

239	240
<p>NUNAVUT WATER BOARD</p> <p>Agnico Eagle Mines Limited Type "A" Water Licence Number 2AM-MEL1631 Amendment Application</p> <hr/> <p>PUBLIC HEARING VOLUME 2</p> <hr/> <p>Rankin Inlet, Nunavut March 31, 2021</p>	<p>1 TABLE OF CONTENTS</p> <p>2</p> <p>3 Description Page</p> <p>4</p> <p>5 March 31, 2021 Morning Session 246</p> <p>6 Comments From Kivalliq Inuit Association 247</p> <p>7 to the Draft Water Licence Framework</p> <p>8 Response From Agnico Eagle Mines to 257</p> <p>9 Kivalliq Inuit Association's Comments</p> <p>10 Comments From Crown-Indigenous Relations and 261</p> <p>11 Northern Affairs Canada to the Draft Water</p> <p>12 Licence Framework</p> <p>13 Comments From Environment and Climate Change 263</p> <p>14 Canada to the Draft Water Licence Framework</p> <p>15 Response From Agnico Eagle Mines to 266</p> <p>16 Crown-Indigenous Relations and Northern Affairs</p> <p>17 Canada and Environment and Climate Change</p> <p>18 Canada's Comments</p> <p>19 Discussion 268</p> <p>20 Discussion (Commitments List) 274</p> <p>21 Closing Remarks by Kivalliq Inuit Association 279</p> <p>22 Closing Remarks by Crown-Indigenous Relations 281</p> <p>23 and Northern Affairs Canada</p> <p>24 Closing Remarks by Environment and 282</p> <p>25 Climate Change Canada</p> <p>26 Closing Remarks by Agnico Eagle Mines 283</p>
241	242
<p>1 Discussion 290</p> <p>2 Closing Remarks by the 293</p> <p>3 Nunavut Water Board Chair</p> <p>4 Certificate of Transcript 296</p> <p>5</p> <p>6 EXHIBITS</p> <p>7 Description Page</p> <p>8</p> <p>9 EXHIBIT 10 - CV of John Faithful 274</p> <p>10 EXHIBIT 11 - CV of Bill Horne 274</p> <p>11 EXHIBIT 12 - CV of Gary Lawrence 274</p> <p>12 EXHIBIT 13 - Commitments List and Status Update 277</p> <p>13 from Agnico Eagle Mines as of March 30, 2021</p> <p>14 EXHIBIT 14 - KIA Comments on Agnico Eagle's Draft 278</p> <p>15 Water Licence Framework Dated March 26, 2021</p> <p>16 EXHIBIT 15 - CV of Richard Nesbitt 291</p> <p>17 EXHIBIT 16 - CV of Alan Sexton 291</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>26</p>	<p>1 Proceedings taken at Rankin Inlet Community Hall,</p> <p>2 Rankin Inlet, Nunavut</p> <p>3</p> <p>4 March 31, 2021</p> <p>5</p> <p>6 NUNAVUT WATER BOARD</p> <p>7 L. Toomasie Chair of Hearing</p> <p>8 R. Mrazek Panel Member</p> <p>9 S. Sowdloapik Panel Member</p> <p>10</p> <p>11 NUNAVUT WATER BOARD STAFF</p> <p>12 T. Meadows Legal Counsel</p> <p>13 S. Autut Executive Director</p> <p>14 K. Kharatyan Director of Technical Services</p> <p>15 R. Dwyer Manager of Licensing Services</p> <p>16 S. Kuflevskiy Technical Advisor</p> <p>17</p> <p>18 INTERVENERS</p> <p>19</p> <p>20 Agnico Eagle Mines Limited</p> <p>21 J. Quesnel Director of Permitting &</p> <p>22 Regulatory Affairs</p> <p>23 M. Groleau Permitting & Regulatory</p> <p>24 Affairs Superintendent</p> <p>25 C. Prather Permitting Technical Advisor</p> <p>26 Water Management</p>

243	244
<p>1 S. Leclair Lead Community Relations 2 M. Plante Vice President, Operations 3 M. Gillman Operations, Water Management 4 General Supervisor 5 L. Syvret Senior Advisor, Nunavut 6 D. Krilterdlik IQ Coordinator 7 P. Kusugak Director, Nunavut Affairs 8 O. Tagolik IIBA Coordinator 9 J. Range Project Manager 10 C. Kowbel Legal Counsel 11 J. Faithful Consultant, Golder Associates 12 Ltd. 13 G. Lawrence Consultant, Golder Associates 14 Ltd. 15 M. Bradley (Remotely) Community Relations and 16 Communications Superintendent 17 C. Charest (Remotely) Communications General 18 Supervisor 19 G. Côté (Remotely) Community Relations General 20 Supervisor 21 P. Lapointe (Remotely) Technical Advisor 22 A. Veillette (Remotely) Senior Coordinator Community 23 Relations 24 K. Mayrand (Remotely) Director, Shared Services 25 Nunavut 26 C. Chok (Remotely) Consultant, Kirk & Co.</p>	<p>1 A. Amendola (Remotely) Consultant, Golder Associates 2 Ltd. 3 B. Horne (Remotely) Consultant, Tetra Tech 4 A. Hospital (Remotely) Consultant, Tetra Tech 5 G. Mann (Remotely) Consultant, Azimuth Group 6 7 Kivalliq Inuit Association 8 L. Manzo Director of Lands 9 H. Niakrok Chief Operating Officer 10 J. Tulugak Land Use Inspector 11 A. Aupaluktuq Lands Administrative 12 Coordinator 13 J. King (Remotely) Legal counsel 14 R. Nesbitt (Remotely) Consultant, Aquatic Science 15 A. Sexton (Remotely) Consultant, Geology engineer 16 17 Crown-Indigenous Relations and Northern Affairs Canada 18 S. Dewar Director of Resource 19 Management 20 S. Forte Water Management Specialist 21 D. Zhong (Remotely) Science and Regulatory Advisor 22 G. Wiatzka (Remotely) Consultant, Arcadis Canada 23 24 Environment and Climate Change Canada (Remotely) 25 V. Shore Senior Environmental 26 Assessment Officer</p>
245	246
<p>1 A. Wilson Senior Water Quality Analyst 2 J. Sabourin Environmental Assessment 3 Officer 4 5 Nunavut Tunngavik Incorporated 6 B. Dean Assistant Director of Wildlife 7 and Environment 8 D. Kunuk Chief Operating Officer 9 P. Irgaut Director of Wildlife and 10 Environment 11 R. Mercer Resource Management 12 Coordinator 13 14 INTERPRETERS/TRANSLATORS 15 M. Angoshadluk Language Translator 16 J. Ayaruaq Language Translator 17 18 T. Huynh CSR(A) Official Court Reporter 19 20 R. Dempster Sound Technician 21 22 23 24 25 26</p>	<p>1 (PROCEEDINGS COMMENCED AT 9:11 AM) 2 THE CHAIR: Good morning, everyone. 3 Welcome back. Welcome back to Nunavut Water Board 4 public hearing for the amendments to a Water Licence 5 Number 2AM-MEL1631. This morning we'll be completing 6 some procedural matters. So I will turn the microphone 7 over to our -- over to Teresa, our legal counsel for 8 Nunavut Water Board. 9 Teresa. 10 MS. MEADOWS: Thank you, Mr. Chair. Good 11 morning, everyone. Teresa Meadows, legal counsel for 12 the Nunavut Water Board. 13 Sergey, can you mute everybody? Thank you. 14 So this morning we're going to pick up where we 15 left off yesterday, to talk about the draft water 16 licence framework, the updated document that was 17 provided by Agnico Eagle yesterday. And following 18 that, I also have some additional exhibits that were 19 provided overnight, that we will be -- that are 20 proposed to be filed by Agnico Eagle this morning. 21 And once those procedural matters have been dealt 22 with, we will return to the agenda, to closing remarks 23 of the parties and the Board. 24 So, Mr. Chair, with your indulgence, we'll go 25 through the draft water licence framework that was 26 filed yesterday and circulated, just getting comments</p>

<p style="text-align: right;">247</p> <p>1 from the parties -- comments from the parties with 2 respect to their review of the draft water licence 3 framework, starting with the Kivalliq Inuit 4 Association. Thank you, Mr. Chair. 5 THE CHAIR: Thank you. 6 Go ahead. 7 Comments From Kivalliq Inuit Association to the Draft 8 Water Licence Framework 9 MR. MANZO: Luis Manzo, Kivalliq Inuit 10 Association. We emailed that to Nunavut Water Board 11 this morning. I have set out comments in the draft. 12 But you want me to go through all of them? 13 MS. MEADOWS: Mr. Manzo, who did you send it 14 to? I don't seem to see it in my "Inbox" just yet. 15 MR. MANZO: I believe it's Richard Dwyer. 16 MS. MEADOWS: Was it sent to Richard? 17 MR. MANZO: Yes. 18 MS. MEADOWS: Yes. Yes, if you could just 19 go through it, seeing as we're all here. Some of us 20 may not have access to our email, and it has not yet 21 been circulated. 22 MR. MANZO: All right. So page 4, 23 Number 10, we have some concerns in regard to that. 24 That's based in Technical 3 -- Technical 3 comment from 25 KIA. 26 MS. MEADOWS: Mr. Manzo, I'm sorry to</p>	<p style="text-align: right;">248</p> <p>1 interrupt, but we're just -- we thought maybe it would 2 be helpful if we projected the clause that you're 3 talking about. So Sergey is just teeing that up, if 4 you can give us a minute. 5 MR. MANZO: Mr. Chair, if I may, I was 6 just looking over, and I would like legal counsel to go 7 over those comments with you, Jennifer King. 8 MS. KING: Morning. 9 Good morning, Luis. Thank you. 10 This is Jennifer King, legal counsel for the 11 Kivalliq Inuit Association. Thank you to the Water 12 Board for posting the water licence up on the screen. 13 It'll make it easier to walk through KIA's comments. 14 With respect to this section, KIA maintains its 15 objection to AEM's deemed approval. So the -- in red, 16 for everyone who's watching, the red is the additions 17 or changes proposed by Agnico Eagle. And KIA, in its 18 written submissions, objects to AEM's deemed approval. 19 And we acknowledge that Agnico Eagle extended the 20 deemed approval period from 45 days, from a previous 21 draft, to 60 days. But that extension of time does not 22 alleviate KIA's concerns of the risks, that there are 23 risks that there would be undue restriction on the 24 Water Board's discretion, and it risks eliminating 25 public participation and consultation. 26 The next comment -- just to the Water Board,</p>
<p style="text-align: right;">249</p> <p>1 Teresa Meadows, should I -- should we be dealing with 2 each comment as we go, or would you like all of our 3 comments at once? 4 MS. MEADOWS: So if you can just 5 sequentially go through where you've got -- highlight 6 the high notes. I mean, we don't expect you to recite, 7 chapter and verse, the full written submission. We 8 will file the written submission as an exhibit. But if 9 you can just highlight the key points of -- especially 10 where there is continuing to be objection, that would 11 be very helpful for the Board's purposes. 12 MS. KING: Thank you. We'll do that. So 13 if you could scroll down to '12'; it's on the next 14 page, page 5. Thank you. 15 So for '12', KIA maintains that the original 16 language should be maintained. While we understand 17 that there is a need for flexibility, giving Agnico 18 Eagle -- so if you can scroll up to Provision 12. And 19 here Agnico Eagle has proposed -- thank you. So 20 they've proposed that they can make a submission at any 21 time. I apologize. I might have the wrong -- the 22 wrong note here. 23 So you will see all of our comments in the written 24 submission. So there's a list here of all of the 25 plans. And KIA -- Kivalliq Inuit Association submits 26 that the Adaptive Management Plan should be added to</p>	<p style="text-align: right;">250</p> <p>1 this list, for clarity. Agnico Eagle states that it's 2 anticipated that the Adaptive Management Plan will be 3 included as an appendix to the Water Management Plan. 4 But it's Kivalliq Inuit Association's submission that 5 the Adaptive Management Plan should be included on this 6 list, for clarity. 7 MS. MEADOWS: Excuse me, Ms. King, if you 8 can slow down. 9 MS. KING: Yes. 10 MS. MEADOWS: The interpreters are rushing 11 to keep up. So if you can slow down when you're 12 speaking and pause at the end of every sentence, that 13 would be very helpful. 14 MS. KING: Thank you for the reminder. 15 If you can go to page 6 at the bottom of the page. 16 So -- thank you. So the -- Agnico Eagle has made some 17 revisions that they submit is in response to 18 submissions of another intervener. It is Kivalliq 19 Inuit Association's position that the detail should 20 remain, for clarity, and that the language of this 21 section should be clear, that the licensee shall adopt 22 an adaptive management approach. It should be 23 mandatory, not just encouraged. And this provision 24 should clarify that the adaptive management approach 25 applies for all aspects of the project. 26 If you could turn to page 8. Thank you. And</p>

<p style="text-align: right;">251</p> <p>1 there's Provision 9 there, in the middle of the page. 2 So this is in addition -- a proposed addition by Agnico 3 Eagle that they may, at any time, submit an application 4 for a change in the -- to the amount of security. And 5 Kivalliq Inuit Association maintains that "at any time" 6 has the potential to impose additional unnecessary 7 review burden on Kivalliq Inuit Association and submits 8 that these words should be replaced with "once 9 annually, at the same time as filing its annual 10 report." 11 I will skip some more specific comments, where we 12 have some comments on page 11. But you will see it in 13 the written submissions. 14 MS. MEADOWS: If I can get you to pause 15 there. Sorry to interrupt. But I see that Agnico 16 Eagle is waving to us and would like to -- would like 17 to comment on that last point. So Agnico Eagle ... 18 MS. COWBEL: Christine Cowbel, legal 19 counsel, Agnico Eagle. Thank you. 20 I just wanted to note that, you know, the normal 21 practice, when there's a filing this late in the 22 proceeding, is to copy the participants when you file. 23 That didn't happen last night. And it is very 24 important that we work towards closing the record 25 today. So because we haven't had a chance to see the 26 written submission, I'd ask Ms. King to walk through</p>	<p style="text-align: right;">252</p> <p>1 any comments that are in that written submission so 2 that we can complete this today. 3 I also wanted to note that the draft water licence 4 we're looking at, almost all the changes we made were 5 described in the final written response we filed with 6 the Board on March 22nd. So while the updated licence 7 was filed yesterday, Agnico described those changes in 8 the final written submission. So these changes have 9 been proposed for about a week. 10 Thank you, Madam Chair -- or Mr. Chair. 11 MS. MEADOWS: Thank you, Mr. Chair. Teresa 12 Meadows, legal counsel for the Nunavut Water Board. 13 I have not yet been able to see the submissions, 14 so I don't know how long it is. But are you suggesting 15 that you would like to take 20 or 30 minutes to take a 16 look at that submission? No? 17 MS. COWBEL: Thank you, Mr. Chair. 18 Christine Cowbel, legal counsel for Agnico Eagle. 19 No. It sounded like they were, in Ms. King's 20 view, minor comments. And so my proposal was just to 21 spend the time now and complete just the summary of the 22 submissions they made. 23 Thank you, Mr. Chair. 24 MS. MEADOWS: Thank you, Mr. Chair. Teresa 25 Meadows, legal counsel for the Nunavut Water Board. 26 So perhaps -- again, my point is that what the</p>
<p style="text-align: right;">253</p> <p>1 Board is most concerned about, and what we really would 2 like to hear on the record and have an opportunity for 3 you to discuss, are those points of contention. So, 4 you know, don't go through the comments where there's 5 agreement that that is -- that the wording is what you 6 want it to be. If you can let us know -- highlight all 7 of the points of contention. And then rest assured 8 that the Board will look at the written submission, as 9 it comes in. 10 If there is something that parties note when they 11 look at the written submission and they think that they 12 want an opportunity to respond, then the Board would 13 expect that someone would write to the Board and advise 14 the Board within a couple of days of the close of this 15 public hearing, so by the end of this week. 16 It doesn't sound like that's going to be 17 necessary. But if it is, it is an option for the 18 parties to let the Board know that they require some 19 more time to comment on the submission that was filed 20 this morning and circulated this morning. 21 So with that, if you can proceed, Ms. King. I 22 will leave that to you, to your discretion, as to what 23 you're going to highlight. 24 MS. KING: Thank you, Mr. Chair, 25 Ms. Meadows, and Ms. Cowbel. 26 To be clear, our submissions -- Kivalliq Inuit</p>	<p style="text-align: right;">254</p> <p>1 Association's submissions are consistent with Kivalliq 2 Inuit Association's final submissions as well. So we 3 were aware of Agnico Eagle's final written submissions. 4 These simply confirm where we're maintaining an 5 objection to Agnico Eagle's proposed changes to the 6 draft licence. 7 So moving on from this page -- thank you for 8 pulling up Kivalliq Inuit Association's written 9 submissions. It'll make it easier to walk through. If 10 you can then move to the next comment, which is on 11 page 11. Thank you. And here, Kivalliq Inuit 12 Association's comment is that Agnico Eagle must be 13 required to proactively minimize impacts on surface 14 drainage. So we're submitting that the language and 15 the deleted section here, '21', should remain. 16 And if you could turn to the next comment, which 17 is on page 12. Thank you. The Kivalliq Inuit 18 Association maintains that it is appropriate for the 19 Board to include terms and conditions pertaining to the 20 potential waterlines and the Adaptive Management Plan 21 insofar as they impact the management and use of inland 22 waters. The Kivalliq Inuit Association requests that 23 the language that we've included here be inserted into 24 Part E. 25 The next comment skips a number of pages, and it's 26 taking me a moment to find it as well. So, Mr. Chair,</p>

<p style="text-align: right;">255</p> <p>1 if you'll just bear with me. I believe the next 2 comment is on page 24. It's page 29 of the PDF, if 3 that assists. Thank you. This submission is simple: 4 The Kivalliq Inuit Association maintains its objection 5 to removing this requirement. And this is, for 6 reference, Part J, Provision 9. 7 The next comment is on page 27 of the document, 8 page 32 of the PDF. Thank you. Kivalliq Inuit 9 Association recommends keeping the definition of 10 "biannual" within the licence. Agnico Eagle's comments 11 suggest that "biannual" is not referred to in the 12 licence, but it is included in Table 2 of Schedule I. 13 And if you can just scroll down a little bit, 14 there is a definition of "by-pass road." And the 15 Kivalliq Inuit Association submits that the revisions 16 reduce clarity, as there is only one by-pass road 17 described in the Road Management Plan. And KIA -- 18 Kivalliq Inuit Association recommends a revision to 19 that definition, as set out in the comment. 20 The next comment is at page 31, page 36 of the 21 PDF. And the Kivalliq Inuit Association here 22 recommends defining the term "plan," which is used 23 throughout the licence and should be defined in the 24 definitions. Kivalliq Inuit Association has proposed a 25 definition included in the comment. This is the same 26 proposed definition that we have submitted in earlier</p>	<p style="text-align: right;">256</p> <p>1 written submissions. 2 If you could turn to page 34 of the document, 3 page 39 of the PDF. Kivalliq Inuit Association's 4 comment here is it would be useful to define 5 "waterline" in the definitions. Agnico Eagle has 6 objected to including this definition. But given that 7 "waterline" is used in the licence or referenced in the 8 licence, it would be -- assist with clarity to define 9 "waterline" in the definitions. 10 On the next page -- thank you -- there's a comment 11 here. Kivalliq Inuit Association acknowledges that 12 Agnico Eagle has agreed to provide summaries of how 13 discharges to Meliadine Lake were minimized over the 14 previous year. And you'll see that there is some 15 proposed language from Agnico Eagle, they've included, 16 at paragraph -- Provision 6, Schedule B. Kivalliq 17 Inuit Association submits that this language is not 18 sufficiently clear and has proposed language, as set 19 out in our comment, with specific reference to the 20 Adaptive Management Plan and how it has been 21 implemented to avoid the discharges or prevent the 22 discharges to Meliadine Lake. 23 And this concludes Kivalliq Inuit Association's 24 submissions on the draft water licence submitted by 25 Agnico Eagle yesterday. 26 MS. MEADOWS: Thank you, Mr. Chair.</p>
<p style="text-align: right;">257</p> <p>1 Thank you, Ms. King. 2 Are there any follow-up questions that Agnico 3 Eagle has with respect to the comments of the Kivalliq 4 Inuit Association on the draft water licence framework? 5 Response From Agnico Eagle Mines to Kivalliq Inuit 6 Association's Comments 7 MS. COWBEL: Thank you, Mr. Chair. 8 Christine Cowbel, Agnico Eagle. I'd just like to ask 9 for a moment to confer with Agnico Eagle. 10 Thank you, Mr. Chair. Christine Cowbel, legal 11 counsel for Agnico Eagle. So many of these are 12 consistent with our final written submission, but we 13 just thought there were a few points worth highlighting 14 for you, Mr. Chair. 15 With respect to the Part C, Item 9 comments and 16 KIA's concern about Agnico being able to bring forward 17 an application to amend security at any time, that's a 18 very important clause. It's there in many, many other 19 water licences the Board has issued. It's not served 20 to be an unreasonable burden on any party. And the 21 reason for that is that it's very important that, at 22 any given time, the liability at the mine match up with 23 what is posted, and that's something that is supported 24 by the Act. 25 And with respect to the reference to review 26 burden, I just wanted to note that, you know, there are</p>	<p style="text-align: right;">258</p> <p>1 agreements between Agnico Eagle and Kivalliq Inuit 2 Association about their costs in reviewing those kind 3 of applications. 4 I also wanted to speak generally -- and 5 Mr. Quesnel will speak to this as well -- but 6 references to including the "waterline" in the water 7 licence, Mr. Chair -- I think we heard from Board staff 8 yesterday very clearly that it's not appropriate or 9 possible to include any provisions about the waterline 10 in this licence before the Nunavut Impact Review Board 11 has fully considered that application and has disposed 12 of it and that process is complete. 13 And, secondly, we very much agree with the advice 14 from the Board legal counsel and Board staff that the 15 waterline would not be part of the water licence, post 16 Nunavut Impact Review Board approval, if it is 17 approved, that it does discharge to the marine 18 environment. It's not part of the Nunavut Water 19 Board's jurisdiction. And we don't think it would be 20 appropriate to include licence terms about that. And 21 so we do very much agree with your staff and your Board 22 legal on that point, and we wanted to emphasize that. 23 And the final point that I wanted to make before 24 Mr. Quesnel speaks is that there was a reference to the 25 commitment we proposed in Schedule B, to include that 26 in the licence, and it was suggested that the language</p>

<p style="text-align: right;">259</p> <p>1 Agnico Eagle has put forward is unclear. And, 2 Mr. Chair, I object to that characterization because I 3 think, as Kivalliq Inuit Association is aware, it's not 4 about clarity. That's an area where we disagree, and 5 we've spoken about that at the hearing. 6 We -- the commitment of Agnico Eagle is to 7 minimize discharge. It's not the language that 8 Kivalliq Inuit Association has put to you. And I think 9 Mr. Quesnel and his team have given a lot of the 10 technical reasons why they think that that commitment 11 is the right language and the right response to the 12 request from Kivalliq Inuit Association on that. And 13 so I want to emphasize that that wasn't a lack of 14 clarity; that was intentional and reflects the wording 15 of the commitment that Agnico Eagle has made. 16 And with that, Mr. Chair, I'd like to ask if 17 Mr. Quesnel can speak to one more point that was raised 18 this morning. 19 MR. QUESNEL: Thank you, Christine. 20 Thank you, Mr. Chair. Jamie Quesnel, Agnico 21 Eagle. As we just went through it quickly, we don't 22 have the document. But I think it's party -- related 23 to the waterline, if approved. The language that KIA 24 is recommending, regarding "may not discharge once the 25 waterline is approved," we strongly disagree with that. 26 I think the evidence we provided related to the</p>	<p style="text-align: right;">260</p> <p>1 water quality of our application, for the increase of 2 the total dissolved solids, is apparent that it remains 3 healthy, it's protective of the environment, for Lake 4 Meliadine. And, also, Kivalliq Inuit Association's 5 technical expert mentioned yesterday that they agree 6 that the water is fine. I think that's -- we want to 7 ensure that we have -- like, right now, in our licence, 8 we're allowed to discharge at Lake Meliadine; that 9 should continue. 10 If and when the waterline is approved and 11 constructed after approval, we have stated we will 12 minimize discharge at Lake Meliadine. We've mentioned 13 yesterday with -- a lot of the water management 14 concerns we would have if we do not have that 15 discharge, because things do happen. Precipitation may 16 occur more than expected, more than predicted; we're 17 seeing that. 18 And, also, to ensure that we don't store water -- 19 and based on the exhibit from our expert, from Tetra 20 Tech, the storage of water, first of all, is not a 21 long-term strategy for the operation; we've been pretty 22 clear with that. And, also, our experts are saying, to 23 store additional water, as per the recommendation by 24 Kivalliq Inuit Association, creates additional risks. 25 So we see this language can be very dangerous for 26 the operation -- it will just create additional risk --</p>
<p style="text-align: right;">261</p> <p>1 where we are stating, once the waterlines are approved, 2 if approved, we will minimize the discharge to Lake 3 Meliadine. And we think that's a balanced approach for 4 water management at Lake Meliadine, and also noting the 5 water that we are predicting -- and we had the 6 discharge last year with elevated TDS. The results 7 have shown, and our predictions are showing, the water 8 will be okay for Lake Meliadine. 9 So I think that language is not applicable for the 10 application that we're talking about. Thank you. 11 MS. MEADOWS: Thank you, Mr. Chair. Teresa 12 Meadows, legal counsel for the Nunavut Water Board. 13 So, Mr. Chair, now I'd like to turn to Crown-Indigenous 14 Relations and Northern Affairs Canada and their 15 comments on the draft water licence framework filed 16 yesterday. 17 Comments From Crown-Indigenous Relations and Northern 18 Affairs Canada to the Draft Water Licence Framework 19 MR. DEWAR: Qujannamiik, Mr. Chair. I 20 just have a few words. You know, we certainly support 21 this relatively new process of providing comments on 22 draft water licences. So I think this is very 23 progressive and provides an excellent opportunity. 24 Crown-Indigenous Relations and Northern Affairs 25 provided 54 comments on the conditions of the original 26 draft licence, of which Agnico Eagle agreed with 13.</p>	<p style="text-align: right;">262</p> <p>1 That's a success rate of one-quarter of our comments, 2 which is good. That's fair. It's okay. We come from 3 different perspectives. So, of course, why we provided 4 those comments has been provided to the Board, and we 5 trust the Board's judgment in reviewing and 6 incorporating, you know, comments into a water licence 7 appropriately. 8 So that being said, there is one that we maybe 9 want to bring forward to the table. And I'll ask Sarah 10 Forte to speak to it more in-depth. 11 MS. FORTE: Sarah Forte, Crown-Indigenous 12 Relations and Northern Affairs Canada. This is a 13 comment for -- which we had many times. And in 14 definitions of infrastructure on site, Crown-Indigenous 15 Relations and Northern Affairs Canada recommends 16 including references to design plans, as has been done 17 previously, because they're more descriptive and help 18 to positively identify the infrastructure in question. 19 Agnico has stated that references to specific 20 drawings have the potential to be out of date and 21 confusing, for example, if a modification was to occur. 22 Crown-Indigenous Relations and Northern Affairs Canada 23 is of the opinion that the increased clarity outweighs 24 the potential risk, as, generally, infrastructure will 25 still be able to identify, following potential 26 modifications. Thank you.</p>

<p style="text-align: right;">263</p> <p>1 MS. MEADOWS: Thank you, Mr. Chair. Teresa 2 Meadows, legal counsel for the Nunavut Water Board. 3 Mr. Chair, Environment and Climate Change Canada, I 4 believe, is joining us by Zoom this morning, so I would 5 like to turn it over to them, if they have any comments 6 on the draft water licence framework that was filed 7 yesterday. 8 Comments From Environment and Climate Change Canada to 9 the Draft Water Licence Framework 10 MS. SHORE: Good morning. Victoria Shore, 11 Environment and Climate Change Canada. We have had a 12 chance to review, and we have a couple of comments, and 13 I'll pass it to Anne Wilson to go through those. 14 MS. WILSON: Good morning. It's Anne 15 Wilson with Environment and Climate Change Canada. So 16 not too much to add, but we'll just go through the ones 17 that have not been resolved, that can be mentioned. 18 The Clause B.10, which deals with the deemed 19 approval, we are in agreement with KIA on this one and 20 feel that it would be better to have explicit approval 21 of plans. 22 The next one is in Section F.4, dealing with how 23 tests are going to be specified for determining whether 24 effluent is non-acutely lethal. The reference to the 25 actual methods has been removed from this section, and 26 there may be some cause for confusion. The definition</p>	<p style="text-align: right;">264</p> <p>1 that has been added in Schedule A, on page 26, actually 2 refers to "effluent," not to toxicity testing. And so 3 I think that, for clarity, it would make sense to 4 simply retain the reference to both the rainbow trout 5 and the daphnia tests in Section F.4, as there are 6 going to be changes to the MDMER coming up in the 7 actual requirements for daphnia becoming a regulated 8 requirement. And that would just spell it out more 9 clearly, keeping that reference to the test method, two 10 test methods here. 11 Then a very minor point in Section E.18. This 12 section deals with the water quality objectives being 13 identified for closure of pit lakes and breaching. 14 There is a reference here to the FEIS, Final Impact 15 Environmental Impact Statement, Table 7.4-22. And it 16 is a very minor point. But just for tidiness, I think 17 we should specify that the objectives will be for total 18 metals, because this table neglects to specify that, 19 and so, again, more of a housekeeping detail. 20 Other than that, we had our comments substantially 21 addressed. And that will be all. Thanks. 22 MS. MEADOWS: Thank you, Mr. Chair. Teresa 23 Meadows, legal counsel for the Nunavut Water Board. 24 Mr. Chair, with your indulgence, I'll just check to see 25 whether or not Board staff have any follow-up to any of 26 the parties who've provided to their comments or to</p>
<p style="text-align: right;">265</p> <p>1 Agnico Eagle with respect to the draft water licence 2 framework filed yesterday. 3 MR. KHARATYAN: Karén Kharatyan, Water Board. 4 Thank you, Mr. Chair. 5 Just to remind parties, because there was a 6 discussion about waterline and definition of 7 "waterline" to be included or no, again, a reminder to 8 all parties that this is not part of application and 9 this is not approved, still, by Nunavut Impact Review 10 Board. 11 However, again, one reminder, that changing 12 definition or adding a definition or adding -- 13 modifying monitoring program, et cetera, is possible by 14 the Board without going through extensive amendment 15 process and approval with Minister, actually by 16 Minister. The Board is able to add any definition 17 without Minister approval, just ask by the Board 18 approval process, just a reminder. Thank you. 19 Thank you, Mr. Chair. 20 MS. MEADOWS: Thank you, Mr. Chair. Teresa 21 Meadows, legal counsel for the Nunavut Water Board. 22 So, Mr. Chair, I'm just concluding that -- I wanted to 23 wrap up this section. I just wanted to wrap up this 24 section, and then we'll turn to other procedural 25 matters. And it appears that Agnico Eagle has one last 26 comment on this point.</p>	<p style="text-align: right;">266</p> <p>1 Response From Agnico Eagle Mines to Crown-Indigenous 2 Relations and Northern Affairs Canada and Environment 3 and Climate Change Canada's Comments 4 MS. COWBEL: Thank you, Mr. Chair. 5 Christine Cowbel, legal counsel, Agnico Eagle. 6 Yes, we just wanted a chance to thank 7 Crown-Indigenous Relations and Environment and Climate 8 Change Canada for their comments and just a few last 9 points in response to those. 10 Ms. Forte, on the definition of infrastructure, we 11 appreciate your comments. I think, on that one, we'll 12 agree to disagree, and we ask Mr. Chair to review our 13 comments on that, in the final written submission. And 14 we just wanted to note that there is description of the 15 infrastructure that's described in the definitions in 16 the management plans as well. So that gives the 17 inspector a lot of clarity on what those facilities are 18 and what the current engineering drawings are for those 19 facilities. 20 With respect to Environment Canada's comments on 21 tests specified, I just want to clarify that we were 22 actually -- in making those suggestions to the Board -- 23 we understand, obviously, that drafting a licence is 24 the Board's area. We were trying to make the water 25 licence match more closely with what is in the Metal 26 Mining Effluent -- Metal Mining and Diamond Effluent</p>

<p style="text-align: right;">267</p> <p>1 Regulations.</p> <p>2 In 2018, the definition of "acutely lethal</p> <p>3 effluent" was removed from the Metal and Diamond Mining</p> <p>4 Effluent Regulations, and it was replaced with "acutely</p> <p>5 lethal." Sorry, my screen just disappeared. And under</p> <p>6 the -- and I'm just going to read that to you so you</p> <p>7 have it. But under that regulation: (as read)</p> <p>8 "Acutely lethal," in respect of an effluent,</p> <p>9 means that the effluent, at 100 percent</p> <p>10 concentration, kills:</p> <p>11 (a) more than 50 percent of the rainbow trout</p> <p>12 subjected to it for a period of 96 hours,</p> <p>13 when tested in accordance with the acute</p> <p>14 lethality test set out in 14.1; or</p> <p>15 (b) more than 50 percent of the three-spine</p> <p>16 stickleback subjected to it for a period of</p> <p>17 96 hours, when tested in accordance with the</p> <p>18 acute lethality test set out in 14.2.</p> <p>19 And so, Mr. Chair, what we were suggesting is that the</p> <p>20 water licence should reference the Metal Mining</p> <p>21 Effluent Regulations and to go to look there for the</p> <p>22 tests that are set, because, as Ms. Wilson mentioned,</p> <p>23 those tests change sometimes. And we wouldn't want the</p> <p>24 water licence to set a different test than is the legal</p> <p>25 standard that is set under the Regulation.</p> <p>26 And so we thought it better to avoid specifying</p>	<p style="text-align: right;">268</p> <p>1 the tests in the licence when it's quite easy for</p> <p>2 everybody to go -- to say, "Look at the Metal Mining</p> <p>3 Effluent Regulations," and then we'll know what the</p> <p>4 legal test is at any given time. So that was where</p> <p>5 that suggestion was coming from. We definitely weren't</p> <p>6 trying to get rid of a definition of "effluent" or to</p> <p>7 get away from having legal tests. So I just wanted to</p> <p>8 clarify that.</p> <p>9 Sorry, just one moment. I just want to confer</p> <p>10 with Agnico Eagle.</p> <p>11 Thank you, Mr. Chair. And we also appreciate the</p> <p>12 clarity that Board staff gave on revising definitions</p> <p>13 and monitoring programs. That was very helpful</p> <p>14 information. Thank you.</p> <p>15 Discussion</p> <p>16 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>17 Meadows, legal counsel for the Nunavut Water Board.</p> <p>18 And so, with that, that concludes sort of the</p> <p>19 discussion of the draft water licence framework that</p> <p>20 was filed by Agnico Eagle yesterday. And I should say</p> <p>21 it was an updated version of a previous version that</p> <p>22 had been filed before, during technical review.</p> <p>23 I do want to give just a little bit of a summary</p> <p>24 of how the Board looks at the terms and conditions that</p> <p>25 are suggested, in terms of revisions in the draft water</p> <p>26 licence framework, because sometimes parties are not</p>
<p style="text-align: right;">269</p> <p>1 clear on whether or not these suggestions are binding</p> <p>2 on the Board.</p> <p>3 The short answer is, this is considered like any</p> <p>4 other evidence before the Board. The Board retains the</p> <p>5 discretion to determine what are the appropriate terms</p> <p>6 and conditions of any given water licence or any</p> <p>7 amendment to a water licence. A few years ago, the</p> <p>8 Board started inviting the draft water licence</p> <p>9 frameworks to be submitted, as we found it was a useful</p> <p>10 tool to focus the discussion. But that is what it is;</p> <p>11 it's a tool. And the Board retains their full</p> <p>12 discretion to determine what are appropriate terms and</p> <p>13 conditions in the draft water licence framework.</p> <p>14 That is not to say, however, that the Board</p> <p>15 ignores the submissions of the parties and all the work</p> <p>16 that goes into the review of those documents. The</p> <p>17 Board very much appreciates all the hard work and the</p> <p>18 discussions that get distilled down into suggested</p> <p>19 terms and conditions.</p> <p>20 However, sometimes the Board has reasons for</p> <p>21 standardization or recognition of changes to regulatory</p> <p>22 processes that limit the Board's willingness to change</p> <p>23 standard terminology. And so even if you do not</p> <p>24 receive some of the suggestions, even if the</p> <p>25 suggestions are not adopted or the revisions are not</p> <p>26 adopted, it does not mean that the Board is ignoring</p>	<p style="text-align: right;">270</p> <p>1 the submissions of the parties.</p> <p>2 And now I'd like to turn, with that, to the final</p> <p>3 procedural matters that I have, Mr. Chair, before we go</p> <p>4 to the closing of the hearing, and that is -- I have</p> <p>5 four documents remaining to be filed as exhibits in</p> <p>6 this public hearing. Mr. Chair, quite frankly, one set</p> <p>7 of documents is because we're all a little bit out of</p> <p>8 practice of being in person. And, normally, before</p> <p>9 witnesses are providing testimony, we get their résumés</p> <p>10 on file, if they're going to be providing expert</p> <p>11 testimony, and I forgot this yesterday; I forgot to ask</p> <p>12 for them.</p> <p>13 So we do have the three résumés of the expert</p> <p>14 witnesses from yesterday, being Gary Lawrence, Bill</p> <p>15 Horne, and John Faithful, and I propose to mark those</p> <p>16 as exhibits, after the fact, after their testimony.</p> <p>17 And we also received last night, from Agnico</p> <p>18 Eagle, an updated commitments list that also has a</p> <p>19 status update on what were the commitments that were</p> <p>20 made during the technical meeting in November and then</p> <p>21 what is the status of those commitments. And Agnico</p> <p>22 Eagle has proposed to file those as the next exhibit in</p> <p>23 the public hearing.</p> <p>24 So, Mr. Chair, I would now like to go to the</p> <p>25 parties to make sure that they have no objections with</p> <p>26 these materials being filed today.</p>

<p style="text-align: right;">271</p> <p>1 So if I can start with the Kivalliq Inuit 2 Association. I believe, legal counsel, Ms. King, is on 3 the Zoom line. 4 MS. KING: Good morning. Jennifer King, 5 legal counsel for the Kivalliq Inuit Association. 6 It's difficult to provide a position on any 7 objection to these proposed exhibits, given that we 8 have not had a chance to review them. Will those -- 9 Ms. Meadows, will those be shared? 10 MS. MEADOWS: My apologies, Ms. King. I 11 thought that you had been copied on the -- on all of 12 those documents. And, also, I believe that Richard 13 circulated this morning the commitments -- the updated 14 commitments list; is that correct? 15 One moment, Ms. King. We're just -- I'm just 16 conferring with the staff. 17 MS. KING: Mr. Chair and Ms. Meadows, 18 perhaps if we could take five minutes just to -- so 19 that I can confer with my client. 20 MS. MEADOWS: Ms. King, I will circulate the 21 CVs to you. But it is normal practice, actually, that 22 those be provided at the hearing and -- 23 MS. KING: Yes. 24 MS. MEADOWS: -- are generally not 25 circulated in advance of the testimony. So oftentimes 26 people don't have advance billing of those because, by</p>	<p style="text-align: right;">272</p> <p>1 the time we get to the public hearing, you've already 2 dealt with the expert witnesses that are being offered, 3 and they are not -- they are not new players in the 4 process. 5 But I will forward those résumés to you right now. 6 MS. KING: Thank you, Mr. Chair and 7 Ms. Meadows. I do understand. I think I'm being very 8 careful, given that I haven't seen the documents. If 9 you'll just bear with me, if you would, for perhaps 10 even a minute or two, and I will just confirm that we 11 have no objection. 12 MS. MEADOWS: So, Ms. King, perhaps it's an 13 opportune time for the participants here to take a 14 10-minute break. And when we come back after the 15 break, I will have sent you the documents, and 16 hopefully you'll have a chance to confer with your 17 client. 18 MS. KING: Thank you, Mr. Chair and 19 Ms. Meadows. 20 (ADJOURNMENT) 21 MS. MEADOWS: So, Mr. Chair, I would like to 22 just close off the exhibits with parties speaking to 23 any objections that they have, or not, to the filing of 24 exhibits. And then we will return very briefly to the 25 commitment that has just been discussed and negotiated 26 between parties here.</p>
<p style="text-align: right;">273</p> <p>1 So if I can go to Ms. King on the Zoom line for 2 follow-up to the exhibits. 3 MS. KING: Thank you, Mr. Chair, and 4 thank you, Ms. Meadows. Thank you for giving us the 5 time to review the proposed exhibits. We are content 6 with adding the proposed exhibits to the record. 7 Kivalliq Inuit Association now realize that we have not 8 submitted Kivalliq Inuit Association's experts' CVs, 9 and we will do so shortly, circulating them to Agnico 10 Eagle as well. 11 And, finally, as Ms. Meadows has highlighted, 12 Kivalliq Inuit Association does have comments on the 13 commitment list, that Richard Nesbitt will address at 14 the appropriate time. 15 MS. MEADOWS: Thank you, Mr. Chair. 16 Thank you, Ms. King. 17 If I can go to Crown-Indigenous Relations and 18 Northern Affairs Canada with respect to the filing of 19 the exhibits. 20 MR. DEWAR: Qujannamiik, Mr. Chair. 21 Crown-Indigenous -- Spencer Dewar, Crown-Indigenous 22 Relations and Northern Affairs Canada. We have no 23 objections. 24 MS. MEADOWS: Thank you, Mr. Chair. 25 Thank you, Mr. Dewar. 26 If I can go to Environment and Climate Change</p>	<p style="text-align: right;">274</p> <p>1 Canada with respect to any objections, or not, to the 2 filing of the exhibits. 3 MS. SHORE: Victoria Shore, Environment 4 and Climate Change Canada. We have no objections. 5 Thank you. 6 EXHIBIT 10 - CV of John Faithful 7 EXHIBIT 11 - CV of Bill Horne 8 EXHIBIT 12 - CV of Gary Lawrence 9 Discussion (Commitments List) 10 MS. MEADOWS: Thank you, Mr. Chair. 11 Teresa Meadows, legal counsel for the Nunavut 12 Water Board. So now turning to the commitments list, 13 perhaps I will get Agnico Eagle to provide the 14 additional wording for the other commitment, and then 15 parties can comment on the existing commitments list 16 and also the new potential commitment as well. 17 MS. LECLAIR: Suzanne Leclair for Agnico 18 Eagle -- on behalf of Agnico Eagle: (as read) 19 Agnico Eagle commits to collaborate with the 20 Kivalliq Inuit Association and the 21 Kangiqliniq Hunters & Trappers Association to 22 develop a community-based monitoring program 23 that considers issues of concern raised by 24 the community of Rankin Inlet, including 25 taste of water and health of fish in 26 Meliadine Lake.</p>


<p style="text-align: right;">275</p> <p>1 Thank you, Mr. Chair.</p> <p>2 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>3 Meadows, legal counsel for the Nunavut Water Board. So</p> <p>4 now if we can turn to the Kivalliq Inuit Association</p> <p>5 for any comments on the commitments list or the new</p> <p>6 commitment that is proposed by Agnico Eagle.</p> <p>7 MR. MANZO: Thank you. Thank you, Madam</p> <p>8 Chair. We don't have any objections to Commitment</p> <p>9 Number 4, 7, and 9, and we agree with the last</p> <p>10 commitment by Agnico Eagle. And I will ask one of the</p> <p>11 consultants if he have any other comments about</p> <p>12 [INDISCERNIBLE] program; I believe we do. I pass that</p> <p>13 to Richard Nesbitt.</p> <p>14 MR. NESBITT: Thank you, Luis.</p> <p>15 Richard Nesbitt, on behalf of the Kivalliq Inuit</p> <p>16 Association. A couple minor tweaks to the commitment</p> <p>17 proposed -- or the wording of the commitment proposed</p> <p>18 by Agnico Eagle. So to read the entire thing from top</p> <p>19 to bottom: (as read)</p> <p>20 Agnico Eagle commits to collaborate with the</p> <p>21 Kivalliq Inuit Association and the</p> <p>22 Kanguqiniq Hunters & Trappers Association to</p> <p>23 develop and implement a community-based</p> <p>24 monitoring program that considers issues of</p> <p>25 concern raised by the community of Rankin</p> <p>26 Inlet, including the taste, look, and smell</p>	<p style="text-align: right;">276</p> <p>1 of water and health of fish in Meliadine</p> <p>2 Lake. The results of the community-based</p> <p>3 monitoring program will be included in the</p> <p>4 annual report, as supporting evidence</p> <p>5 regarding the evaluation of impacts to</p> <p>6 Meliadine Lake.</p> <p>7 And if the Board would like, I can also include this in</p> <p>8 the Zoom chat to confirm the wording. Thank you.</p> <p>9 MS. MEADOWS: Thank you, Mr. Chair, Teresa</p> <p>10 Meadows, legal counsel for the Nunavut Water Board.</p> <p>11 Mr. Nesbitt, we are keeping a transcript, so I'm sure</p> <p>12 that we'll have the wording available to us in the</p> <p>13 transcript. But for the benefit of people on the Zoom</p> <p>14 call, it may be helpful if you do post it as well.</p> <p>15 Okay, so the people on the Zoom call have already</p> <p>16 asked for it to be circulated. So, yes, if you can</p> <p>17 please post it, we will circulate it.</p> <p>18 We will go back to Agnico Eagle for a response.</p> <p>19 But, first, I'd like to get Crown-Indigenous Relations</p> <p>20 and Northern Affairs Canada's comments on the</p> <p>21 commitments list, the existing one, and also the new</p> <p>22 commitment, and then I will go to Environment and</p> <p>23 Climate Change Canada. Thank you, Mr. Chair.</p> <p>24 MR. DEWAR: Qujannamiik, Mr. Chair.</p> <p>25 Spencer Dewar, Crown-Indigenous Relations and Northern</p> <p>26 Affairs Canada. We have no issues with the commitment</p>
<p style="text-align: right;">277</p> <p>1 list as submitted.</p> <p>2 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>3 Meadows, legal counsel for the Nunavut Water Board. If</p> <p>4 I can have Environment and Climate Change Canada, any</p> <p>5 comments on the commitments list, the existing one, or</p> <p>6 the new commitment.</p> <p>7 MS. SHORE: Victoria Shore, Environment</p> <p>8 and Climate Change Canada. We have no comments to add</p> <p>9 on the commitment list. Thank you.</p> <p>10 EXHIBIT 13 - Commitments List and Status</p> <p>11 Update from Agnico Eagle Mines as of March</p> <p>12 30, 2021</p> <p>13 MS. MEADOWS: Thank you, Mr. Chair. Teresa</p> <p>14 Meadows, legal counsel for the Nunavut Water Board.</p> <p>15 Agnico Eagle, if you would like to reply to the</p> <p>16 suggested revisions by the Kivalliq Inuit Association.</p> <p>17 Mr. Chair, just for the benefit -- we are</p> <p>18 projecting the suggested editions to the wording.</p> <p>19 Thank you, Mr. Nesbitt.</p> <p>20 Thank you, Mr. Chair. Teresa Meadows legal</p> <p>21 counsel for the Nunavut Water Board. So if Agnico</p> <p>22 Eagle has a reply to the suggested revised wording.</p> <p>23 MS. COWBEL: Thank you, Mr. Chair.</p> <p>24 Christine Cowbel, legal counsel, Agnico Eagle.</p> <p>25 Mr. Chair, I'd just like to request another five</p> <p>26 minutes so that Agnico can confer. I think there had</p>	<p style="text-align: right;">278</p> <p>1 been some consensus on the wording we'd put forward</p> <p>2 earlier, but, obviously, some people are not in the</p> <p>3 room. So if I could just ask for your patience and</p> <p>4 another five-minute break, we'd be grateful. Thank</p> <p>5 you, Mr. Chair.</p> <p>6 MS. MEADOWS: So for the benefit of the</p> <p>7 people on the Zoom call, Mr. Chair has nodded. So five</p> <p>8 minutes it will be. So we will be back at 10:50.</p> <p>9 (ADJOURNMENT)</p> <p>10 EXHIBIT 14 - KIA Comments on Agnico Eagle's</p> <p>11 Draft Water Licence Framework Dated March 26,</p> <p>12 2021</p> <p>13 MS. MEADOWS: Thank you, everyone, for</p> <p>14 waiting. Teresa Meadows, legal counsel for the Nunavut</p> <p>15 Water Board. It's my understanding that there are</p> <p>16 still some finer details being worked out on the</p> <p>17 commitment. But in the interest of time, we will go to</p> <p>18 closings at this point, and then we'll follow back up,</p> <p>19 at the very end, with respect to that last wording of</p> <p>20 the commitment.</p> <p>21 So, Mr. Chair, we'll go closing statements right</p> <p>22 now, and then if you can come back to me for the final</p> <p>23 clean-up of the commitments list. And then we'll be</p> <p>24 able to close the hearing. Thank you, Mr. Chair.</p> <p>25 THE CHAIR: Thank you, Teresa.</p> <p>26 Now we come to -- an opportunity to each of the</p>

<p style="text-align: right;">279</p> <p>1 parties to provide us with brief closing remarks, 2 starting with interveners and ending with applicant, 3 closing remarks from Kivalliq Inuit Association. 4 Closing Remarks by Kivalliq Inuit Association 5 MR. MANZO: Thank you, Mr. Chairman. Luis 6 Manzo, Kivalliq Inuit Association. 7 I would like to take this opportunity to thank the 8 Nunavut Water Board staff for managing the public 9 hearings and community session last night to review 10 Agnico Eagle's amendment application to the water 11 licence for the Meliadine project. It has provided an 12 excellent opportunity for interveners and participants 13 to bring their information and concerns forward and 14 work together to seek solutions. I would also like to 15 thank the community members, interveners, and Agnico 16 Eagle for working hard to address most of the KIA's 17 technical concerns. 18 During the community session, we heard from Elders 19 and community representatives about the importance of 20 clean water and water management. I would therefore 21 like to reiterate that the Kivalliq Inuit Association 22 clearly stated in our technical submissions that Agnico 23 Eagle should minimize or eliminate water discharged to 24 Meliadine Lake. Agnico Eagle should use the waterline 25 to discharge both surface and contact water from site 26 and saline water from the underground into Melvin Bay,</p>	<p style="text-align: right;">280</p> <p>1 if approved by Nunavut Impact Review Board. 2 Kivalliq Inuit Association also maintain that the 3 proposed waterline are related to water licence. Use 4 of the waterline to dispose of site contact water 5 provides an alternative approach to water management at 6 the Meliadine project area, minimizing project 7 interaction with Meliadine Lake for benefit of 8 Rankinmiut. 9 It would therefore be appropriate for the Board to 10 include terms and conditions pertaining to the 11 waterline and the Adaptive Management Plan insofar as 12 they impact the management and use of inland water and 13 interaction with the receiving freshwater environment 14 of the Meliadine Lake. 15 Kivalliq Inuit Association agree with the 16 Crown-Indigenous Relations and Northern Affairs Canada 17 that if the waterline is approved by the Nunavut Impact 18 Review Board, KIA will expect to see Agnico Eagle 19 submit revised plans under the water licence. If the 20 design and use of the waterline change during the 21 review process with the Nunavut Impact Review Board or 22 information is provided, indicating there will be 23 impacts on inland waters under the Nunavut Water Board 24 authority, a water licence amendment may be required. 25 I encourage the Nunavut Water Board, Agnico Eagle, 26 and other interveners to continue working together</p>
<p style="text-align: right;">281</p> <p>1 during this process to implement alternatives to avoid 2 impacts to the Meliadine Lake. Kivalliq Inuit 3 Association's Lands department will continue monitoring 4 Meliadine Lake and the fish, the caribou, and the land 5 around the project. 6 Thank you for considering our position during the 7 public hearings. We will continue to work with the 8 proponent to represent interests of our beneficiaries 9 and resolve our outstanding technical concerns. Matna. 10 THE CHAIR: Thank you. 11 Now Crown-Indigenous Relations and Northern 12 Affairs closing remarks. 13 Closing Remarks by Crown-Indigenous Relations and 14 Northern Affairs Canada 15 MR. DEWAR: Qujannamiik, Mr. Chair. 16 Spencer Dewar, Crown-Indigenous Relations and Northern 17 Affairs Canada. We'd like to extend our thanks to the 18 Board and the team. 19 UNKNOWN SPEAKER: Luis, your mic. 20 MR. DEWAR: We're going to do this 21 jointly. 22 We'd also like to thank the community of Rankin 23 Inlet for hosting us, and, of course, thank our fellow 24 interveners and Agnico Eagle, also known as 25 "applicant." We'd also like to extend appreciation for 26 all the efforts from the interpreters, the comm. staff,</p>	<p style="text-align: right;">282</p> <p>1 and the transcriber. 2 It was really encouraging to see the public 3 engagement and the questions and comments last night. 4 It's not always common for a Nunavut Water Board 5 hearing to see such public engagement. From a takeaway 6 and a thematic level, it was clear that there was 7 thirst for knowledge. And I realize there's a heavy 8 civic burden on Nunavummiut to understand the Nunavut 9 Agreement, the acts, the regulations, the processes, 10 and then, also, to, you know, understand the 11 complexities of mining. 12 I just hope we can take away -- and each of us can 13 look to find ways and look for ways to ensure that the 14 public has accurate information in a form that meets 15 their needs. I think this is a burden that we all 16 share. And I hope that we can continue to work 17 together to find ways to make those connections. 18 That being said, from Crown-Indigenous Relations 19 and Northern Affairs Canada's -- our technical concerns 20 have all been resolved. Matna. 21 THE CHAIR: Thank you. 22 Now I'd like to ask Environment and Climate Change 23 Canada for their closing remarks. 24 Closing Remarks by Environment and Climate Change 25 Canada 26 MS. SHORE: Victoria Shore, Environment</p>

<p style="text-align: right;">283</p> <p>1 and Climate Change Canada. I'd first like to thank the 2 Nunavut Water Board for the opportunity to intervene in 3 this process, as well as Agnico Eagle and the other 4 interveners, the translators, and the transcriber for a 5 very constructive hearing. I'd like to express our 6 gratitude again for the flexibility that has allowed us 7 to participate remotely during a time in which we are 8 unable to travel. And we look forward to continuing to 9 work together. Thank you.</p> <p>10 THE CHAIR: Thank you.</p> <p>11 Now I would like to ask the applicant to have 12 closing remarks.</p> <p>13 Closing Remarks by Agnico Eagle Mines</p> <p>14 MR. QUESNEL: Thank you, Mr. Chair. Jamie 15 Quesnel, Agnico Eagle. I would like to start by 16 thanking the interpreters, Mary Rose and Johnny. These 17 are long days for you, especially as you translate 18 highly technical terms. And we are grateful to you 19 both for your hard work here, to make sure we all 20 understand each other. So, again, thank you.</p> <p>21 Thank you, again, to the Kivalliq Inuit 22 Association, Crown-Indigenous Relations and Northern 23 Affairs Canada, Environment Canada and Climate Change 24 for your participation as interveners in this 25 application. You carried out a very thorough review of 26 our applications and follow-up materials and asked us</p>	<p style="text-align: right;">284</p> <p>1 many challenging questions. We appreciate your 2 willingness to meet with us and to work together to 3 answer these questions.</p> <p>4 We feel that the path forward, that we have agreed 5 on to resolve all remaining technical issues, provides 6 the Board with a very solid foundation to improve the 7 amendment to the water licence. The updated commitment 8 lists that we filed last night and marked as an exhibit 9 this morning provides further details on this.</p> <p>10 We have heard from the community that Meliadine 11 Lake is important to everyone. We have listened to the 12 concerns. These are important discussions, and we are 13 respectful of those concerns. In addition, after 14 participating in detailed discussions with the 15 interveners as well as consultation with the 16 communities, we have addressed the concerns about the 17 health of Meliadine Lake. And I would like to speak 18 further about why we are confident that Meliadine Lake 19 will continue to be a healthy place for drinking water, 20 tea, and fishing for the community.</p> <p>21 First, we have given more details about how we 22 came to develop our existing Aquatic Effects Monitoring 23 program. As we discussed yesterday, the community 24 identified to us during consultation, even before the 25 mine was approved or built, that Meliadine Lake is 26 important and must stay healthy. The Aquatic Effects</p>
<p style="text-align: right;">285</p> <p>1 Monitoring program was built with input that many of 2 the interveners reviewing the file we are discussing 3 now -- to ensure this. And as confirmed by the 4 Kivalliq Inuit Association's technical consultant 5 during these hearings, the scientific monitoring, to 6 date, has confirmed that the lake is healthy.</p> <p>7 Second, as we mentioned in response to questions 8 from Kivalliq Inuit Association during this hearing, we 9 are enhancing the incorporation of traditional 10 knowledge and IQ in our scientific monitoring programs, 11 going forward, to a development of a community-based 12 monitoring program. We've already had a couple of 13 meetings about this, and we are very excited about this 14 new initiative.</p> <p>15 Recently, we have also carried out tea-tastings 16 and are working on a community fish-tasting event. All 17 of this will provide important information as we 18 continue to monitor together to ensure the health of 19 Meliadine Lake.</p> <p>20 Third, should the waterline be approved and 21 constructed, Agnico Eagle has committed to minimize 22 discharges to Meliadine Lake by using the waterline to 23 discharge to Itivia Harbour. While this is not 24 required, based on the science, we have heard the 25 concerns from the Kivalliq Inuit Association and the 26 community, and we have made this commitment.</p>	<p style="text-align: right;">286</p> <p>1 For the reasons as been mentioned earlier today 2 and yesterday, we can't commit to stop all discharges 3 or to prioritize discharges, but we are able to make 4 the commitment the minimize discharges to Meliadine 5 Lake. And we hope that all parties see this as a 6 reasonable compromise that will balance a few key 7 components such as protecting the integrity of the 8 engineered structures.</p> <p>9 As mentioned, the waterline is a very important 10 piece of the overall water management strategy for the 11 Meliadine mine, going forward, and we are pleased the 12 Water Board has had the opportunity to hear some of the 13 details about what is planned in relation to the 14 waterline.</p> <p>15 However, as the Water Board staff confirmed, if 16 the waterline is approved by the Nunavut Impact Review 17 Board, the waterline does not trigger any need for 18 amendments to the water licence, and it is outside the 19 Water Board's jurisdiction. Also, we confirm that 20 should the waterline proceed, we will be updating 21 certain plans included as part of the water licence and 22 filing these updates with the Board.</p> <p>23 First, if it's not certain that the waterline will 24 be approved by the Nunavut Impact Review Board, as it's 25 an ongoing application before the Board, and while we 26 believe we have presented an application, based on</p>

<p style="text-align: right;">287</p> <p>1 evidence, that the Board can approve, we are respectful 2 of the process and do not want to presume approval. It 3 is important that we present a sustainable water 4 management strategy for the Meliadine mine with or 5 without the waterline; we believe we have done this. 6 Second, the only reason to hold water in our 7 structures on site -- if it were not safe for 8 discharge. As we have shown through the evidence 9 presented by our experts, the proposed total dissolved 10 solids limits of 3,500 maximum average concentration 11 and 4,500 maximum grab sample will be safe for 12 discharge to Meliadine Lake, and the lake will continue 13 to be healthy. 14 I also want to emphasize that Environment and 15 Climate Change Canada have jurisdiction and special 16 expertise on discharge of effluent from mines in 17 Canada, primarily under the Metal and Diamond Mining 18 Effluent Regulations, and they have told the Board that 19 they are in agreement with Agnico Eagle's proposed 20 total dissolved solids limits for the water licence. 21 Third, based on the evidence we have filed as well 22 as our own knowledge of site water management, we feel 23 it would be an irresponsible approach to hold water 24 that is safe for discharge. The advice of our 25 engineers is that storing water on site creates 26 additional risks, as set out in the Tetra Tech memo.</p>	<p style="text-align: right;">288</p> <p>1 It is not a sustainable practice, and we are committed 2 to a high environmental standard at all of our mine 3 sites, including Meliadine mine. 4 As I noted earlier -- or as we have noted earlier, 5 we have suggested changes in the updated draft water 6 licence filed in these proceedings, which incorporate 7 the amendments that we are requesting as part of this 8 application and also some changes which help modernize 9 the water licence's language, based on previous water 10 licences issued by the Nunavut Water Board, including, 11 for example, the Whale Tail water licence. 12 We hope our draft licence is helpful. And along 13 with the licence itself, we encourage the Board staff 14 to review our final written submission for the reasons 15 why we did not incorporate all the changes suggested by 16 the other interveners, noted during the hearing and in 17 their own final written submissions. 18 Finally, I would like to say a few words about 19 timing. As the Board is aware, during 2020, Agnico 20 Eagle had to ask for an emergency amendment in order to 21 discharge waters that had built up in CP1. We want to 22 avoid the need for emergency amendments in the future, 23 and addressing the total dissolved solids limit in the 24 current licence will significantly reduce the risk. 25 We understand why this application has been 26 delayed since we submitted it in August 2020. The</p>
<p style="text-align: right;">289</p> <p>1 COVID-19 pandemic has caused interruptions to the 2 Board's process, and it is essential that the health of 3 the community has been prioritized. We sincerely 4 appreciate the Board's significant efforts to continue 5 to meet the regulatory obligations under the Nunavut 6 Agreement while also balancing the very real health 7 priorities for residents. 8 However, the water licence amendment is needed as 9 soon as possible so we can discharge during freshet. 10 This is a natural process that we cannot control or 11 delay. For this reason, we ask that the Board issue 12 its decision as soon as possible and, if the Board's 13 recommendation is positive, that the Minister also 14 issue his decision as soon as possible. We do not want 15 to be in a situation that could create the need for 16 another emergency application. As I mentioned 17 yesterday, none of us can predict or control the 18 natural weather conditions that we will experience in 19 the coming months. 20 In closing, I want to thank everyone for gathering 21 this week to share their work and final recommendations 22 on this application. I would like to thank the 23 community members for their passion and patience in 24 explaining their concerns with us. I also want to 25 thank everyone who came to us with ideas for enhancing 26 community participation, and we are looking forward to</p>	<p style="text-align: right;">290</p> <p>1 implementing those ideas. 2 And, finally, thank you to the Board staff and the 3 Board for organizing these meetings. They were fair 4 and efficient. And we hope everyone feels they had a 5 chance to be heard and understood. Thank you, and safe 6 travels home to everyone. Matna. 7 Discussion 8 THE CHAIR: Thank you, Applicant, for your 9 closing remarks. 10 I also would like to turn it back to our legal 11 counsel, Teresa. 12 MS. MEADOWS: Thank you, Mr. Chair. Teresa 13 Meadows, legal counsel for the Nunavut Water Board. I 14 just want to tie up a few loose ends, and then I will 15 be done. I have two additional exhibits that I have 16 been provided by the Kivalliq Inuit Association and, as 17 indicated by Ms. King, these are the CVs of Richard 18 Nesbitt and Alan Sexton. They have been circulated to 19 Agnico Eagle. There are no objections to these being 20 filed. 21 And, again, my apologies. We're all a little bit 22 rusty, not having had an in-person proceeding for a 23 while. These CVs should have been filed yesterday, in 24 advance of the witnesses speaking, but we missed that. 25 So with no objections noted, we will be filing those as 26 the final two exhibits in this public hearing.</p>

<p style="text-align: right;">291</p> <p>1 EXHIBIT 15 - CV of Richard Nesbitt 2 EXHIBIT 16 - CV of Alan Sexton 3 MS. MEADOWS: And then I would now like to 4 turn back to the commitment wording for the revised 5 additional commitment that was proposed by Agnico Eagle 6 this morning, in respect of community monitoring. So 7 if Agnico Eagle can please update the Board with 8 respect to that commitment wording. 9 Thank you, Mr. Chair. 10 THE CHAIR: Thank you. 11 Applicant, go ahead. 12 MS. LECLAIR: Thank you, Mr. Chair. Suzanne 13 Leclair for Agnico Eagle. This is our commitment 14 regarding the community-based monitoring: (as read) 15 Agnico Eagle commits to collaborate with 16 Kangiqliniq Hunters & Trappers Association to 17 develop and implement a community-based 18 monitoring program that considers issues of 19 concern raised by the community of Rankin 20 Inlet, including the taste of water and the 21 health of fish in Meliadine Lake. The 22 results of the community-based monitoring 23 program will be included in the Meliadine 24 annual report, and results will be shared 25 with the community. 26 Thank you, Mr. Chair.</p>	<p style="text-align: right;">292</p> <p>1 THE CHAIR: Thank you. 2 Any further action on that? Go ahead. 3 MS. MEADOWS: Thank you, Mr. Chair. Teresa 4 Meadows, legal counsel, Nunavut Water Board. 5 I see Mr. Nesbitt up on the screen. I'm assuming 6 that Kivalliq Inuit Association would like to have a 7 brief follow-up, and I underline "brief." Thank you, 8 Mr. Chair. 9 MR. NESBITT: Thank you, Ms. Meadows. 10 THE CHAIR: Yes, go ahead. 11 MR. NESBITT: Richard Nesbitt on behalf of 12 the Kivalliq Inuit Association. I'm just wondering if 13 the proponent can clarify their rationale for removing 14 using the information collected through the 15 community-based monitoring program as supporting 16 evidence regarding the evaluation of impacts to 17 Meliadine Lake. 18 We absolutely appreciate the commitment includes 19 reporting on those results in the annual report and 20 back to the community, which we applaud. But, again, 21 it's the rationale I'm looking for, regarding the 22 removal of using that as supporting evidence for the 23 impacts to Meliadine Lake, in particular, because the 24 Board suggests that proponents and regulators look at 25 both Western science and IQ as a quality in the 26 evaluation of those impacts. Thank you.</p>
<p style="text-align: right;">293</p> <p>1 THE CHAIR: Thank you. 2 Any further action needed to be taken? Thank you. 3 MS. MEADOWS: Thank you, Mr. Chair. Teresa 4 Meadows, legal counsel for the Nunavut Water Board. 5 So, Mr. Chair, if I can just suggest that Agnico Eagle 6 again provide a brief response, and then we will close 7 the discussions on this point. 8 THE CHAIR: Thank you. 9 Go ahead, Applicant. 10 MR. QUESNEL: Thank you, Mr. Chair. Jamie 11 Quesnel, Agnico Eagle. 12 We don't think it's necessary at this time. We 13 have the agreed wording with the HTO, and it's going to 14 be presented in the annual report. And that 15 information can be used, as required, by all parties. 16 So we think the wording is fair, and we have alignment 17 with the wording with the Hunters & Trappers 18 Organization. Thank you. 19 THE CHAIR: Okay, thank you. 20 Teresa, go ahead. 21 Ms. MEADOWS: Thank you, Mr. Chair. Teresa 22 Meadows, legal counsel for the Nunavut Water Board. 23 So, Mr. Chair, with that, those conclude all of my 24 procedural matters, so I am finished. 25 Closing Remarks by the Nunavut Water Board Chair 26 THE CHAIR: Thank you. Thank you, all.</p>	<p style="text-align: right;">294</p> <p>1 As we bring this public hearing to a close, on 2 behalf of the Nunavut Water Board and my Panel members, 3 I would like to thank all parties who contribute to 4 making this public hearing and community session a 5 success, especially the applicant, Agnico Eagle, and 6 their technical representative; interveners, Kivalliq 7 Inuit Association, Crown-Indigenous Relations and 8 Northern Affairs, and Environment and Climate Change 9 Canada; as well as Nunavut Tunngavik Incorporated; and 10 Kangiqliniq Hunters & Trappers Organization; NWB staff 11 and legal counsel; interpreters, Mary Rose and Johnny; 12 and court reporter, Tran Huynh; sound technician, Ryan 13 Dempster; all the community members and Elders for 14 their valued participation in this hearing. Thanks 15 also to the caters and the Hamlet of Rankin Inlet for 16 their outstanding hospitality and patience with the 17 Board. 18 In closing, I want to let parties know that -- 19 what happens next for the application. The Board will 20 now close the public hearing record. What this means 21 is that all evidence with regards to this amendment 22 application is now before the Board, and no further 23 information will be provided by the Panel before they 24 make their decision about the application. 25 Now that the record is closed, the Board will 26 remit the file to the Panel to decide whether or not to</p>

<p>295</p> <p>1 grant an amendment to Agnico Eagle's Type "A" water 2 licence. Within 30 days to 45 days after the public 3 hearing record close, the NWB will issue the Record of 4 Proceedings and Decision to the Minister of Northern 5 Affairs. If the Board's decision is to grant the 6 application, the Board will also attach the Minister's 7 approval, a draft of recommended, amended, and renewed 8 water licence. 9 That concludes the public hearing component of 10 Nunavut Water Board's consideration of Agnico Eagle 11 water licence amendment application. The Board and I 12 wish you all a good afternoon and good morning -- it's 13 still mid-morning -- and a safe return travel to all 14 visitors to Rankin Inlet. Let's -- closing prayer. 15 Let's stand. 16 (CLOSING PRAYER) 17 _____ 18 PROCEEDINGS ADJOURNED 19 _____ 20 21 22 23 24 25 26</p>	<p>296</p> <p>1 CERTIFICATE OF TRANSCRIPT: 2 3 I, Tran Huynh, certify that the foregoing pages 4 are a complete and accurate transcript of the 5 proceedings, taken down by me in shorthand and 6 transcribed from my shorthand notes to the best of my 7 skill and ability. 8 Dated at the City of Calgary, Province of Alberta, 9 this 23rd day of April 2021. 10 11 12 13  14 Tran Huynh, CSR(A) 15 Official Court Reporter 16 17 18 19 20 21 22 23 24 25 26</p>