



NIRB File No.: 16MN056
NWB File No.: 2AM-WTP- - - -

November 25, 2016

To: *NIRB*: Whale Tail Pit Project Distribution List
NWB: Meadowbank Distribution List

Sent via email

Re: Next steps in the NIRB's Review and NWB Consideration of Agnico Eagle Mines Ltd.'s "Whale Tail Pit" Project Proposal and associated Water Licence Application

Dear Parties:

On November 10, 2016 the Nunavut Impact Review Board (NIRB) distributed correspondence noting that the submission by Agnico Eagle Mines Ltd.'s (Agnico Eagle or Proponent) for the "Whale Tail Pit" project proposal (the Project) satisfies the minimum Environmental Impact Statement requirements set out under Section 12.5.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and subsection 101(3) of the *Nunavut Planning and Project Assessment Act*.

The NIRB is formally initiating the public technical review of the EIS for the Project and the Whale Tail Pit project proposal can be accessed 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

On November 7, 2016 the Nunavut Water Board (NWB) distributed correspondence requesting Agnico Eagle to provide its responses to parties' comments on the completeness of the Water Licence Application.

The Type "A" Water Licence Application and associated documents for the Whale Tail Pit project can be accessed online from the NWB's online public registry at <ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-WTP----%20Agnico/>.

NIRB-NWB Coordination

The NIRB and the NWB note that Agnico Eagle has previously requested that a coordinated process be undertaken by the Boards for consideration of the Whale Tail Pit project proposal and

associated water licence application, up to and including joint public hearings. As such, the NIRB and NWB recently met to develop further clarity regarding the anticipated coordination for the Whale Tail Pit project moving forward, and have developed the enclosed process map for the information of all parties. As per the enclosed process map, the Boards are intending to coordinate a joint Technical Meeting, Pre-Hearing Conference and Final Hearing for this project, and will be further developing associated procedures for these events moving forward. Further to the planned coordination on this specific file, the Boards have also committed to updating the existing Detailed Coordinated Process Guide in the near future, providing background and information pertaining to the possible coordination between the Boards' respective processes for all projects moving forward.

The NIRB Technical Review Process

As part of the NIRB's Review of the Whale Tail Pit project, the technical review process is meant to provide a detailed review of the EIS document with the intent of analyzing the quality of the information presented by the Proponent. Parties are invited to review the EIS submission and develop technical review comments, which address the following:

- Determination of whether Parties agree/disagree with the conclusions in the EIS regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- Determination of whether or not conclusions in the EIS are supported by the analysis – and reasons to support the determination;
- Determination of whether appropriate methodology was utilized in the EIS to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- Assessment of the quality and presentation of the information in the EIS; and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

NIRB Call for Information Requests

To facilitate the development of technical review comments by parties, the NIRB invites interested parties to provide the NIRB with Information Requests (IRs) directed to the Proponent and/or other parties involved in the assessment of the Whale Tail Pit project proposal. It should be noted that IRs are not meant to serve as technical review comments, but rather should identify information gaps within the EIS that need to be addressed so that parties can develop their respective technical review comments. Please note that parties are encouraged to review [Appendix A](#) of this letter, which provides the NIRB's suggested format for the development of IRs and additional clarification regarding the information that must be included with submissions as follows:

- A clear reference to the volume, document, section, and/or page number in the EIS where relevant information may be found, if applicable;
- To whom the IR is directed;
- Identification of the issue and the specific information being requested;
- The concern associated with the issue and need for information; and
- A clear rationale of the issue and information's importance to the impact assessment of the proposed project.

The next steps in the NIRB's Review of the proposed Whale Tail Pit project have been outlined as follows for the information of parties:

- Submission of Information Requests (IRs) directly to the NIRB by interested parties on or before **3:00 pm MT, Friday December 16, 2016**.
- After considering all IRs and making decisions regarding their suitability, the NIRB will forward all appropriate requests to the Proponent (and other parties if applicable) on or before **Monday, December 19, 2016**.
- Upon forwarding IRs to the appropriate parties, the NIRB may set a timeframe for the Proponent and other parties if applicable, to respond with an IR response package.
- Upon receipt of the IR response package(s), all parties will be given **60 days** for submission of technical review comments.

The NIRB requests that all interested parties submit their Information Requests to the NIRB at info@nirb.ca or by fax to (867) 983-2594 on or before **3:00 pm MT, Friday December 16, 2016**.

NWB Response to Completeness of Application

As a reminder to Agnico Eagle, the response to comments on the completeness on the application is expected to be filed by **Wednesday December 7, 2016** to the NWB. Following this, the NWB will acknowledge the completeness of application through a notice of application. This notice and the commencement of the NWB's technical review process will be released in coordination with the NIRB's acceptance of IR response package(s) and solicitation of technical review comments.

The NIRB and the NWB would like to remind Agnico Eagle and all parties that all comment submissions on the Whale Tail Pit project proposal and on the Type "A" Licence Application should be submitted to each Board independently. Submissions to the NIRB should be provided directly to info@nirb.ca or through the online public registry at www.nirb.ca. Submissions to the NWB should be provided directly to licensing@nwb-oen.ca.

If you have any questions regarding the NIRB's Review of the Whale Tail Pit project proposal, please contact Sophia Granchinho, Manager, Impact Assessment at sgranchinho@nirb.ca or by phone at (867) 857-2052. If you have any questions on the NWB's consideration of the water licence application, please contact Karén Kharatyan, Acting Manager, Licensing at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35).

Sincerely,



Sophia Granchinho, M.Sc.
Manager, Impact Assessment
Nunavut Impact Review Board

Sincerely,

Karén Kharatyan, Ph.D.
Acting Manager, Licensing
Nunavut Water Board

cc: Ryan Vanengen, Agnico Eagle Mines Ltd.
Stéphane Robert, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
Larry Connell, Agnico Eagle Mines Ltd.

Attachment: Appendix A – Suggested Format for NIRB Information Requests

Enclosure (1): Anticipated process for the NIRB's/NWB's Coordination of Agnico Eagle Mines Ltd.'s Whale Tail Pit Project Proposal Review and Water Licence Application (November 25, 2016)

APPENDIX A: SUGGESTED FORMAT FOR NIRB INFORMATION REQUESTS

Format and File Size

Parties must provide submissions in a fully functional, electronically searchable Word or PDF file. Noting the current constraints with respect to internet bandwidth and speed, the NIRB requests that all documents be submitted as files no larger than 5 MB.

Information Requests

The purpose of Information Requests is to identify information gaps or areas of uncertainty within the EIS that need to be addressed so that parties can develop their respective technical review comments. Information requests can originate from, and be directed to, any of the parties involved in the assessment. Submissions must identify what specific information is required, and outline why the information required is necessary to facilitate the party's technical analysis of the EIS or the potential impacts of the project. Upon receiving the Information Requests, the NIRB will consider each request, decide on its suitability, and then forward all appropriate requests to the Proponent and other parties as applicable. The NIRB will assess the suitability of each request in terms of what requirements are appropriate at this phase of the review process, and must balance these requirements with information that may be requested or issues raised as part of technical review comments or at a more advanced stage of the Review.

Parties are asked to ensure that Information Requests address the points set out below:

IR Source:	Identify the organization/department/intervenor proposing the request.
IR Number:	Each specific Information Request must be numbered to allow for effective cross-referencing of the submission.
IR Directed To:	Clearly identify the organizations/departments/agencies to which the IR is directed (e.g., the Proponent and/or specific organization(s) of whom the information is requested).
Subject:	Identify the issue; list the general subject or topic associated with the request (e.g., monitoring of sediment quality).
Reference:	Provide a clear reference to any applicable volume, document, section, and/or page number in the EIS where information relevant to the request may be found.
Issue/Concern:	Provide background information and justification for the request. The issue/concern should identify any shortcomings of available information, concerns associated with the issue and how the requested information is relevant to the technical analysis of information within the EIS. A clear rationale of the issue's importance to the formulation of technical review comments and the overall impact assessment of the proposed project is required.
Information Request:	Specifically state the question and/or outline the specific information being requested of the Proponent or organization. Separate items requested should be appropriately numbered in order to track the provision of responses.