



August 20, 2025

Meliadine Distribution List

RE: Licence No: 2AM-MEL1631-Meliadine Gold Mine Project; Agnico Eagle Mines Limited; Notice of Modification Comment Summaries and NWB Guidance Regarding Next Steps

On June 27, 2025 and July 10, 2025, the Nunavut Water Board (NWB or Board) received a Notice of Modification and associated information (the Notice) from Agnico Eagle Mines Limited (Agnico Eagle or Licensee) as required under Part G of type A Water Licence No: 2AM-MEL1631 (Licence) indicating that Agnico Eagle plans to conduct the following three activities as modifications under the Licence:

- Development of a portal in Pump Open Pit 2 (PUMP02) to extend access to deposits within permafrost;
- Associated temporary storage of Pump Underground Waste Rock; and
- Use of mined-out pits to store saline or contact water.

On July 15, 2025, the Board circulated the Notice and invited interested parties to provide their comments by August 14, 2025. In addition to providing general comments on the Notice, the Board requested that parties also provide their views on the following:

- Whether the proposed activities meet the conditions applying to modifications as set out in Part G of the Licence;
- Whether the proposed activities are consistent with all other existing terms and conditions of the Licence; and
- Identifying if additional information is required to fully consider the application for modification.

The following parties provided their comments on the Notice:

- The Kivalliq Inuit Association (KIA)
- Crown-Indigenous Relations and Northern Affairs (CIRNA)
- Environment and Climate Change (ECCC)
- Fisheries and Oceans Canada (DFO)

On August 18, 2025, the NWB notified the distribution list about the comment submissions received and indicated the comment submissions were available from the NWB's public registry at the following link:

<https://public.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/3%20TECH/G%20MODIFICATIONS/2025/Shallow%20Pump%20Underground%20Development/>

In the submission provided to the Board, the NWB notes that a preliminary issue was raised about whether specific activities proposed under the Notice are within the scope of the Nunavut Impact Review Board's (NIRB) previously assessed activities and therefore whether the NWB can proceed to consider the activities without further assessment by the NIRB.

The Kivalliq Inuit Association (KIA) characterized the issue as follows in their comment submission:

During the KIAs technical review...it was noted that the modification activities presented by Agnico Eagle, specifically the development of the Pump Underground workings and the storage of saline water in open pits are not within the scope of the Licence or the current approved NIRB Project Certificate 006 Amendment 002. The KIA notes that the only approved underground workings are related to the Tiriganiaq ore body.¹

Crown-Indigenous Relations and Northern Affairs (CIRNA) also raised this issue:

Moreover, the project descriptions and the Final Environmental Impact Assessment of the project indicated that underground work has only been considered for the Tiriganiaq deposit, and all other deposits will be mined using the open-pit method. Therefore, underground development is only permitted for Tiriganiaq, and any underground options such as portal development were not assessed during the Nunavut Impact Review Board (NIRB) approval process and are out of scope under the current project certificate. As such, it is unclear to CIRNAC how this modification request is possible without NIRB amending the current project certificate.²

At the outset, the NWB notes that the determination of whether the activities in the Notice are within the scope of the Meliadine Mine Project as previously assessed by the NIRB remain with the Nunavut Planning Commission (NPC), in consultation with the NIRB. In that regard, the NPC in its conformity determination of June 20, 2025, indicated that the proposed modification activities in the project proposal are exempt from further assessment by the NIRB as follows:

¹ Correspondence of L. Manzo (KIA) to K. Kharatyan (NWB), Re: KIA request for clarification on Water Licence 2AM-MEL1631 Modification – Shallow Pump Underground Development within Permafrost and Water Storage in Pits, dated August 6.

² Technical Review Memorandum of Aminul Haque (CIRNA) to R. Dwyer (NWB) Re: CIRNA's Review of Agnico Eagle's 2025 Modification Request for the Meliadine Mine Project, Type A Water Licence No: 2AM-MEL1631 at p. 3.

The above-noted project proposal is exempt from screening by the NIRB because the NPC is of the understanding that the proposed modification activities within the approved Meliadine Mine footprint under NIRB Project Certificate No. 006, does not change the general scope of the original or previously amended project activities, and the exceptions noted in Section 12.4.3(a) and (b) of the Nunavut Agreement do not apply³

As established under Nunavut's integrated regulatory system, the NWB relied on the NPC's conformity determination decision to proceed on the basis that the activities proposed in the Notice did not require further assessment by the NIRB before the NWB's consideration of the activities could advance.

However, the NWB acknowledges that seeking clarification from the NIRB at this stage is warranted because the question raised by KIA and CIRNA requires a detailed understanding of the scope of the NIRB's previous assessments and comparison to the proposed activities in the Notice that is outside the NWB's jurisdiction. Parties are reminded that the NWB considers itself bound by the determinations of NPC and guidance from the NIRB in relation to the scope of previously assessed and approved components and whether or not a project proposal must be referred to the NIRB for impact assessment before the NWB can consider that project proposal.

To address this preliminary issue, as recommended by KIA and CIRNA, the NWB will follow up with the NIRB to request their guidance on this issue and will provide updated direction to parties as to next steps when the requested guidance has been received. By copy of this correspondence, the NWB is requesting the NIRB provide its response by **August 29, 2025**.

It is also noted that no technical review comments were included within the KIA submission to NWB. Therefore, in the interim, the NWB requests that the KIA and other parties continue to review and develop their technical comments about the activities as proposed in the Notice to the extent possible.

If you have any questions regarding filings in respect of the Notice, please contact Richard Dwyer, Licensing Manager, at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27). For any other inquiries, please contact the undersigned, Karén Kharatyan, Director of Technical Services, by e-mail to karen.kharatyan@nwb-oen.ca.

Sincerely,

NUNAVUT WATER BOARD

Karén Kharatyan

Director, Technical Services

³ Nunavut Planning Commission, Conformity Determination #150864, dated June 20, 2025.