortly,
19 and if you would like to proceed with your
20 questioning.

21 C. KOWBEL: Thank you, Madam Chair,
22 and thank you, Ms. Meadows. Christine Kowbel,
23 legal counsel for Agnico Eagle.

24 Ms. Meadows, I have -- as we just
25 discussed, I have emailed you a copy of the
26 policy and the slides, and perhaps while I'm

1 just making these preliminary remarks, we could
2 get those up on the screen. Hopefully our
3 email is working. If it's not, let us know.

4 Thank you, Madam Chair. We do have a few
5 questions for Fisheries and Oceans Canada.

6 As Mr. Audet-Lecouffe noted, we worked
7 through a number of information requests and
8 technical comments. Oh.

9 T. MEADOWS: Thank you, Madam Chair.

10 Sorry to interrupt, but perhaps what we'll
11 do in the interest of -- oh, I just received
12 them. That's what I was just going to say.
13 Perhaps we should use a key. I just have them.
14 So I will -- I will circulate them to everyone,
15 and we'll get them up on the screen in a
16 minute. Thank you.

17 Presentation by Agnico Eagle Mines Limited
18 (Meliadine Lake Water Withdrawals)

19 C. KOWBEL: Thank you, Madam Chair.

20 So, as we noted, we were able to work
21 through a number of information requests and
22 technical comments. We got to a place where
23 there is just one outstanding issue with DFO,
24 which is quite a good place. So we don't want
25 to lose sight of that in these questions that
26 we're having about the pit flooding issue, and

1 we have been able to work together with DFO,
2 and we expect we'll keep working with DFO.

3 But there is one issue remaining that is
4 unresolved, and we do disagree quite
5 fundamentally on that, and that is the issue of
6 pit flooding volumes. Respectfully, we do not
7 think that Fisheries and Oceans Canada
8 presented that item fairly to the community
9 last night or to you this morning. We are
10 concerned that Fisheries and Oceans Canada is
11 not providing the Board the full picture.

12 So we have some questions and comments this
13 morning aiming to ensure that the Board has a
14 full and accurate understanding of the
15 information and the extensive evidence that
16 Agnico Eagle is relying on in asking the Board
17 to continue to include the closure of volumes
18 in the licence and to increase them so that we
19 could eventually close the new facilities we're
20 asking you to add this -- to this licence. And
21 there are a few key points.

22 The first topic is the water board needs to
23 be aware of the full context of the Fisheries
24 and Oceans policy. Based on the Fisheries and
25 Oceans presentation, the Board should
26 understand the process followed by Agnico Eagle

1 is a typical evaluation of flows validated by
2 our expert and was part of the 2014 assessment.
3 There is no known evidence that highlights a
4 different result.

5 We think you will find Agnico Eagle and the
6 Board has the evidence -- and you have the
7 evidence now -- to make an informed decision
8 about including the updated pit volumes in the
9 amended licence.

10 We heard Fisheries and Oceans Canada state
11 that 20 years of baseline data is the standard
12 and suggested that that was the DFO -- sorry --
13 Fisheries and Oceans Canada policy, but
14 Fisheries and Oceans Canada only presented you
15 with part of the policy.

16 I am going to ask Agnico Eagle's
17 third-party senior hydrologist Scott Jackson,
18 who is a licenced geoscientist in Nunavut, and
19 what that means is that he has to follow the
20 very high professional standards set by his
21 governing organization, and those standards are
22 considered specifically to Nunavut. And he is
23 going to speak to what is actually the standard
24 approach following Fisheries and Oceans'
25 policy.

26 Mr. Jackson has been working in this field

1 as a hydrologist for over 20 years, and over
2 that time, he's worked with a number of
3 different parties, and he's worked for a number
4 of different people. He's worked for the
5 provincial and federal government. He's worked
6 for proponents. I will not go over his CV --
7 or -- sorry -- his resume, his work experience,
8 but it is available to the Board as an exhibit
9 in this hearing, and I have no hesitation in
10 recommending him to you as an expert in the
11 field of hydrology.

12 I'm going to ask Mr. Jackson to present his
13 slides now, and then we will have some
14 questions for Fisheries and Oceans Canada. And
15 so I can see that the slides are up on the
16 screen.

17 And so, Madam Chair, I am now going to pass
18 the microphone to Mr. Jackson.

19 S. JACKSON: Thank you, Madam Chair.
20 Scott Jackson on behalf of Agnico Eagle.

21 So to recap, the 2014 FEIS assessed annual
22 withdrawal volumes from Meliadine Lake to fill
23 the pits in active closure at a rate of
24 17.06 million cubic metres per year. The
25 assessed reduction at that time based on that
26 volume was 15 percent of the median or two-year

1 return period flow at the outlets and, as DFO
2 and Environment Canada referenced, a reduction
3 of 24 percent to 35 percent for the low-flow
4 periods.

5 The 2014 FEIS was conducted using standard
6 and appropriate methodology to determine the
7 impacts of an operation on streamflows, and, in
8 addition, similar methods were used as to what
9 is laid out in the framework for assessing
10 ecological flow requirements to support
11 fisheries in Canada.

12 Fisheries and Oceans stated that Agnico
13 Eagle does not understand the impacts, but I
14 would argue that we do. There's -- yeah. In
15 the current maximum proposed rate, it is half
16 that assessed in the 2014 FEIS. Given that,
17 this updated withdrawal rate would result in
18 lower estimated reductions to streamflows,
19 approximately half the originally assessed
20 reduction.

21 It is also worth noting that that
22 assessment in the 2014 FEIS model
23 conservatively assumed that there would be no
24 management of the withdrawals for Meliadine
25 Lake. However, the following mitigation was
26 also identified: Pumping rates will be managed

1 to minimize effects to Meliadine Lake and will
2 ensure that the total annual discharge does not
3 drop below the ten-year dry condition. In
4 years during which Meliadine Lake discharges
5 are forecast to naturally fall below the
6 ten-year dry condition, no pumping will occur.

7 There is flexibility in the active closure
8 pumping schedule as presented in the amendment
9 application to manage withdrawals from
10 Meliadine Lake to meet this mitigation measure.
11 In my professional opinion, the assessment
12 methodology used in the 2014 FEIS was
13 appropriate and defensible and in line with the
14 guidance provided in the Fisheries and Oceans
15 framework.

16 Next slide, please. So this is the --
17 there are a couple of excerpts from that
18 framework that have been entered into the
19 record. With respect to Fisheries and Oceans'
20 comment on the requirement for environmental
21 flow needs assessments to be conducted using a
22 minimum of 20 years of streamflow data, as
23 noted in the first quotation on the slide, the
24 framework also in Appendix 1 specifies specific
25 steps to be taken if site -- if site-specific
26 records are less than 20 years in duration.

1 And I quote: (as read)

2 For situations/sites where flow data
3 is not available, then the use of
4 synthesized, i.e., modelled,
5 streamflow data is recommended. These
6 data can be prorated from a proximal
7 hydrometric station or simulated using
8 a hydrological model.

9 I would like to note that this approach is
10 standard, industry-wide, and nationwide. It is
11 well supported by the scientific community and
12 is outlined in several other provincial
13 environmental flow needs assessment documents.
14 I have personally conducted these analyses for
15 multiple sites in British Columbia, the Yukon
16 territory, Ontario, Alberta, Quebec, and
17 internationally in Indonesia, Honduras, and
18 United States.

19 Agnico is currently collecting streamflow
20 and water level data at both outflows for
21 Meliadine Lake -- thanks. Okay. Yeah. Agnico
22 is collecting streamflow and water level data
23 at both outflows of the lake over the next
24 three years. Agnico's data can be used in
25 combination with Water Survey of Canada
26 hydrometric records, examples of which are

1 provided in the table in the lower right of the
2 slide, and watershed modelling to generate the
3 required 20-plus years of streamflow data for
4 use in this assessment.

5 As stated previously, this is standard,
6 industry, and scientific practice following
7 well-established methods. Thank you.

8 Agnico Eagle Mines Limited Questions Fisheries
9 and Oceans Canada

10 C. KOWBEL: Thank you, Madam Chair,
11 and thank you, Mr. Jackson.

12 So I just want to emphasize a few points
13 that you've just heard Mr. Jackson, the expert
14 hydrologist, speak to. In addition to applying
15 Fisheries and Oceans' standard policy, the
16 policy that every mine that he's ever worked on
17 in Canada has worked -- has followed to develop
18 a typical flow assessment and in developing the
19 approach to pit flooding, as Mr. Jackson
20 mentioned, Agnico Eagle is also carrying out a
21 three-year monitoring program which will help
22 inform potential for effects, offer an
23 opportunity for adaptive management if it's
24 needed, and ensure that the flow issues that
25 Fisheries and Oceans flagged as a concern don't
26 happen.

1 Again, we also want to emphasize that the
2 requested volumes are one-third -- about
3 one-third of what was originally assessed in
4 the 2014 final environmental impact statement
5 and approved by the Nunavut Impact Review
6 Board. It's a very large reduction, and that
7 should increase confidence that there will be
8 no significant effects.

9 Now, having heard this, we have two
10 questions for DFO -- or -- sorry -- Fisheries
11 and Oceans Canada, and I should say, as I said
12 earlier, Madam Chair, we have filed the policy
13 with Ms. Meadows. I won't ask her to put it on
14 the screen because we've mentioned it on this
15 slide.

16 And so, sir, I'm asking Fisheries and
17 Oceans Canada to confirm that -- the framework
18 for assessing the ecological flow requirements
19 to support fisheries in Canada, that this is
20 your policy and the policy that you were
21 mentioning.

22 J. AUDET-LECOUFFE: Yes. This is the
23 framework that we're -- I was mentioning --
24 sorry. Jose Audet-Lecouffe with Fisheries and
25 Oceans Canada.

26 This is the right document. It's not a

1 policy. It's a science advice that we -- we
2 use for technical guidance.

3 C. KOWBEL: Thank you, Madam Chair.

4 I think, sir, you were the person -- I
5 think you mentioned it was a policy, but I'm
6 happy to call it a science advisory document.

7 Can Fisheries and Oceans Canada confirm
8 that the methodology described by Mr. Jackson,
9 the standard methodology that's applied for
10 mines across Canada, is included in and part of
11 the science advisory document?

12 J. AUDET-LECOUFFE: Jose Audet-Lecouffe,
13 Fisheries and Oceans Canada.

14 If you're referring to modelling, yes, it
15 is standard practice and acceptable. It is
16 also best practice to validate on-site this
17 information and consider changes in climate
18 change and isostatic rebound, the changes in
19 the environment that occurs, so validate this
20 information. But, yes, modelling is totally
21 acceptable.

22 C. KOWBEL: Okay. Thank you very
23 much.

24 I'm just going to turn to our second point,
25 and, Madam Chair -- oh, I'm sorry. Thank you.
26 Just one more point.

1 And we thought it was important to speak a
2 bit to the importance of respecting the Nunavut
3 Impact Review Board process and how extensive
4 that process is, and it relates to the topic of
5 environmental effects.

6 And the reason we are emphasizing this is
7 that when we were before the community last
8 night, we heard a statement about significant
9 effects, and, Madam Chair, I have read the
10 report from the Nunavut Impact Review Board on
11 the Meliadine project, and there was no finding
12 that there would be significant effects.
13 That's not accurate. And so I don't want to
14 leave the community with that misunderstanding.

15 We think it is very, very important to
16 respect the process that has been established
17 by the Nunavut Agreement and the role of the
18 other regulators in this process, the Nunavut
19 Planning Commission and the Nunavut Impact
20 Review Board.

21 The Meliadine mine assessment that the
22 Nunavut Impact Review Board carried out from
23 2011 to 2014 was long. It was comprehensive.
24 It was extensive. It involved dedicated work
25 by experienced professionals, Elders, youth,
26 Inuit, and other community members. The

1 Environment Canada team that participated in
2 this assessment was very experienced, led by
3 Anne Wilson, who many of us know in this room
4 and had opportunity to learn from.

5 Fisheries and Oceans Canada also ensured
6 that senior staff were involved and dedicated
7 to the review, and Agnico Eagle presented their
8 best and reliable evidence from expertise that
9 was accepted by the Nunavut Impact Review
10 Board. They included Inuit Qaujimajatuqangit
11 and western science in that analysis. There
12 was a long process of information exchange, and
13 the process ended with public hearings and
14 community roundtables.

15 At the end of that process, the Nunavut
16 Impact Review Board, a board of seven Inuit
17 members, together with the expertise of the
18 Nunavut Impact Review Board staff, carefully
19 read the evidence and made its decision, and
20 they took into account that evidence, and they
21 took into account the mitigations, and they
22 took into account the legislation that applies
23 to this project, and based on that assessment,
24 they did not identify that there would be
25 significant effects.

26 The company then proceeded to the Nunavut

1 Water Board process, and, of course, when
2 Agnico Eagle was applying for their facilities,
3 you don't just apply to construct and operate a
4 facility; you apply to construct, operate, and
5 close it. And that's what Agnico Eagle did,
6 and the water board agreed with that. The
7 water board included pit volumes for closing --
8 for closure in the Type 'A' water licence, as
9 it should.

10 And now we are here again asking for the
11 rest of the facilities from that 2014
12 assessment to be added, and, again, Agnico
13 Eagle is responsibly asking for the full phase
14 of each of those facilities, construction,
15 operation, closure. And to close the
16 facilities, that also means the water board
17 needs to adjust the flooding volumes that we
18 already have in this licence accordingly for
19 those new facilities, and, as I said, this is a
20 responsible approach to permit the full life
21 cycle based on evidence.

22 And, respectfully, it's not any of our
23 role, including Fisheries and Oceans Canada or
24 Environment Canada, to second-guess the hard
25 work of the people involved, including from
26 their own organizations, in the Nunavut impact

1 assessment outcomes.

2 Again, the Nunavut Impact Review Board
3 assessed pit closure volumes that are almost
4 three times higher than what is being requested
5 in this licence. The volumes we are asking to
6 update in this licence remain a very
7 conservative and assessed approach.

8 We wanted to draw everyone's attention to a
9 quote from the water board's correspondence of
10 March 1st, 2024, on this file because we
11 started this process with some questions about
12 the original assessment. The NWB, water board,
13 points out that: (as read)

14 The assessment of the potential
15 ecosystemic and socioeconomic effects
16 of the full scope of the activities
17 proposed in the amendment application
18 was previously conducted by the
19 Nunavut Impact Review Board, as set
20 out in the final hearing report for
21 the Meliadine Gold project.

22 And I won't give the numbers, but that's dated
23 October 10th, 2014.

24 Briefly stated, the scope of the Meliadine
25 Gold project assessed by the NIRB, Nunavut
26 Impact Review Board, and ultimately approved to

1 proceed by the Minister in 2015 was described
2 in the executive summary of the final hearing
3 report as follows: (as read)

4 The Meliadine Gold project as proposed
5 would involve the construction,
6 operation, closure, and reclamation of
7 five open-pit mines and one
8 underground mine and associated
9 infrastructure for the extraction,
10 transportation, and shipment of gold
11 from five deposits.

12 As indicated by the Nunavut Planning Commission
13 and its conformity determination on the
14 amendment application dated January 25th, 2024,
15 no further assessment of the activities, works,
16 and undertakings proposed in this amendment
17 application is required by the NIRB as these
18 items were included within the scope of the
19 NIRB's 2014 assessment.

20 Accordingly, the water board, while
21 conducting a thorough technical review of the
22 amendment application, is bound by the
23 assessment of the proposed activities, works,
24 and undertakings concluded by the NIRB in 2014.

25 And so with that, Madam Chair, I have one
26 final question for DFO, Fisheries and Oceans

1 Canada.

2 If the water board includes the larger pit
3 volumes in the amended licence that Agnico
4 Eagle is asking for, is Fisheries and Oceans
5 Canada willing to keep working with Agnico
6 Eagle to review its ongoing monitoring data in
7 a collaborative way, as we have been able to
8 do, in order to support our shared goal to
9 maintain adequate flow levels?

10 J. AUDET-LECOUFFE: Jose Audet-Lecouffe,
11 Fisheries and Oceans Canada.

12 Our recommendation to remove the pit
13 flooding rates stands, but we really want to
14 work with you to make sure that no impact to
15 Meliadine River and Diane River will occur
16 during pit flooding. At this point, we cannot
17 accept a number without a proper impact
18 assessment of water levels in those rivers.

19 I'd like to say that we do respect the NIRB
20 process, of course, but the NIRB process does
21 not address in detail this situation. We need
22 to establish thresholds. It needs to be
23 seasonal and follow natural levels and a proper
24 monitoring plan to ensure that fish are
25 protected.

26 Details are to be discussed here in front

1 of this water board, but the information
2 provided was not sufficient to hold this
3 discussion. I would also like to point that
4 NIRB -- during the NIRB process, a potential
5 reduction of minus 35 percent of flow is
6 significant. Now, it might not happen, but we
7 don't know.

8 To answer your question, yes, we will work
9 with you, and we'll be happy to. Thank you.

10 C. KOWBEL: Thank you, Madam Chair.

11 We appreciate your confirmation that based
12 on the evidence that if the water board
13 includes larger closure volumes in this
14 licence, as we -- as we think they should, that
15 you'll continue working with the proponent on
16 these important items.

17 Thank you, Madam Chair. Those are all our
18 questions for Fisheries and Oceans Canada.

19 THE CHAIR: Sorry. I got distracted.

20 Legal counsel, go ahead.

21 T. MEADOWS: Thank you, Madam Chair.
22 Teresa Meadows, legal counsel for the Nunavut
23 Water Board.

24 So I'm now going to go around the table to
25 see whether or not there are objections to
26 entering the two slides as the exhibits in this

1 public hearing or whether there are no
2 objections.

3 So if I can -- okay. And I'm seeing that
4 legal counsel need to take a break to have a
5 discussion with their clients. So perhaps,
6 Madam Chair, we can adjourn for 15 minutes and
7 let parties have a discussion with their
8 counsel.

9 THE CHAIR: Okay. We'll break for
10 15 minutes.

11 (ADJOURNMENT)

12 THE CHAIR: Okay. Before we
13 reconvene, legal counsel for water board,
14 Teresa.
15 Procedural Matters by Nunavut Water Board Legal
16 Counsel

17 T. MEADOWS: Thank you, Madam Chair.
18 Teresa Meadows for the Nunavut Water Board.

19 So, Madam Chair, you'll recall from
20 yesterday that there was a discussion about
21 terms -- revised terms and conditions wording
22 associated with Part C of the water licence,
23 and it's my understanding that the Kivalliq
24 Inuit Association and Agnico Eagle have come to
25 some resolution of the precise wording. So we
26 would like -- they would like to project that

1 now and talk through that with the parties
2 here.

3 With respect to the exhibits and the
4 continued questioning of Fisheries and Oceans
5 Canada, we are going to defer that to after
6 lunch to allow parties time to review the
7 information in the new exhibits and determine
8 their position with respect to whether or not
9 they object to those materials being filed on
10 the public record.

11 And also, Madam Chair, once we conclude
12 with Agnico Eagle and the Kivalliq Inuit
13 Association talking about their revised
14 wording, we also understand that Dorothy
15 Aglukark is having to leave town on a plane
16 this afternoon, and so she would like to
17 address the Board one last time before she --
18 before she leaves.

19 So we'll have Dorothy close us out before
20 lunch. Thank you, Madam Chair.

21 THE CHAIR: So right now it's Agnico
22 with KIA.

23 Okay. Go ahead, Agnico.

24 C. KOWBEL: Thank you, Madam Chair.
25 Christine Kowbel, legal counsel for Agnico
26 Eagle. My apologies. I've got a little frog

1 in my throat.

2 Just to clarify, Madam Chair, what
3 Ms. Meadows just spoke to, we are going to be
4 filing updated Part C language. That's
5 currently with legal counsel for the Government
6 of Canada, legal counsel for Kivalliq Inuit
7 Association. I expect we'll be in position to
8 file that after lunch.

9 In the meantime, Agnico Eagle and Kivalliq
10 Inuit Association -- you heard during Kivalliq
11 Inuit Association's presentation there were a
12 few items they wanted to see in the water
13 licence, and I'm happy to say that we are able
14 to present some wording jointly to you on a few
15 of those topics, which I will ask Colleen
16 Prather to speak to.

17 And, in addition, Agnico Eagle and Kivalliq
18 Inuit Association -- and this is very timely
19 because this relates to topics relevant to the
20 pit flooding issue we were just speaking
21 about -- have worked together on a commitment
22 to address -- to address that topic as well,
23 and that would be added to the commitment list
24 under the water licence.

25 So I believe that the documents that we
26 sent Ali are now up on the screen, and I will

1 turn the mic over to Ms. Prather before I start
2 coughing again. Thank you.

3 C. PRATHER: Thank you, Madam Chair.
4 Colleen Prather with Agnico Eagle.

5 So I'll read the commitment in. This is
6 Water Licence Amendment Commitment Number 19.
7 The subject is "closure pit flooding".

8 With respect to the overall pit flooding
9 volumes at closure specified in Part E,
10 Section 2 of the Type 'A' water licence, as
11 amended by the application, Agnico Eagle
12 recognizes and commits to give consideration to
13 the water balance of Meliadine Lake in order to
14 manage the potential pit flooding at the
15 closure stage, and the associated pumping rates
16 from Meliadine Lake will be specified in the
17 final closure and reclamation plan which will
18 be subject to Board approval.

19 Appropriate studies will be undertaken to
20 confirm that during pit flooding Meliadine Lake
21 levels will remain within their natural
22 elevation range, and small craft navigability
23 through the narrows of Meliadine Lake will be
24 maintained. This should ensure no impact to
25 downstream fish habitat.

26 If you can go to the next slide -- or --

1 sorry -- the next page. All right. These are
2 terms and conditions for the water licence. So
3 the first one is a proposed new term and
4 condition. We'll leave it to the Board to
5 decide which part and section it falls under.

6 Saline groundwater shall not be discharged
7 to Meliadine Lake. Saline groundwater is
8 defined as water originating from underground
9 mine workings which exceeds a salinity of
10 4,000 milligrams per litre. Saline groundwater
11 shall be managed separately from surface
12 contact water and not directed to the contact
13 water management system with the exception of
14 residual saline groundwater present in
15 decommissioned and drained saline storage ponds
16 unless otherwise approved by the Board.

17 And, finally, we have an existing
18 condition, Part F, Item 4. The revised wording
19 being proposed is: The discharge of effluent
20 from the final discharge point at Monitoring
21 Program Station Mel-14 to Meliadine Lake shall
22 be minimized to the degree possible and shall
23 not exceed the total authorized volume of
24 2.6 million cubic metres per year during the
25 operations of the Meliadine mine or as
26 otherwise approved by the Board in writing.

1 Thank you.

2 THE CHAIR: Teresa, legal counsel.

3 T. MEADOWS: Thank you, Madam Chair.

4 Teresa Meadows, legal counsel for the Nunavut
5 Water Board.

6 So I'm assuming this will be a joint filing
7 with -- between the Kivalliq Inuit Association
8 and Agnico Eagle, but perhaps if there are any
9 questions to the -- I recognize that Government
10 of Canada parties may have not had an
11 opportunity to look at this and think about
12 this. So I'll ask that you defer your
13 questions until after lunch. When we come
14 back, we'll have a more thorough discussion of
15 it.

16 And at this point, Madam Chair, I'd like to
17 suggest that Dorothy be permitted to make her
18 statement so that she's able to travel this
19 afternoon. Thank you, Madam Chair.

20 THE CHAIR: Dorothy, you'll be able
21 to speak before you leave.

22 Statement by Dorothy Aglukark

23 D. AGLUKARK: Thank you, Madam Chair.

24 I'm going to say on behalf of the Kivalliq
25 Inuit Association Elders advisory we thank you
26 very much for being open. Agnico is opening a

1 lot of jobs. First of all, I would like to
2 give you appreciation for your work hiring, the
3 NTI and KIA, and the water -- Nunavut Water
4 Board for allowing us Elders to speak up.
5 Like, we are included in your hearings. Thank
6 you very much for allowing us.

7 We always say that there's no job
8 opportunities within our region. There's no
9 job opportunities up here. We are now being
10 open. I'm sorry. The other Elders, like, are
11 not here. Like, they should start coming more
12 often so they'll understand in what you're
13 talking about. The work that you do, the --
14 the road that you're using, you have to go talk
15 to the government, you have to talk to Nunavut
16 Water Board. All these -- like, they don't
17 hear these in person, and sometimes we only
18 hear it from -- I'm sorry that -- but me, I
19 understand you are doing the work, like, as you
20 are told to.

21 We are very much in support, us Elders.
22 For so many years, if I become 80 -- I have
23 seen my ancestors, my grandparents, my mom, my
24 dad live through hardship. I have been through
25 that. Today my children, my grandchildren are
26 living in a good life. There's good education.

1 They have good jobs. Like, we have to see them
2 do more instead of going against each other
3 without understanding, and there's a lot of
4 misunderstanding going on.

5 This is our future children that we have to
6 work for. We feel that there would be more job
7 opportunities, and Agnico has had a lot of
8 jobs. They have hired. And you have improved
9 the life of the young people. They only don't
10 live on social welfare.

11 Like, we consider -- us adults, Elders,
12 appreciate. We're not going back to igloos,
13 snow igloos, snow houses. Today we live in
14 beautiful houses. Today we feel and I feel
15 that we have to be people that are deciding,
16 even though I'm getting old, and I won't be --
17 it won't be long before I can't make this --
18 and if I go, I would have to leave behind --
19 because all of us are going to leave our
20 children. Like, I'm talking on behalf of the
21 people of Kivalliq and people of Nunavut. We
22 have to consider this.

23 We are fully supporting to -- for you to
24 continue working in Nunavut, especially the
25 mining companies. They have helped a lot of
26 people, and I hear, like, when there's -- they

1 help. If there's a search going on, they are
2 right there constantly helping. We really
3 appreciate the fact that the mining companies
4 are here and helping the people of Nunavut.
5 Thank you. From the bottom of our hearts,
6 thank you very much.

7 And the education -- there's a lot of
8 students, but they're -- they don't have the
9 higher -- like, they're not -- they don't have
10 the technicians up here. Like, they're the
11 only ones, Agnico, looking for workers for them
12 to go to the top positions.

13 Like, we -- we're the only ones that -- us
14 Inuit, let's negotiate with them. Let them
15 talk to us. Let them make us understand what
16 is possible so that we'll -- it's not like we
17 have to constantly go against the companies.

18 Let us Elders -- Elders are very much
19 supporting the companies, and today we don't
20 just do this and that without having to talk to
21 the people in the community. I want to let
22 the -- my Elders know, and sometimes I go on
23 local radio.

24 In regards to wildlife, our wildlife,
25 caribou, seals, we consider them. We know,
26 but -- there's always a "but" to everything.

1 If we consider them very closely, if we
2 negotiate, if we can work together, we can fix
3 something as a teamwork, like, we are -- I'm
4 very much supporting. Like, sometimes our
5 Elders, we have gone through hardship in our
6 past life. If it wasn't for their hard work,
7 we wouldn't be here today.

8 When I was a child, I remember there's no
9 stove, no heater. Sometimes I wake up, the
10 snow is falling because the igloo has snow.
11 And sometimes we go hungry. I have gone
12 through starvation times. I have gone through
13 it. Today I fully support our young people
14 today to give them opportunities to have good
15 job, and I know that you do training to the
16 young people that are working here at Meliadine
17 and at -- I'm very, very thankful that you have
18 given us opportunities to give us our
19 younger -- younger generation jobs.

20 We have to start negotiating, not just
21 stopping the companies. We are fully
22 supporting you. You do have the power. You do
23 have -- you know what to do with the water.
24 Like, even though we are from Nunavut, we need
25 to start supporting the mining companies. If
26 they stop -- if they stop exploring, we'll have

1 nothing. It's like we would be stolen from --
2 like, there's a lot of young people out there
3 that today can work for you. What -- what if
4 the -- what happens if the mining companies
5 close down? I would like the other people to
6 consider this instead of fighting, instead of
7 arguing, instead of going against each other
8 and not just putting others down.

9 If we're going to find good opportunities,
10 what will happen if they don't come back?
11 Like, if they can explore the land -- when we
12 talk and our members talk, I'm saying that I'm
13 glad you listened to what I'm saying and for
14 you to allow me to speak to you. Thank you
15 very much for giving me the time.

16 THE CHAIR: Thank you.

17 Let's break for lunch and be back at 1:30.

18 (PROCEEDINGS ADJOURNED AT 10:55 AM)

19 (PROCEEDINGS RECOMMENCED AT 1:29 PM)

20 THE CHAIR: Good afternoon.

21 So, first of all, legal counsel for water
22 board.

23 Procedural Matters by Nunavut Water Board Legal
24 Counsel

25 T. MEADOWS: Thank you, Madam Chair.

26 Teresa Meadows, legal counsel for the Nunavut

1 Water Board.

2 So, Madam Chair, when we left off, we were
3 dealing with a couple of procedural matters to
4 close off this component of the hearing, and
5 the first one was -- there was wording that was
6 projected with respect to terms and conditions,
7 and it's my understanding that there's been
8 discussions over lunch, and there may be some
9 revised wording. So we can walk through that
10 wording afterwards.

11 But there was also, as you'll recall, an
12 exhibit that had been marked but not entered,
13 and I was going to go to all of the legal
14 counsel to see whether or not after
15 consideration of the exhibit there were any
16 objections to the exhibit being entered.

17 So I will turn to the legal counsel now and
18 ask whether or not there are any objections to
19 that exhibit being entered into the evidence
20 for this public hearing.

21 So legal counsel for the Kivalliq Inuit
22 Association.

23 J. KATZ: Jonathan Katz, legal
24 counsel, Kivalliq Inuit Association.

25 No objection.

26 T. MEADOWS: Thank you.

1 Legal counsel for Nunavut Tunngavik
2 Incorporated.

3 A. YUAN: Arthur Yuan, legal
4 counsel for Nunavut Tunngavik.

5 No objections.

6 T. MEADOWS: Thank you.

7 Legal counsel for the Government of Canada.

8 S. TIELESH: Thank you. Simone
9 Tieleesh, legal counsel for the Government of
10 Canada.

11 We will not object to the slides being
12 added if we can put on the record here today
13 our position, which differs from the position
14 set out in those slides. I would like to pass
15 the mic to my colleague here, if that's okay.

16 T. MEADOWS: Thank you, Madam Chair.

17 Teresa Meadows, legal counsel for the
18 Nunavut Water Board.

19 And I can see that I'm already being hailed
20 by the legal counsel for Agnico Eagle. So, you
21 know, again, the one point in the slide -- so
22 maybe if we can just project the slide and look
23 at the point that you're speaking about.

24 So it's the first one. Ali, I think it's
25 the first one in the two slides.

26 Thank you for projecting that. Teresa

1 Meadows, legal counsel for the Nunavut Water
2 Board.

3 And so before we deal with the discussion
4 with Agnico Eagle, any questions or issues
5 arising from this, it is fair for the
6 Government of Canada to state what their
7 position is with respect to this evidence
8 that's been provided.

9 There is some dispute as to whether or not
10 it's new information or my understanding is
11 it's the conclusion on the slide. It's not the
12 information on the slide necessarily that is
13 quoted from the final environmental impact
14 statement that is at issue. It's sort of
15 conclusions that are -- or interpretations of
16 that information, and -- but the Board would
17 like to hear what the position of the
18 Government of Canada is, and then Agnico Eagle
19 will be given an opportunity to reply to that.

20 So if you can proceed, please, Government
21 of Canada.

22 Environment and Climate Change Canada Questions
23 Agnico Eagle Mines Limited

24 S. FORTE: Thank you. Thank you,
25 Madam Chair. Sarah Forte with Environment and
26 Climate Change Canada.

1 The information of estimated flow
2 reductions caused by updated withdrawal rates
3 on Bullet 4 of Slide 1 had not been presented
4 previously.

5 We have not had a chance to assess these
6 numbers. Our understanding from Agnico is that
7 they were calculated by dividing in half the
8 predicted impacts for a 17 million cubic metre
9 withdrawal rate. This assumes the system is
10 linear, which is not the case in hydrological
11 systems. A rating curve is typically used to
12 estimate changes in flow from changes in water
13 level, and, as the name suggests, they have
14 curves.

15 The model would have to be rerun to
16 correctly assess effects. Ideally, this would
17 be done incorporating more data than was used
18 in 2014 and considering climate change,
19 isostatic rebound, and uncertainty. Does
20 Agnico have a response to this?

21 S. JACKSON: Thank you, Madam Chair.
22 Scott Jackson on behalf of Agnico Eagle.

23 Yes. The estimate presented in Bullet 4 of
24 the first slide is based on the reduction of a
25 constant maximum pump rate by half relative to
26 what was presented in the 2014 FEIS. While

1 you're correct that the hydrological system is
2 variable, the pump rate was assumed to be
3 constant. Therefore, a reduction by half in a
4 constant pump rate, all else being equal, the
5 impact on the streamflow regime is expected to
6 be half that assessed in the 2014 FEIS.

7 Based on the lower requested withdrawal
8 volumes, the proposed mitigation of reducing or
9 ceasing pumping, as needed to maintain the
10 Meliadine Lake water balance, the streamflow
11 characterization work currently underway in
12 accordance with the Fisheries and Oceans
13 technical guidance, Agnico feels that the
14 submitted evidence fully addresses the concern
15 raised by Fisheries and Oceans and Environment
16 and Climate Change Canada. Thank you.

17 Procedural Matters by Nunavut Water Board Legal
18 Counsel

19 T. MEADOWS: Thank you, Madam Chair.

20 Moving on to the next outstanding
21 procedural issue. Before the lunch break,
22 there was wording that was presented with
23 respect to some suggested draft terms and
24 conditions and modifications of existing terms
25 and conditions in the water licence, and it's
26 my understanding that there's additional

1 information and some follow-up necessary with
2 respect to wording that was already presented
3 and wording that is going to be presented.

4 So if I can turn to Government of Canada,
5 they had indicated they had some comments on
6 the wording that was presented before lunch.
7 Thank you, Madam Chair.

8 S. TIELESH: Simone Tielesh, legal
9 counsel with the Government of Canada.

10 One second, please.

11 S. FORTE: Sarah Forte with
12 Environment and Climate Change Canada.

13 So we have a comment regarding the proposed
14 TC wording with the part and item as of yet --
15 unidentified. The -- while Environment and
16 Climate Change Canada supports defining what
17 saline groundwater is, we note that the current
18 proposed wording has inconsistencies with the
19 current water licence, and we would recommend
20 that they be reconciled.

21 The two differences we noted are -- the
22 definition uses salinity to define saline
23 groundwater, and in the licence -- current
24 licence, total dissolved solids are used, and
25 we would recommend that a single one be used.

26 The other inconsistency noted is in the

1 amount of 4,000 milligrams per litre that sits
2 halfway between the current maximum average
3 sample discharge at Mel-14 and the current
4 maximum grab sample, and we would recommend
5 that one of those values be used instead of
6 creating a third one. Thank you.

7 THE CHAIR: Agnico.

8 C. KOWBEL: Thank you, Madam Chair.
9 Christine Kowbel, legal counsel.

10 As -- so we are just hearing about this
11 comment from the Government of Canada for the
12 first time, which, you know, is fine. It's a
13 busy time. So -- but this is an agreed wording
14 between Agnico and Kivalliq Inuit Association.
15 So we'd just like to break for five minutes.
16 If there's more comments, maybe we'll hear them
17 from Environment Canada, but we do feel that
18 Agnico and Kivalliq Inuit Association need to
19 talk for five minutes before we speak to the
20 room. Thank you, Madam Chair.

21 So I guess my question back to Environment
22 Canada and Government of Canada is: Are there
23 any other comments on these terms and
24 conditions that we should be aware of before
25 we -- assuming Madam Chair give us that break,
26 before we break to discuss them?

1 J. AUDET-LECOUFFE: Jose Audet-Lecouffe with
2 DFO.

3 I'm unsure if I can -- can comment on the
4 commitment, yes, that we -- we don't oppose the
5 commitment was related to -- in pit filling,
6 and we would like to be included, if possible,
7 in -- in that comment or consulted.

8 T. MEADOWS: Thank you, Madam Chair.
9 Teresa Meadows, legal counsel for the Nunavut
10 Water Board.

11 So you have heard the position of ECCC
12 shared with you and also the request from
13 Fisheries and Oceans Canada to be included in
14 the -- in the -- in consultations associated
15 with that commitment. So perhaps if we take a
16 five-minute adjournment or ten-minute
17 adjournment, you can consider that and then
18 reply back.

19 THE CHAIR: Okay. This five-minute
20 will turn to a ten-minute. So keep it at a
21 ten-minute, and it's so familiar from my NIRB
22 days. So a ten-minute break.

23 (ADJOURNMENT)

24 THE CHAIR: Okay. Shall we start
25 again, Teresa Meadows.

26 T. MEADOWS: Thank you, Madam Chair.

1 Teresa Meadows, legal counsel for the Nunavut
2 Water Board.

3 So, Madam Chair, it's my understanding that
4 there have been discussions with the parties
5 and that Agnico Eagle has a response to the
6 comments of the Government of Canada, and they
7 also have some agreed wording with respect to
8 revisions -- suggested revisions to Part C of
9 the licence which deals with security that they
10 may be able to walk us through as well, and
11 we'll also then poll the parties as to their
12 agreement with the wording that's proposed.
13 Thank you, Madam Chair.

14 THE CHAIR: Go ahead, Agnico.

15 C. KOWBEL: Thank you, Madam Chair.
16 Christine Kowbel, Agnico Eagle.

17 I'll first start by asking Colleen to speak
18 to the comments we received from Government of
19 Canada on the terms and condition and
20 commitments, and thank you very much for the
21 break. That helped us understand them better.
22 So she'll speak to that, and then I will speak
23 to the security sections.

24 C. PRATHER: Thank you, Madam Chair.
25 Colleen Prather with Agnico Eagle.

26 I will speak to this commitment first. So

1 the intent of the commitment, as is worded, was
2 to conduct studies to help us inform closure
3 such that Meliadine Lake levels will remain
4 within natural elevation ranges and small
5 watercraft can still navigate through the
6 narrows.

7 As noted yesterday, some of those studies
8 have already started, and we will be reporting
9 on those in the annual reports. During that
10 process, all parties, the Kivalliq Inuit
11 Association and Fisheries and Oceans Canada and
12 other parties, can review and comment.

13 In addition, results of those studies will
14 be used to inform updates to closure plans and
15 ultimately the final closure plan, and, again,
16 all parties have the opportunity to review and
17 provide comments.

18 There was no other agreement with the
19 Kivalliq Inuit Association to have ongoing work
20 sessions as part of this commitment. So I
21 think through the normal review process
22 Fisheries and Oceans will have an opportunity
23 to review and comment.

24 Regarding the new term and condition,
25 Kivalliq Inuit Association was going to speak
26 to that to clarify. Thank you.

1 M. MCDOUGALL: Matt McDougall for the
2 Kivalliq Inuit Association.

3 So for the new term and condition wording,
4 we can agree with Environment Canada to adjust
5 the definition of saline groundwater to water
6 originating from underground mine workings
7 which exceed a total dissolved solid
8 concentration. So instead of salinity, it will
9 be total dissolved solid of 4,500 milligrams
10 per litre consistent with what's in the licence
11 already for the maximum grab for Mel-14. Thank
12 you.

13 THE CHAIR: Legal counsel.

14 T. MEADOWS: Thank you, Madam Chair.
15 Teresa Meadows, legal counsel for the Nunavut
16 Water Board.

17 So there was a response to Fisheries and
18 Oceans Canada request with respect to the
19 commitment.

20 So does that explanation satisfy you, or is
21 there an additional amendment that you are
22 requesting?

23 J. AUDET-LECOUFFE: Jose Audet-Lecouffe,
24 Fisheries and Oceans Canada.

25 No. This does address.

26 T. MEADOWS: Thank you. Teresa

1 Meadows, legal counsel for the Nunavut Water
2 Board.

3 So do you wish to move on to Part C and the
4 suggested wording? I did try to send it to
5 Ali. I don't know if he's gotten it yet, but
6 there seems to be something stuck in my outbox.
7 So just give me a minute, and I'll see whether
8 or not he's got it so we can project it.

9 Sorry, Madam Chair. Teresa Meadows, legal
10 counsel for the Nunavut Water Board.

11 So my apologies. I meant to also then go
12 to Environment and Climate Change Canada,
13 whether or not the suggested revision to the
14 wording with respect to the definition of
15 saline groundwater is something that you find
16 to be acceptable or not. Thank you.

17 S. FORTE: Sarah Forte with
18 Environment and Climate Change Canada.

19 Yes. The proposed wording addresses our
20 concerns. Thank you.

21 T. MEADOWS: Thank you, Madam Chair.

22 I just asked Ali if he received the
23 document that he is now projecting. So perhaps
24 Agnico Eagle, if you can sort of lead us
25 through what the revised wording is with the
26 recognition that what's proposed is to provide

1 this as an exhibit -- the next exhibit in
2 the -- in the public hearing so that we all
3 have this text to refer to subsequently. Thank
4 you, Madam Chair.

5 C. KOWBEL: Thank you, Madam Chair.
6 Christine Kowbel, legal counsel for Agnico
7 Eagle.

8 So we -- we spoke a bit about the Part C of
9 the water licence during these hearings.
10 That's the part of the water licence that deals
11 with reclamation security. This work has been
12 going on between Crown-Indigenous and northern
13 relations Canada and the Kivalliq Inuit
14 Association and Agnico Eagle since probably
15 around January. So this -- this has been
16 wording they have been working on together for
17 some time.

18 As I think the Board is well aware, there
19 is a section of the Nunavut Waters and Nunavut
20 Surface Rights Tribunal Act when a project like
21 the Meliadine mine is located on both
22 Inuit-owned land, Crown land, the -- the Act
23 allows the water board to take into
24 consideration something called a security
25 management agreement.

26 And basically what that means is that's an

1 agreement between Agnico Eagle, Kivalliq Inuit
2 Association as the landowner, and
3 Crown-Indigenous northern relations Canada
4 to -- to -- about how they will share and
5 administer the security in the event that
6 anybody had to execute on the security and take
7 action under the licence other than Agnico
8 Eagle.

9 And so the draft that is on the screen is
10 what lawyers call a clean copy. The -- the
11 version that we filed earlier in the process
12 was also joint, but it showed lots of
13 cross-outs and inserts and got confusing, as we
14 heard yesterday, so much easier for the water
15 board and for the water board staff.

16 We have agreed on what we call a clean
17 copy, and so Kivalliq Inuit Association,
18 CIRNAC, Agnico would propose to replace the
19 existing Part C of the licence with this
20 language and also add a schedule that is
21 related to this Part C, which I'll show you.

22 So as referenced in Section 1, there's a
23 schedule, and there's a word here, "tranches",
24 and that means basically that there's a large
25 amount we're calling the global security
26 amount, and that's been broken down into pieces

1 or tranches, and there's a plan that as over
2 time Agnico wants to build more, everybody's
3 agreed on increases to the security that Agnico
4 will give to the government and to Kivalliq
5 Inuit Association over time.

6 And there are what we like to call triggers
7 for that, so steps in the process where Agnico
8 will -- before they take action, they will need
9 to post security before they do the things.

10 And so we'll look at the Schedule C in a
11 minute. The next section of Part C talks about
12 the security management agreement, and, as I
13 said, that's an agreement that the three
14 parties worked on, and that explains between us
15 how those securities will be administered to
16 make sure everybody gets notice, and it talks
17 about how we'll all work together.

18 Under Part 4, just under the existing
19 licence, once we provide the security to the
20 Minister and to the Kivalliq Inuit Association,
21 we need to give evidence that we've done that.
22 And when I say "we", I mean Agnico Eagle.

23 As we talked about yesterday, when Agnico
24 makes changes, they need to give notice of
25 to -- that. That's always been a term and
26 condition in Part C. That's not changing. And

1 they will adjust the security through the water
2 board process, if that's needed.

3 The next section has not changed either.
4 As we've talked about during this hearing,
5 there's currently an interim reclamation and
6 closure plan. This will also be -- the -- the
7 reclamation cost will also be updated with the
8 final reclamation and closure plan.

9 The next section is about updates to
10 security. There's a process for that. This is
11 set out in the licence. If anybody wishes to
12 seek an amendment to the terms and conditions
13 of the licence itself, Part C, that would
14 require an amendment.

15 Updating Schedule C, which is where the
16 numbers are, the Board has a provision of the
17 licence which says that updating schedules does
18 not necessarily require an amendment process,
19 and so schedules could be updated by approval
20 of the Board.

21 And then the next two, again, are our
22 current standard terms and conditions of the
23 licence, and then Schedule C sets out those
24 tranches or milestones, those triggers, where
25 Agnico Eagle will be increasing security over
26 time.

1 And that -- as I said, we will be posting
2 security in advance of starting each zone or
3 phases, and the first tranche, the 113,228,788,
4 that would be posted within 30 days of Agnico
5 Eagle being granted this amendment -- amended
6 licence should the Board wish to do so. I
7 just -- one moment.

8 Nothing else on that, Madam Chair, but as
9 this is a joint submission with CIRNAC and KIA,
10 they may wish to comment on this as well.

11 T. MEADOWS: Thank you, Madam Chair.
12 Teresa Meadows, legal counsel for the Nunavut
13 Water Board.

14 So if the Kivalliq Inuit Association has
15 any further comments.

16 L. MANZO: Thank you, Madam
17 Chairman. Luis Manzo, Kivalliq Inuit
18 Association.

19 No objections for the changes. The clarity
20 is better. Thanks.

21 T. MEADOWS: Thank you. Teresa
22 Meadows, legal counsel for the Nunavut Water
23 Board.

24 If the Government of Canada can provide us
25 with their indication. I'm assuming it's a
26 joint filing as well. So that's how their

1 record is currently recorded.

2 So if I can have confirmation from the
3 Government of Canada.

4 J. HART: Thank you, Madam Chair.
5 Jeff Hart with Crown-Indigenous Relations and
6 Northern Affairs Canada.

7 Nothing to add there.

8 T. MEADOWS: So, Nunavut Tunngavik
9 Incorporated, the only reason that we didn't
10 check with you is that you are not a party to
11 the security management agreement. It is only
12 Government of Canada, Agnico Eagle, and the
13 Kivalliq Inuit Association. I have not -- I am
14 not glossing over you or forgetting you. It's
15 because you're not party to the security
16 management agreement. So these provisions
17 apply only to those parties.

18 Ezra, did you want to comment?

19 E. GREENE: Yeah. Just to clarify
20 and make sure that the question that was asked
21 to NTI is -- is answered yesterday because I
22 don't think it was on the record because it --
23 in our presentation, we made a comment on this.

24 And in this version, just so it's clear,
25 Item Number 7 was referring to the amended
26 recommendation by Kivalliq Inuit Association,

1 and Item Number 8 was the recommended paragraph
2 that AEM had put in. So this version is in
3 line with what we had presented. I just wanted
4 to clarify that. Thank you.

5 T. MEADOWS: Thank you. Teresa
6 Meadows, legal counsel for the Nunavut Water
7 Board.

8 You know, it was only yesterday, and I had
9 completely forgotten that that was still a
10 deferred response. So my apologies, Ezra, for
11 not checking with you.

12 EXHIBIT 16 - Electronic Copy, Clean
13 Copy Proposed Revised Wording for
14 Draft Part C and Schedule C of the
15 Water Licence

16 T. MEADOWS: So, Madam Chair, it is my
17 understanding that those are the -- that's the
18 conclusion of the procedural matters, and we
19 are now back to questioning of Fisheries and
20 Oceans Canada, which we started with first
21 thing this morning.

22 THE CHAIR: Thank you. And I
23 completely forgot where we are.

24 Fisheries and Oceans -- Agnico Eagle, did
25 you ask your questions? None. Okay.

26 Nunavut Tunngavik Incorporated.

1 E. GREENE: Qujannamiik. Ezra Greene
2 from Nunavut Tunngavik Incorporated.

3 No questions from us.

4 THE CHAIR: Any questions from
5 Kivalliq Inuit Association?

6 L. MANZO: Thank you, Madam
7 Chairman. Luis Manzo, Kivalliq Inuit
8 Association.

9 No questions at this time.

10 THE CHAIR: Environment and Climate
11 Change.

12 R. WYKES: Russell Wykes,
13 Environment and Climate Change Canada.

14 We have no questions at this time.

15 THE CHAIR: Thank you.

16 Any questions from the public?

17 Seeing none, any questions from the Board
18 staff?

19 Nunavut Water Board Staff Questions Fisheries
20 and Oceans Canada

21 K. KHARATYAN: Thank you, Madam Chair.
22 Karen Kharatyan, Nunavut Water Board. One
23 comment and one question, and I will start with
24 comment.

25 Fisheries and Oceans Canada mentioned about
26 Kivalliq Inuit Association as -- as an agency

1 or as a party also raised -- who raised the
2 issue of flooding of pit or rate of flooding of
3 pit. Yes. From my understanding, we never
4 received any -- any question or concern from
5 Kivalliq Inuit Association regarding this
6 issue. Just to clarify this.

7 The question is now, yes, regarding the
8 Fisheries and Oceans Canada. Maybe -- maybe
9 asking whether you have some -- your data about
10 outflow rates of Meliadine Lake. If you have,
11 we -- we would like to -- to hear about this.
12 It could be average annual rate. It could be
13 the highest outflow rate and smallest. We know
14 that there is seasonal variability. Thank you.
15 J. AUDET-LECOUFFE: Jose Audet-Lecouffe,
16 Fisheries and Oceans Canada. Thank you for
17 that question, Karen.

18 I -- since yesterday when I understood that
19 we might need data to -- to have a better
20 model, I contacted everyone I know to
21 potentially provide that information. So --
22 and I was going to reach out also to Water
23 Surveyor of Canada to see if they have
24 rating curves.

25 I understand that they might only have six
26 years of data on Diane River, but I -- we will

1 work to provide any information that we can to
2 the Board and Agnico Eagle to -- to help in
3 understanding the water levels and the flow
4 in -- in the Meliadine system. Thank you.

5 T. MEADOWS: Thank you, Madam Chair.
6 Teresa Meadows, legal counsel for the Nunavut
7 Water Board.

8 So I know that this might be too early to
9 commit to this, but is the process that will
10 consist of an annual review of the -- whenever
11 there is information provided by Agnico Eagle
12 in the annual report, and then all parties are
13 usually invited to comment on information
14 contained in the report. Are you envisioning
15 that at that time that you will be providing
16 information, or are you suggesting that that
17 information should be provided to the Board in
18 respect of this decision-making process
19 specifically?

20 Because if it's this decision-making
21 process specifically, the Board is intending to
22 close the public hearing record as of today, at
23 which point the Board doesn't consider any
24 additional information that's coming to them.
25 So I just want to clarify on kind of what
26 you're envisioning.

1 J. AUDET-LECOUFFE: Jose Audet-Lecouffe with
2 Fisheries and Oceans Canada.

3 I don't intend to delay any process with
4 the Board. If the Board is interested in
5 seeing that data, we can later share, but the
6 goal was just to help improve the model that
7 Agnico Eagle will -- might -- might -- might
8 need and give us certainty over what -- what is
9 provided.

10 Nunavut Water Board Staff Questions Agnico
11 Eagle Mines Limited

12 K. KHARATYAN: Thank you, Madam Chair.
13 Yes. Karen Kharatyan from water board.

14 We will appreciate to see this data.
15 Although the intention is not to delay the
16 process, yes, the -- the -- if the Panel
17 decides to close the public hearing record, it
18 will be closed.

19 In that case, maybe I will have a follow-up
20 question to Agnico Eagle, whether you will be
21 able to pull out some numbers about Meliadine
22 Lake outflow rates just for our, yes,
23 information and provide these -- these numbers.

24 J. QUESNEL: Jamie Quesnel, Agnico
25 Eagle.

26 Do you need that information, like, right

1 now to make a decision, or can we provide that
2 after we close the record? Like, what are you
3 looking for?

4 K. KHARATYAN: Thank you, Madam Chair.

5 It depends how long it will take to get
6 this information. I guess you have some
7 baseline information, Jamie. I know -- I know
8 some of these numbers, but I would like, yes,
9 maybe to have these numbers going into record.
10 Thank you.

11 S. JACKSON: Yeah. Thank you, Madam
12 Chair. Scott Jackson on behalf of Agnico
13 Eagle.

14 So with reference to the 2014 FEIS,
15 Volume 7, Table 7.3-28, the annual estimated
16 baseline outflow volume from Meliadine Lake is
17 84,700,000 cubic metres. Thank you.

18 THE CHAIR: Board staff.

19 K. KHARATYAN: Thank you, Madam Chair.
20 Karen Kharatyan, water board.

21 No more questions. Thank you.

22 THE CHAIR: Thank you.

23 Any questions from the Panel? Lootie.
24 Nunavut Water Board Panel Questions Fisheries
25 and Oceans Canada

26 L. TOOMASIE: You -- I know you've been

1 talking about the pit. What do you want to
2 see? What -- if they don't get refilled, what
3 would you want to see? If the pits -- that's
4 my first question.

5 J. AUDET-LECOUFFE: Jose Audet-Lecouffe,
6 Fisheries and Oceans Canada. Thank you for the
7 question.

8 We would want to see monitoring on the lake
9 for water levels and flow. We would want to
10 see thresholds or a limit where they could not
11 pump more and lower the -- the water levels
12 more so in dry years they would not be able to
13 pump and make it even dryer.

14 We want to have a threshold, and that limit
15 needs to follow the season because, as you
16 know, char will require flow at a certain time
17 of year, and we want to have a protocol that is
18 adaptive in nature, meaning that when we
19 measure in the field we have actions associated
20 with those measurements.

21 Nunavut Water Board Panel Questions Agnico
22 Eagle Mines Limited

23 L. TOOMASIE: Thank you.

24 I also have a question to Agnico. The pit
25 that you want to fill up, would it become a
26 lake by -- or would you get -- the water from

1 Meliadine, that if you were to fill up the pit,
2 would it come from Meliadine waters? Thank
3 you.

4 J. QUESNEL: Thank you, Madam Chair.
5 Thank you for the question. Jamie Quesnel,
6 Agnico Eagle.

7 For the flooding of the -- of the open
8 pits, we would pump water from Meliadine Lake.
9 That's one component of the -- the floodwater.

10 Also, there's a natural volume of water
11 that naturally would report into that pit, into
12 that depression. I think it's about 20 million
13 cubes -- cubic metres of water that would
14 naturally report to the pits based on rain
15 events, snowmelt, things like that.

16 And at the time of closure, based on us
17 meeting the water quality objectives at that
18 time, we would reconnect to the regional
19 watershed. So the whole system would be
20 reconnected to the regional watershed.

21 So hopefully that answered your question.
22 Thank you.

23 L. TOOMASIE: If it was to be
24 connected -- and the fish probably will go into
25 that lake; right? The pit. It will have to be
26 written. But the fish that that -- those are

1 our diet. Like, when you really think of it,
2 make sure there's no contamination in the fish.
3 I'm asking that. Like, would it come from
4 natural snow and rain? I would like to get
5 confirmation on -- confirmation on that. Thank
6 you.

7 J. QUESNEL: Thank you, Madam Chair.
8 Jamie Quesnel, Agnico Eagle.

9 Yes. Our -- our primary objective is -- is
10 to ensure there -- there is no harm to the fish
11 habitat. So we would ensure that we would meet
12 those water quality objectives, and that's why
13 we need the freshwater component into the --
14 into the open pit during the flooding stage of
15 closure plus natural rainwater and snowmelt
16 that would report there.

17 However, we would ensure that would meet
18 the objectives based on the water quality
19 applicable legislation and policies and acts
20 and everything else we would have to meet based
21 on the time of that water licence for closure.

22 So that's our primary objective, and that's
23 what we've been trying to say over the last
24 couple of days, that we would meet those
25 objectives. However, at closure, we need to
26 have certainty that we can meet the conceptual

1 closure plan with the volume of water that we
2 are requesting. Thank you.

3 THE CHAIR: Okay. Thank you.

4 Thank you, Fisheries and Oceans, for your
5 presentation.

6 We're going to move on to opportunity for
7 each party to provide us with your brief
8 closing remarks. Before we do, let's take a
9 short break.

10 (ADJOURNMENT)

11 THE CHAIR: Okay. Shall we
12 reconvene.

13 And before we go on to closing remarks, our
14 Panel member, Lootie, has a follow-up question
15 in English.

16 L. TOOMASIE: Okay. Thank you.

17 I will try to speak in English what I said
18 in Inuktitut earlier to explain better so you
19 better understand.

20 What I meant -- I asked -- especially the
21 Agnico Eagle, I asked you what will happen with
22 the pit once filled when you will fill it with
23 the water from Meliadine Lake, if it's become
24 part of our Meliadine Lake itself, the fish
25 will be -- swim into that pit, or whether the
26 pit will be individual lake when it's filled up

1 with water? These are two parts I asked
2 earlier. Thank you.

3 J. QUESNEL: Thank you, Madam Chair.
4 Jamie Quesnel, Agnico Eagle.

5 I appreciate the clarification. At the
6 time of closure once the open pits are flooded,
7 they will -- would flow into Meliadine Lake
8 through -- there's two watersheds. We call it
9 Watershed A and Watershed B. They flow in
10 different directions. However, they would flow
11 into Meliadine Lake.

12 So Meliadine Lake will not be flowing into
13 the pits. The flooded pits would be flowing
14 into -- into Meliadine Lake. So all the pits
15 will be flooded, overflow through Watershed A
16 into Meliadine Lake, and the other pits that
17 are located in Watershed B, once that area is
18 flooded, would overflow through Watershed B
19 into Meliadine Lake.

20 THE CHAIR: And so it will be a new
21 man-made lake?

22 J. QUESNEL: Yeah. Jamie Quesnel,
23 Agnico Eagle.

24 Yeah. It would be a pit lake, yeah, that
25 will be flooded flowing into Meliadine.

26 THE CHAIR: Okay. Thank you for the

1 clarification. Thank you.

2 Okay. On to closing -- or brief closing
3 remarks. Can we start with the Nunavut
4 Tunngavik Incorporated.

5 Closing Remarks by Nunavut Tunngavik
6 Incorporated

7 E. GREENE: Qujannamiik. Ezra Greene
8 with Nunavut Tunngavik Incorporated.

9 So Nunavut Tunngavik wants to thank the
10 Panel, the panelists, the Nunavut Water Board
11 staff members, the translators who have been
12 working so hard, and the technical staff who
13 have been supporting this hearing.

14 We also thank Agnico Eagle Mines and all of
15 the intervenors for participating in this
16 public hearing and working towards providing
17 all the best information for the Nunavut Water
18 Board to make their decision.

19 We thank the members of the Kivalliq Inuit
20 Elders advisory committee who were able to come
21 and present, Dorothy Aglukark, and we thank the
22 community members from Kangiqliniq who attended
23 the meeting last night and -- and participated
24 in the community session.

25 We also greatly thank the Kivalliq Inuit
26 Association for their hard work and ongoing

1 work in monitoring water quality and ensuring
2 that the freshwater system and the fish will be
3 protected into the future and all their work
4 that they do in the environmental impact
5 reviews and assessments.

6 Throughout this hearing, we have heard how
7 important maintaining high quality water is and
8 ensuring the health of the Meliadine Lake and
9 connected watersheds of the Diane River and
10 Meliadine River.

11 Last night in the community session, we
12 heard very insightful comments about how Inuit
13 Kangiqliniq, Rankin Inlet, and the Kivalliq
14 want to see the continuation of water levels
15 and water quality that will ensure healthy fish
16 populations into the future and in turn healthy
17 Inuit.

18 We have also heard how important it is to
19 work together to find solutions for making
20 these goals, these objectives, this long-term
21 health of -- of the water systems, the fish,
22 and Inuit happen, and NTI fully supports this
23 continued collaboration for all parties -- from
24 all parties.

25 And, yeah, that's -- that's our closing
26 comments. Thank you so much.

1 THE CHAIR: Thank you.

2 Closing remarks from the Kivalliq Inuit
3 Association.

4 L. MANZO: Thank you, Madam
5 Chairman. Luis Manzo, Kivalliq Inuit
6 Association.

7 I'm going to pass the microphone to the
8 legal counsel for one of the exhibits.

9 J. KATZ: Jonathan Katz, legal
10 counsel, Kivalliq Inuit Association.

11 Before Luis gets started on the closing, I
12 just would like to enter as an exhibit the
13 letter dated Thursday, September 12th to the
14 Nunavut Water Board confirming that Agnico
15 Eagle and KIA, or Kivalliq Inuit Association,
16 have entered into an amended water compensation
17 agreement.

18 T. MEADOWS: Thank you, Madam Chair.
19 Teresa Meadows, legal counsel for the Nunavut
20 Water Board.

21 So thank you, Madam Chair. I will receive
22 and mark this exhibit as the next exhibit in
23 the public hearing, and thank you very much to
24 the Kivalliq Inuit Association and Agnico Eagle
25 Mines Limited.

26 Is it a joint filing? A joint filing. So

1 the record will show that it's a joint filing.

2 Thank you.

3 EXHIBIT 17 - Hard Copy,
4 Correspondence of the Kivalliq Inuit
5 Association Confirming the conclusion
6 of an Amended Water Compensation
7 Agreement (English)

8 THE CHAIR: Thank you.

9 Closing remarks, KIA.

10 Closing Remarks by Kivalliq Inuit Association

11 L. MANZO: Thank you, Madam

12 Chairman. Luis Manzo, Kivalliq Inuit
13 Association.

14 First I would like to thanks the community
15 of Rankin Inlet to host this -- these meetings
16 and all the community members who participated
17 and input into this process.

18 I would also like to thank the Nunavut
19 Water Board for the organization of the meeting
20 and for inviting us to participate and takes
21 our comments into consideration.

22 We'd also like to thanks the intervenors
23 for their contribution and expertise and the
24 collaboration -- the constant collaboration
25 with the proponent in -- in some of the
26 meanings along the way of this process and

1 the -- and the support of NTI along this
2 process as well.

3 We'd also like to thank the translator and
4 the staff of Nunavut Water Board for -- for
5 their hard work in set up -- setting up these
6 meetings.

7 We also listened to the Elders
8 committees -- the Elder advisory committees in
9 this. We heard yesterday and we heard it
10 today, Ms. Aglukark, and the hard work they're
11 actually doing in participating and listen to
12 the proponent and sometimes to -- to the KIA
13 and -- which -- it was expressed the importance
14 of the fish and fish habitat. And thank you
15 for sharing that wisdom.

16 So Kivalliq Inuit Association would like to
17 insist the importance of working together with
18 all the parties to protect fish and fish
19 habitat in the Kivalliq region. The KIA will
20 continue to work with DFO, Environment Canada,
21 Agnico Eagle, NTI, and the rest of the
22 participants. We will continue monitoring the
23 watershed, as we've been doing in the last ten
24 years, to ensure -- to protect the future
25 generations and their environment today.

26 And with that, I conclude my remarks.

1 Thank you.

2 THE CHAIR: Thank you.

3 Closing remarks from Crown-Indigenous
4 Relations and Northern Affairs.

5 Closing Remarks by Crown-Indigenous Relations
6 and Northern Affairs Canada

7 J. HART: Ma'tna, Madam Chair.

8 On behalf of Crown-Indigenous Relations and
9 Northern Affairs Canada -- Jeff Hart for
10 Crown-Indigenous Relations and Northern Affairs
11 Canada. Thank you.

12 I would like to thank the Nunavut Water
13 Board for the opportunity to participate in the
14 hearing process for this amendment application.

15 I would also like to thank the parties to
16 this hearing for the engaging discussion, the
17 interpreters for their efforts during the
18 public hearing process, and the community of
19 Rankin Inlet for their warm hospitality this
20 week.

21 Crown-Indigenous Relations and Northern
22 Affairs Canada had raised concerns regarding
23 the adaptive management plan, discharge into
24 Meliadine Lake, storage of saline water in
25 Lake B7, water quality predictions, groundwater
26 flow, and water use, all of which are

1 considered resolved.

2 Crown-Indigenous Relations and Northern
3 Affairs Canada confirms it has reached an
4 agreement with the Kivalliq Inuit Association
5 and Agnico Eagle on a global security amount,
6 the split on the security, and payment of
7 security in phase tranches.

8 Crown-Indigenous Relations and Northern
9 Affairs Canada will continue to work with the
10 Kivalliq Inuit Association and Agnico Eagle to
11 finalize a security management agreement.
12 Ma'tna.

13 THE CHAIR: Thank you.

14 Environment and Climate Change Canada.
15 Closing Remarks by Environment and Climate
16 Change Canada

17 R. WYKES: Thank you, Madam Chair.
18 Russell Wykes, Environment and Climate Change
19 Canada.

20 On behalf of Environment and Climate Change
21 Canada, we would like to thank the Nunavut
22 Water Board, panel members, Elders, community
23 members, Agnico Eagle, and fellow intervenors.

24 Thank you to the excellent translation team
25 and the multimedia work done by PIDO
26 Productions.

1 We would also like to thank Rankin Inlet
2 for inviting us into their community to
3 participate in these proceedings.

4 Firstly, we would like to correct a
5 statement made during questioning yesterday.
6 Karen asked us what data was missing, and our
7 response was that it was described in
8 Environment and Climate Change Canada's
9 Technical Comment Number 29. This was
10 incorrect. The information in question was
11 described in Technical Comment Number 30. Just
12 a small clarification for the record.

13 Environment and Climate Change Canada has
14 three outstanding issues. For Technical
15 Comment Number 17, we recommend that the Board
16 require Agnico to establish Meliadine Lake east
17 basin-specific normals to help interpret
18 potential effects with the aquatic effects
19 monitoring program. This could be done in the
20 next aquatic effects monitoring annual report
21 or in the design plan.

22 For ECCC Number 19, Environment and Climate
23 Change Canada recommends the Board require
24 Agnico to update the interim closure and
25 reclamation plan so that it is consistent. If
26 the plan involves eventually breaching all dams

1 and dikes, the water quality objectives for all
2 water bodies should be protective of aquatic
3 life.

4 Additionally for this topic, we recommend
5 Agnico review subsection 2, 3 of the metal and
6 diamond mining effluent regulations to consider
7 the implications of recognized closed mine
8 status.

9 Environment and Climate Change Number 29.
10 ECCC's last outstanding comment, Number 29,
11 relates to the insufficient data to evaluate
12 effects of the proposed water withdrawal rates
13 for pit filling at closure.

14 We do not oppose the plan to fill the pits
15 with water from Meliadine Lake, merely the
16 speed at which those pits will be filled. We
17 support Department of Fisheries and Oceans
18 Canada request for action on further validation
19 of the pumping rate described in
20 Section 4.2.4.5 of the interim closure and
21 reclamation plan.

22 Until sufficient data is available to make
23 an informed decision on withdrawal rates at
24 closure, Environment and Climate Change Canada
25 recommends that the Board not include closure
26 withdrawal rates in an amended licence.

1 Thank you again for everyone who
2 participated in these proceedings, and we look
3 forward to future collaborations.

4 THE CHAIR: Thank you.

5 Closing remarks from Fisheries and Oceans
6 Canada.

7 Closing remarks by Fisheries and Oceans Canada

8 J. AUDET-LECOUFFE: Thank you, Madam Chair.
9 Jose Audet-Lecouffe, Fisheries and Oceans
10 Canada.

11 NTI, KIA, Environment Canada, and DFO all
12 agree that pit flooding activities at closure
13 could have great impact on water levels and
14 consequently on char migration.

15 In their interim closure and reclamation
16 plan and water management plan, Agnico Eagle
17 committed to evaluate the pumping rate further
18 to validate that any possible negative effects
19 to Meliadine Lake do not occur, and we need
20 this evaluation before we can accept to more
21 than double the pit filling rates. We need
22 certainty.

23 So DFO is looking forward to Agnico Eagle
24 following up on the commitments that they made
25 in their current management plans. We're
26 looking forward to collaborating with

1 interested parties to update the plans to
2 include a path forward to gather necessary
3 information and develop an acceptable pit
4 flooding protocol.

5 DFO has one concern remaining. Only one.
6 All others were addressed because we have
7 worked with Agnico Eagle to resolve them. We
8 have no doubt we can do the same now.

9 DFO would like to thank the water board,
10 Agnico Eagle Mines, members of community,
11 Elders, and all participating parties for their
12 collaborative work on this project, and, of
13 course, thank you to the interpreters for their
14 great work and the community of Rankin Inlet
15 for hosting this event. Thank you. Ma'tna.

16 THE CHAIR: Thank you.

17 Closing remarks, Agnico Eagle Mines.

18 Closing Remarks by Agnico Eagle Mines Limited

19 J. QUESNEL: Thank you, Madam Chair.

20 Jamie Quesnel, Agnico Eagle.

21 It's been a quick and busy two days.
22 Before I begin, thank you to the interpreters
23 and the Elders for your dedication in this
24 process. We understand these processes could
25 not proceed without your help and wisdom. I
26 also wanted to thank the community of Rankin

1 Inlet, the Board, Nunavut Water Board staff,
2 and all the planning that is associated with
3 this public hearing. We appreciate all
4 participants' efforts to the process, and I
5 have just a few quick points to emphasize in
6 our closing statement.

7 As you just heard us speak to the topic of
8 pit flooding at closure in our reply and
9 questions for Fisheries and Oceans Canada and
10 Environment Canada on ECCC 29, I won't spend
11 much time on that. However, we emphasize that
12 the total volumes for pit closure that we are
13 asking for in this amended licence are about
14 one-third of what was considered during a
15 Nunavut Impact Review Board assessment.

16 Given the mitigations of monitoring
17 programs that we will have in place to ensure
18 flows are protected and our commitments given
19 in this process, we ask the Board to update the
20 pit closure flooding volumes in our licence as
21 per our amendment application.

22 We heard the question to Fisheries and
23 Oceans from the Board regarding a plan to
24 maintain the water balance of Meliadine Lake to
25 protect fish habitat. We have already started
26 to collect the data required to meet the intent

1 of Fisheries and Oceans Canada's response that
2 will be updated in the annual report, but this
3 should not delay the Board including the
4 updating of the flooding volumes that we
5 requested.

6 You have heard from our expert. You heard
7 about our existing mitigation, our new
8 commitment with the Kivalliq Inuit Association,
9 that downstream flows will be protected and
10 safe. This will be achieved with the existing
11 monitoring on lake levels and flows that will
12 inform and validate our pumping requirements at
13 closure.

14 In addition, Agnico Eagle clearly
15 understands the importance of low-flow
16 conditions based on -- based on our existing
17 modelling. With our existing commitments in
18 monitoring and modelling, we will not affect
19 the minimum requirement of flows to downstream
20 lakes.

21 Based on this, it is important for Agnico
22 Eagle to be able to rely on the regulatory
23 system that requires the proponent to provide a
24 conceptual closure plan and also to execute on
25 the plan once that phase of mining is
26 initiated.

1 Next, just related to the topic of
2 Environment Canada -- Environment and Climate
3 Change Canada TRC19, the closure criteria for
4 surface water quality, on this topic, Agnico
5 Eagle believes the Board should follow our
6 recommended approach based on the legislation,
7 our experience, and the technical evidence
8 filed with the Board.

9 The metal and diamond mining effluent
10 regulation does not require Schedule 2 water
11 bodies to meet water quality criteria that is
12 protective of aquatic life within a Schedule 2
13 water body. During operations, B7 will
14 function as a mine facility, which we
15 discussed, which is a fundamental part of the
16 mine design that was assessed by the Nunavut
17 Impact Review Board.

18 As Environment Canada's own regulation, the
19 metal and diamond mining effluent regulation,
20 states, the already established discharge
21 criteria to water bodies that will apply to B7
22 after it is added to Schedule 2.

23 Before B7 is connected to any water bodies,
24 we will not have any saline water in B7. This
25 was referred by the water board staff during a
26 few questions yesterday. We will have the

1 benefit of many years of rigorous monitoring
2 established under the regulations and the water
3 licence before the decision is made to remove
4 the structures and reconnect. We won't do that
5 until it is clear and -- until it is clear and
6 safe to do so.

7 Based on all this, we ask the Board not to
8 specify preliminary water quality criteria for
9 closure in the amended licence. We also ask
10 the Board to follow Agnico Eagle's recommendations
11 on Environment Climate Change -- Environment
12 and Climate Change Canada's TRC17 for the
13 reasons stated in our presentation.

14 With respect to the security management
15 agreement, we are comfortable proceeding on the
16 information that has been provided to the
17 Board. It will continue to work with
18 Crown-Indigenous Relations and Northern Affairs
19 Canada and Kivalliq Inuit Association to
20 finalize in the coming weeks. We have provided
21 the Board with agreed wording on Part C and
22 Schedule C of the Type 'A' water licence.

23 In addition and very importantly, we are --
24 we are also pleased to have come to agreed
25 wording with Kivalliq Inuit Association on
26 terms and conditions over the course of this

1 hearing, and we have presented those to the
2 Board for their consideration. These relate to
3 the issue of management of saline groundwater.

4 One important point I want the Board to
5 come away with is that while there are a few
6 items that we differ from with Environment and
7 Climate Change Canada and Fisheries Oceans
8 Canada for the reasons I just stated, overall,
9 there's a very high degree of consensus on this
10 file.

11 We are grateful for the advice of all
12 participants in this process, and we look
13 forward in the continuing discussions to work
14 together, to collaborate, to make sure the
15 Meliadine mine continues to be successful as it
16 is today and operates very efficiently and
17 effectively and closes in a way that is
18 protective of the lands and waters.

19 In addition, I want to close by emphasizing
20 that this amendment is very, very important to
21 Agnico Eagle and the ongoing operations. We
22 respect the care that the Board has taken with
23 this application, and we look forward to your
24 decision. Thank you.

25 Closing Remarks by The Chair

26 THE CHAIR: Thank you.

1 As we bring this public hearing to a close,
2 on behalf of the Board and my fellow panel
3 members, I would like to thank all the parties
4 who contributed to making this public hearing
5 and community session a success, especially the
6 applicant, Agnico Eagle and your
7 representatives, the intervenors, the Nunavut
8 Tunngavik Incorporated, Kivalliq Inuit
9 Association, the Crown-Indigenous Relations and
10 Northern Affairs, Environment and Climate
11 Change Canada, Fisheries and Oceans Canada, and
12 the Nunavut wildlife -- Nunavut Water Board
13 staff and legal counsel. Sorry.

14 And to our interpreters, Ben Kogvik, Mary
15 Rose Angoshadluk; our court reporter, Andres
16 Vidal; our audio facilitator, Ryan Dempster;
17 and all the community members and Elders for
18 your valued participation in this hearing.
19 Thank you also to the caterers and the Hamlet
20 of Rankin Inlet for their outstanding
21 hospitality and patience with the Board.

22 As we are at the end of this -- of this
23 hearing, I would like to make some comments to
24 let parties know what happens next for the
25 amendment application.

26 The Board will now close the public

1 hearing, the public record. What this means is
2 that all evidence with regard to this amendment
3 application is now before the Board, and no
4 further information will be considered by the
5 Panel before we make our decision about the
6 application.

7 Now that the record is closed, the Board
8 will remit the file to the Panel to decide
9 whether or not to approve the amendments and
10 grant an amended Type 'A' licence as requested
11 by Agnico Eagle.

12 Within 30 to 45 days after the public
13 hearing record closes, the Nunavut Water Board
14 will issue its record of proceedings and
15 decision to the Minister of Northern Affairs.
16 If the Board's decision is to grant the amended
17 licence, a draft of the amended Type 'A' water
18 licence will be attached to the Board's
19 decision for the Minister's approval.

20 That concludes the public hearing component
21 of the water board's consideration of Agnico
22 Eagle's application to amend their water
23 licence. At this point, this hearing is
24 closed, and I wish to thank everybody that came
25 and wish you all safe travels.

26 Before we close, I'm going to ask Lootie to

1 give the closing prayer.

2 Closing Prayer

3 THE CHAIR: Thank you. Safe travels.

4 _____

5 PROCEEDINGS ADJOURNED

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1 CERTIFICATE OF TRANSCRIPT:

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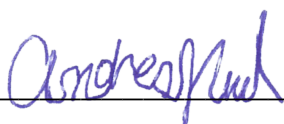
3 I, A. Vidal, certify that the foregoing
4 pages are a complete and accurate transcript of
5 the proceedings taken down by me in shorthand
6 and transcribed from my shorthand notes to the
7 best of my skill and ability.

8 Dated at the City of St. Albert, Province
9 of Alberta, this 23rd day of September 2024.

10

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13

A. Vidal, CSR(A), RMR

14

Official Court Reporter

15

Commissioner for Oaths Appointee No. 0749558

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ASRA Membership No. 443

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NCRA Membership No. 998452

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