



NUNAVUT WATER BOARD

WATER LICENCE NO: 2AM-MEL1631

**REASONS FOR DECISION
INCLUDING RECORD OF PROCEEDINGS**



NUNAVUT WATER BOARD

In the Matter of:

Applicant: Agnico Eagle Mines Limited

Subject: Application for Amendments to type A Water Licence No:
2AM-MEL1631 for Water Use and the Deposit of Waste

Date: October 25, 2024

Precedence: Where there is any inconsistency or conflict between the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the Agreement prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.



RECORD OF PROCEEDINGS

Applicant: Agnico Eagle Mines Limited

Address: Suite 400, 145 King Street East
Toronto, ON
M5C 2Y7

Purpose: Application to Amend Water Licence
No: 2AM-MEL1631

Application Received on: January 26, 2024

Application Received from: Jamie Quesnel
Director – Permitting and Regulatory Affairs
Agnico Eagle Mines Limited

Date of Public Hearing: September 11 and 12, 2024

Public Hearing Record Closed: September 12, 2024



ATTENDEES:

NWB Representatives:		
Nunavut Water Board Panel Members (Panel P15):	Chair of the P15 Panel	E. Copland
	Member of the P15 Panel (Chair of the Nunavut Water Board)	L. Toomasie
	Member	U. Puqiknaq
Nunavut Water Board Staff:	Executive Director	S. Autut
	Director of Technical Services	K. Kharatyan
	Technical Advisor	M. Shaikh
	Manager of Licencing	R. Dwyer
	Legal Counsel (Meadows Law)	T. Meadows
Interpreters:	Inuktitut/English	M. Angoshadluk
	Inuktitut/English	B. Kogvik
Court Reporter:	Dicta Court Reporting, Inc.	A. Vidal
Sound Technician:	PIDO	R. Dempster
Applicant:		
<u>Attending In Person</u>		
Agnico Eagle Mines Limited (Agnico Eagle)	Director - Permitting & Regulatory Affairs	J. Quesnel
	Permitting and Regulatory Affairs Superintendent	C. Prather
	Regulatory Specialist	J. Range
	Permitting Specialist - Fisheries	E. Malindzak
	Meliadine Environmental Superintendent	S. Savoie
	Project Manager, Meliadine	L. Chouinard
	Meliadine Project Lead	J. Haloui



Director of Nunavut Affairs	P. Kusugak
IQ and Wildlife Advisor, Whale Cove	D. Kritterdlik
Public Affairs Superintendent	M. Turmel
Permitting Specialist, Water	B. Doroudiani
Meliadine General Manager	J.C. Blais
Meliadine General Superintendent	D. Rodrigue
Consultant, Senior Hydrologist (Lorax)	S. Jackson
Legal Counsel (Lawson Lundell)	C. Kowbel
Community Liaison Officer, Chesterfield	J. Aggark
Kivalliq Elders Advisory Committee, Arviat	D. Aglukark

Attending Via Videoconference

Agnico Eagle	Permitting Specialist, Water	L. Mah
	Permitting Specialist, Water	L. Ramilo

Parties:

Attending In Person

Nunavut Tunngavik Incorporated (NTI)	Acting Senior Advisor, Land-Use Planning and Regulatory Reviews	E. Greene
	Resource Management Coordinator	R. Mercer
	Chief Operating Officer	D. Fredlund
	Director of Wildlife and Environment	G. Nirlungayuk
Kivalliq Inuit Association (KIA)	Director of Lands	L. Manzo
	Water Quality and Fish Habitat Consultant (Prairie Scientific Inc.)	M. McDougall



	Geology and Engineering Consultant (GeoVector Management Inc.)	A. Sexton
	Wildlife and Traditional Knowledge	J. Tulugak
	Lands Administration Coordinator	A. Aupaluktuq-Burton
	Legal Counsel (Taylor McCaffrey LLP)	J. Katz
Crown -Indigenous Relations and Northern Affairs (CIRNA)	Acting Director, Resource Management	J. Hart
	Water Management Coordinator	A. Haque
Department of Justice Canada (DOJ)	Legal Counsel representing all Federal Intervenor	S. Tielesh
Environment and Climate Change Canada (ECCC)	Senior Environmental Assessment Coordinator	R. Wykes
	Water Quality Analyst	S. Forte
	Environmental Assessment Officer	Maja Crawley
Fisheries and Oceans Canada (DFO)	Acting Team Lead, Fish and Fish Habitat Protection Program	J. Audet-Lecouffe
	Fish Biologist	D. Donald
<u>Attending Via Videoconference</u>		
NTI	Legal Counsel	A. Yuan
KIA	Observer (Taylor McCaffrey LLP)	A. Lamb
Kivalliq Wildlife Board	Regional Environmental & Wildlife Technician	M. Kasaluak
CIRNA	Technical Consultant (ARCADIS Canada)	T. Brown
	Technical Consultant (ARCADIS Canada)	G. Wiatzka
ECCC	Senior Environmental Assessment Officer	S. Mallon



ECCC	Senior Water Quality Analyst	M. Tobin
ECCC	Senior Mining Project Officer	R. Ejeckam
DFO	Senior Fish Biologist	J. Loughery
NIRB	Vice-Chair	A. Ehaloak

Registered Speakers

Hamlet Council of Rankin Inlet	M. Hickes
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Written Record of Submissions:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/2%20ADMIN/3%20SUBMISSIONS/>

Hearing Record (including Hearing Transcript):

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/2%20ADMIN/4%20HEARINGS/2%20HEARING/>



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ABBREVIATIONS

Short Form	Full Name
AEM, Agnico Eagle	Agnico Eagle Mines Limited
AMP	Adaptive Management Plan
CIRNA	Crown-Indigenous Relations and Northern Affairs (formerly INAC and AANDC) also referenced as CIRNAC
CRP	Closure and Reclamation Plan
CP	Collection Pond
ECCC	Environment and Climate Change Canada (formerly Environment Canada)
EMPP	Environmental Management and Protection Plan
GN	Government of Nunavut
ICRP	Interim Closure and Reclamation Plan
IIBA	Inuit Impact and Benefit Agreement
INAC	Indigenous and Northern Affairs Canada (formerly AANDC and currently CIRNA)
IR	Information Request
KIA	Kivalliq Inuit Association
m ³ /day	Cubic metres per day
MDMER	<i>Metal and Diamond Mining Effluent Regulations</i> , SOR/2002-222
NIRB	Nunavut Impact Review Board
NPC	Nunavut Planning Commission
<i>Nunavut Agreement</i>	<i>Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada</i>
<i>NuPPAA</i>	<i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s. 2
<i>NWNSRTA</i>	<i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> , S.C. 2002, c. 10
NWB	Nunavut Water Board
NWT	Northwest Territories
PHC	Pre-Hearing Conference
PH	Public Hearing
TDS	Total Dissolved Solids
TM	Technical Meeting
TSF	Tailings Storage Facility (tailings deposit in an above ground purpose build facility)
TSS	Total Suspended Solids
WRSF	Waste Rock Storage Facility



REASONS FOR DECISION

Executive Summary

This decision is in relation to an application before the Nunavut Water Board (NWB or Board) filed by Agnico Eagle Mines Limited (Agnico Eagle, AEM, Licensee or Applicant) for amendments to the existing type A Water Licence No: 2AM-MEL1631 (the Licence) for the Meliadine Gold Project, which was received by the NWB on January 26, 2024 (the Amendment Application).

The Meliadine Gold Mine is located approximately 25 kilometres (km) north of Rankin Inlet, and 80 km southwest of Chesterfield Inlet, within the Kivalliq Region of Nunavut. Agnico Eagle is the sole owner of the Meliadine Gold Project. The gold deposits are situated on lease claims under the *Canada Mining Regulations* that were staked prior to the *Nunavut Agreement*. The claim block covers 52,173 hectares and is approximately 80 km along the Meliadine greenstone belt.

The NWB conducted a review of the Amendment Application, including a completeness check, technical review, and a Technical Meeting and a Pre-Hearing Conference (TM/PHC). The TM/PHC was held in-person in Rankin Inlet, on June 5-6, 2024, with the Applicant and Interveners, the Kivalliq Inuit Association (KIA), Crown-Indigenous Relations and Northern Affairs Canada (CIRNA), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO) and Nunavut Tunngavik Incorporated (NTI) participating. A Community Session in relation to the Amendment Application was also conducted during the evening of June 5, 2024, to discuss the proposed changes to the use of water and deposit of wastes included in the Amendment Application with interested members of the public. Participants were able to choose in-person, video or audio links to join the meeting and share their knowledge and comments and pose questions to the parties.

On June 26, 2024, the NWB released the Pre-Hearing Conference Decision Report and provided notice that the NWB would conduct an in-person Public Hearing in the nearest community, Rankin Inlet, sometime during the week of September 9 – 13, 2024 (for the convenience of parties and the public, the Board also provided an audio/video link to the proceedings). On September 11 and 12, 2024 the Board held the Public Hearing in respect of the Amendment Application as planned. A Community Session was hosted by the NWB on the evening of September 11, 2024 where members of the community were invited to ask questions, share their knowledge and provide the Board with their comments in relation to the Amendment Application. The Board closed the Public Hearing Record for the Amendment Application at the conclusion of the Public Hearing on September 12, 2024, and



remitted the file to the NWB's duly-appointed three-person decision-making Panel¹ for the file (Meliadine Panel or P15) for decision-making.

To assess whether to grant Agnico Eagle's request for amendments as proposed in the Amendment Application, the Board considered:

- the information provided by Agnico Eagle with the Amendment Application;
- technical review comments in respect of the Amendment Application provided by the Board, Interveners and the public;
- the Applicant's commitments and responses to information requests from the parties during the technical review of the Amendment Application;
- the final written submissions filed with the Board in advance of and during the Public Hearing, and
- the information provided during the Public Hearing and Community Session.

On this basis, the three-member panel of the Board, Meliadine Panel (P15), duly appointed by the Board to consider the Amendment Application has, by way of **Motion # 2024-10-P15-05** decided the following:

- To grant Agnico Eagle's request for amendments to the type A Water Licence No: 2AM-MEL1631 (Water Licence), as set out in the attached amended Water Licence;
- Specific terms and conditions of note in the amended Water Licence include the following:
 - The scope of the Licence as set out in Part A has been amended to include the Discovery Road and site within the project extents and to include additional pits for mining and related infrastructure;
 - Part C of the Water Licence has been amended and Schedule C has been added to reflect the submissions of the parties that the updated global security amount required to reclaim the Undertaking when all of the activities, works and undertakings associated with the amended scope of the Licence have been completed is \$158,450,658. The amendments to Part C and Schedule C also reflect that under the *Meliadine Security Management Agreement* between Agnico Eagle, the Minister of Northern Affairs and the Kivalliq Inuit Association, it has been agreed that 50% of

¹ Due to two current vacancies and emergency circumstances resulting in the unavailability of the two NWB Board Members nominated by the Government of Canada and Government of Nunavut at the time of the Public Hearing, to ensure that the Meliadine Panel was properly constituted under Article 13, Section 13.3.6 of the *Nunavut Agreement* and s. 29(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 with an equal number of Board Members nominated by Designated Inuit Organizations and Government, Elizabeth Copland was appointed to act as the Chairperson for the Panel, with the NWB's Chairperson, Lootie Toomasie stepping in to act as the Panel Member nominated by Government, and Uriash Puqignak appointed to act as the Panel Member nominated by a Designated Inuit Organization.



the global security amount required for the reclamation of the Undertaking will be held by the Minister under the amended Water Licence, with the remaining 50% to be held by the Kivalliq Inuit Association;

- Schedule C sets out three project development milestones (Tranches) that will trigger increases to the global security amount that must be provided and maintained by the Licensee with the Minister and the Kivalliq Inuit Association;
- As set out in Part C and Schedule C, within 30 days of the Minister's approval of the amended Licence, Agnico Eagle will be required to post \$56,614,394 of security with the Minister under the Water Licence and to post \$56,614,394 of security with the Kivalliq Inuit Association;
- Part E of the Water Licence has been amended to increase the volume of water Agnico Eagle is authorized to use during various phases of the mine life and specifies that the following total annual water use is authorized:
 - up to one million and one hundred thousand (1,110,296) cubic metres per year from Meliadine Lake during Operations; and
 - up to eight million, six hundred and seventy-six thousand (8,676,481) cubic metres per year from Meliadine Lake during Closure; and
 - to incorporate the Licensee's commitments to preserve and monitor water levels in Meliadine Lake during pit reflooding activity;
- Part F of the amended Water Licence has new conditions to limit discharges to Meliadine Lake;
- Parts I and J have been amended to align the requirements of the amended Water Licence with other NWB Licences and to include requirements for the Applicant to provide additional information;
- New definitions have been added to Schedule A, and a new Schedule C has been added with details related to Security; and
- New monitoring stations have been added to the Monitoring Program in Table 2.

SECTION I: FILE BACKGROUND AND REGULATORY HISTORY

Current Application

The Amendment Application before the Board was filed by Agnico Eagle on January 26, 2024 and requests amendments to the existing type A Water Licence No: 2AM-MEL1631 to reflect changes to the existing operations and Project infrastructure associated with the construction/operation/closure of Agnico Eagle's Meliadine Gold Project (the Amendment Application). The Amendment Application seeks the NWB's authorization for specific



changes (described below) to the existing use of water and deposit of waste associated with the Mining undertaking² at the existing Meliadine Gold Mine.

All documents filed in association with the Amendment Application, as well as all documents provided by the Applicant in support of the Amendment Application are listed in detail in [APPENDIX D: List of Submissions and Correspondence](#) that is attached to these Reasons for Decision. A list of documentation filed as Exhibits during the Public Hearing is provided in [APPENDIX B – Exhibit List](#). The listing below provides a summary of the key Amendment Application materials provided by Agnico Eagle from January 26, 2024 through September 12, 2024, and includes the following:

- Application Cover Letter (January 26, 2024);
- Main Application Document with Summaries in English and Inuktitut;
- Completed type A Water Licence Application Form (January 26, 2024);
- NPC Conformity Determination (January 25, 2024);
- Management Plans and Drawings (various dates, reflecting the dates of updates, etc.);
- Applicant's responses to Interveners' submissions (including comments on completeness, technical review comment submissions and the Applicant's commitments from the Technical Meeting (TM)) (various dates);
- TM presentations in English and Inuktitut (June 5-6, 2024);
- Amendment Application summary and presentation materials filed in advance of, and during the Public Hearing (various dates).

All submissions in respect of the Amendment Application are available from the NWB's public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/1%20APPLICATION/2024%20Amendment/>

All documentation associated with the Amendment Application and received from the Applicant, the Board, intervening parties and the public is available from the NWB's public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/2%20ADMIN/4%20HEARINGS/2%20HEARING/>

² SOR/2013-69, Schedule 1, Item 2, Column 2, which describes a "Mining undertaking" as: Exploration or prospecting — including bulk sampling — for minerals other than petroleum or gas, the operation of a mine, the processing of minerals other than petroleum or gas, the restoration of the site of a mine and any other mining activity other than an industrial activity described in item 1, column 2 [of Schedule 1].



Scope of the Amendment Application

In the Amendment Application, Agnico Eagle is proposing changes to the approved project activities under type A Water Licence No: 2AM-MEL1631 to support ongoing operations, including future mining of the Pump, Fzone, Wesmeg and Discovery deposits that were included in the Final Environmental Impact Statement (FEIS) (Agnico Eagle 2014), but were not part of previous water licence applications.³ Specifically, Agnico Eagle is seeking approval for the following proposed changes under the Amendment Application:⁴

1. Increases to the authorized annual water use
 - water use for operations to be increased by 358,296 m³/year from 742,000 m³/year to 1,100,296 m³/year;
 - water use for closure to be increased by 4,676,481 m³/year from 4,000,000 m³/year to 8,676,481 m³/year;
2. The addition of four open pits for mining at:
 - Pump, F Zone, Wesmeg, and Discovery deposits;
3. The creation of three additional ore stockpiles
 - request to add three temporary ore stockpile facilities located near Pump, F Zone, and Discovery deposits;
4. The creation of three additional waste rock storage facilities
 - adding waste rock storage facilities WRSF6, WRSF7 & WRSF9;
5. The addition of Contact Water infrastructure
 - adding contact water infrastructure for mining at Pump, F Zone, Wesmeg, and Discovery deposits;
6. Increased storage capacity for tailings
 - increasing the Tailings Storage Facility capacity to 20.6 Mm³;
7. The addition of a new Saline Pond
 - adding Saline Pond (SP6) for storing saline water from the underground;
8. Dewatering of lakes/ponds
 - requesting additional dewatering of lakes/ponds to support mining at Pump, F Zone, Wesmeg, and Discovery deposits;
9. Increased fuel storage
 - increasing Bulk fuel storage at Itivia Harbour (Rankin Inlet) from 37.5 million litres (ML) to 80 ML; and
10. Updates to the Interim Closure and Reclamation Plan (ICRP)

³ Jamie Quesnel (Agnico Eagle) to Karen Kharatyan (NWB), RE: Application for Amendment to 2AM-MEL1631, dated August 27, 2020.

⁴ Agnico Eagle Mines Limited, Type “A” Water Licence 2AM-MEL1631 Amendment, Main Application Document, dated August 2020.



- increasing the existing total global security amount to reclaim the undertaking by approximately \$88.7 million from \$69,687,246 to \$158,450,658 (half of the updated security to be held by the Minister of Northern Affairs under the amended Water Licence).

Licensing History

Reflecting the NWB's jurisdiction for licensing undertakings resulting in the use of water and deposit of waste as established under Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA or Act), the NWB has issued one (1) Licence and two (2) Amendments for this undertaking to date.

1. Licence No: 2AM-MEL1631

- Issued on April 15, 2016;
 - Allowed for the use of 62,000 cubic metres of water annually for construction, 318,000 cubic metres of water annually for operations, 4,000,000 cubic metres of water annually for closure, and the deposit of waste in support of a Mining Undertaking.
- i. Amendment No 1: 2AM-MEL1631 (Emergency Amendment)
- Effective date April 29, 2020 and expired on October 31, 2020;
 - Allowed for a time-limited discharge of effluent from Containment Pond 1 (CP1) into Meliadine Lake through the Meliadine Lake Outfall Diffuser (Monitoring Program Station MEL-14) to prevent damage to water management infrastructure, imposed limits of 3,500 mg/L for the Maximum Average Concentration (MAC) of the Total Dissolved Solids (TDS) within the effluent discharged.
- ii. Amendment No 2: 2AM-MEL1631
- Issued on May 13, 2021;
 - Allowed for the use of 62,000 cubic metres of water annually for construction, 742,000 cubic metres of water annually for operations, 4,000,000 cubic metres of water annually for closure, and the deposit of waste in support of a Mining Undertaking;
 - Amendments were made to the effluent quality limits, security, increase in freshwater usage and requirements to provide additional information.



Regulatory and Procedural History of the Amendment Application

Pre-Licensing Regulatory History of the Amendment Application

The Nunavut Planning Commission (NPC)

On January 25, 2024, the Nunavut Planning Commission (NPC) issued its conformity determination⁵ for the Amendment Application which stated the following:

- The project conforms to the Keewatin Regional Land Use Plan (KRLUP);
- The activities associated with this proposal were previously reviewed by the NPC, and conformity determinations were issued on June 8, 2011, December 22, 2016, January 5, 2018, March 25, 2020, April 1, 2022 and January 22, 2024, which still apply;
- The Nunavut Impact Review Board (NIRB) previously screened the works and activities included in the current Licence and the associated Amendments (NIRB FILE No. 11MN034); and
- The Amendment Application is exempt from screening by the Nunavut Impact Review Board (NIRB), because the project proposal does not change the general scope of the original or previously amended project activities as previously assessed by the NIRB and the exceptions noted in Section 12.4.3 (a) and (b) of the *Nunavut Agreement* do not apply.

The Nunavut Water Board (NWB)

In its written submissions filed on March 13, 2024, Crown-Indigenous Relations and Northern Affairs (CIRNA) advised the NWB that, in their view, two project components included in the Amendment Application (specifically temporary ore stockpiles located near Pump, F Zone, and Discovery and the potential use of Lake B7 as a Saline Pond (SP6)) had not been within the scope of the Meliadine Gold project proposal as previously assessed by the Nunavut Impact Review Board (NIRB). On March 21, 2024, the NWB addressed this issue⁶ as follows:

In reviewing the NIRB's summaries and conclusions, the focus appeared to be the potential for effects associated with storing

⁵ Correspondence dated January 25, 2024 from G. Djalogue, Nunavut Planning Commission to R. Dwyer, NWB (and others) Re: NPC File # 150252 [Meliadine Mine Water Licence Amendment].

⁶ Correspondence dated March 21, 2024 from K. Kharatyan, NWB to Aminul Haque, CIRNA, Re: Follow up regarding comments provided by Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) on



waste (tailings) in Lake B7, and it does not appear to the NWB that the potential change in use from storing tailings to storing saline water would significantly modify the potential for effects as assessed by the NIRB in 2014. This is consistent with the Commission's conformity determination and referral of the Amendment Application to the NWB for consideration. Accordingly, the NWB has determined that the conformity and impact assessment requirements under the Nunavut Agreement, Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2 and s. 38(1) of the Nunavut Waters and Nunavut Surface Rights Tribunal Act, S.C. 2002, c. 10 associated with activities, works and undertakings included in the Amendment Application have been met.

The NWB further stated that:

...the NWB acknowledges that the potential for the use of Lake B7 to store saline water to change water use and water quality and require consequential amendments to the approved Groundwater Management Plan under the Water Licence are expected to be topics of discussion during the NWB's consideration of the Amendment Application.

...With respect to CIRNAC's comment related to temporary ore stockpiles, the Board notes that ore stockpiles were generally assessed in 2014, therefore the temporary ore stockpiling is not specifically additional activity and is mainly reflected by operational decisions or needs and wouldn't require specific assessment by the NIRB. The Board finds that the NWB licensing is the appropriate process to discuss this proposed activity.

As a result, the NWB has concluded that the applicable pre-licensing conformity and impact assessment requirements for the Amendment Application under Articles 11 and 12 of the Nunavut Agreement, Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA) and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) have been met, and the Amendment Application can be processed by the NWB.

completeness in relation to an application to amend type A Water Licence 2AM-MEL1631, Agnico Eagle Mines Limited, Meliadine Gold Project.



Key Steps in the NWB's Procedural History for the Amendment Application

The following listing summarizes only selected key steps in the procedural history of the NWB's processing of the Amendment Application. Complete information related to the procedural history of the Amendment Application and all information received in support of the file can be accessed from the NWB's FTP site and Public Registry using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/>

<u>January 26, 2024</u>	NWB received the type A Water Licence amendment application and supporting documentation (the Amendment Application or Application) submitted by Agnico Eagle Mines Limited (Agnico Eagle or Applicant) for the Meliadine Gold Project (the Project)
<u>January 29, 2024</u>	After initial review, the NWB commenced the Completeness Check where parties were invited to review the Amendment Application for completeness and provide Information Requests (IRs) by February 9, 2024
<u>February 16, 2024</u>	After an extension, submissions and Information Requests (IRs) were received from the Kivalliq Inuit Association (KIA), Crown-Indigenous Relations and Northern Affairs (CIRNA), Environment and Climate Change Canada (ECCC) and Fisheries and Oceans Canada (DFO)
<u>March 1, 2024</u>	The Applicant provided responses to Interveners' Information Requests
<u>March 6, 2024</u>	The KIA responded that they had no further concerns and were ready to move to the Technical Review stage. CIRNA on behalf of federal agencies requested an extension until March 21, 2024
<u>March 13, 2024</u>	The NWB granted an extension until March 13, 2024; and received a second round of submissions on completeness from CIRNA, ECCC and DFO
<u>March 21, 2024</u>	Agnico Eagle provided responses to the second round of submissions from Interveners



<u>March 26, 2024</u>	NWB gave Notice of the Amendment Application and invited parties to conduct a full technical review and provide their comments/recommendations by April 26, 2024. This correspondence also included tentative timelines for the TM/PHC
<u>April 26, 2024</u>	Submissions were received from KIA, CIRNA, ECCC and DFO
<u>May 10, 2024</u>	Agnico Eagle responded to Interveners' comments
<u>May 16, 2024</u>	NWB distributed the draft agenda for the Technical Meeting (TM), Pre-Hearing Conference (PHC) and Community Session along with the updated timelines for the next steps in the process
<u>May 24, 2024</u>	The NWB received confirmation of participation in the meetings and presentation documents from KIA, CIRNA, ECCC, DFO and Agnico Eagle
<u>May 29, 2024</u>	NWB provided the Final Agendas for the TM/PHC, including the Community Session
<u>June 5-6, 2024</u>	NWB hosted the TM/PHC in-person in Rankin Inlet, which included a Community Session held on the evening of June 5
<u>June 26, 2024</u>	NWB issued the Pre-Hearing Conference Decision for the file; including a list of commitments, identifying issues to be addressed at the Public Hearing and proposing tentative timelines as the Amendment Application proceeded to a Public Hearing
<u>July 4, 2024</u>	NWB published a Notice of Public Hearing to be held in Rankin Inlet in the week of September 9, 2024
<u>July 25, 2024</u>	Interveners filed final written submissions
<u>August 15, 2024</u>	Agnico Eagle provided responses to final written submissions
<u>August 29, 2024</u>	Parties confirmed their participation in the Public Hearing and submitted presentations
<u>September 11-12, 2024</u>	NWB conducted the Public Hearing, with a Community Session on the evening of September 11, 2024



NWB Timeline for Processing the Amendment Application

As set out under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA), s. 55.2, the NWB is required to process an Amendment Application for a type A Water Licence within 9 months from the receipt of a complete application. The Board provided notice of a complete application on March 26, 2024.⁷ However, as expressly noted in s. 55.4, this 9-month period excludes the time that elapses while the NWB is awaiting receipt of information requested from the Applicant.⁸ In this case, and as illustrated by the key procedural steps listed above and outlined in the detailed list of submissions included in [APPENDIX D: List of Submissions and Correspondence](#), the Board awaited receipt of additional information from the Applicant in February-March 2024, and in April-May 2024. By the Board's calculation, the 9-month timeline was suspended while the Board awaited information submissions from the Applicant and the Parties for approximately 4 weeks (1 month), and so the NWB has rendered this Decision well within the 9-month timeline required under s. 55.2 of the NWNSRTA.

SECTION II: SUMMARY OF FINAL SUBMISSIONS OF THE PARTIES

Nunavut Tunngavik Incorporated (NTI)

The Nunavut Tunngavik Incorporated (NTI) is the legal representative organization for the Inuit of Nunavut. The primary role of NTI is to ensure that the federal and territorial governments fulfill their obligations under the *Nunavut Agreement* and to protect and promote Inuit rights and culture in Nunavut.

The NTI attended in-person and made presentations⁹ during the technical and community sessions at the Public Hearing. During their presentation, the NTI voiced their support for the Kivalliq Inuit Association (KIA) on limiting treated effluent discharge into Meliadine Lake and prohibiting the discharge of saline water. NTI also shared concerns over new management plan approval processes that could bypass unresolved concerns, urging the original wording of the licence to remain. NTI supported the requirement to update reclamation cost estimates and backed a flexible approach to adjust security obligations if circumstances change. NTI also endorsed CIRNA's recommendations for security updates

⁷ NOTE: the initial Notice of Application on January 29, 2024 was intended to solicit comments on completeness of the application only, with the notice of a complete application only being issued after the completeness comments had been received and considered by the Board.

⁸ As stated in s. 55.4 of the NWNSRTA: *If the Board requires an applicant or a licensee to provide information or studies, the period that, in the Board's opinion, is taken by the applicant or licensee to comply with that requirement is not included in the calculation of the time limit under section 55.2 or its extension.*

⁹ NTI Exhibit #6, NWB Public Hearing File No: Water Licence 2AM-MEL1631; PowerPoint Presentation (*English/Inuktitut*), filed on August 30, 2024;



and environmental protection to ensure Inuit can continue to use the land and waters affected by the mine.

Further, the NTI stated that they share concerns with Fisheries and Oceans Canada (DFO) and Environment and Climate Change Canada (ECCC) about Agnico Eagle's proposal to more than double the water drawn from Meliadine Lake to flood mine pits during closure. NTI recommended careful planning to ensure that withdrawing water does not harm the lake's aquatic environment, and that it would be unacceptable if this plan jeopardized the lake's health or downstream waters without a viable alternative. Finally, the NTI supported ECCC's recommendation that water quality standards during mine closure protect aquatic life, as healthy fish populations are essential to the Inuit way of life¹⁰.

Kivalliq Inuit Association (KIA)

The Kivalliq Inuit Association (KIA) is a Designated Inuit Organization under the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*, representing the rights and values of the Inuit within the Kivalliq Region of Nunavut. The specific focus of the KIA's review of the Amendment Application relates to rights to water and wildlife compensation, landowner rights (including requirements associated with the Applicant posting security for reclamation of the components of the undertaking on Inuit Owned Lands) and negotiation of an Inuit Impact and Benefit Agreement (IIBA), (including water user compensation).

In its technical review prior to the Technical Meeting, the KIA raised a number of issues, with a focus on the following topics:

- Limiting discharge to Meliadine Lake;
- Water Compensation Agreement and Security Management Agreement;
- Additional reference areas for the Aquatic Effects Monitoring Program;
- Remediation of Lake B7; and
- Updates to the Adaptive Management Plan.

Specifically, the KIA provided the Board with requests resulting in the following commitments outlined in the List of Commitments provided within the Pre-Hearing Conference Decision:¹¹

¹⁰ E. Greene, NTI, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, pp. 70-76.

¹¹ NWB, Pre-Hearing Conference Decision Regarding an Application for Amendment to the existing Type "A" Water Licence No: 2AM-MEL1631, June 26, 2024.



- WLA-01 – Agnico Eagle agreed to the addition of a condition in the Licence setting discharge quantity limits into Meliadine Lake;
- WLA-02 – Agnico Eagle confirmed that underground saline groundwater will continue to be managed separately from surface contact water;
- WLA-03 – Agnico Eagle committed to monitoring Lake B7 throughout the life of mine;
- WLA-04 – Agnico Eagle committed to updating the Adaptive Management Plan, to integrate the prioritized discharge strategy, prior to the Public Hearing;
- WLA-05 – Agnico Eagle committed to do a three-year reference lake study monitoring program, initiating in 2025, that includes Peter Lake and an additional reference lake, as well as existing reference stations at Inuggugayualik Lake and Pipedream Lake located near the Meadowbank Mine Site (ECCC’s comment #15 is related to this commitment);
- WLA-17 – Agnico Eagle committed to hold an in-person meeting with the KIA and CIRNA, annually after the annual report submission and before discharging effluent to Itivia Harbour, to provide updates regarding contact water and saline water management, review forecasted conditions and collaborate for the Community Open House; and
- WLA-19 – Agnico Eagle committed to give due consideration to the water balance of Meliadine Lake in order to manage the potential pit re-flooding at the closure stage. The pumping rates from Meliadine Lake will be specified in the Final Closure and Reclamation Plan (which will be subject to Board approval). Appropriate studies will be undertaken to confirm that during pit re-flooding: Meliadine Lake levels will remain within their natural elevation range, and small craft navigability through the narrows of Meliadine Lake will be maintained. This should ensure no impact to downstream fish habitat.

In addition to the above comments, as set out in detail in [APPENDIX D: List of Submissions and Correspondence](#), on July 25, 2024, the KIA provided their final written submission¹² to the NWB summarizing KIA’s comments on the Amendment Application received throughout the NWB’s process. The KIA also attended and made presentations during the technical and community sessions at the in-person Public Hearing for the

¹² Kivalliq Inuit Association’s Final Written Submission, for the Nunavut Water Board Public Hearing on Agnico Eagle’s Application to Amend Type A Water Licence No.: 2AM-MEL1631, prepared with support from GeoVector Management Inc. and Prairie Scientific Inc., dated July 25, 2024.



Amendment Application in Rankin Inlet on September 11 and 12, 2024, and engaged in further discussion of outstanding issues at that time.

In their final written submission, the KIA stated that most of their Information Requests and technical comments had been resolved through discussions during the Technical Meeting and commitments made by Agnico Eagle.

The KIA indicated that there were a few remaining comments related to the following issues to be discussed during the Public Hearing:

- KIA wanted to ensure that the commitments made by Agnico Eagle remain binding and are enforceable by the NWB;
- Ongoing discussions regarding the Security Management Agreement and Water Compensation Agreements were taking place; and
- KIA provided comments on the Draft Water Licence Framework.

At the Public Hearing, the KIA presented¹³ the commitments made by Agnico Eagle as a result of the KIA's Technical Review comments, their outstanding comments and flagged the following outstanding concerns, most of them relating to the Draft Water Licence Framework. KIA recommended that the NWB add or modify existing terms and conditions to the Water Licence as follows:

- Incorporate the commitments list as an Appendix to the Water Licence;
- Reject Agnico Eagle's suggested wording for Part B, Item 10;
- Reject Agnico Eagle's suggestion to remove Part B, Item 15 from the Water Licence;
- Include the 2025 Work Plan in Part C (Security) of the Licence;
- Reject Agnico Eagle's suggestion to remove Part C, Item 7 and updated wording to submit an updated reclamation cost estimate, using the RECLAIM (Version 7 or latest), at the time the Licensee files the Final Reclamation and Closure Plan;
- Reject Agnico Eagle's suggested wording for Part D, Item 17, regarding quarrying, and use KIA's suggested wording instead; and
- Provide clarification regarding the addition of "relating to water and waste" to Part D, Item 19;

¹³ KIA Exhibit #3, NWB Public Hearing File No: Water Licence 2AM-MEL1631; PowerPoint Presentation (*English/Inuktitut*), filed on August 30, 2024.



Crown-Indigenous Relations and Northern Affairs (CIRNA/CIRNAC)

Crown-Indigenous Relations and Northern Affairs (CIRNA) administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, under the following Acts and associated regulations:

- Department of Crown-Indigenous Relations and Northern Affairs Act;¹⁴
- Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement);
- Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWSRTA);¹⁵
- Territorial Lands Act;¹⁶ and
- Arctic Waters Pollution Prevention Act.¹⁷

As set out under the *NWSRTA*, CIRNA is responsible for enforcing the provisions of water licences issued by the NWB, and specifically, the terms and conditions of the Applicant's existing Water Licence No: 2AM-MEL1631.

CIRNA participated in all phases of the Amendment Application process, providing specialist advice, expert information and knowledge in accordance with the *Nunavut Agreement*. Reflecting CIRNA's responsibilities and jurisdiction, the following key issues were highlighted in CIRNA's initial comment submissions on the completeness of the Amendment Application, in their full technical review comment submissions, and in their submissions at the Technical Meeting (TM):

- Recommending that the Applicant provide an updated Water Quality and Load Balance;
- Recommending that the Applicant provide a Stability Evaluation of Waste Rock Storage Facilities;
- Requesting that the Applicant provide evidence that the use of Lake B7 as a Saline Pond (SP6) was assessed under NIRB Project Certificate No. 006;
- Requesting removal of activities referencing the Adaptive Management Plan (AMP) or evidence demonstrating that the AMP is part of the current Water Licence;
- Recommending that the NWB review and set conditions for the approval of the AMP;

¹⁴ S.C. 2019, c. 29, s. 337.

¹⁵ S.C. 2002, c. 10.

¹⁶ R.S.C. 1985, c. T-7.

¹⁷ R.S.C. 1985, c. A-12.



- Clarifications and recommendations around minimizing discharges to Meliadine Lake;
- Recommending revisions to the AMP;
- Requesting the Applicant to submit a qualitative technical memo describing the implications of storing saline water in Lake B7;
- Revisions to the Water Quality and Load Balance Model (WQLBM);
- Requesting clarifications for the differences in groundwater inflow rates in the Water Management Plan;
- Requesting clarifications for the differences in ore and tailings production rates in the Waste Management Plan; and
- Confirmation of annual freshwater requirements for the mill.

Specifically, CIRNA provided the Board with requests resulting in the following commitment outlined in the List of Commitments provided within the Pre-Hearing Conference Decision:¹⁸

- WLA-16 – Agnico Eagle committed to meeting with CIRNA, prior to the Public Hearing, to discuss unresolved items regarding the Adaptive Management Plan.

In addition to the above comments, as set out in detail in [APPENDIX D: List of Submissions and Correspondence](#), on July 22, 2024, the NWB received CIRNA's final written submission¹⁹ summarizing CIRNA's comments on the Amendment Application received throughout the NWB's process. CIRNA also attended and made presentations during the technical and community sessions at the in-person Public Hearing for the Amendment Application in Rankin Inlet on September 11 and 12, 2024 and engaged in further discussion of outstanding issues at that time.

In their final written submission, CIRNA summarized its previous recommendations and the Applicant's responses as follows:

CIRNAC submitted Six Technical Review Comments and associated recommendations on April 26, 2024. Agnico Eagle responded satisfactorily to CIRNAC to address a few concerns before the technical meeting and provided further clarification during the meeting. Following our in-person meeting with Agnico Eagle on July 05, 2024, in Ottawa, a revised Adaptive Management Plan (AMP) has been submitted to the NWB

¹⁸ NWB, Pre-Hearing Conference Decision Regarding an Application for Amendment to the existing Type "A" Water Licence No: 2AM-MEL1631, dated June 26, 2024.

¹⁹ CIRNA, "Crown-Indigenous Relations and Northern Affairs Canada's Final Written Submission in respect of the 2024 Amendment Application for the Type A Water Licence No. 2AM-MEL1631," dated July 22, 2024.



satisfactorily addressing the technical comments related to the AMP. Therefore, CIRNAC identifies all the technical review comments submitted on April 26, 2024, as resolved.

With respect to the Adaptive Management Plan, Security Estimate and Security Management Agreement, CIRNA recommended the following:

CIRNAC Technical review comments related to the Adaptive Management Plan have been resolved, and CIRNAC recommends that it be included in the license. However, under the Adaptive Management Plan principle, language must be added indicating that the Water License shall prevail if there is any conflict or inconsistency between the terms and conditions of the Water License or the Project certificate and the Adaptive Management Plan.

And

CIRNAC looks forward to addressing Security at the Public Hearing.

And

CIRNAC is reviewing the Draft Amended Security Management Agreement proposed by AEM. CIRNAC is working on updating the current language of the Proposed Amended Security Management Agreement between Canada, the Kivalliq Inuit Organization (KIA) and Agnico Eagle. CIRNAC would inform and involve NWB in this process as required and is working diligently to provide its response to the NWB and partners before the Public Hearing.

Following CIRNA's presentation at the Public Hearing, Agnico Eagle requested CIRNA to confirm²⁰ whether Agnico Eagle, KIA and CIRNA were in agreement that 50% of the updated total global security amount (\$79,225,329) would be held by the Minister under the amended Water Licence, with the remaining 50% to be held by the Kivalliq Inuit Association. Agnico Eagle also requested CIRNA to confirm that there would be no double bonding. CIRNA confirmed that they agreed with the security being split 50/50 with the KIA and that there would be no double bonding.²¹

Further in response to the NWB's questions about consensus on the security management agreement and approving the Adaptive Management Plan, CIRNA confirmed that they were

²⁰ See the exchange at the Public Hearing between J. Quesnel, Agnico Eagle and A. Haque, CIRNA, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at pp. 107-108.

²¹ A. Haque, CIRNA, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at lines 15-19, p. 107.



moving towards finalizing the security management agreement and were recommending to the NWB that they approve the AMP and include the final version of the plan in the Licence.

I would like to confirm that we [CIRNA] agreed on the global—global security amount. We have -- agreed on the split of the security amount between Kivalliq Inuit Association and -- and the Government of Canada 50/50 split. [CIRNAC]... also agreed on the payment of the security in three tranches. However, at this moment, ...we can commit to work on finalizing the [security management] agreement and signing the agreement and working towards it.²²

It is to confirm that we are recommending the adaptive management plan is part -- be part of the licence as the approved management plan, and the final version that has been submitted to the water board is considered as the final version from CIRNAC.²³

Environment and Climate Change Canada (ECCC)

The focus of Environment and Climate Change Canada's (ECCC) involvement in respect of the Amendment Application is based on their jurisdiction under the *Department of the Environment Act*,²⁴ *Canadian Environmental Protection Act, 1999*,²⁵ *Fisheries Act*,²⁶ *Migratory Birds Convention Act*,²⁷ and *Species at Risk Act*.²⁸ ECCC has general responsibility for environmental management and protection; preservation and enhancement of water, air and soil quality; conservation and protection of migratory birds, species at risk, flora and fauna; the gathering and provision of meteorological information; coordination of various specific environmental policies and programs; and enforcement of the pollution prevention provisions of the *Fisheries Act*.

ECCC participated in all phases of the Amendment Application process, providing specialist advice, expert information and knowledge. The following key issues were highlighted in ECCC's initial comment submissions on the completeness of the Amendment Application,

²² A. Haque, CIRNA, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at lines 25-26 and 1-11, pp. 110-111.

²³ A. Haque, CIRNA, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at lines 9-14, p. 112.

²⁴ R.S.C. 1985, c. E-10.

²⁵ S.C. 1999, c. 33.

²⁶ R.S.C. 1985, c. F-14.

²⁷ S.C. 1994, c. 22.

²⁸ S.C. 2002, c. 29.



in their full technical review comment submissions, and in their submissions at the Technical Meeting (TM):

- Clarifications regarding changes to air quality monitoring on-site;
- Clarifications regarding water needs related to dust control;
- Recommending updates to Risk Management and Emergency Response Plan and Spill Contingency Plan to reflect changes requested in this Amendment Application;
- Clarifications regarding mutual aid agreements on the All-Weather Access Road (AWAR);
- Recommending spill modelling studies for operations in Itivia Harbour, Melvin Bay;
- Secondary Containment and Storage Considerations for Storing Hazardous Materials;
- Requesting to have a discussion regarding proposed withdrawal limits;
- Requesting updates to the Terrestrial Environment Management and Monitoring Plan (TEMMP);
- Requesting commissioning details about the Saline Effluent Treatment Plant (SETP);
- Requesting a map clearly identifying and labelling all lakes and ponds that will be overprinted;
- Clarification of the Itivia Fuel Tank Farm Capacity;
- Requesting an update on the waterline;
- Climate change considerations;
- Clarifications about waste rock management at Discovery site;
- Recommending Acid Rock Drainage (ARD) and Metal Leaching (ML) test prior to development of the Waste Rock Storage Facilities (WRSF);
- Clarification regarding water transport to Discovery site;
- Clarifications regarding assumptions in the Water Balance and Water Quality Model (WBWQM) and recommending revisions;
- Recommending updates to the Water Management Plan and the Freshet Management Plan;
- Clarifications regarding changes in the Aquatic Effects Monitoring Plan (AEMP) Design Plan and recommended revisions;
- Recommending updates to the Interim Closure and Reclamation Plan;
- Clarification regarding waste characteristics of the Saline Effluent Treatment Plant (SETP);



- Recommending updates to the Mine Waste Management Plan;
- Clarification regarding the number and locations of the incinerators on site;
- Clarifications regarding adverse effects of the project on species at risk and migratory birds;
- Requesting monitoring data to validate conclusions provided in the 2014 FEIS;
- Requesting revisions to the Adaptive Management Plan; and
- Requesting details on groundwater-surface water interactions during post-closure.

Specifically, ECCC provided the Board with requests resulting in the following commitments outlined in the List of Commitments provided within the Pre-Hearing Conference Decision:²⁹

- WLA-6 – Agnico Eagle committed to include a pit specific study, in the Final Closure and Reclamation Plan, on how saline water is expected to stratify if the contingency option to deposit saline water into open pits is required;
- WLA-7 – Agnico Eagle committed to update the Aquatic Effects Monitoring Plan Design Plan, 60 days after approval of the Amended Water Licence, to include Federal Environmental Quality Guidelines for cobalt, copper, strontium, and vanadium;
- WLA-8 – Agnico Eagle committed to update the Water Management Plan, 60 days after approval of the Water Licence Amendment, to integrate details of pond dewatering; total suspended solids (TSS) treatment, predicted volumes, treatment capacity, and management of sludge/residue;
- WLA-9 – Agnico Eagle committed to update the Freshet Management Plan, 60 days after approval of the Amended Water Licence, to include dewatered lakes and ponds in “areas of risk during freshet” and describe how water accumulating in all dewatered lakes and ponds will be managed during freshet;
- WLA-10 – Agnico Eagle committed to update the Aquatic Effects Monitoring Plan, 60 days after approval of the Amended Water Licence, to include the two new peninsula lakes from Lake E3 (MEL-15), Lake G2 (MEL-16), or Lake H1 (MEL-17), plus Lake D7;
- WLA-11 – Agnico Eagle committed to update the Aquatic Effects Monitoring Plan Design Plan, 60 days after approval of the Amended Water Licence, to include a comparison of observations and FEIS predictions in the past;
- WLA-12 – Agnico Eagle committed to update the Water Management Plan, 60 days after approval of Water Licence Amendment, clarifying the list of currently built and unbuilt infrastructure (Pond P3 and Berm-P3);

²⁹ NWB, Pre-Hearing Conference Decision Regarding an Application for Amendment to the existing Type “A” Water Licence No: 2AM-MEL1631, dated June 26, 2024.



- WLA-13 – Agnico Eagle committed to provide estimates of sludge characteristics and management within the 60-day construction notice of the Saline Effluent Treatment Plant;
- WLA-14 – Agnico Eagle committed to update the Mine Waste Management Plan before the Discovery Waste Rock Storage Facility becomes operational, to show overburden, bedrock, and PAG & NPAG waste rock;
- WLA-15 – Agnico Eagle committed to update the Spill Contingency Plan and Emergency Response Plan by March 31, 2025 to address ECCC’s concerns; and
- WLA-18 – Agnico Eagle committed to meet with ECCC to discuss unresolved items prior to the public hearing regarding parameter concentration normal ranges in Meliadine Lake (ECCC #17) and closure criteria for surface water quality (ECCC #19).

In addition to the above comments, as set out in detail in [APPENDIX D: List of Submissions and Correspondence](#), on July 25, 2024, the NWB received ECCC’s final written submission³⁰, summarizing their comments on the Amendment Application received throughout the NWB’s process. ECCC also attended and made presentations during the technical and community sessions at the in-person Public Hearing for the Amendment Application in Rankin Inlet on September 11 and 12, 2024, and engaged in further discussion of outstanding issues at that time.

In their final written submissions, ECCC summarized their technical review recommendations as follows:

ECCC had 31 recommendations regarding waste rock management, water quality, air quality, emergency management plans and migratory birds. The Proponent’s response to 28 of 31 of these recommendations were addressed to the satisfaction of ECCC and are considered resolved.

With regards to post-closure water quality in flooded pits, ECCC in their final submission stated that:

ECCC recommends the Proponent update the Interim Closure and Reclamation Plan to incorporate the measures that were proposed at the technical meeting for preventing potential impacts to aquatic life from water quality during post closure. This includes the timing of their implementation. Presently, the plan incorrectly states “The water quality model results indicated that water in the flooded pits will meet the discharge

³⁰ ECCC, “2AM-MEL1631 – Agnico Eagle Mines – Meliadine Gold Mine – Type A Water Licence Amendment Application,” dated July 25, 2024.



criteria and post closure treatment will not be required”. ECCC recommends that the Nunavut Water Board outline a timeline for the update of the Interim Closure and Reclamation Plan in their decision.

With regards to parameter concentration normal ranges in Meliadine Lake, ECCC indicated:

ECCC recommends the Proponent evaluate existing water quality baseline data from the East Basin of Meliadine Lake in order to better establish East Basin specific ‘normals’. East Basin specific ‘normals’ are required in order to evaluate project effects in the Aquatic Effects Monitoring Program.

With regards to closure criteria for surface water quality, ECCC indicated:

ECCC recommends that the Interim Closure and Reclamation Plan be updated to specify preliminary water quality criteria for closure that will be protective of aquatic life for all waterbodies, since, at closure, waterbodies will all be reconnected to the fish bearing regional surface water system regardless of their Schedule 2 status as tailings impoundment areas.

With regards to the “deficiencies highlighted in the original estimation of water availability”, ECCC stated that:

ECCC recommends that the Nunavut Water Board not include an authorized water withdrawal rate from Meliadine Lake during closure in an amended licence, because there is uncertainty on what rate the lake can support without impacts occurring to the quality of the aquatic environment. Moreover, the proposed licence term does not cover the closure period. As such, there is time to revisit this topic closer to closure, once further data are collected and analyzed.

At the Public Hearing, ECCC presented³¹ the Department’s outstanding concerns, reiterating the concerns they had expressed in their final written submission to the NWB on July 25, 2024.

The NWB inquired about the reasons behind ECCC and DFO’s change in position from the 2014 Final Environmental Impact Assessment and requested some clarity on the “deficiencies or missing information” that led to this change.

³¹ ECCC, Exhibit #10, NWB Public Hearing File No: Water Licence 2AM-MEL1631; Hard Copy PowerPoint Presentation (English/Inuktitut), filed on September 11, 2024.



ECCC responded that at the water licensing stage, they scrutinize specific aspects, like water withdrawal rates, more closely than during the environmental impact stage. This increased scrutiny sometimes reveals predicted impacts that do not align with Fisheries and Oceans Canada (DFO) guidelines, which raises concerns. While the data used in the environmental impact stage was sufficient, ECCC (and DFO) expect more detailed information at the water licensing stage, which has not yet been provided.

ECCC clarified³² that they had previously considered their concerns resolved after Agnico Eagle committed to collecting some missing information. During a meeting with Agnico Eagle in March 2024, it was indicated Agnico Eagle would not be requesting a water withdrawal rate at closure, which Environment Canada misunderstood. This misunderstanding led them to revive their earlier comment, and they now expect Agnico Eagle to collect the missing data outlined in ECCC's Technical Comment Number 29.

Fisheries and Oceans Canada (DFO)

The focus of Fisheries and Oceans Canada's (DFO) involvement in respect of the Amendment Application is based on their jurisdiction under the *Fisheries Act* or the *Species at Risk Act*.

DFO participated in all phases of the Amendment Application process, providing specialist advice, expert information and knowledge. The following key issues were highlighted in DFO's initial comment submissions on the completeness of the Amendment Application, in their full technical review comment submissions, and in their submissions at the Technical Meeting (TM):

- Mitigation measures for watershed A and B
- Fish Offsetting Plan
- Inconsistencies in list of waterbodies impacted;
- Fish passage; and
- Final Fish Offsetting Plan.

In addition to the above comments, as set out in detail in [APPENDIX D: List of Submissions and Correspondence](#), on July 25, 2024, the NWB received DFO's final written submission³³, summarizing their comments on the Amendment Application received

³² See the exchange between K. Kharatyan, NWB and S. Forte, ECCC during the Public Hearing on these points: NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, pp. 126-128.

³³ DFO, "Final Written Submission for Agnico Eagle Mines Limited's Amendment to Type A Water Licence No: 2AM-MEL1631 for the Meliadine Mine Project," dated July 25, 2024.



throughout the NWB's process. DFO also attended and made presentations during the technical and community sessions at the in-person Public Hearing for the Amendment Application in Rankin Inlet on September 11 and 12, 2024, and engaged in further discussion of outstanding issues at that time.³⁴

In their final written submissions, DFO stated that three (out of four) of their technical review recommendations were resolved by Agnico Eagle's responses and commitments made during the Technical Meeting.

For DFO's unresolved comment regarding pit re-flooding at closure, they recommended the following:

So DFO recommends to the Board that flow rates for pit re-flooding be removed from this application, that a detailed pit re-flooding analysis and a management and monitoring plan be provided as part of the closure and reclamation plan, and that the necessary information is collected, which includes lake water levels and flow in Diane and Meliadine rivers.

DFO recommends 20 years of data, and we understand that this has not started yet. So we would like the Board to consider this recommendation and note that Environment Canada, Fisheries and Oceans, the KIA, and NTI share the same concerns.³⁵

Agnico Eagle did not agree with DFO's recommendation regarding pit re-flooding at closure and requested to submit additional information³⁶ to support their position. Agnico Eagle reiterated the 2014 FEIS and the NIRB's decision which allows them to pump 17.06 Mm³ annually, for closure.

Agnico Eagle also highlighted a science advisory document that the DFO references to make decisions regarding the assessment of flow requirements for supporting fisheries. The document stated, "*to assess the impacts of flow alteration on fisheries, a minimum of 20 years of river flow data is recommended to establish the "natural flow regime."*

³⁴ DFO, Exhibit #12, NWB Public Hearing File No: Water Licence 2AM-MEL1631; Hard copy, PowerPoint Presentation (*English/Inuktitut*), filed on September 11, 2024.

³⁵ J. Audet-Lecouffe, DFO, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 14-26 and 1-2, pp. 213-214.

³⁶ Agnico Eagle, Exhibit #14 Framework for Ecological Flow Requirements and Exhibit #15 Meliadine Lake Water Withdrawals (2 slides)



Further, the document addressed situations where 20 years of flow data may not be available. Appendix 1 of the document stated that, “For situation/sites where flow data is not available, then the use of synthesized (i.e., modeled) stream flow data is recommended. These data can be prorated (generally a transfer of information from a proximal hydrometric station(s)), or simulated using a hydrological model. For the purposes of this analysis, +20 years of synthetic data should be used (prorated or simulated).”

Agnico Eagle informed that they are collecting stream flow water level data at both outflows from Meliadine Lake over the next three years. This data, in combination with regional Water Survey of Canada’s hydrometric records, can be used to meet the request of DFO. As stated at the Public Hearing:

Agnico is currently collecting streamflow and water level data at both outflows for Meliadine Lake.· Okay.· Yeah.· Agnico is collecting streamflow and water level data at both outflows of the lake over the next three years.· Agnico's data can be used in combination with Water Survey of Canada hydrometric records, examples of which are provided in the table in the lower right of the slide, and watershed modelling to generate the required 20-plus years of streamflow data for use in this assessment. As stated previously, this is standard, industry, and scientific practice following well-established methods.³⁷

DFO maintained their position about removing the flow rates related to pit re-flooding at closure, stating that it is best practice to validate the data on-site including climate change considerations and isostatic rebound. DFO also stated that modelling would be acceptable.

Agnico Eagle Mines Limited (Agnico Eagle, Applicant or Licensee)

Responses to Issues Raised by Intervenors

During the licensing process, Agnico Eagle was fully engaged and participating actively. At the Technical Meeting, the parties agreed that the Applicant provided sufficient information to resolve the following issues:

- Issues raised by the KIA:
 - Limiting discharges to Meliadine Lake;
 - Saline groundwater to be managed separately from surface contact water;
 - Monitoring of Lake B7 throughout the life of mine;
 - Prioritizing effluent discharges to Itivia Harbour via waterline;

³⁷ S. Jackson, Agnico Eagle, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 18-26 and 1-7, pp. 228-229.



- Addition of new lakes as reference lakes for the study monitoring program; and
- Hold annual meetings with the KIA prior to effluent discharge to Itivia harbour.
- Issues raised by CIRNA:
 - Approval of the Adaptive Management Plan with appropriate conditions;
 - Storage of saline water in Lake B7;
 - Comparison of the current water quality predictions with the FEIS; and
 - Reconcile the differences in the predicted groundwater inflow rates and between ore and tailings production rates.
- Issues raised by ECCC:
 - Waste rock classification;
 - Acid rock drainage (ARD) testing;
 - Water transport from Discovery site to the main Mine Site;
 - Saline water stratification in pits at closure;
 - Graphs of water quality predictions;
 - Water quality screening criteria for sulphate;
 - Water quality closure criteria for SP6 and CP8;
 - Benthic community measurement endpoint;
 - Stickleback study;
 - Comparison between observed water quality and FEIS predictions;
 - Number of incinerators on site;
 - Climate change considerations;
 - Response procedure guides;
 - Species at risk;
 - Project activities in migratory bird habitat; and
 - Wildlife monitoring.
- Issues raised by the DFO:
 - Inconsistencies in listing of waterbodies impacted;
 - Fish passage; and
 - Final Fish Offsetting Plan.

In the Applicant's final written submission,³⁸ Agnico Eagle responded to the concerns outlined by the Interveners in their respective final written submissions.

³⁸ Agnico Eagle Mines Limited, 2AM-MEL1631 Water Licence Amendment Final Written Statement Responses, dated August 15, 2024.



In response to the KIA's final submission comment on the Water Compensation Agreement and Security Management Agreement, Agnico Eagle stated the following:

Agnico Eagle and the KivIA [KIA] continue to advance discussions and work collaboratively to reach agreement on the Water Compensation Agreement. This agreement will be finalized prior to the Final Hearing in September.

And

On August 15, 2024 Agnico Eagle, the KivIA, [KIA] and CIRNAC agreed to security. The Security Management Agreement is undergoing final revisions and will be finalized prior to the Final Hearing in September.

With respect to the KIA's recommendation pertaining to the potential requirement of remediation of Lake B7 at closure, Agnico Eagle reiterated their commitment made during the TM/PHC which states the following:

Agnico Eagle commits to monitor Lake B7 during operations to assess the potential requirement to remediate Lake B7 at closure. Based on monitoring during operations of Lake B7 and in review of predictions, this data will support the development of an appropriate path forward with respect to closure of Lake B7. This will enable the development of a comprehensive Final Closure and Reclamation Plan, with assumptions that have been validated by site data.

With respect to the KIA's recommendation to include Agnico Eagle's commitment, to manage saline groundwater separately from surface contact water, as a term and condition of the amended Water Licence, Agnico Eagle stated that:

Agnico Eagle does not see the need to add this as a Condition within the Water Licence as the Water Management Plan already defines the movement of saline water into the saline water management system and discharge to the marine environment. In addition, Agnico Eagle proposes to add a commitment list as an appendix to the annual report where commitments made during the Water Licence Amendment process would be tracked and updated accordingly.



With respect to the CIRNA's comments regarding revisions to the Adaptive Management Plan principle, Agnico Eagle incorporated the wording suggested by CIRNA and submitted an updated plan as an addendum with their final written submission responses. This new wording ensures that Water Licence shall prevail if there is any conflict or inconsistency between the terms and conditions of the Water Licence or the Project Certificate and the Adaptive Management Plan.

In response to the CIRNA's comments on the Security estimate and Security Management Agreement, Agnico Eagle stated the following:

On August 15, 2024 Agnico Eagle, the KivIA [KIA], and CIRNAC agreed to security. The Security Management Agreement is undergoing final revisions and will be finalized prior to the Final Hearing in September.

With respect to ECCC's recommendation to revise the Interim Closure and Reclamation Plan, Agnico Eagle discussed several mitigation measures for managing predicted water quality exceedances during the closure of specific waterbodies. For Lake J1, ammonia exceedances (0.59 mg/L vs. the 0.58 mg/L guideline) are predicted for 8 months in 2044. These exceedances are attributed to model error and pit characteristics. For SP6, Agnico Eagle stated that the exceedances of various contaminants may moderate over time, but if they persist, flushing the pond with freshwater from Meliadine Lake is proposed as a feasible mitigation.

When responding to ECCC's comment on parameter concentration normal ranges in Meliadine Lake, Agnico Eagle argued that specific "normals" for the East Basin are unnecessary for several reasons. The 2014 FEIS predicted changes due to mining and climate variability. The AEMP Response Framework allows further investigation if concentrations exceed normal ranges or approach action levels for aquatic or human health. Although normal ranges can help identify parameters trending higher, water quality predictions are prioritized since the mine was approved with the expectation that some water quality changes would occur. These concentrations are expected to decrease during closure. Further, Agnico Eagle has committed to monitor water quality in reference lakes from 2025.

With respect to ECCC's comment about the closure criteria for surface water quality, Agnico Eagle stated that adding these water bodies (i.e. Lake B7) to Schedule 2 of the *Metal and Diamond Mining Effluent Regulations*, SOR/2002-222 (*MDMER*) allows mine operators to deposit waste and effluent into the area without having to meet water quality criteria for aquatic life, provided that the criteria and reporting obligations set out in the *MDMER* are met. Further, Agnico Eagle stated that ECCC's request contradicts *MDMER*, which only sets conditions for discharge at the final point, not within waste deposition areas. Agnico Eagle



also highlighted that *MDMER* apply until a mine becomes a recognized closed mine. Until the Meliadine Mine seeks a recognized closed mine status, Agnico Eagle is of the opinion that ECCC lacks legal authority to impose additional water quality conditions for these areas. Further, Agnico Eagle acknowledged ECCC's concerns and committed to engaging with authorities if and when reconnection to the regional water system is sought.

With regards to ECCC's (and DFO's) recommendation on the "deficiencies in original estimation of water availability in Meliadine Lake", and their recommendations that the NWB not grant the request to increase the water use for re-flooding of pits during closure in the amended Licence, Agnico Eagle disagreed emphasizing that to properly plan for closure and secure investments, they require certainty about the volume of water that licensee will be authorized to use to complete closure and reclamation at the site.³⁹

The approved application with the NIRB and NWB included conceptual closure plans, which were assessed and approved, including the required re-flooding volumes. Agnico Eagle reiterated that the 2014 FEIS assessed the need to pump 17.06 Mm³/year over 10 years to fill the pits, but for this Amendment Application, they are requesting a smaller amount, 8.5 Mm³/year over six years, considering it appropriate for the Meliadine Mine's closure.

With regards to DFO's comments on fish passage and a final fish offsetting plan, Agnico Eagle confirmed the following:

Agnico Eagle confirms fisheries and hydrology programs at Pistol Bay are being executed this summer. Further, we will continue to work collaboratively with DFO on the Fish Offsetting Plan. Based on this, Agnico Eagle also agrees this technical comment is resolved.

During their presentation at the Public Hearing, Agnico Eagle confirmed that they have mutually agreed with CIRNA and KIA on the security associated with the Amended Licence. The global security amount that was agreed to by Agnico Eagle, CIRNA and KIA is \$158,450,658 CAD. Further, Agnico Eagle stated that all three parties have agreed to split the global security amount into three tranches, to be provided in three installments as per an updated Schedule C⁴⁰, which was provided to the NWB on the morning of the Public Hearing.

Agnico Eagle also confirmed that they had agreed on the water compensation agreement with the KIA and that the NWB will receive a formal letter from the KIA. Additionally,

³⁹ J. Quesnel, Agnico Eagle, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, pp. 276-277.

⁴⁰ Email from J. Range to K. Kharatyan, RE: Meliadine – Security – Final Numbers, dated September 11, 2024



Agnico Eagle indicated they were confident that updated Security Management Agreement details would be finalized by the close of the Public Hearing on September 12.⁴¹ Finally, Agnico Eagle provided their responses to parties' comments on the Draft Water Licence Framework.

Parties were given a chance to ask questions following Agnico Eagle's presentation. ECCC inquired about specific details about Lake B7 at closure. Agnico Eagle responded that all specific details related to mine closure will be included in the final closure plan. Before constructing water management infrastructure, the company will give a 60-day notice to the Board and submit "as-built" plans within 90 days of construction. Typical designs for berms and dikes will be used, but the final closure details will depend on the mine site's conditions at the time.

Further, Agnico Eagle clarified that water management structures will not be dismantled until water quality obligations are met. If water quality concerns in Lake B7 persist, the structures will remain in place. "Only after meeting these conditions and agreeing to reconnect to the regional watershed the infrastructure will be removed. This approach is similar to that in Meadowbank".

DFO inquired about water level monitoring in Meliadine Lake and flow monitoring in Meliadine River and had follow-ups in relation to the same. Agnico Eagle responded that water levels are recorded at the intakes and flow monitoring was started in 2024 and will continue until 2026. The results will be available in the Annual Reports. Finally, DFO pointed out the framework for assessing the ecological flow requirements document, which states that to assess the impacts of flow, alteration on fisheries, a minimum of 20 years of river flow data is recommended.

The NWB noted that no waterbodies have been de-listed from Schedule 2 of the *MDMER* and ECCC indicated that there was no clear mechanism under the *MDMER* for delisting water bodies upon closure. The NWB inquired whether, at closure, there would be any saline water present in Lake B7, since Agnico Eagle had committed that no saline water would be discharged into the receiving environment. Agnico Eagle confirmed that by the time of closure, no saline water would remain within the facility, as it would be discharged through the water line to the marine environment in Itivia Harbour.

Further, the NWB inquired about specific monitoring requirements under *MDMER* for water bodies listed under Schedule 2. Agnico Eagle responded that there are indeed specific monitoring requirements in these regulations. Water managed on-site and discharged from

⁴¹ On September 12, 2024, the Panel granted parties' requests to delay the start of the Public Hearing by approximately one hour to allow further discussions leading to the resolution of issues and finalization of the details of various agreements before the close of the Public Hearing.



the final point must be sampled for chemistry and toxicity, and that any discharge must meet the criteria specified in Schedule 4 of the *MDMER*.

Draft Water Licence Framework

As this is becoming a standard practice, Agnico Eagle filed their version of the Draft Water Licence Framework, in which the Applicant provided recommendations regarding amendments to the existing Licence that they consider to be appropriate and necessary to reflect the proposed changes to the Project.⁴² Parties had a chance to review the Draft Water Licence Framework and provide their comments, Agnico Eagle was able to submit their responses⁴³ before going to the Public Hearing.

For the benefit of those unfamiliar with the Board's approach to these documents, it is important to emphasize that although the Board reviews and considers the Draft Water Licence Framework and comments of parties, the suggested amendments to the Water Licence provided by parties are not binding on the Board. The Board considers the Draft Water Licence Framework and associated comments, in the same way as any other evidence and retains the discretion to determine what are the appropriate terms and conditions of any given water licence or any amendment to a water licence.

In recent years the Board has started inviting the Draft Water Licence Frameworks to be submitted, as it is a useful tool to focus parties' discussions on the specific details of amended terms and conditions that may be required to reflect the full scope of the amendments proposed in the Amendment Application. However, the Board retains their full discretion to determine what specific amendments are required to the existing terms and conditions of the Water Licence to reflect the Amendment Application.

In [SECTION VII](#), the Board discusses its recommended amendments to the Water Licence terms and conditions. This section includes a brief explanation of how the Board considered and, where applicable, incorporated the recommendations from the Applicant and other parties in their Draft Water Licence Framework.

SECTION III: SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC

There were no written submissions provided to the NWB by any other intervening party or members of the public. On the evening of September 11, 2024, as part of the in-person

⁴² The Draft Water Licence Framework was filed by Agnico Eagle on June 7, 2024.

⁴³ Email from J. Quesnel to R. Dwyer "Agnico Eagle's Response to Draft Water Licence Framework comments on the Meliadine Water Licence Amendment Application 2AM-MEL1631", dated August 28, 2024.



Public Hearing, a Community Information Session was conducted by the Board, and community members in attendance were invited to question Agnico Eagle and any of the Interveners. Community members were also invited to share with the Board any comments or concerns they may have with respect to the Amendment Application. For more detail regarding attendees from the community, [APPENDIX E - Sign-in Sheets – List of Participants in the Public Hearing](#) provides the sign in sheets for the Public Hearing, including the Community Session. Table 1 below provides a summary of key issues raised by community members in attendance during the Public Hearing and Community Information Session. Those parties interested in a review of all comments received in their entirety are advised to consult the transcripts for the Public Hearing available on-line from the NWB’s website.⁴⁴

TABLE 1: KEY ISSUES RAISED BY MEMBERS OF THE PUBLIC DURING THE PUBLIC HEARING AND COMMUNITY INFORMATION SESSION

Topic	Issues/Concerns/Comments
Monitoring	I know that the Kivalliq Inuit Association monitors the water, but does the Kivalliq Inuit Association do their monitoring at the same time and in the same places as Agnico Eagle?
Monitoring	Are there are any similarities or differences in monitoring results between the Kivalliq Inuit Association and Agnico Eagle?
Water Levels (changes)	Are Nunavut Tunngavik Inc. and the Kivalliq Inuit Association measuring the depth of the water in the rivers around the mine and also outside the footprint of the mine, so that we can be sure we are identifying effects on water levels that might be associated with the mine, but also those effects that might be associated with other types of impacts such as climate change?
Water Use	As it appears that there are unresolved issues remaining at the Public Hearing, will this hold back the application and delay the approval of the amendments to the Licence?

During the Community Session, Marth Hickes, spoke on behalf of the Hamlet Council of Rankin Inlet and identified that Elders in the community had raised the following issues and concerns:

- We have noticed that the levels of the two nearby rivers (Diane River and Meliadine River) have dropped and that they are noticing dropping water levels in the nearby lakes. This could be due to permafrost melting and other effects of climate change,

⁴⁴ NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, Community Session, pp. 110-174.



but the community is concerned about these effects. We need to find solutions to prevent our lakes and rivers are depleted.

- Water quality effects have been noticed as well, and we are concerned about whether our fish will have enough water to swim back up the rivers in the fall to spawn or to spend their winters in the lakes.
- We are worried about effects on fish habitat, will the winter habitat be ruined? That's a big question because fish spawn in lakes to lay eggs for the fish in the next season and will harvesters be able to fish to feed their families during the winter with nets? If fish don't survive in the lakes during the winter, it will affect families that rely on that catch for their next meal.
- We want to ensure that fish are monitored to make sure they are still healthy for human consumption and to make sure that the fish habitat at the bottom of the rivers and lakes is healthy and can sustain other living organisms.
- The community supports our people working at the mine, but want to work together to find solutions so that our environment and our communities, the people and the Elders are all on the same page encouraging Agnico Eagle Mines to follow the conditions set by the Nunavut Water Board.

Elder, Dorothy Aglukark from the Kivalliq Inuit Elders Advisory Committee in Arviat expressed gratitude towards Agnico Eagle for providing employment opportunities and including elders in discussions. She praised the company's positive impact on the community, especially in offering jobs that have improved the lives of young people, moving them away from dependence on social assistance. She stressed the need for negotiation and understanding with mining companies, noting that the mining industry has contributed significantly to the local economy and support for the community, including search and rescue efforts. She also encouraged continued collaboration with the mining sector, recognizing its potential to create jobs and improve living conditions.

SECTION IV: JURISDICTION OF THE NWB

Under Division 2⁴⁵ of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) the NWB has jurisdiction to issue a licence,⁴⁶ amend a licence,⁴⁷ or in certain circumstances, cancel a licence.⁴⁸ In exercising the Board's statutory functions under the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* (*Nunavut Agreement*) and the statutory regime governing the

⁴⁵ Sections 42-81 of the *NWNSRTA*.

⁴⁶ See ss. 42, 48, 55, 56, and 70 of the *NWNSRTA*.

⁴⁷ See s. 43(1)(b) of the *NWNSRTA*.

⁴⁸ See s. 43(1)(c) of the *NWNSRTA*.



Board (the *NWNSRTA* and the *Nunavut Waters Regulations*⁴⁹), the NWB must be guided by the following objects:

*... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.*⁵⁰

In setting the terms and conditions of a licence, the NWB is guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading several of the Articles of the *Nunavut Agreement* together,⁵¹ the NWB relies on the broad definition of "ecosystemic" found in Article 12, Section 12.1.1. of the *Nunavut Agreement*, requiring not only the Nunavut Impact Review Board (NIRB) but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the *NWNSRTA*.

In accordance with Article 13, Section 13.3.6 of the *Nunavut Agreement* and s. 29 of the *NWNSRTA*,⁵² the Board delegated the power to dispose of all matters related to the Amendment Application for amendments to the existing type A Water Licence No: 2AM-MEL1631, including the conduct of the Public Hearing, to a Panel of the Board (which is referred to as Panel P15 or the Meliadine Panel). Due to two current vacancies and emergency circumstances resulting in the unavailability of the two NWB Board Members nominated by the Government of Canada and Government of Nunavut at the time of the Public Hearing, to ensure that the Meliadine Panel was properly constituted under Article 13, Section 13.3.6 of the *Nunavut Agreement* and s. 29(2) of the *NWNSRTA* which requires an equal number of Board Members nominated by Designated Inuit Organizations and Government, the Board appointed a Chairperson specifically for the Panel so that the Board's Chairperson would be able to participate in his capacity as the Government nominated Panel Member. Accordingly, Elizabeth Copland was appointed to act as the Chairperson for the Panel, with the NWB's Chairperson, Lootie Toomasie stepping in to act as the Panel Member nominated by Government, and Uriash Puqignak appointed to act as the Panel Member nominated by a Designated Inuit Organization.

As with any applications considered by the NWB, the burden of proof rests with the Applicant, Agnico Eagle, to demonstrate that their request for an amended type A Water Licence should be granted, and that the proposed terms and conditions should be granted. In addition, the NWB Rules of Practice state: "[a]ny party offering evidence before the NWB

⁴⁹ SOR/2013-69.

⁵⁰ See s. 35 of the *NWNSRTA*.

⁵¹ This approach is consistent with the direction provided in Article 2, Section 2.9.1 of the *Nunavut Agreement*.

⁵² S.C. 2002, c. 10.



shall have the burden of introducing sufficient and appropriate evidence to support its position.”⁵³

SECTION V: REQUIREMENTS OF THE NWNSRTA, THE NUNAVUT AGREEMENT AND NUPPAA

Objects of the NWB and its Relationship to other Bodies

As established under the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), prior to the NWB’s consideration of the Amendment Application, the Applicant must meet the pre-licensing requirements of the Nunavut Planning Commission (land use planning) and the Nunavut Impact Review Board (impact assessment). As outlined under the [Pre-Licensing Regulatory History of the Application](#) section of this Decision, the Amendment Application was considered by the Nunavut Planning Commission, and no referral to the Nunavut Impact Review Board for further impact assessment was considered to be necessary.

Land Use Planning

On January 25, 2024, the Nunavut Planning Commission (NPC) issued its conformity determination⁵⁴ for the Amendment Application which stated the following:

- The project conforms to the Keewatin Regional Land Use Plan (KRLUP);
- The activities associated with this proposal were previously reviewed by the NPC, and conformity determinations were issued on June 8, 2011, December 22, 2016, January 5, 2018, March 25, 2020, April 1, 2022 and January 22, 2024, which still apply;
- The Nunavut Impact Review Board (NIRB) previously assessed the works and activities included in the current Licence and the associated Amendments (NIRB FILE No. 11MN034); and
- The Amendment Application is exempt from screening by the Nunavut Impact Review Board (NIRB), because the project proposal does not change the general scope of the original or previously amended project activities as assessed by the

⁵³ Section 23.1 of the Nunavut Water Board “Rules of Practice and Procedure for Public Hearing” (May 11, 2005).

⁵⁴ Correspondence dated January 25, 2024 from G. Djalogue, Nunavut Planning Commission to R. Dwyer, NWB (and others) Re: NPC File # 150252 [Meliadine Mine Water Licence Amendment].



Board, and the exceptions noted in Section 12.4.3 (a) and (b) of the *Nunavut Agreement* do not apply.

On this basis, the NPC indicated that the Amendment Application could proceed to the permitting stage without a referral to the NIRB for further assessment.

Impact Assessment

As noted above, in the NPC's determination, the NPC concluded that the activities associated with the Amendment Application were previously assessed by the Nunavut Impact Review Board (NIRB File No: 11MN034) and therefore the activities were exempt from requiring further assessment by the NIRB. The NPC's determination also confirmed that the changes requested under the Amendment Application did not constitute a significant modification to the general scope of the original project activities previously assessed by the NIRB, and the exceptions noted in Section 12.4.3 (a) and (b) of the *Nunavut Agreement* do not apply.

On this basis, the NWB concluded that the applicable pre-licensing conformity and impact assessment requirements for the Amendment Application under Articles 11 and 12 of the *Nunavut Agreement*, Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) had been met and the Amendment Application was processed by the NWB.

Inuit Water Rights

Separate from the Inuit Impact and Benefits Agreement (IIBA), the KIA and Agnico Eagle addressed the impacts of the Project on Inuit water rights pursuant to Article 20 of the *Nunavut Agreement* and s. 63 of the *NWNSRTA*. As previously discussed, at the in-person Public Hearing, the KIA provided the Board with the following confirmation (Exhibit #17⁵⁵) regarding the status of their water compensation discussions with the Applicant:

[The Kivalliq Inuit Association] ... *would like to enter as an exhibit the letter dated Thursday, September 12th to the Nunavut Water Board confirming that Agnico Eagle and KIA or Kivalliq Inuit Association have entered into an amended water compensation agreement.*⁵⁶

⁵⁵ KIA, Exhibit #17, NWB Public Hearing File No: Water Licence 2AM-MEL1631; Correspondence of the Kivalliq Inuit Association dated September 12, 2024, Re: Confirming the conclusion of an Amended Water Compensation Agreement, filed on September 12, 2024.

⁵⁶ J. Katz, Kivalliq Inuit Association, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 12-17, p. 281.



On this basis the Board has determined that the compensation requirements of s. 63(1)(a)41 of the *NWNSRTA* have been met with respect to the Amendment Application.

SECTION VI: DECISION TO ISSUE

Based on the information and materials provided during the Board's consideration of the Amendment Application, and for the reasons outlined in these Reasons for Decision, the NWB's duly appointed Meliadine Panel, Panel P15, has, by **Motion # 2024-10-P15-05**, decided to grant the Amendment Application and issue amended type A Water Licence No: 2AM-MEL1631 (Amendment No. 3) to the Applicant. The Panel also authorized the release of these Reasons for Decision and the amended Water Licence No: 2AM-MEL1631 (Amendment No. 3). It is the Board's view that the amended terms and conditions included in the Water Licence are necessary to protect the environment, conserve freshwater resources, and provide appropriate safeguards in respect of the changes and additions to the water uses and waste deposits associated with the Meliadine Gold Project.

The amended Water Licence continues to authorize the use of water and deposit of waste associated with the construction, operation, reclamation, closure and post-closure monitoring (closure and post-closure monitoring not generally covered under this Licence) of a Mining undertaking, as defined under Schedule 1 of the *Nunavut Waters Regulations*.⁵⁷

Conditions for Issuance of a Licence

As set out under sections 57, 58, 60, 63 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) and as specifically discussed below, there are a number of conditions that must be met before the Board can consider issuing a water licence.

Section 57 of the *NWNSRTA* provides several key legislative requirements that must be satisfied before the NWB may issue a licence, as follows:

The Board may not issue a licence unless the applicant satisfies the Board that

(a) any waste produced by the appurtenant undertaking will be treated and disposed of in a manner that is appropriate for the maintenance of the water quality standards and effluent standards that are prescribed by the regulations or, in the absence of such regulations, that the Board considers acceptable; and

⁵⁷ SOR/2013-69.



- (b) the financial responsibility of the applicant, taking into account the applicant's past performance, is adequate for*
- (i) the completion of the appurtenant undertaking,*
 - (ii) such measures as may be required in mitigation of any adverse impact, and*
 - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking.*

Financial Responsibility of the Applicant

As outlined under the *NWNSRTA*, s. 57(b), the NWB considers three aspects of the responsibility of an Applicant to carry out a licenced undertaking:

- (i) the financial ability of the Applicant to complete the appurtenant undertaking;
- (ii) the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- (iii) the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

The third aspect of financial responsibility under s. 57(b) will be specifically addressed in the section of these Reasons for Decision discussing reclamation security.

The NWB's assessment of the Applicant's financial responsibility under s. 57(b) is a contextual analysis that considers not only the specific activities in relation to the current Amendment Application, but also the Applicant's overall financial capacity to carry out the Undertaking that is the subject of the amended Water Licence. In this regard, recognizing that this is an existing Mining undertaking that has been in operation in some form since 2016, the Board has paid particular attention to the Applicant's past performance as well.

With respect to considering Agnico Eagle's past performance to assess their financial capacity to carry out the undertaking governed by the amended Water Licence, the Board notes that:

- Agnico Eagle has been operating the Meliadine Gold Project which is approximately 25 km north of Rankin Inlet, since 2016, with no indication that the Applicant has been unable to meet the financial responsibilities of carrying out the Mining undertaking under the terms and conditions of the existing Water Licence No: 2AM-MEL1631;



- With respect to Agnico Eagle's Meadowbank Gold Mine Project, one of Agnico Eagle's other active operating gold mine projects in Nunavut, which is approximately 70 km north of the Hamlet of Baker Lake, Nunavut, that site has been developed into an operating gold mine since 2008, with no indication that the Applicant has been unable to meet the financial responsibilities of carrying out that Mining undertaking under the terms and conditions of the existing Water Licence No: 2AM-MEA1530;
- With respect to Agnico Eagle's Whale Tail Pit Project, Agnico Eagle's other active operating gold mine project in Nunavut, Agnico Eagle has undertaken construction and operation of the Whale Tail Pit Gold Mine, which is located approximately 50 km northwest of Agnico Eagle's Meadowbank Gold Mine, commencing in 2018, with no indication that the Applicant has been unable to meet the financial responsibilities of carrying out that Mining undertaking under the terms and conditions of the existing Water Licence No: 2AM-WTP1830.

In addition, there was no evidence put before the Board during the Board's consideration of the Amendment Application that would suggest limits on the financial ability of Agnico Eagle to successfully fulfill the obligations arising from the terms and conditions in the amended Water Licence. The Board also notes that with respect to all elements of the Applicant's financial responsibility, none of the parties, including community members in Rankin Inlet presented evidence that would call into question the Applicant's financial capacity to fulfill their responsibilities as required by s. 57(b) of the *NWNSRTA*.

On the basis of the financial information provided with the Amendment Application, and with the Board's acknowledgement of Agnico Eagle's prior operating history at the Meliadine Gold Mine, Meadowbank Gold Mine and Whale Tail Pit Project the Board has concluded that Agnico Eagle has established that they have the financial resources to meet the obligations imposed under the amended Water Licence.

Compensation of Existing or Other Users

The *NWNSRTA* requires that the NWB be satisfied that compensation of existing or other water users affected by the Amendment Application has been or will be paid.⁵⁸ To ensure that all parties with the potential to bring a water compensation claim have been notified of their rights under s. 55 of the *NWNSRTA*, the Notice of the Amendment Application issued by the Board on March 26, 2024, and the Notice of Public Hearing, published on July 4, 2024, invited anyone having a water user compensation claim to inform the Board of their interests in accordance with the timeline specified in the Notices. The NWB confirms that other than the representations of the Kivalliq Inuit Association and confirmation by Agnico

⁵⁸ See ss. 58-60 of the *NWNSRTA*.



Eagle regarding Inuit water rights compensation (referenced in the previous section of these Reasons for Decision), no water compensation claims were made to the NWB.

Issuance of a Licence

As stated above and pursuant to s. 42(1) of the *NWNSRTA*, by way of **Motion # 2024-10-P15-05**, the NWB's duly appointed decision-making Panel for the file, Panel P15, has decided to issue amended type A Water Licence No: 2AM-MEL1631 - Amendment No. 3 (the Amended Water Licence). In issuing the Amended Water Licence, the NWB is satisfied that the Amendment Application contained the required information and was received in the proper form having regard to the requirements of the *NWNSRTA*⁵⁹ and associated Regulations.⁶⁰

Assumptions

When faced with choices regarding monitoring requirements such as standards or parameters to be imposed under the Licence, the Board has opted to impose stringent monitoring requirements in an effort to ensure that the Applicant meets their on-going environmental protection obligations.

Amendment Application in Relation to the Licence

Overall, the NWB is satisfied that the requirements of s. 48 of the *NWNSRTA* have been met. Agnico Eagle filed an Amendment Application that complied with the NWB's Guide No.4 (*Guideline for Completing and Submitting an Application for a New Water Licence*) and associated *Supplemental Information Guideline (MM3) for Mine Development*, accompanied by the fees required by the *Nunavut Waters Regulations*, including the application fee. In addition, Agnico Eagle has provided the necessary materials to support the Amendment Application and responses to supplementary information requests provided by the Board and other parties as necessary for the Board to evaluate whether the Amended Water Licence should be granted.

Application to Amend or Application for Future Modifications

In relation to future applications to undertake significant modifications to the activities included within the scope of the type A Water Licence, the NWB reminds Agnico Eagle that it must comply with all requirements of the *Nunavut Agreement*,⁶¹ the *NuPPAA*,⁶² and the

⁵⁹ See s. 48 of the *NWNSRTA*.

⁶⁰ *Nunavut Waters Regulations*, SOR/2013-69.

⁶¹ See Article 12, Clause 12.4.3 (b) of the NLCA.

⁶² *Nunavut Planning and Project Assessment Act* S.C. 2013, c. 14 (*NuPPAA*).



NWNSRTA.⁶³ In particular, the Board notes that the scope of the authorized use of water and deposit of waste is as provided by Agnico Eagle in the Amendment Application and as set out in Part A of the Amended Water Licence, and any requested changes to that scope may trigger additional amendments to the Water Licence. In addition, any significant modifications to the undertaking are required to be submitted to the Nunavut Planning Commission and may subsequently be referred to the Nunavut Impact Review Board for further impact assessment prior to the NWB's consideration of any associated amendments to the Water Licence.

Assignment of the Licence

If Agnico Eagle wishes to assign the Amended Water Licence, the Board highlights that the licence is only assignable if the requirements of s. 44 of the NWNSRTA have been met. This section states:

A sale or other disposition by a licensee of any right, title or interest in an appurtenant undertaking constitutes, subject to the authorization of the Board, an assignment of the licence to the person to whom the sale or other disposition is made.

Cancellation or Expiry of the Licence

As indicated above, the NWB reminds the Applicant that the provisions of s. 46 of the NWNSRTA state: “[t]he expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.”

The Applicant is also reminded that pursuant to the NWB's authority under s. 43(1)(c)(iii) of the NWNSRTA, the NWB may, on application by a licensee, or on its own motion, cancel a licence at any time if the NWB considers the cancellation to be in the public interest.

Term of Licence

Section 45 of the NWNSRTA provides that the term of a type A Licence or any renewal shall not exceed the longer of twenty-five years or the “anticipated duration” of an undertaking (other than an undertaking, for which the maximum term is prescribed by Regulation as 25 years).

The Applicant did not request any changes to the current term of the Licence in the Amendment Application, and during the review process, no Parties indicated that the Licence

⁶³ See s. 43 of the NWNSRTA.



term should be changed. Therefore, the term of the Amended Water Licence remains as previously approved, with an expiration date of March 31, 2031.

SECTION VII: WATER LICENCE 2AM-MEL1631 TERMS AND CONDITIONS

The Licence does not take effect until the Minister approves or is deemed⁶⁴ to have approved the NWB's recommendation to issue the Amended Water Licence. As indicated in [SECTION VI](#), the Panel has decided to issue amended type A Water Licence No: 2AM-MEL1631 – Amendment No. 3, subject to the conditions contained herein.

To provide context and clarity, the NWB has provided a discussion and comments about specific amendments to the terms and conditions that follow. The NWB has not, however, provided specific comments for those amendments to licence terms and conditions that are clear in their wording and intent on the face of the Amended Water Licence.

Part A: Scope, Definitions and Enforcement

Scope

The undertaking, for which the Amended Water Licence is issued, is classified as a Mining Undertaking in accordance with Schedule 1, Item 2 of the *Nunavut Waters Regulations*.⁶⁵

In the Amendment Application,⁶⁶ Agnico Eagle requested that the scope of activities authorized under the Water Licence be updated to include increased freshwater consumption for operations and closure stages of the mine, open-pit mining at the Pump, Fzone, Wesmeg and Discovery deposits, additional waste rock storage facilities, additional water management infrastructure, increased capacity of the tailings storage facility, dewatering of lakes and ponds and increased fuel storage at Itivia Harbour. Agnico Eagle specified that these activities were included in the Final Environmental Impact Statement (FEIS) (Agnico Eagle 2014) assessed by the Nunavut Impact Review Board, but were not part of previous water licence applications considered by the NWB.

⁶⁴ Section 56 of the *NWNSRTA* states:

The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.

⁶⁵ SOR/2013-69.

⁶⁶ Agnico Eagle Mines Limited, Type "A" Water Licence 2AM-MEL1631 Amendment, Main Application Document, dated August 2020.



Definitions

Most of existing definitions were carried over from the existing Water Licence. In addition, definitions for the “Reference Method EPS 1/RM/14” and “Saline Groundwater” have been added.

Part B: General Conditions

Agnico Eagle submitted a Draft Water Licence Framework⁶⁷ during the licensing process proposing a number of revisions to the existing Water Licence for the Board to consider including in the Amended Water Licence. With respect to management plans specifically requiring the approval of the NWB before implementation, Agnico Eagle recommended that management plans should be deemed to be approved by the Board within sixty days of submission, unless otherwise advised by the Board. Under the suggested revision to allow for the deemed approval, if the NWB determined that a plan was unacceptable to the NWB, Agnico Eagle would be required to file a revised version, which would then be approved.

Both the KIA and CIRNA expressed concerns and voiced their disagreement with the proposed “deeming” provisions for plan approvals. The KIA noted that adopting such an approach erodes the Board’s jurisdiction, and CIRNA stated that the approach was impractical due to the short timeline for review. The Board shares the concerns noted by the KIA and CIRNA, and notes that given the substantive nature of many of the management plans filed under the Amended Water Licence, adopting Agnico Eagle’s recommended timelines and “deeming” approach is not appropriate. The Board also notes that this would be a significant change to the Board’s standard approach to the review and approval process for management plans that governs all other licences in Nunavut. Adopting Agnico Eagle’s requested approach would create a plan review and approval process and timelines that would be unique to the Amended Licence. This is unwarranted and would create inconsistency and confusion for parties such as the KIA, CIRNA and ECCC, who typically provide comment on management plans filed by various licensees under several other water licences.

In support of the Amendment Application, the Proponent submitted a number of Programs/Plans that have been either approved or accepted by the Board⁶⁸ with the issuance

⁶⁷ Email from J. Range to R. Dwyer, RE: 2AM-MEL1631 Water Licence Draft, dated June 7, 2024.

⁶⁸ NOTE: Under the NWB’s approach to review and consideration of relevant Management Plans, the NWB “approves” plans that are directly required or applicable to the activities within the scope of the Water Licence and “accepts” plans that may be less directly relevant or that may contain components outside the scope of the activities governed by the Water Licence. For the purposes of the discussion of this section of the Amended Licence, the Board has referenced the plans as “approved (accepted)” to denote the distinction between the NWB’s process of reviewing the two different types of plans.



of the Amended Water Licence. The following documents were approved (accepted) under Part B of the Amended Water Licence:

- a. Adaptive Management Plan for Water Management, Version 2B, August 2024;
- b. Ammonia Management Plan, Version 5, January 2024;
- c. Aquatic Effects Monitoring Program (AEMP) Design Plan, Version 3, January 2024;
- d. Borrow Pits and Quarries Management Plan, Version 7, January 2024;
- e. Itivia Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 2b, January 2024;
- f. Dust Management Plan, Version 7, January 2024;
- g. Environmental Management and Protection Plan (EMPP), Version 10, January 2024;
- h. Freshet Management Plan, Version 9, January 2024;
- i. Groundwater Management Plan, Version 10, January 2024;
- j. Hazardous Materials Management Plan, Version 6, January 2024;
- k. Incineration Management Plan, Version 8, January 2024;
- l. Itivia Oil Handling Facility Oil Pollution Emergency Plan, Version 3.1, April 2020;
- m. Landfarm Management Plan, Version 5, January 2024;
- n. Landfill and Waste Management Plan, Version 9, January 2024;
- o. Meliadine Interim Closure and Reclamation Plan – Update 2024, January 2024;
- p. Mine Waste Management Plan, Version 11, January 2024;
- q. Ore Storage Management Plan, Version 6, January 2024;
- r. Quality Assurance and Quality Control Plan, Version 5, January 2024;
- s. Risk Management and Emergency Response Plan, Version 5, January 2024;
- t. Roads Management Plan, Version 9, January 2024;
- u. Sediment and Erosion Management Plan, Version 4, January 2024;
- v. Spill Contingency Plan, Version 14b, January 2024;
- w. Water Management Plan; Version 14, January 2024;
- x. Water Quality and Flow Monitoring Plan, Version 4, January 2024;
- y. ARD-ML Sampling and Testing Plan, Version 1, January 2024.

The NWB notes that the Board’s approval or acceptance of a plan does not imply that the NWB has considered, or has otherwise approved elements of that plan that may be outside of the NWB’s jurisdiction. In addition, reflecting the scale and scope of the future changes to an approved plan, the Board may subsequently process the changes as solely an amendment to the plan, as a Modification under Part G of the Licence, or, if the proposed changes are significant, as an amendment to the Water Licence.



For a number of Management Plans, the NWB is setting a sixty-day deadline after the Minister has provided his approval of the Amended Water Licence for Agnico Eagle to submit updates to the Plans, taking into account commitments made with respect to the submissions received during the technical review of the Amendment Application, as well as final submissions and issues raised during the Public Hearing process. The Management Plans that the Board requires Agnico Eagle to update within 60 days of the approval of the Amended Water Licence are as follows:

- Water Management Plan;
- Aquatic Effects Monitoring Plan Design Plan;
- Freshet Management Plan; and
- Interim Closure and Reclamation Plan.

With respect to the updated Water Management Plan, the Board reminds the Licensee to clarify the list of built and unbuilt infrastructure⁶⁹ and include details of pond dewatering; total suspended solids (TSS) treatment for water from the lower 50% of ponds and lakes to be dewatered, predicted volumes, treatment capacity, and management of sludge/residue⁷⁰ to fulfil commitments made for addressing ECCC's requests.

With respect to the Aquatic Effects Monitoring Plan, the Board reminds the Licensee to include two peninsular lakes from Lake E3 (MEL-15), Lake G2 (MEL-16), or Lake H1 (MEL-17), plus Lake D7⁷¹ and include Federal Environmental Quality Guidelines for cobalt, copper, strontium, and vanadium⁷² to fulfil commitments made for addressing ECCC's requests.

With respect to the Freshet Management Plan, the Board reminds Agnico Eagle to describe how water accumulating in all dewatered lakes and ponds will be managed during freshet including predicted water quality and to include dewatered ponds and lakes in "areas of risk during freshet".⁷³

Agnico Eagle will update the Mine Waste Management Plan before the Discovery Waste Rock Storage Facility becomes operational, to show overburden, bedrock, and PAG & NPAG waste rock⁷⁴ to fulfil commitments made for addressing ECCC's requests.

⁶⁹ Commitment WLA12 – ECCC-TC-20, Inconsistent water management systems description;

⁷⁰ Commitment WLA8 – ECCC-TC-12a Dewatering lakes and ponds;

⁷¹ Commitment WLA10 – ECCC-TC-13 Monitoring peninsular lakes;

⁷² Commitment WLA7 – ECCC-TC-8 Water quality screening criteria for parameters without CCME guidelines; and

⁷³ Commitment WLA9 – ECCC-TC-12b, c Dewatering lakes and ponds.

⁷⁴ Commitment WLA14 – ECCC-TC-22 Discovery waste rock facility;



Agnico Eagle will also update the Spill Contingency Plan and Emergency Response Plan to fulfil commitments made for addressing ECCC's requests regarding response procedure guides.⁷⁵

Additionally, if Agnico Eagle chooses the contingency option to deposit saline water into open pits at closure, Agnico Eagle will include a pit-specific study, addressing how saline water is expected to stratify, in the Final Closure and Reclamation Plan.⁷⁶

The remainder of the revisions to the General Conditions section have been included by the Board to ensure that the terms and conditions of the Amended Water Licence in this Part are consistent with the other type A Water Licences applicable to Mining Undertakings previously issued by the NWB.

Part C: Conditions Applying to Security

In determining the amendments to the security section of the Water Licence, the Board was required to consider that Agnico Eagle, the Kivalliq Inuit Association (KIA) and Crown-Indigenous Relations and Northern Affairs (CIRNA) have entered into a Security Management Agreement that governs how the overall reclamation security (the global security amount) for the Mining undertaking will be allocated between the KIA, under their commercial land lease, and CIRNA, under the applicable water licences.

In this respect, the NWB is bound by s. 76.1 of the *NWNSRTA*, which states as follows:

Arrangements relating to security

76.1 (1) If a licence is in respect of an appurtenant undertaking that is situated, partially or wholly, on Inuit-owned land, the Minister may enter into a written arrangement with the designated Inuit organization and the applicant, licensee or prospective assignee of the licence that provides for

(a) the amount of security to be furnished and maintained by the applicant, licensee or prospective assignee, as well as the form and nature and any conditions of the security, for the purpose mentioned in paragraph 76(2)(b) or for the purpose of reimbursing the designated Inuit organization for the costs specified in the arrangement; and

⁷⁵ Commitment WLA15 – ECCC-TC-25 Response procedure guides;

⁷⁶ Commitment WLA6 – ECCC-TC-5 Saline water stratified in pits at closure; and



(b) the periodic review of the security, including by taking into account any material changes to the undertaking or the risk of environmental damage, and the adjustment of the amount of the security as a result of the review.

Copy of arrangement to be provided to Board

(2) The Minister shall, as soon as possible after entering into the written arrangement described in subsection (1), provide a copy of it to the Board.

Arrangement to be taken into account under subsection 76(1)

(3) The Board shall take into account the written arrangement when it determines the amount of the security required to be furnished and maintained by the applicant, licensee or prospective assignee under subsection 76(1).

As outlined in the NWB's Reasons for Decision associated with the issuance of the Water Licence in 2016, the Board reviewed the *Meliadine Security Management Agreement* filed by the parties and took the 50/50 allocation of the total global security amount between KIA and CIRNA into account when fixing the security required to be held under the Water Licence:

As confirmed during the Board's review of the Amendment Application, and confirmed by the parties during the Public Hearing, the *Meliadine Security Management Agreement* has been amended, and remains in force to govern the reclamation of undertaking, including the additional activities included within the scope of the Amended Water Licence:

I would like to confirm that we [CIRNA] agreed on the...global security amount. We have -- we agreed on the split of the security amount between Kivalliq Inuit organization...and Government of Canada 50-50 split. I also agreed on the payment of the security...in three tranches.⁷⁷

Accordingly, as governed by s. 76.1 of the NWNSRTA, the Board has taken the *Security Management Agreement* into account when fixing the amount of security that must be held under the Amended Water Licence.

Review of the Amount of Security

Throughout the Board's consideration of the Amendment Application the Board has considered the information provided by the Applicant and the technical review comments provided by the Interveners with respect to the additional security that is required to reflect

⁷⁷ A, Haque, CIRNA, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 2-8, p. 111.



the increases to reclamation liability associated with the additional activities, works and undertakings included within the scope of the Amended Water Licence. Although the parties did not initially agree with respect to the required updated total global security amount, at the Public Hearing, CIRNA, the Kivalliq Inuit Association and Agnico Eagle confirmed that they have agreed on a final security amount of just over \$158 million to be paid in 3 installments or “tranches” based on milestones set out in Schedule C of the Licence.

Noting the parties’ agreement and, based on the Board’s consideration of the works and activities added to the scope of the Amended Water Licence, the Board has concluded that the total global security amount of \$69,687,246 fixed originally under the existing Water Licence should be increased by approximately \$88.76 million to \$158,450,658 under the Amended Water Licence. The Board is confident that the additional amount represents an appropriate increase to the total amount of security required to reclaim this Mining Undertaking when additional activities, works and undertakings included in the Amendment Application are taken into account, and also reflects the factors that the NWB must take into account when fixing security under a Type A Water Licence as set out in s. 10(1) of the *Nunavut Waters Regulations*.⁷⁸

10 (1) For the purposes of subsection 76(1) of the Act, the Board may fix the amount of security required to be furnished by an applicant for a licence, a licensee or a prospective assignee in an amount not exceeding the aggregate of

- (a) the costs of the abandonment of the undertaking;*
- (b) the costs of the restoration of the site of the undertaking;*
- (c) the costs of any ongoing measures that may remain to be taken after the abandonment of the undertaking; and*
- (d) the compensation that a person, including the designated Inuit organization, who is adversely affected by the use of waters or deposit of waste may be entitled to under section 13 of the Act.*

On this basis, the Board has amended Part C, Items 1 and 2 and Schedule C of the Licence to increase the total global security amount as noted above. With respect to the updated security required to be posted by Agnico Eagle under the Amended Water Licence, recognizing that the updated *Meliadine Security Management Agreement* between CIRNA, KIA and Agnico Eagle requires 50% of the total global security amount to be posted under the Water Licence, the Licence has been amended to show that Tranche 1 of the security will be furnished and maintained, 50% (**\$56,614,394 CAD**) to be held by the Minister under the Amended Water Licence and 50% (\$56,614,394 CAD) to be held by the Kivalliq Inuit Organization, within thirty (30) days following the approval of this Licence by the Minister.

⁷⁸ *Nunavut Waters Regulations*, SOR/2013-69.



The Board has added Schedule C to the Amended Licence, which sets out milestones for the three tranches that trigger increases to security that must be provided at least thirty (30) days before proceeding with the activities, works and undertakings associated with the milestone.

In addition, the terms and conditions in Part C specify that the Licensee shall provide at least 90 days written notice prior to:

- reaching the milestone(s) described in Schedule C;
- any party's termination or material change to the *Meliadine Security Management Agreement* that could affect the amount of security held by the Minister and/or the Kivalliq Inuit Association; or
- any materials changes to the Undertaking or the risk of environmental damage associated with the Undertaking that could result in a material change to the reclamation liability associated with the Undertaking as described in Part C, Item 2.

Periodic Review of the Amount of Security

Part C, Item 8 establishes conditions for conducting a periodic review of the reclamation liability associated with the Licence. It allows the Board, the Licensee, the Minister or the Kivalliq Inuit Association to notify the Board to conduct a review of the amount of security held under the Licence by providing reasonable evidence to support their request. As set out in the Licence "*Any submission requesting an amendment to the security provisions at Part C of this Licence shall include supporting evidence to justify the amendment and will be processed by the Board as an amendment to the terms and conditions of the Licence. Any submission requesting an adjustment to Schedule C shall include supporting evidence to justify the adjustment and will be processed by the Board in accordance with Part B, Item 20.*"

As a result, the Board's normal notice, timelines and other processing requirements for an amendment to a type A Water Licence would apply. Consequently, the Board considers it very unlikely that the Board and Interveners will be inundated with this type of amendment application after the amended clause is in force.

The Board acknowledges the benefit of making this clause consistent with the existing terms and conditions in other type A Water Licences where security is held under a Security Management Agreement, and so the Board has adopted this proposed condition into the Amended Water Licence on this basis.

Part C, Item 9, also specifies that the Board may issue further directions under Part C to govern the process for the Board's conduct of periodic reviews of security and associated revisions to the amount of security to be furnished and maintained under the Licence.



Part D: Conditions Applying to Construction

The scope of the Amendment Application includes the construction of engineered facilities and infrastructure at the Meliadine Mine site. The Board has a condition requiring the Licensee to submit to the Board for review for-construction drawings for all engineered facilities and infrastructure designed to contain, withhold, divert or retain waters and waste, sixty (60) days prior to the construction under the Amended Water Licence. There are no changes in this section of the Licence.

Part E: Conditions Applying to Water Use and Management

Section 11 of the NWNSRTA states “... *no person shall use, or permit the use of, water in Nunavut except in accordance with the conditions of a licence.*”

The Board has amended the Licence to approve the Applicant’s request to increase the originally approved volume of water used on an annual basis during the Operations Phase of the Project from the currently authorized volume of seven hundred and forty-two thousand (742,000) cubic metres to one million one hundred thousand two hundred and ninety-six (1,110,296) cubic meters *per year*.

In the amendment Application, Agnico Eagle requested that the NWB increase the originally approved volume of water used for reflooding of pits at the Closure Phase of the Project from the currently authorized volume of four million (4,000,000) cubic metres to eight million six hundred and seventy-six thousand, four hundred and eighty-one (8,676,481) cubic metres *per year*.

During the Board’s consideration of the Amendment Application, the Interveners ECCC and DFO indicated that, in their view, Agnico Eagle has not yet provided sufficient information to assure the Board that the increase to the amount of water used for reflooding from 4 million cubic metres to 8.7 million cubic metres per year will protect the flows downstream of Meliadine Lake to the Meliadine River and the Diane River⁷⁹ and be protective of instream flow needs for fish (char) and fish habitat.⁸⁰

In summary, ECCC recommended the following:

And this is the final one, Comment Number 29, and it's about how much water Agnico can take out of Meliadine Lake each

⁷⁹ See for example ECCC’s presentation and response to questioning from the NWB’s staff during the Public Hearing, S. Forte, ECCC, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at pp. 122-123 and pp. 126-128.

⁸⁰ See for example DFO’s presentation and responses to questioning J. Audet-Lecouffe, DFO, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at pp. 194-195 and Volume 2 -- September 12, 2024 at pp. 212-214



year to fill the pits at closure. Meliadine Lake has two outlets, as Martha spoke about earlier, Meliadine River and the Diane River through Peter Lake. Removing too much water too quickly from Meliadine Lake could reduce flows in those rivers at the outlet, which could impact fish in both those rivers.

There isn't enough data to decide what is a safe amount of water to withdraw each year for pit filling. So Environment and Climate Change Canada is recommending that the Board not include a withdrawal rate for closure in an amended licence. This will give some time to collect the missing data before closure, which is presently planned for 2031.⁸¹

DFO also requested that the Board does not grant Agnico Eagle's request to increase the volume of water used for pit reflooding, stating as follows:

We understand that the volume requested in this application is less than what was accepted in 2014, but we don't know what impact it will have on the char population. The volume that Agnico Eagle requests might be acceptable, but we can't confirm that.

Agnico also identified in 2014 that the flow at the outlet could be reduced as much as 35 percent, and this is well above DFO's threshold. So it's a significant impact, and it requires more analysis. It's important to maintain water levels to protect arctic char populations that people in Rankin rely on.

... So DFO recommends to the Board that the flow rate be removed, that the detailed analysis be provided, and that the necessary information is collected.⁸²

Agnico Eagle provided the following response:

Fisheries and Oceans stated that Agnico Eagle does not understand the impacts, but I would argue that we do...In the current maximum proposed rate, it is half that assessed in the 2014 FEIS. Given that, this updated withdrawal rate would result in lower estimated reductions to streamflows, approximately half the originally assessed reduction.

It is also worth noting that...assessment in the 2014 FEIS model conservatively assumed that there would be no management of the withdrawals for Meliadine Lake.

⁸¹ S. Forte, ECCC, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at lines 20-26 and lines 1-11, pp. 191-192.

⁸² J. Audet-Lecouffe, DFO, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 1 – September 11, 2024, at lines 19-26 and 1-10, pp. 194-195.



However, the following mitigation was also identified:· Pumping rates will be managed to minimize effects to Meliadine Lake and will ensure that the total annual discharge does not drop below the ten-year dry condition.· In years during which Meliadine Lake discharges are forecast to naturally fall below the ten-year dry condition, no pumping will occur.

There is flexibility in the active closure pumping schedule as presented in the amendment application to manage withdrawals from Meliadine Lake to meet this mitigation measure. In my professional opinion, the assessment methodology used in the 2014 FEIS was appropriate and defensible and in line with the guidance provided in the Fisheries and Oceans framework.⁸³

With respect to DFO's comment that a minimum of 20 years of streamflow data is required to support the request for the increased water use during Closure and Reclamation, Agnico Eagle responded as follows:

With respect to Fisheries and Oceans' comment on the requirement for environmental flow needs assessments to be conducted using a minimum of 20 years of streamflow data, as noted in the first quotation on the slide, the framework also in Appendix I specifies specific steps to be taken...if site-specific records are less than 20 years in duration.

And I quote: (as read)

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

I would like to note that this approach is standard, industry-wide, and nationwide. It is well supported by the scientific community and is outlined in several other provincial environmental flow needs assessment documents.

...Agnico is collecting streamflow and water level data at both outflows of the lake over the next three years. Agnico's data can be used in combination with Water Survey of Canada hydrometric records, examples of which are provided in the table in the lower right of the slide [Exhibit 15], and watershed

⁸³ S. Jackson, Agnico Eagle, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 12-26 and 1-15, pp. 226-227.



modelling to generate the required 20-plus years of streamflow data for use in this assessment.⁸⁴

During the Public Hearing Agnico Eagle read in the following commitment to address the concerns of ECCC and DFO:

This is Water Licence Amendment Commitment Number 19. The subject is "closure pit flooding".

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

Appropriate studies will be undertaken to confirm that during pit re-flooding Meliadine Lake levels will remain within their natural elevation range, and small craft navigability through the narrows of Meliadine Lake will be maintained. This should ensure no impact to downstream fish habitat.⁸⁵

In response to questioning from the NWB staff, Agnico Eagle confirmed that the baseline outflow volume of water coming from Meliadine Lake in any given year is approximately 85 million cubic metres.⁸⁶

As noted by Agnico Eagle, DFO and ECCC, during the NIRB's assessment of the Meliadine Gold Project in 2014, the volume of water expected to be required for pit refilling during closure and reclamation was assessed at approximately 17 million cubic metres per year. In the Amended Application, Agnico Eagle requested the NWB approve approximately half that amount of water use. While the Board recognizes that since 2014 Agnico Eagle has been able to refine its estimates and has gathered additional site-specific information to improve their estimates of the actual volumes required, the Board was not provided with any evidence from any party that suggested the NIRB's assessment of the potential effects of the withdrawal of 17 million cubic metres was flawed or that new information or monitoring data suggests that site conditions have changed so significantly that the NIRB's conclusions

⁸⁴ S. Jackson, Agnico Eagle, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 19-26, 1-13 and 21-26, pp. 227-228.

⁸⁵ C. Prather, Agnico Eagle, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 5-25, p. 242.

⁸⁶ S. Jackson, Agnico Eagle, NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at lines 14-17, p. 273.



that no significant effects would occur if the annual withdrawal rate was 17 million cubic metres during closure and reclamation.

However, this is not to suggest that the Board does not understand or share ECCC's and DFO's urging to approach this issue with caution and the recognition of the critical importance of ensuring that any increases to future water withdrawals must be done in a manner that reflects the uncertain effects of climate change and ensures the preservation of fish and fish habitat.

In addition, the Board recognizes that Agnico Eagle's on-going mine reclamation planning requires certainty regarding the total volume of water approved for use during closure and reclamation.

Taking all these factors into account, the Board has decided the following:

- It is untenable to defer the Board's consideration and approval of the increased water use until the Licence renewal process in 2030-2031;
- The NWB has reviewed the NIRB's assessment in relation to this issue and the information provided by parties during the NWB's consideration of the Amendment Application and has not identified any information that would suggest the NIRB's conclusion that the withdrawal of up to 17 million cubic metres per year would not result in significant impacts was flawed or otherwise inaccurate; and
- The NWB has noted that Agnico Eagle has committed to several measures to address concerns and ensure the rate and timing of the withdrawal of the increased water use of 8 million cubic metres does not adversely impact fish, fish habitat or water levels in the Meliadine River and Diane River, and the NWB is confident that these measures will provide the additional information and mitigations to address these concerns about potential effects as expressed by ECCC, DFO and the community.

On this basis, the Board has approved Agnico Eagle's request to amend the Water Licence to increase the approved volume of fresh water used for reflooding of pits at the Closure Phase of the Project from the currently authorized volume of four million (4,000,000) cubic metres to eight million six hundred and seventy-six thousand, four hundred and eighty-one (8,676,481) cubic metres *per* year. Reflecting the submissions of ECCC, DFO and the community, about ensuring pit reflooding does not adversely affect Meliadine Lake and linked water bodies, and fish and fish habitat in these water bodies, the Board has also added terms and conditions to Part E, Items 15 and 16 to expressly incorporate the requirements of *Water Licence Amendment Commitment Number 19* into the Amended Licence.



The remainder of the revisions to the Part E, the Water Use and Management section ensure that the terms and conditions of the Amended Water Licence under this Part are consistent with the other Type A Water Licences applicable to Mining undertakings previously issued by the NWB.

Part F: Conditions Applying to Waste Disposal and Management

The Board has included a new condition requiring Agnico Eagle to limit effluent discharges to Meliadine Lake, up to a total authorized volume of two million six hundred thousand (2,600,000) cubic metres *per* year, during the Operations phase of the Project. This condition was included to reflect the request of the Kivalliq Inuit Association and was agreed to by Agnico Eagle fulfilling their commitment.⁸⁷

The Board has included another condition prohibiting the discharge of Saline Groundwater to Meliadine Lake. The condition requires that Saline Groundwater be managed separately from surface contact water and not be directed to the contact water management system, with the exception of residual Saline Groundwater present in decommissioned and drained saline storage ponds. “Saline Groundwater” is defined as water originating from underground mine workings which exceeds a Total Dissolved Solids (TDS) concentration of 4,500 mg/L. This condition was included at the request of the Kivalliq Inuit Association, Nunavut Tunngavik Incorporated and ECCC, after discussions⁸⁸ at the Public Hearing.

The Board has included conditions in the Amended Water Licence to ensure that the main types of waste and/or effluent generated by the Project do not negatively impact the receiving freshwater environment.

In the Draft Water Licence Framework, Agnico Eagle proposed to remove the specifications of the Acute Lethality test, indicating that this test is defined in Schedule A of the *Metal and Diamond Mining Effluent Regulations*, SOR/2002-222 (*MDMER*). CIRNA expressed their disagreement with the proposed change suggesting that a reference to the tests to be used should be included either explicitly or by reference to acute toxicity tests prescribed under the *MDMER* for Rainbow Trout (*Oncorhynchus mykiss*) and *Daphnia magna*. Taking into account this request from CIRNA, and similar requests during the last Amendment of this Licence, the Board has not amended the reference to the Acute Lethality test within Part F, Item 5. This Licence term now includes a specific reference to the *Daphnia magna* test, because this test is now required under the *MDMER*. The Board notes that this condition refers to all future tests that may be required under the *MDMER*.

⁸⁷ Commitment WLA1 – KivIA-TC-01 Meliadine discharge quality and quantity;

⁸⁸ See discussions during the Public Hearing, for example NWB Public Hearing, File No: 2AM-MEL1631, Transcript, Public Hearing, Volume 2 – September 12, 2024, at pp. 76 and 87.



Under this Part, the Board has also included a requirement to operate the Treatment Plants in accordance with the following previously approved Operation and Maintenance Manuals:

- “Operation and Maintenance Manual, Freshwater Treatment Plant Upgrade”, dated June 2020;
- “Operation & Maintenance Manual (OMM), Sewage Treatment Plant Upgrade”, dated March 2021;
- “Operation and Maintenance Manual, Effluent Water Treatment Plant (EWTP)”, dated January 2021;
- “Operation & Maintenance Manual, Saline Water Treatment Plan”, dated July 2018;
- “PALL Agnico, Two 450 GPM Reflex CCRO units, Operation and Maintenance Manual”, dated April 10, 2018; and
- “Operation and Maintenance Manual, Saline Effluent Treatment Plant (SETP) Upgrade”, dated January 2022.

The remainder of the revisions to the Part F: Waste Disposal and Management ensure that the terms and conditions in this Part of the Amended Water Licence are consistent with other type A Water Licences applicable to Mining Undertakings previously issued by the NWB.

Part G: Conditions Applying to Modification

There were no substantive revisions to Part G, with all terms and conditions of the previous Water Licence being carried over with minor edits and updates.

Part H: Conditions Applying to Emergency Response and Spill Contingency Planning

The development and implementation of measures to respond to spills and other emergencies are fundamental to ensuring that any potential unpredicted adverse effects on the environment from Project activities are prevented and/or minimized. Accordingly, the Applicant submitted the *Spill Contingency Plan*, dated January 2024, and the *Risk Management and Emergency Response Plan*, dated January 2024, as part of the Amendment Application. These Plans identify potential emergencies that could arise while carrying out the undertaking and provide a procedural framework for responding to those emergencies.

There were no substantive revisions to Part G, with all terms and conditions of the previous Water Licence being carried over with minor edits and updates.

Part I: Conditions Applying to General and Aquatic Effects Monitoring



As previously noted, s. 73 of the *NWNSRTA*⁸⁹ requires the NWB to set conditions at least as stringent as conditions prescribed by regulations pursuant to ss. 36(5) of the *Fisheries Act*, R.S.C. 1985, c. F-14. Furthermore, for the purpose of ensuring compliance with the Water Licence or regulations, an Inspector designated by the Minister may inspect or examine works, waters or waste and exercise other powers according to the *NWNSRTA*⁹⁰. For the purpose of monitoring, the NWB may include conditions in the licence regarding monitoring programs to be undertaken.⁹¹

The following monitoring plans were included as part of Amendment Application:

- Aquatic Effects Monitoring Program (AEMP) Design Plan, Version 3, January 2024;
- Environmental Management and Protection Plan (EMPP), Version 10, January 2024;
- Itivia Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan, Version 2b, January 2024;
- Quality Assurance and Quality Control Plan, Version 5, January 2024 (accepted); and
- Water Quality and Flow Monitoring Plan, Version 4, January 2024.

In this Part of the Amended Water Licence, the NWB directs the Applicant to undertake the updated Monitoring Program described in Schedule I of the Amended Water Licence and to measure and record monthly quantities of water used from various sources and of waste produced. In addition, the Board included conditions requiring the Applicant to undertake geotechnical inspections of facilities and infrastructure designed and constructed to withhold, divert or retain waters in accordance with set intervals as well as adherence to the *Canadian Dam Association Safety Guidelines* for relevant infrastructure/facilities.

The revisions to the Part I with respect to Monitoring ensure that the terms and conditions of the Amended Water Licence under this Part are consistent with the other type A Water Licences applicable to Mining Undertakings previously issued by the NWB.

Part J: Conditions Applying to Abandonment, Reclamation and Closure

The Board requires all type A Water Licence licensees to prepare an Interim Closure and Reclamation Plan, and, eventually, a Final Closure and Reclamation Plan in accordance with

⁸⁹ Section 73 of the *NWNSRTA* states:

Where the Board issues a licence in respect of any waters to which regulations made under subsection 36(5) of the Fisheries Act apply, any conditions in the licence relating to the deposit of waste in those waters shall be at least as stringent as the conditions prescribed by those regulations.

⁹⁰ See ss. 85-94 of the *NWNSRTA*.

⁹¹ See s. 70(1)(c) of the *NWNSRTA*.



the *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT (2013) (Guidelines)*⁹² and consistent with the *Mine Site Reclamation Policy for Nunavut, 2002 (Policy)*.⁹³

As clearly outlined by the Board in the Shear Diamonds Licence Renewal Decision:

The Board's approach to reclamation reflects the four main objectives outlined in the Policy:

*The Mine Site Reclamation Policy*⁹⁴ *for Nunavut serves four main objectives:*

- 1. Ensure the impact of mining on the environment and human health and safety is minimized;*
- 2. Reduce the environmental liability that falls to government to the greatest extent possible;*
- 3. Provide industry and the public with a clear signal of the government's expectations; and*
- 4. Build positive and supportive relationships with the new regulatory authorities coming into operation in the North.*⁹⁵

With respect to the specific components of the plans, in the Amended Water Licence the Board has maintained the approach put forward in the *Guidelines* that recognizes that there are three stages in the development of a Closure and Reclamation Plan (CRP). The first stage involves the preparation of a Preliminary Closure and Reclamation Plan that is typically prepared as part of the environmental assessment of the project that demonstrates “*how the mine site is proposed to be reclaimed and describes the likely residual risks to human health and the environment*”. The second stage involves the development of one or more Interim Closure and Reclamation Plans (ICRP) through the operating life of the mine, which builds on the Preliminary CRP, and is updated to reflect significant changes to the mine plan or key milestones in terms of the mine life.

As stated in the *Guidelines*:

The general purpose of the Interim CRP is to update preceding plans according to the current mine operating plan, updated or renewed community values, or advances in mine reclamation technology. Interim Reclamation Plans provide conceptual detail on the reclamation of mine components,

⁹² Mackenzie Valley Land and Water Board, (Yellowknife: Mackenzie Valley Land and Water Board, 2013) *Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT (2013)*.

⁹³ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) *Mine Site Reclamation Policy for Nunavut*.

⁹⁴ Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002), *Mine Site Reclamation Policy for Nunavut*, p. 2.

⁹⁵ Nunavut Water Board, *Reasons for Decision: 2AM-JER1119 Type A – Licence Renewal* at pp. 66-68.



*which will not be closed until near the end of the mining operations, and operational detail for components which are to be progressively reclaimed earlier in the mine life. The Interim CRP should include increased detail and more specific closure criteria regarding reclamation components as these become available and as those areas of the mine are developed (e.g. rock piles that are completed or reclamation test studies that have been conducted).*⁹⁶

The third stage involves the preparation of a Final CRP that should be provided and approved before a scheduled permanent closure takes place, or as soon as is practical after an unplanned closure. The general purpose of the Final CRP is to provide complete details, usually for regulatory approval, regarding the proposed reclamation activities such that they can be subsequently implemented⁹⁷. The Licence requires the filing of a Final Closure and Reclamation Plan at least twelve (12) months prior to the closure of the mine.

In compliance with these requirements, Agnico Eagle included the *Meliadine Interim Closure and Reclamation Plan (ICRP)*, dated January 2024 as part of the Amendment Application.

The Board has also included a requirement that Agnico Eagle must notify the Board in writing, as soon as practically possible, and in any event, at least sixty (60) days prior to entering into a Care and Maintenance Phase. A Care and Maintenance Plan shall also be submitted to the Board within thirty (30) days of Agnico Eagle providing such a notification of intent, and the Plan shall detail the Licensee's plans for maintaining compliance with the Terms and Conditions of the Licence during Care and Maintenance.

The remainder of the revisions to Part J regarding Abandonment, Reclamation and Closure ensure that the terms and conditions of the Amended Water Licence under this Part are consistent with the other type A Water Licences applicable to Mining Undertakings previously issued by the NWB.

⁹⁶ Mackenzie Valley Land and Water Board, (Yellowknife: Mackenzie Valley Land and Water Board, 2013) Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT (2013), at p. 22.

⁹⁷ Mackenzie Valley Land and Water Board, (Yellowknife: Mackenzie Valley Land and Water Board, 2013) Guidelines for the Closure and Reclamation of Advanced Mineral Exploration and Mine Sites in the NWT (2013), at pp. 24-26.



Schedules A through J

The Schedules in the Amended Water Licence provide instructive detail to the conditions appearing in more general terms in the main body of the Amended Water Licence and are spelled out in this format for greater clarity and as an aid to interpretation for the Licensee. Except for Schedule A, the Schedules provide, if needed, specific requirements for plans or reports to be submitted to the Board.

If the Board subsequently determines that an item in any of the Schedules requires revision in order to better reflect the intent and objectives of the Amended Licence, the Board may at its discretion, and upon consulting and providing written notice to the Licensee and intervening parties, revise the Schedule. Unless the Board directs otherwise, such revisions may not necessarily be considered as an Amendment to the Licences.

Schedule A: Scope, Definitions and Enforcement

Most of existing definitions in Schedule A were carried over from the previous Water Licence with slight modifications to keep these definitions up to date. In addition, definitions for the “Reference Method EPS 1/RM/14” and “Saline Groundwater” have been added to this section of the Amended Water Licence.

Schedule B: General Conditions

Schedule B outlines general and specific annual reporting requirements for the Mining undertaking. All requirements in Schedule B were carried over from the previous Water Licence.

Schedule C: Conditions Applying to Security

Schedule C has been added in the amended Licence. It states the Global Security Amount and outlines milestones for the payment of security in 3 installments or “tranches”.

Schedule D: Conditions Applying to Construction

A list of lakes to be dewatered, is included. There were no other changes to Schedule D under the Water Licence.

Schedule E: Conditions Applying to Water Use and Management

There is no Schedule for Water Use and Management under the Water Licence

Schedule F: Conditions Applying to Waste Disposal and Management

There is no Schedule for Waste Disposal and Management under the Water Licence

Schedule G: Conditions Applying to Modifications

There is no Schedule for Modifications under the Water Licence



Schedule H: Conditions Applying to Emergency Response and Spill Contingency Planning

There is no Schedule for Emergency Response and Spill Contingency Planning under the Water Licence

Schedule I: Conditions Applying to General and Aquatic Effects Monitoring

There were no changes to Schedule I under the Water Licence except additional Monitoring Program Stations due to expansion of Project.

Schedule J: Conditions Applying to Abandonment, Reclamation and Closure

There is no Schedule for Abandonment, Reclamation and Closure under the Water Licence.



APPENDIX A – Agendas for Public Hearing and Community Session

AGENDA

PUBLIC HEARING

MELIADINE GOLD PROJECT

TYPE A WATER LICENCE NO: 2AM-MEL1631 AMENDMENT APPLICATION

Date: September 11-12, 2024 at the Rankin Inlet Recreation Hall

Time: 9:00 AM – 5:00 PM (CT)

Teleconference links and call-in information:

		+1 647 558 0588
+1 778 907 2071	+1 438 809 7799	+1 613 209 3054
+1 647 374 4685	+1 587 328 1099	+1 204 272 7920

<https://pido-ca.zoom.us/j/82041956647>

Meeting ID: 820 4195 6647

1. Opening Prayer
2. Opening Remarks by the Chairperson, which shall include the purpose of the Public Hearing and the scope of matters which will be considered by the Board
3. Introduction of the Board Members and Staff
4. Identification and introduction of the Parties
5. Introduction of the Elders and their role in the Public Hearing
6. Introduction and identification of the persons, associations, agencies, etc., who have not submitted interventions but who have expressed a desire to speak at the Public Hearing
7. Identification of any Motions or any objections
8. Presentation by the Applicant
9. Questioning of the Applicant by Parties respecting the Applicant's presentation
10. Questioning by the Board Staff and Panel Members



11. Presentation by Interveners
12. Questioning of Interveners by Applicant and Parties
13. Questioning by the Board Staff and Panel Members
14. Presentation by any other persons, associations, agencies, etc. who have advised the Chairperson that they wish to speak
15. Questioning of other persons, associations, agencies, etc. by Parties
16. Questioning by the Board Staff and Panel Members
17. Upon completion of presentations by all Parties, the Board will give the Applicant the opportunity to reply. Then all Parties will have the opportunity to make final closing statements taking into account matters raised at the Public Hearing
18. Closing remarks by the Chairperson; and
19. Closing Prayer



AGENDA

COMMUNITY SESSION

MELIADINE GOLD PROJECT TYPE A WATER LICENCE NO: 2AM-MEL1631 AMENDMENT APPLICATION

Date: September 11, 2024 at the Rankin Inlet Recreation Hall

Time: 7:00 PM – 10:00 PM (CT)

Teleconference links and call-in information:

		+1 647 558 0588
+1 778 907 2071	+1 438 809 7799	+1 613 209 3054
+1 647 374 4685	+1 587 328 1099	+1 204 272 7920

<https://pido-ca.zoom.us/j/82041956647>

Meeting ID: 820 4195 6647

1. Opening Prayer
2. Opening Remarks by the Chairperson
3. Presentation by the Nunavut Water Board (NWB) – Type A water licensing process for the Amendment Application (15 minutes)
4. Questions and/or comments from community members and other participants
5. Presentation by Applicant. on the Amendment Application before the Board for type A Water Licences 2AM-MEL1631 (20 Minutes)
6. Questions and/or comments from community members and other participants
7. Presentation from Interveners pertaining to their mandate and role(s) in the water licensing process as well as an overview of their findings during their technical review (15 Minutes/Intervener)
8. Questions and/or comments from community members and other participants
9. Closing Remarks by NWB
10. Closing Prayer



APPENDIX B – Exhibit List

Exhibit	Exhibit Description	Date	From
1	Hard Copy PowerPoint Presentation Meliadine Water Licence Amendment Nunavut Water Board Final Hearing Sept. 11-12, 2024 <i>(English and Inuktitut)</i>	September 11, 2024	Agnico Eagle Mines Limited
2	Electronic Copy Curriculum Vitae, Scott Jackson <i>(English)</i>	September 11, 2024	Agnico Eagle Mines Limited
3	Hard Copy PowerPoint Presentation NWB Water Licence 2AM- MEL1631 Amendment of the Meliadine Extension Proposal Final Presentation of Meliadine Extension Proposal Water Licence Amendment <i>(English and Inuktitut)</i>	September 11, 2024	Kivalliq Inuit Association
4	Electronic Copy Curriculum Vitae, Matt McDougall <i>(English)</i>	September 11, 2024	Kivalliq Inuit Association
5	Electronic Copy Curriculum Vitae, Alan Sexton <i>(English)</i>	September 11, 2024	Kivalliq Inuit Association
6	Hard Copy PowerPoint Presentation NTI Presentation For Nunavut Water Board's Public Hearing on Agnico Eagle Mines Ltd.'s Application to Amend its Type A Water Licence for the Meliadine Mine	September 11, 2024	Nunavut Tunngavik Incorporated



Exhibit	Exhibit Description	Date	From
	<i>(English and Inuktitut)</i>		
7	Hard Copy PowerPoint Presentation Agnico Eagle Mines Limited's Amendment Application for Type "A" Water Licence 2AM- MEL1631 <i>(English)</i>	September 11, 2024	Crown- Indigenous Relations and Northern Affairs Canada
8	Hard Copy PowerPoint Presentation Agnico Eagle Mines Limited's Amendment Application for Type "A" Water Licence 2AM- MEL1631 <i>(Inuktitut)</i>	September 11, 2024	Crown- Indigenous Relations and Northern Affairs Canada
9	Hard Copy PowerPoint Presentation Agnico Eagle Mines Limited's Amendment Application for Type "A" Water Licence 2AM- MEL1631 <i>(French)</i>	September 11, 2024	Crown- Indigenous Relations and Northern Affairs Canada
10	Hard Copy PowerPoint Presentation Meliadine Type A Water Licence Amendment Public Hearing Presentation by Environment and Climate Change Canada <i>(English and Inuktitut)</i>	September 11, 2024	Environment and Climate Change Canada
11	Hard Copy ECCC – Meliadine Gold Mine WL amendment Final Submission Executive Summary	September 11, 2024	Environment and Climate Change Canada



Exhibit	Exhibit Description	Date	From
12	<p>Hard Copy PowerPoint Presentation</p> <p>2AM-MEL1631 Agnico Eagle Mines Meliadine Project – Water Licence Amendment 2AM-MEL1631</p> <p><i>(English and Inuktitut)</i></p>	September 12, 2024	Fisheries and Oceans Canada
13	<p>Hard Copy PowerPoint Presentation</p> <p>2AM-MEL1631 Agnico Eagle Mines Meliadine Project – Water Licence Amendment 2AM-MEL1631</p> <p><i>(French)</i></p>	September 12, 2024	Fisheries and Oceans Canada
14	<p>Electronic Copy</p> <p>Framework for Assessing the Ecological Flow Requirements to Support Fisheries in Canada</p> <p>Science Advisory Report, Fisheries and Oceans Canada, Canadian Science Advisory Secretariat (CSAS) (May 2013)</p> <p><i>(English)</i></p>	September 12, 2024	Agnico Eagle Mines Limited
15	<p>Electronic Copy</p> <p>2 Summary Slides Entitled “Meliadine Lake Water Withdrawals”</p> <p><i>(English)</i></p>	September 12, 2024	Agnico Eagle Mines Limited
16	<p>Electronic Copy</p> <p>Clean Copy Proposed Revised Wording for Draft Part C and Schedule C of the Water Licence</p> <p><i>(English)</i></p>	September 12, 2024	Agnico Eagle Mines Limited, Kivalliq Inuit Association and Government of Canada (CIRNA)



Exhibit	Exhibit Description	Date	From
17	Hard Copy Correspondence of the Kivalliq Inuit Association Confirming the conclusion of an Amended Water Compensation Agreement (English)	September 12, 2024	Kivalliq Inuit Association and Agnico Eagle Mines Limited

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APPENDIX D – List of Submissions and Correspondence

Application:

1. Cover letter and initial submission of water licence amendment for Agnico Eagle Mines Meliadine Water Licence 2AM-MEL1631 **January 26, 2024**.

Initial Submission & Correspondence:

1. Cover Letter to Lootie Toomasie, Nunavut Water Board (NWB), RE: Application for Amendment to the Meliadine Type A Water Licence, from Jamie Quensel, Agnico Eagle Mines Limited (AEM), dated **January 26, 2024**.
2. Submitted **January 26, 2024** by Appendix A AEM Supplement Information Guideline (SIG).
3. Submitted **January 26, 2024** by AEM Appendix B Nunavut Planning Commission (NPC) Conformity Determination.
4. Submitted **January 26, 2024** by AEM Appendix C: Consultation Logs.
5. Submitted **January 26, 2024** by AEM Appendix D1: Prefeasibility Level Design of Water Management Infrastructures for Operation Phase, Meliadine Mine.
6. Submitted **January 26, 2024** by AEM Appendix D-2: Stability Analyses for the Proposed Tailings Storage Facility, Meliadine Mine Water Licence Amendment.
7. Submitted **January 26, 2024** by AEM Appendix E-1: Spring 2021 Geotechnical Site Investigation.
8. Submitted **January 26, 2024** by AEM Appendix E-2: Thermal Modelling of Meliadine Discovery WRSF.
9. Submitted **January 26, 2024** by AEM Appendix E-3: Meliadine Mine – 2022 Thermal Assessment.
10. Submitted **January 26, 2024** by AEM Appendix E-4: Updated Summary of Hydrogeology Existing Conditions Meliadine Mine.
11. Submitted **January 26, 2024** by AEM Appendix E-5: Westbay Monitoring Well System M20-3071, 2021 Groundwater Program Meliadine Mine.
12. Submitted **January 26, 2024** by AEM Appendix E-6: Updated Hydrogeology Modelling Meliadine Mine.



13. Submitted **January 26, 2024** by AEM Appendix E-7: Meliadine Project – Predicted Groundwater-Surface Water Interaction at Post Closure Versus Existing Conditions.
14. Submitted **January 26, 2024** by AEM Appendix F-1: Adaptive Management Plan.
15. Submitted **January 26, 2024** by AEM Appendix F-2: Ammonia Management Plan.
16. Submitted **January 26, 2024** by AEM Appendix F-3: Aquatic Effects Monitoring Plan.
17. Submitted **January 26, 2024** by AEM Appendix F-4: ARD-ML Testing Plan.
18. Submitted **January 26, 2024** by AEM Appendix F-5: Borrow Pits and Quarries Management Plan.
19. Submitted **January 26, 2024** by AEM Appendix F-6: Bulk Fuel Facility-Enviro Performance Monitoring Plan.
20. Submitted **January 26, 2024** by AEM Appendix F-7: Dust Management Plan.
21. Submitted **January 26, 2024** by AEM Appendix F-8: Environmental Management and Protection Plan.
22. Submitted **January 26, 2024** by AEM Appendix F-9: Hazardous Materials Management Plan.
23. Submitted **January 26, 2024** by AEM Appendix F-10: Incineration and Composter Management Plan.
24. Submitted **January 26, 2024** by AEM Appendix F-11: Itivia Bulk Fuel Storage Facility Management Plan.
25. Submitted **January 26, 2024** by AEM Appendix F-12: Interim Closure and Reclamation Plan.
26. Submitted **January 26, 2024** by AEM Appendix F-13: Landfarm Management Plan.
27. Submitted **January 26, 2024** by AEM Appendix F-14: Landfill and Waste Management Plan.
28. Submitted **January 26, 2024** by AEM Appendix F-15: Mine Waste Management Plan.



29. Submitted **January 26, 2024** by AEM Appendix F-16: Ore Storage Management Plan
30. Submitted **January 26, 2024** by AEM Appendix F-17: Quality Assurance / Quality Control Plan.
31. Submitted **January 26, 2024** by AEM Appendix F-18: Risk Management and Emergency Response Plan.
32. Submitted **January 26, 2024** by AEM Appendix F-19: Roads Management Plan.
33. Submitted **January 26, 2024** by AEM Appendix F-20: Spill Contingency Plan.
34. Submitted **January 26, 2024** by AEM Appendix F-21: Water Management Plan (includes Water Balance and Water Quality Model Update).
35. Submitted **January 26, 2024** by AEM Appendix F-22: Fish Habitat Offsetting Plan.
36. Submitted **January 26, 2024** by AEM Appendix Appendix G: Prior Engagement on Meliadine Infrastructure.
37. Letter to Jamie Quensel, Manon Turmel, AEM, RE : Water Licence No: 2AM-MEL1631 Type “A”, Meliadine Mine Project; Amendment Application by Agnico Eagle Mines Limited, from Richard Dwyer, NWB, dated **January 29, 2024**.
38. Cover E-mail to Jamie Quensel, Manon Turmel, AEM, Meliadine Distribution List, RE: Meliadine Mine Water Licence Amendment 2AM-MEL1631, from Richard Dwyer, NWB, dated **January 29, 2024**.
39. Cover E-mail to Richard Dwyer, NWB, RE: Meliadine Mine Water Licence Amendment 2AM-MEL1631 (Parties Extension Request), from Stephini Mallon, Environment Climate Change Canada (ECCC), dated **February 1, 2024**.
40. Cover E-mail to Jamie Quensel, Manon Turmel, AEM, Meliadine Distribution List, RE: Meliadine Mine Water Licence Amendment 2AM-MEL1631 (Parties Extension Granted), from Richard Dwyer, NWB, dated **February 2, 2024**.
41. Letter to Richard Dwyer, NWB, RE: Errata to Application for Amendment to the Meliadine Mine Type A Water Licence, from Manon Turmel, AEM, dated **February 12, 2024**.
42. Cover E-mail to Richard Dwyer, NWB, RE: Water Licence No: 2AM-MEL1631 Amendment Application by Agnico Eagle Mines Limited-DFO Comments



Completeness Check, from Christopher Shapka, Fisheries and Oceans Canada (DFO), dated **February 15, 2024**.

43. Letter to Richard Dwyer, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC's) Review for Completeness of the 2024 Water Licence Amendment Application by Agnico Eagle Mines Limited for the Meliadine Project Type A Water Licence No: 2AM-MEL1631. from Aminul Haque (CIRNAC), dated **February 16, 2024**.
44. Letter to Richard Dwyer, NWB, RE: 2AM-MEL1631 –Agnico Eagle Mines – Meliadine Gold Mine Project – Type A Water Licence Amendment Application, from N. John Olyslager (ECCC), dated **February 16, 2024**.
45. Letter to Ricahard Dwyer, NWB, RE: 2AM-MEL1631 Meliadine NWB Amendment – 32906-13, from Luis Manzo, Kivalliq Inuit Association (KIA), dated **February 16, 2024**.
46. Letter to Richard Dwyer, NWB, RE: Agnico Eagle’s Response to Completeness Check on Meliadine Water Licence Amendment Application 2AM-MEL1631, from Jamie Quensel, AEM, dated **March 1, 2024**.
47. Letter to N. John Olyslager (ECCC) RE: Environment and Climate Change Canada’s Information Requests in respect of an application to amend Type “A” Water Licence 2AM-MEL1631; Agnico Eagle Mines Limited, Meliadine Gold Project, from Karén Kharatyan, NWB, dated **March 1, 2024**.
48. Cover E-mailto N. John Olyslager, Stephinie Mallon, Melissa Pinto (ECCC), Meliadine Distribution List, RE: Meliadine Amendment ECCC Information Requests, from Richard Dwyer, NWB, dated **March 1, 2024**.
49. Submitted **March 1, 2024** by AEM Appendix A: Stability Analyses of Waste Rock Storage Facilities.
50. Submitted **March 1, 2024** by AEM Appendix B: Water Balance Water Quality Model (WBWQM) Report Figures.
51. Submitted **March 1, 2024** by AEM Appendix C: Okane Climate Reports.
52. Cover E-mailto Jennifer Range, Jamie Quensel, Manon Turmel, AEM, Meliadine Distribution List, RE: 2AM-MEL1631 Amendment Application Completeness Check, from Richard Dwyer, NWB, dated **March 6, 2024**.
53. Letter to Richard Dwyer, NWB, RE: 2AM-MEL1631 Meliadine NWB Amendment, from Luis Manzo, KIA, dated **March 6, 2024**.



54. Letter to Richard Dwyer, NWB, RE: Response to a request from the Nunavut Water Board on the status of Information Request (IR) reviews and the preparedness of Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC's) and other Federal Departments to enter into the Technical Review stage of the 2024 Water Licence Amendment Application by Agnico Eagle Mines Limited for the Meliadine Project Type A Water Licence No: 2AM-MEL1631, from Andrew Keim (CIRNAC), dated **March 6, 2024**.
55. Letter to Karen Kharatyan, NWB, RE: NWB Email of March 6, 2024, from Jamie Quensel, AEM, dated **March 8, 2024**.
56. Cover E-mail to Jennifer Range, Jamie Quensel, Manon Turmel, AEM, Meliadine Distribution List, RE: 2AM-MEL1631 Amendment Application Completeness Check, from Richard Dwyer, NWB, dated **March 8, 2024**.
57. Submitted **March 13, 2024** by AEM, Technical Memo, Stability Evaluation of the Waste Rock Storage Facilities, Meliadine Water Licence Amendment Project.
58. Cover E-mail to Nunavut Water Board (NWB), Luis Manzo, Alan Sexton, KIA, Andrew Keim, Aminul Haque, CIRNAC, Jamie Quensel, Manon Turmel, AEM, RE: Meliadine WL Amendment - WRSF Stability Analysis, from Jennifer Range AEM, dated **March 13, 2024**.
59. Letter to Richard Dwyer, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC's) Reply to Agnico Eagle's Response on the Completeness of the 2024 Water Licence Amendment Application for the Meliadine Project Type A Water Licence No: 2AM-MEL1631, from Aminul Haque, CIRNAC, dated **March 13, 2024**.
60. Cover E-mail to Karen Kharatyan, Stephanie Autut, NWB, Andrew Keim, Spencer Dewar, Joyce Demers, Jeff Hart, CIRNAC, RE: 2AM-MEL1631 Amendment Application Completeness Check, from Aminul Haque, CIRNAC, dated **March 13, 2024**.
61. Letter to Richard Dwyer, NWB, RE: Comments on Responses to Information Requests - Amendment Application for Type 'A' Water Licence, File: 2AM-MEL1631 – Meliadine Mine Extension Project – Agnico Eagle Mines Ltd, from Alasdair Beattie, DFO, dated **March 13, 2024**.
62. Letter to Richard Dwyer, NWB, RE: 2AM-MEL1631 – Agnico Eagle Mines – Meliadine Gold Mine Project – Responses to Proponent Responses for the Completeness Check on the Type A Water Licence Amendment Application, from N. John Olyslager, ECCC, dated **March 13, 2024**.
63. Letter to Aminul Haque, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), RE: Follow up regarding comments provided by Crown-



Indigenous Relations and Northern Affairs Canada (CIRNAC) on completeness in relation to an application to amend Type “A” Water Licence 2AM-MEL1631, Agnico Eagle Mines Limited, Meliadine Gold Project, from Karen Kharatyan, NWB, dated **March 21, 2024**.

64. Cover E-mail to Aminul Haque, Andrew Keim, Spencer Dewar, Joyce Demers, Jeff Hart, CIRNAC, RE : NWB Response to CIRNAC submission 2AM-MEL1631, from Richard Dwyer, NWB, dated **March 21, 2024**.
65. Letter to Karen Kharatyan, NWB, RE: Agnico Eagle’s Response on the Completeness of the 2024 Water Licence Amendment Application for the Meliadine Type A Water Licence No. 2AM-MEL1631, from Jamie Quensel, AEM, dated **March 21, 2024**.
66. Letter to Jamie Quensel, Manon Turmel, AEM, RE : Notice of Amendment to Type A Water Licence No: 2AM-MEL1631 for the Meliadine Mine Project; Amendment Application by Agnico Eagle Mines Limited, from Stephanie Autut, NWB, dated **March 26, 2024**.
67. Cover E-mail to Jamie Quensel, Manon Turmel, AEM, Meliadine Distribution List, RE: Notice of Application for Amendment to Meliadine Mine water licence 2AM-MEL1631, from Richard Dwyer, NWB, dated **March 26, 2024**.
68. Letter to Nunavut Water Board, RE: Hamlet of Arviat Letter of Support, from Joe Savikataaq jr., Arviat Mayor, dated **April 10, 2024**.
69. Letter to Stephani Autut, NWB, RE: Technical Meeting/Pre-Hearing Conference for 2AM-MEL1631 Water License Amendment Application, from Dustin Fredlund, Nunavut Tunngavik Incorporated (NTI), dated **April 16, 2024**.
70. Letter to Nunavut Water Board, RE: Kivalliq Elders Advisory Committee and Rankin Inlet Elders Letter of Support, dated *April 11, 2024*, submitted **April 19, 2024**.
71. Letter to Richard Dwyer, NWB, RE: Crown-Indigenous Relations and Northern Affairs Canada’s (CIRNAC’s) Review of the 2024 Water Licence Amendment Application by Agnico Eagle Mines, from Aminul Haque, CIRNAC, dated *April 26, 2024*, submitted **April 25, 2024**.
72. Letter to Richard Dwyer, NWB, RE: Meliadine Gold Mine – NWB Licence Amendment Application, from Luis Manzo, KIA, dated **April 25, 2024**.
73. Letter to Richard Dwyer, NWB, RE: 2AM-MEL 1631– Agnico Eagle Mines – Meliadine Mine – Type A Water License Amendment Application Technical Review Comments, from John Olyslager, DFO, submitted *April 26, 2024*, dated **April 25, 2024**.



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116. Submitted **July 31, 2024** by KIA, Curriculum Vitae Matthew McDougall.
117. Letter to Richard Dwyer, NWB, RE: Agnico Eagle's Response to Final Written Submissions on the Meliadine Water Licence Amendment Application 2AM-MEL1631, from Jamie Quensel, AEM, dated **August 15, 2024**.
118. Submitted **August 19, 2024**, by CIRNA, Draft Water Licence Amendment (markup) CIRNA Comments.
119. Prepared **August 26, 2024** by NWB, Public Hearing Draft Agenda for the Amendment Application to Type A Water Licence No: 2AM-MEL1631, Meliadine Gold Project by Agnico Eagle Mines Limited.
120. Cover E-mail to Jamie Quensel, Sara Savoie, Jennifer Range, Colleen Prather, AEM, Meliadine E-mail Distribution List, RE: Pre-Hearing Conference Decision Report regarding an Application to amend existing Type A Water Licence No: 2AM-MEL1631 (PH Draft Agenda Distribution), from Richard Dwyer, NWB, dated **August 26, 2024**.
121. Cover E-mail to Richard Dwyer, NWB, RE: Pre-Hearing Conference Decision Report regarding an Application to amend existing Type A Water Licence No: 2AM-MEL1631 (DFO Attendance Confirmation), from Derek Donald, DFO, dated **August 27, 2024**.
122. Letter to Richard Dwyer, NWB, RE: Agnico Eagle's Response to Draft Water Licence Framework Comments on the Meliadine Water Licence Amendment Application 2AM-MEL1631, from Jamie Quensel, AEM, dated **August 28, 2024**.
123. Submitted **August 28, 2024** by DFO, ᐱᓐᓂᓐ ᐃᓐ ᐅᓕᓐᓂᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐅᓕᓐᓂᐱᓐᓂᓐ: ᐃᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ Agnico Eagle Mines 2AM-MEL1631, Meliadine Project - Water Licence Amendment 2AM-MEL1631.
124. Submitted **August 28, 2024** by DFO, Mines Agnico-Eagle Projet Meliadine – Modification du permis d'utilisation des eaux 2AM-MEL1631.
125. Submitted **August 29, 2024** by AEM, Meliadine Water Licence Amendment ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ Nunavut Water Board Final Hearing ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ September 11-12, 2024 Rankin Inlet, NU (Community Session Presentation)
126. Submitted **August 29, 2024** by AEM, Meliadine Water Licence Amendment ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ ᐱᓐᓂᓐ Nunavut Water Board



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142. Recorded by the NWB **September 12, 2024:**

- **Exhibit 12** Meliadine Amendment Application DFO Presentation Inuktitut & English
- **Exhibit 13** Meliadine Amendment Application DFO Presentation French
- **Exhibit 14** Framework for Ecological Flow Requirements DFO
- **Exhibit 15** Two Slides Meliadine Lake Water Withdrawals
- **Exhibit 16** 2AM-MEL1631 Draft Meliadine Water Licence Amended markup-Part C agreed
- **Exhibit 17** Meliadine Amendment Application KIA Water Compensation Agreement Confirmation



APPENDIX E – Sign-in Sheets – List of Participants in the Public Hearing

PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024

Registration Form Day One

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	SARA	SAVOIE	AEM			sara.savoie@agnicoeagle.com
2.	LUC	CHARNOCK	IAEEL			Luc.Charnock@agnicoeagle.com
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4.	Scott	JACKSON	ADM/LORAX			Scott.Jackson@lorax.ca
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6.	Jen	RANGE	AGNICO			jennifer.range@agnicoeagle.com
7.	Trese	KADLAK	PUBLIC			
8.	Janice	AGGARWAL	AGNICO			
9.	MANON	TURNELL	AGNICO			
10.	Manon	Turnell	AGNICO			manon.turnell@agnicoeagle.com
11.	Aminul	HAQUE	CERNAC	1		Aminul.Haque@canad.ca
12.	DUSTIN	FREDERICK	NTF			
13.	DUSTIN	KUSUGAK	ADM			
14.	ASHLEY	A. BURTON	KIA			aburton@kivalluqiniuit.ca
15.	Alan	SEXTA	KIA			
16.	Ramond	MERCER	NTI			
17.	SONN	KUROK	NDL			
18.	JOHN	RAK	NT			
19.	Charles	KULH	AGNICO			charlie.kasson@agnicoeagle.com
20.	David	FRITZ	AGNICO			
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
Registration Form Day One

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
25.	Edward	Melindah	AEM	343-998-2254		
26.	Dorothy	Aglukark				
27.	Jeff	HARR	CIRNAC	(867)222-2821		
28.	Sarah	Forster	ECCC			
29.	Simone	Tielesh	GOC-DOJ	867-446-6472		
30.	Dany	RODRIGUE	AEM	819 279 3869		
31.	Jean-Claude	Blais	AEM	819 651-2970		
32.	Luis	MANO	KIA			
33.	Shawn	Sestane	KCC	867-645-6950		
34.	Nick	McKer		867-645 7807		
35.	Pooka Kalit	Pooka Kalit	Tanganagrit	226-2512		
36.	Gunner Inuk		AEM	645-3328		
37.	Luis	MANO	KIA			
38.	Janice	Agnico	Agnico			
39.	R-IAN	VAN ENGEN	CRRI	519-710-8516		
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
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No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
73.	Ezra	Greene	NTI	867-645-6652		egreene@tuningfork.com
74.	Martha	Hickes	Hamlet	431-3730100		marthaactuat256@gmail.com
75.	JAWAD	HALOU	AEM	514-262-7241		Jawad.halou@gnucocog.com
76.	Colleen	Prather	AEM			
77.	Jamie	Quesnel	AEM			
78.	Bobby	Doroudiani	AEM	709-946-9531		bobby.doroudiani@agnico.com
79.	Russell	Wykes	ECCC	705-326-5348		
80.	Jos	Audet-Leconk	DFO	867-444-0844		jos.audet-leconk@dfo-mpo.gc.ca
81.	Derek	Donald	DFO	306-580-2002		dtdonald@h.bell.ca
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83.	Neil	M. Duggan	NRA	204-711-5000		n.duggan@protonmail.com
84.	James	Yang	NIRB	845-6457		"
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
Registration Form Community Session

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1.	Jen	Rang	Agnico			jennifer.rang@agnicoeagle.com
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5.	Nico	Kattegatsiak	AEM			ntkatte@gmail.com
6.	DAVID	Kirill Erdlie	Agnico			
7.	Phil	Archer	Tahquamen	—	—	—
8.	Russell	Wyke	ECC			
9.	Myant	Kusugak	APBM			
10.	Jose	Ande Leconte	DFO	—	—	jose-ande-leconte@dfo-mpc.gc.ca
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12.	Derek	Donald	DFO	—	—	
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14.	Jonny	Kat	KIA			Jonny.Kat@kheiliginc.ca
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
Registration Form Community Session

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24.	John	Aglukark	AEM	431 5576504		johnaglukark@gmail.com
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27.	Bobby S Eke	Eke	AEM	867 213-1505		
28.	Luis	MAKLO	KIN			
29.	Asnely	ABURTON	KIA			aburton@kualiginia.ca
30.	Charmaine	Mercen				
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
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No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
47.	LUC	Charbonnet	AEM	819-816-816		Luc.Charbonnet@agricoreagle.ca
48.	Dany	Clarke	AEM	819-856-7071		Dany.Clarke@agricoreagle.ca
49.	Colleen	Fraser	AEM			
50.	Scott	Jackson	AEM/KORAX	250-650-5176		Scott.Jackson@korax.ca
51.	Tan	Salomone	AEM	613-805-7008		SalomoneTan@gmail.com
52.	JAMIE	QUESNEL	AEM	819-856-0821		
53.	Sarah	Forte	ECCL			
54.	Bobby	Doroudiani	AEM	705-746-7551		
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57.	RUSTIN	FREEMUND	NTE			
58.	RIVER	FREEMUND				
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62.	JEFF	MMT	CIRNAC			
63.	JUSTIN KADLUK	KADLUK	AEM			Julkadluk@outlook.com
64.	MARK	AKSADJUA	AEM	645-7929		Markingwak@HotMail.com
65.	Josephine	Kugeak	Rankin	645-3789		JosephineKugeak@gmail.com
66.	Aaron	Kugeak	Rankin	645-3789		
67.	Maggy	Putulik				
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
Registration Form Community Session

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71.	Brian	Zawadzki				
72.	Thomas	Angoshaduk		645 6972		
73.	Randy	Miller		403-826-8654		tuksuu@gmail.com
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024
Registration Form Day Two

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
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3.	Luc	Chouinard	AEM	819-856-8160		Luc.Chouinard@agnicoeagle.com
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5.	Ashley	ARBURTON	KIA			arburton@kivalliq.nut.ca
6.	Ezra	Greene	NTI			egreene@tunngavik.com
7.	Bobby &	Doroudiani	AEM	709-946-9531		bobby.doroudiani@agnicoeagle.com
8.	Simone	Trelesh	GCC-DOS	867 446 6472		
9.	Janice	Agart	Agnico			
10.	David	Kritfordik	Agnico			
11.	Dustin	FREDRICKS	NTI			
12.	Raymond	Mercer	NTI			
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Rankin Inlet, Nunavut September 11-12, 2024
Registration Form Day Two

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
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27.	Ed	Meléndez	AEM	343-998-2254		
28.	Sarah	Forte	ECCC			
29.	Martha	Hickes	Hamlet	431-373-0100		
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31.	Shawn	Sastreana	KCC	867-645-8950		
32.	Phyllis	Kungah	ABM			
33.	Nick	Phan				
34.	Maná	Serra	KIA	867-645-5756		mserra@Kivalliq.ca
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36.	Luis	MAURO	KIA			
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PUBLIC HEARING MELIADINE MINE
Rankin Inlet, Nunavut September 11-12, 2024

Registration Form Day Two

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
49.	Jeh	Ranga	Agnico			
50.	JAMIE	Quessara	AGNICO			
51.	Jimmy	Kutz	KIT			
52.	Scott	Fletcher	ICSA			
53.	Scott	JACKSON	ADM/LORAX			
54.	SARA	SAVOIE	AEM			Sara.Savoie@agnicoeagle.com
55.	Russell	Wyker	ECCC			
56.	Derek	Donald	DFO			
57.	LIS	MANZO	KIA			
58.	Monon	Turnel	AEM			
59.	Alan	Sexton	KIA			
60.	Sam	Gordon	AEM			Sam.gordon@agnicoeagle.com
61.	David	Kitter	Agnico			
62.	Helen	Isaacs	Agnico			
63.	JOHN	Isaacs	Agnico			
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