



NIRB File No.: 16MN056
NPC File No.: 148297

August 18, 2016

To: The Honourable Carolyn Bennett
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Government of Canada
House of Commons
Ottawa, ON K1A 0A6

The Honourable Catherine McKenna
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The Honourable Dominic LeBlanc
Minister of Fisheries and Oceans and the
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Re: Screening Decision for Agnico Eagle Mines Ltd.'s "Whale Tail Pit" Project Proposal, Kivalliq Region, NIRB File No. 16MN056

Dear Ms. Carolyn Bennett:

On June 17, 2016 the NIRB received a referral to screen Agnico Eagle Mines Ltd.'s (Agnico Eagle or the Proponent) "Whale Tail Pit" project proposal from the Nunavut Planning Commission (NPC), with an accompanying positive conformity determination under the

Keewatin Regional Land Use Plan. Within its conformity determination the NPC noted that the proposal could be related to the Meadowbank Gold Mine Project (NIRB File No. 03MN107) and the proposal also included a request from Agnico Eagle that the Whale Tail Pit proposal be assessed as a reconsideration of the terms and conditions of the existing Meadowbank Gold Mine Project Certificate No. 004. The NIRB subsequently circulated the reconsideration request for a period of public comment, inviting interested parties to provide feedback and advice to the Board with respect to the appropriateness of assessing the proposal as a reconsideration of the Meadowbank Gold Mine Project Certificate terms and conditions or as a standalone screening assessment, and whether the provisions of the NuPPAA¹ were applicable to the proposal.

After considering submissions from parties and reviewing the project description, on July 21, 2016 the NIRB provided its determination that the proposed Whale Tail Pit had not been assessed as part of the original Meadowbank Gold Mine Project, and due to its location outside of the original Meadowbank project footprint, would require a separate screening assessment under the NuPPAA.

Pursuant to Article 12, Section 12.4.4 of the Nunavut Land Claims Agreement (NLCA) and s. 86 of the NuPPAA, the NIRB commenced screening this project proposal and assigned it file number 16MN056.

After completing a review of all the information received, taking into account the information the Proponent and parties have provided to date, and taking into account the Board's determination of the significance of potential adverse ecosystemic or socio-economic impacts of the project² it is the opinion of the NIRB that as set out in Article 12, Section 12.4.4 of the NLCA and s. 89(1)(a)(i) and (ii) of the NuPPAA, the Whale Tale Pit project proposal **requires a review** under Article 12, Part 5 or Part 6 of the NLCA and Part 3 of the NuPPAA.

Accordingly, the NIRB is issuing the attached Screening Decision Report dated August 18, 2016 to the responsible Minister(s). The Screening Decision Report provides, among other things, the regulatory framework, project overview and the NIRB assessment process, factors relevant for determining the significance of impacts, the Board's views and conclusion.

Please note that the project proposal will not be enclosed due to the size of the electronic document and the limited bandwidth. However, an electronic copy of the project proposal is accessible online from the NIRB's online public registry at www.nirb.ca by using any of the following search criteria:

- Project Name: Whale Tail Pit Project
- NIRB File No.: 16MN056
- Application No.: 124683

¹ *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14.

²Significance was assessed by the Board with regard to the factors outlined in s. 90 of the NuPPAA.

As a result of feedback provided through the screening process, the NIRB has also identified that the following issues may need to also be addressed by the Minister:

- The current level of mineral development in the Kivalliq region has the potential for this proposal to generate cumulative effects, which parties have identified as a specific issue of concern with this project.
- Process considerations, if the Minister refers the project to the NIRB for review, as the Proponent has requested that the NIRB conduct a coordinated assessment process with the Nunavut Water Board's licensing process and has submitted an environmental impact statement to the NIRB and NWB. Further, parties indicated support for a thorough but expedited assessment process considering the purpose of the development and the current Meadowbank operations.
- Concerns have been previously expressed to the NIRB related to capacity limitations experienced by organizations of potentially impacted communities, partly as a result of the current amount of development occurring within the region; therefore, the NIRB requests that the Minister consider the need for providing participant funding to support a review of this project proposal.

The NIRB remains available for consultation with the Minister regarding this report as necessary. If you have any questions or require clarification, please do not hesitate to contact the NIRB's Executive Director, Ryan Barry at (867) 983-4608 or rbarry@nirb.ca.

Sincerely,



Elizabeth Copland
Chairperson
Nunavut Impact Review Board

Enclosure: Screening Decision Report, NIRB File No.: 16MN056 (August 18, 2016)