



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

July 27, 2017

Whale Tail Pit Project Distribution List

Sent via email

Re: Format for Final Written Submissions and Logistics Information for the NIRB's Review of Agnico Eagle Mines Ltd.'s "Whale Tail Pit" Project Proposal

Dear Parties:

On July 17, 2017 the Nunavut Impact Review Board (NIRB or Board) issued its Notice of Hearing for the NIRB's assessment of Agnico Eagle Mines Ltd.'s (Agnico Eagle or Proponent) "Whale Tail Pit" Project Proposal (NIRB File 16MN056; "the Project"), pursuant to subsection 102(2) of the *Nunavut Planning and Project Assessment Act*.

At this time, the NIRB would like to provide parties with direction regarding the recommended format for final written submissions, presentations, and general logistics for the upcoming Final Hearing for this assessment, scheduled for September 19 to September 22, 2017 in Baker Lake, NU. The Final Hearing will provide a public forum for discussion of those technical issues that have been identified, resolved, or which remain unresolved, as well as issues for which there is public concern and other matters considered relevant to the NIRB's assessment of the proposed Whale Tail Pit Project. Discussions during the Final Hearing will be structured to assist with identification of issues to be addressed by the Board within its Final Hearing Report to the responsible Minister for this assessment.

Parties can access the complete Environmental Impact Statement and the additional documents/information provided by the Proponent following the Pre-Hearing Conference as part of its commitments through the NIRB's online public registry at www.nirb.ca using any of the following search criteria:

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

FINAL WRITTEN SUBMISSIONS

The next step in the NIRB's review process for the Whale Tail Pit project proposal is the filing of final written submissions to the NIRB and the Nunavut Water Board (NWB)¹ for their respective hearings on or before **Monday, August 14, 2017** by Interveners. Guidance regarding the recommended format for written submissions to be submitted to the NIRB is set out in **Appendix A** of this letter; the NIRB appreciates the efforts of all parties to structure their respective submissions in accordance with the recommended format, which will assist greatly in their presentation and discussion at the Final Hearing. Upon receipt, Interveners' final written submissions will be made available to all parties via the NIRB's online public registry.

FINAL HEARING

The NIRB's Final Hearing will be held in the community of Baker Lake from September 19 to September 22, 2017 and will involve a combination of technical and non-technical sessions, with the first portion of the proceedings consisting of formal proceedings and technical presentations, while the latter portion will allow for more directed community engagement through community roundtable sessions. Evening sessions will be held to ensure members of the community are also afforded opportunity to participate outside of regular working hours. While the draft agenda for the Final Hearing will be circulated in the coming weeks to all parties, once finalized it may also be adjusted as necessary during the proceedings at the discretion of the NIRB's Chairperson.

PUBLIC AWARENESS AND COMMUNITY ENGAGEMENT

Through the coming weeks the NIRB will be soliciting five (5) representatives each from the communities of Arviat, Baker Lake, Chesterfield Inlet, Coral Harbour, Naujaat, Rankin Inlet, and Whale Cove to attend the Final Hearing and share their community's comments and concerns on the proposed project.² The NIRB is prepared to cover the costs of travel, accommodations and meals as necessary for community representatives travelling to Baker Lake to facilitate their attendance and participation at the Final Hearing.

HOTEL ACCOMMODATIONS

The NIRB asks that all parties provide sufficient representation during both the planned technical sessions and community roundtable portions of the Final Hearing to represent the parties' issues as well as respond to questions from community members.

A block of hotel accommodations are currently being held by the NIRB and the NWB in Baker Lake in order to facilitate participation by responsible authorities, organizations and Interveners at the upcoming Final Hearing and are coordinating reservations. Interveners should provide notice to both the NIRB and NWB which representatives will be attending either or both of the hearings so that the reserved rooms can be released to parties.

¹ NWB will be providing its notice and requirements for final written submissions separately.

² As the Hearing is a public event, any interested members of the public from Baker Lake will be welcome to attend and participate during the Final Hearing and community round table.

Reservations for Intervenor are being held for the following organizations:

- Nunavut Tunngavik Incorporated
- Kivalliq Inuit Association
- Government of Nunavut
- Environment and Climate Change Canada
- Fisheries and Oceans Canada
- Indigenous and Northern Affairs Canada
- Natural Resources Canada
- Transport Canada
- Canadian Northern Economic Development Agency

Given that the availability of hotel beds in Baker Lake may be limited and may be somewhat less than the number of intended participants for the Final Hearing, the NIRB has allocated available hotel beds amongst parties as evenly as possible. The NIRB will also assist parties where required and/or requested with securing billet accommodations to the extent possible, and strongly encourages all groups to consider this option.

Reservations for individual hotel beds will be transferred from the NIRB to the planned attendee, who will be responsible for confirming the room and assuming associated costs. The NIRB will release any remaining unconfirmed hotel beds from our group reservation by **August 18, 2017**.

TRANSLATION/INTERPRETATION REQUIREMENTS

The NIRB will conduct the Final Hearing proceedings in simultaneous English-Inuktitut interpretation as appropriate, and upon advance request, English-French interpretation. The NIRB requests that any parties requiring French interpretation for the Hearing notify the NIRB by **August 18, 2017**.

Additionally, those who require special audio-visual equipment at the Hearing are requested to inform the NIRB by **August 18, 2017** and to specify the nature of equipment required to allow for the necessary arrangements to be made.

MEDIA ACCESS TO THE HEARING

The NIRB has arranged for court reporters to attend the Final Hearing to produce a transcript of the proceedings to ensure that there is a full and fair historical record that is readily accessible to all. The Board is also supportive of any planned efforts by public media outlets to cover the Final Hearing proceedings and will ensure that media representatives are granted sufficient access to the proceedings to report accurately. However, the Board must also ensure that the participants at the Final Hearing are not unduly limited in their willingness and ability to participate fully if recordings should become intrusive or disruptive. As such, the NIRB has established rules for recording of final hearings and other proceedings that it asks all media outlets to observe to assist in minimizing all such disruptions; a copy of these rules will be provided to any media outlet requesting media access for the Final Hearing proceedings.

The NIRB is requesting all media outlets that wish to record proceedings during the Final Hearing (film, photograph, audio) to request media access from the Board on or before **August 18, 2017**.

SUMMARY

In closing, as we move closer to the Final Hearing for the NIRB's Review of the Whale Tail Pit project proposal, the Board thanks all parties for their support and encourages continued active engagement in the review process. Additional details regarding the Hearing logistics and final scheduling will be provided as they become available.

Once again, the NIRB would like to remind all parties that the deadline for final written submissions is **Monday August 14, 2017**. Guidance regarding the recommended format for written submissions to be submitted to the NIRB has been set out in **Appendix A**.

The NIRB also requests that parties notify the NIRB at info@nirb.ca on or before **August 18, 2017** regarding the following:

1. Expression of interest in billeted accommodations in Baker Lake.
2. Indicate whether French interpretation and/or special audio-visual equipment will be required at the Hearing (indicate which audio-visual equipment will be required).
3. Requests for access from media outlets to record Hearing proceedings (film, photograph, and audio).

Should you have questions regarding the upcoming Final Hearing for the NIRB's consideration of the Whale Tail Pit project, please contact the undersigned directly at sgranchinho@nirb.ca or by phone at (867) 857-4829.

Sincerely,



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

cc: Ryan Vanengen, Agnico Eagle Mines Ltd.
Stéphane Robert, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
Erika Voyer, Agnico Eagle Mines Ltd.

Attachment (1): Appendix A – Format for Parties' Final Written Submissions

For each issue raised, parties are asked to include a clear reference to the volume, document, section, and/or page number in the Environmental Impact Statement (EIS) and/or documents provided by the Proponent (Additional Documents) following the Pre-hearing Conference where relevant information may be found. Parties may find efficiencies in structuring submissions by issue, and are asked, where possible, to align their submission in accordance with the ordering of materials as presented within the EIS. A tabular presentation as provided below is requested as a means of systematically organizing comment submissions and to assist with the compilation of submissions for the next steps of the NIRB’s Review process.

Format and File Size

Parties must provide submissions in a fully functional, electronically searchable Word, Excel or unlocked PDF format no larger than 5 MB.

Final written submissions must contain the following:

1. Executive Summary

Submissions must contain a non-technical executive summary of the major issues identified during the review of the EIS and Additional Documents. The summary should not exceed two pages.

The NIRB requires executive summaries be provided in English and be translated into both **Inuktitut** and **French**. Please note that parties are responsible for sourcing this translation.

2. Table of Contents

Submissions must contain a table of contents with sections that relate to the main headings of the EIS for the Whale Tail Pit Project which also identify the major issues under those headings the party intends to bring forward for discussion and intends to address at the Final Hearing. Submissions may also address any other matter that the party considers relevant to the NIRB’s review of the EIS and/or Additional Documents.

3. Introduction

All submissions should contain a statement of the party’s mandate and relationship to the project. Parties that have regulatory jurisdiction over the Whale Tail Pit project must also provide a description of the party’s jurisdiction as well as a list of the legislation, regulations, policies and guidelines administered by the party that are applicable to the project.

4. Specific Comments

For each issue included in the submissions, parties should provide the following:

- a. A detailed description of the issue and, as appropriate, a reference to where within the EIS (volume/document, section and page number) and/or Additional Documents the issue is discussed;
- b. If provided by the Proponent within the EIS and/or Additional Documents, identify the Proponent’s conclusion(s) related to the issue;
- c. A statement regarding the conclusion(s) of the commenting party related to the issue, including reference to the justification/data/rationale supporting that conclusion;
- d. A brief discussion assessing the issue’s importance to the impact assessment process; and

- e. Any recommendation(s) to the NIRB with respect to the disposition of the issue.

5. Summary of Recommendations

Finally, submissions to the NIRB must contain a *summary* of the recommendations to the Board with respect to:

- Whether Parties agree/disagree with the conclusions presented in the EIS or Additional Documents provided by the Proponent regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and all evidence supporting the parties’ position;
- Whether or not conclusions presented in the EIS or Additional Documents provided by the Proponent are supported by the analysis – and all evidence supporting the parties’ position;
- Whether appropriate methodology was utilized in the EIS or Additional Documents to develop conclusions – and all evidence supporting the parties’ position along with any proposed alternative methodologies which may be more appropriate if applicable;
- An assessment of the quality and the presentation of the information presented in the EIS or Additional Documents;
- An assessment of the appropriateness of proposed monitoring measures – and evidence to support the determination, along with any proposed alternative monitoring measures which may be more appropriate (if applicable); and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

6. Suggested submission format in Table Form

Review Comment Number	
Subject/Topic	
References to the EIS (<i>i.e.</i> , <i>volume/document, section/sub-section, page number, etc.</i>) or Additional Documents	
Summary (include Proponent’s conclusion if relevant and conclusions of commenting party)	
Importance of issue to the impact assessment process	
Detailed Review Comments	1. Gap/Issue 2. Disagreement with EIS conclusion 3. Reasons for disagreement with EIS conclusion 4. Disagreement and reasons for disagreement with conclusions within the Additional Documents
Recommendation/Request	