



June 2<sup>nd</sup>, 2020

Nunavut Water Board  
P.O. Box 119  
Gjoa Haven, NU  
X0B 1J0

**Subject: Review of Water Management Working Group Terms of Reference**

Dear Mr. Dwyer,

Please find attached Agnico Eagle Mines Limited (Agnico Eagle)'s response to the Kivalliq Inuit Association (KIA) comments on the proposed Terms of Reference for the Water Management Working Group's (WMWG) shared by the Nunavut Water Board (NWB) May 29<sup>th</sup>, 2020.

Agnico Eagle remains available to further discuss these comments during the June 3<sup>rd</sup>, 2020 WMWG kick-off meeting if required.

Kind regards,

A handwritten signature in blue ink that reads "J Huza".

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#	Reference	KIA Comments (May 29 2020)	AEM Comments (June 2, 2020)
1.	Page 2: Members of the Working Group	<p>The draft TOR lists Agnico, NWB, KivIA, CIRNA and ECCC. This list includes all of the working group members listed in NWB's reasons. However, the Minister's letter "encourages" the NWB to work with the proponent to ensure the community is being informed, and the NWB's May 14th letter suggests that other interested persons could confirm their participation.</p> <p>KivIA encourages Agnico Eagle and NWB to seek membership in the Working Group from other stakeholders, including potentially the municipality and the Hunters and Trappers Organization of Rankin Inlet.</p> <p>KivIA specifically requests the inclusion of an Inuit Elders Advisory Group, to be formed with input from the KivIA, in the invited members of the Working Group.</p>	<p>The Working Group will be technically-based, with meetings established to present, discuss, and assess the water quality monitoring results. Agnico Eagle recommends the Working Group remains a small focused group, that would include the NWB, KivIA, ECCC, CIRNA and Agnico Eagle.</p> <p>As per the Minister's letter, Agnico Eagle will inform the results to a broader audience on a social media platform, in-person (if allowed), and/or virtually. Other groups could be considered part of interested parties that could receive a summary of each Working Group meeting, which is expected to include an overview of the meeting discussion and monitoring results.</p>
2.	Page 2: Objectives of Working Group	<p>KivIA remains concerned that the release of saline water from CP1 will negatively impact Inuit perception of water and fish in Meliadine Lake and the downstream environment. KivIA therefore requests that the objectives of the working group include a discussion of ongoing efforts to minimize discharges from CP1 in 2020, and avoid the need to discharge water from CP1 at concentrations above 1,400 mg/L in the future.</p>	<p>Agnico Eagle recommends that CP1 water not be referenced as saline water; it is freshwater with an elevated total dissolved solids (TDS) concentration. This has been corrected many times and it is important to use proper terminology to ensure there is no confusion.</p> <p>It is Agnico Eagle's hope that the Working Group will help to build understanding that discharges from CP1 to Meliadine Lake are safe and will not negatively impact water or fish in Meliadine Lake or the downstream environment.</p> <p>Agnico Eagle will be submitting a regular amendment to the Water License for an increased TDS concentration for discharge to Meliadine Lake based on the monitoring</p>

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			results associated with this discharge. This amendment can be discussed during this application.
3.	Page 2: Objectives of Working Group;  Page 2, Item 10	<p>Tabulated raw data in an excel or comparable format should also be provided to the working group in addition to the “Interpretation of the data collected...by Agnico Eagle with the support of a third-party consultant”. Raw data should be provided at least two business days ahead of each meeting for review by the Working Group participants.</p> <p>Alternatively, Agnico Eagle should clarify whether this comment is addressed by the provision outlined in Page 2, Item 10.</p>	Agnico Eagle can agree to this.
4.	Page 2: Objectives of Working Group	<p>The NWB described the purpose of the Working Group as “to discuss the monitoring progress” AND to “develop the adaptive management thresholds applicable to the discharges from CP1.”</p> <p>Agnico Eagle’s draft TOR only mentions adaptive management as a reaction to interpretation of data collected and provided to the Working Group. The implementation of adaptive management requires predefined triggers and thresholds to remove any ambiguity as to when they should be implemented. We request that the development of adaptive management thresholds and triggers be included an explicit part of the objectives.</p>	Adaptive management triggers and thresholds associated with water quality monitoring results of the discharge and within the receiving environment have been identified in the NWB Decision Report and included in the updated Water Quality and Management and Optimization Plan (WQMOP) as per the submission. Mitigation aspects of these triggers and thresholds can be discussed during the Working Group.

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5.	Page 3, Item 3	The TOR suggests that “final thresholds” will be developed during the First Meeting. Similar to the Data Framework, KivIA cannot commit to approving final thresholds during the First Meeting, particularly given that it does not appear that any data will be available before the First Meeting.	As per the previous response, adaptive management triggers and thresholds have been identified in the NWB Decision Report. Mitigation aspects of these triggers and thresholds can be discussed during the Working Group meetings, with a view to obtaining a recommendation from the Working Group for NWB approval.
6.	Page 3, Item 5	Full names should be used for each member with the acronym in brackets.	Okay (OK)
7.	Page 3, Item 10	The Working Group cannot commit to approving the Data Framework at the end of the first meeting. A Data Framework must first be reviewed by members of the working group and will only be approved if it is deemed acceptable.	The Data Framework (DF) is a simple table that highlights the results. The DF will be provided before the first meeting that will be scheduled two weeks after the discharge commences. Based on this Agnico Eagle anticipates the DF can be easily approved as formatting would be similar to our annual report summaries.
8.	Page 3, Item 13	The KivIA request the Working Group, which includes members of the NWB’s staff, maintain the option to propose changes to the Monitoring Plan, threshold triggers and adaptive measures as necessary based on the ongoing review of relevant water quality data, toxicity test results and other information. KivIA asserts that it is within the purview of the Working Group to propose these changes as necessary understanding that the ultimate decision to implement proposed changes remains within the NWB’s jurisdiction.	Agnico Eagle agrees that changes can be suggested by the Working Group for discussion and recommendation to the NWB, with any implementation of change to remain with the NWB to make the final decision.

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9.	Page 3, Item 15	<p>KivIA is concerned that monitoring data collected by Working Group members beyond what is outlined in Schedule I Table 3 may be considered confidential unless approved by “all members”, effectively giving each party a veto. While KivIA recognizes that some information collected by Agnico Eagle and other parties may be considered confidential, KivIA asserts that not all information collected outside what is required under Schedule I Table 3 should be confidential and may be of public concern.</p> <p>KivIA wishes to discuss a provision during the June 3 meeting to better maintain transparency for the Working Group. KivIA believes that a provision may be possible that protects both Agnico Eagle's interests as well as those of the other members of the Working Group and the public's desire to stay informed on this sensitive issue.</p>	<p>Agnico Eagle is open to discussion on this topic however our view is that it is important for all members to have consensus on monitoring data before release. This approach will help reduce potential for confusion in the community.</p>
10.	Page 3, Item 15	<p>KivIA notes that the Emergency Amendment is outside the scope of the existing compensation agreement which applies to the previously approved Meliadine Project. We therefore assert that any monitoring activities undertaken by KivIA associated with the Emergency Amendment will require separate financial compensation provided by Agnico Eagle based on costs incurred.</p>	<p>Agnico Eagle will address this with the KIA separately.</p>
11.	Page 3, Item 16	<p>KivIA recommend that Item 16 be revised to clarify that Agnico Eagle is responsible for informing the public but may seek input from the Working Group.</p> <p>KivIA further requests that specific considerations be included in the TOR to require the use of organoleptic descriptors, such as taste, feel and smell</p>	<p>Agnico Eagle is of the view these considerations should not be included in the TOR, but would be part of the public engagement planned in accordance with Page 3, Item 16.</p>

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		indicators where possible, when describing the conditions of the lake to community members.	
12.	General	KivIA requests that Agnico Eagle provide daily updates to the Working Group of the volume discharged to Meliadine Lake from CP1.	OK
13.	General	KivIA requests the TOR include a provision based on a threshold or trigger to be determined by the Working Group, that calls for an urgent meeting of the Working Group (for example, a sampling event identifying TDS concentrations over a certain level) as necessary.	In the event the threshold as described in the NWB Decision Report and as per the updated WQMOP (as per response to comment #4) is exceeded, the Working Group will be advised and the appropriate mitigation, including communication, will be initiated.
14.	General	KivIA request confirmation that Agnico Eagle will reimburse the KivIA for their participation in the Working Group based on costs incurred.	Agnico Eagle will address this with the KIA separately.
15.	General	KivIA requires a provision in the TOR that states clearly that the TOR shall not derogate from the rights or obligations contained in the Nunavut Agreement, the Meliadine Inuit Impact and Benefit Agreement, the leases and/or any other related agreements between Agnico Eagle and KivIA.	Given the TOR is to establish a multi-party Working Group arising out of a decision by the Nunavut Water Board and not an Agreement, Agnico Eagle does not agree this provision is necessary.