



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

August 11, 2017

Whale Tail Pit Project Distribution List

Sent via email

Re: Draft Agenda for the upcoming Final Hearing 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*. On July 26, 2017 the NIRB provided 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.

At this time, the NIRB would like to provide interested parties with opportunity to provide comments on the attached *Draft* Hearing Agenda (see Appendix A) which sets out the proposed ordering of specific topics and appearance of intervenors, as well as the time currently allotted to agenda items, including intervenor's presentations. Comments on the *draft* agenda can be submitted directly to the NIRB via email at info@nirb.ca by **August 24, 2017**.

FINAL HEARING: SEPTEMBER 19 TO SEPTEMBER 22, 2017

Parties planning to attend the upcoming Final Hearing are advised that times given in the attached *Draft* Hearing Agenda are approximate and the order of presenters and times given for presentations are subject to change at the moderator's discretion during the proceedings.

Consequently, participants are advised to ensure travel and other logistical arrangements are sufficiently flexible to accommodate modifications to the proposed timing and order of presenters throughout the proceedings.

Technical Sessions

The objective of the technical session portion of the agenda is to facilitate presentations and questioning by technical experts regarding the conclusions presented within the Proponent's

Environmental Impact Statement (EIS) and/or documents provided by the Proponent (Additional Documents) following the Pre-hearing Conference, with a focus on the unresolved issues and concerns raised within parties' final written submissions to the NIRB.

Presentations:

Prior to the technical presentations by Intervenor, the Proponent is scheduled to present an overview of its project proposal, followed by a presentation of the conclusions regarding potential impacts and required mitigation identified in its EIS and Additional Documents, as well as its responses to parties' technical review comments. Intervenor and the Board Members will be permitted to ask questions at suitable points throughout this portion of the agenda.

The NIRB requests that the Proponent's presentations be organized by thematic EIS volume to assist with the tracking of issues.

Intervenor participating during the technical session portion of the agenda are advised that each Intervenor with status at the Hearing will be granted up to 30 minutes with which to present evidence to the Board. Additional time will be allotted for the questioning of each Intervenor at the conclusion of each presentation. Intervenor are requested to also structure their presentations to follow the thematic volumes of the EIS, providing a brief synopsis of significant issues resolved through the preceding technical review and identification of those issues remaining unresolved (with accompanying recommendations) as raised within their final written submissions to the NIRB.

Should any Intervenor believe additional time (beyond the allotted 30 minutes) is required to present its evidence during the Hearing, a request for the allocation of additional time should be made when providing comments on the *Draft Hearing Agenda*, due no later than **August 24, 2017**. The granting of additional presentation time will be at the discretion of the Board.

With respect to the format for technical presentations, the NIRB requests that parties structure their presentations as follows:

1. Provide a brief overview of your organization's mandate and jurisdiction in association with the proposed project components/activities, highlighting applicable legislation, policies or guidelines as necessary.
2. Present an overview of the technical concerns or issues identified in a manner that parallels your final written submission.
3. Discuss your organization's recommendations to the Board regarding whether proposed mitigation is adequate to address potential adverse effects.

Following each technical presentation, the Proponent, other Intervenor, and the NIRB will be given an opportunity to question and cross-examine the presenter(s) and the evidence provided. **Parties are advised to ensure that personnel with the necessary expertise to answer any questions arising during the technical sessions are readily available throughout the Final Hearing.**

Community Roundtable Sessions

Given the importance placed on ensuring public input for the Board's Review process, the NIRB has invited five (5) representatives from each of the potentially affected communities in the Kivalliq region to participate in the Community Roundtable Session portion of the Final Hearing. The Board requires that the Proponent and each of the Intervenor ensure sufficient technical expertise is available for both the technical meetings AND the Community Roundtable Session. All parties are advised that the Community Roundtable Session is not only an opportunity for members of the potentially affected communities to ask questions of the Proponent about the proposed Project, but also for community members to engage with and ask questions of all the Intervenor participating in the assessment.

Presentations

The Proponent will be expected to deliver a summary presentation providing an overview of each major project component, highlighting the conclusions regarding potential impacts and required mitigation identified in its EIS and Additional Documents.

Intervenor are advised to also deliver plain language summary presentations during the Community Roundtable Sessions, highlighting the mandate and jurisdiction of their respective organization or agency, to assist community representatives and the general public with accurately directing their questions and comments to the appropriate party. Each of these presentations should be no longer than 20 minutes in length. If presenting parties seek to collaborate and combine presentations, additional time may be allocated to allow for these combined comments.

Following each presentation, community members (including members of the general public in attendance) will have an opportunity to question the Proponent and other Intervenor based on the information and evidence presented

FINAL HEARING LOGISTICS

Hearing Agenda & Attendance

Following the receipt of comments and suggested revisions to the *Draft* Agenda on or before August 24, 2017, the NIRB will endeavor to provide a finalized Agenda for the information of all parties on or before **August 31, 2017**.

The NIRB requests that parties planning to attend the upcoming Final Hearing provide our office with an indication of the number of representatives to be in attendance, including their names, positions and respective area(s) of expertise or authority. Parties are advised that there will be limited seating available at the table for each intervenor during the technical session of the Final Hearing for the purposes of questioning other intervenor and the Proponent. A separate table will be provided for individuals presenting evidence to the Board during technical presentations. Likewise, parties will be asked to be seated in the audience during the community roundtable sessions and agencies addressing questions from the public will be requested to move forward to speak at a microphone as required.

Final Hearing Structure

The NIRB has made the following arrangements for the Final Hearing:

- Interpretation:** Simultaneous English/Inuktitut interpretation will be provided to the extent practicable
- Representatives during the Technical Sessions:** Seating at the main table for each organization during the meeting will be limited, with a maximum of 2-3 seats per agency available. Additional seats will be provided for observers or upon request for representatives needing to be present during a particular session.
- Representatives during the Community Roundtable Sessions:** Seating at the main table will be limited to the community representatives. Intervenors will be asked to be seated in the audience during the Community Roundtable Session
- Facilitator:** The meetings will be facilitated by the NIRB Chairperson.
- Materials:** The NIRB will make available, a digital copy of all materials contained within the Board's public registry for the Review of the EIS.
- Meeting times:** Meetings will start at 9:00 am and run until 5:00 pm daily, with an hour break for lunch and two 15 minute health breaks throughout the day. Light refreshments will be provided during health breaks; other meals will not be provided for participants. Evening sessions have been scheduled as necessary to ensure all agenda items are covered and to ensure the public have an opportunity to attend outside of regular working hours; additional evening sessions may also be scheduled as necessary.

The NIRB will structure the meeting to allow each party an opportunity to speak to outstanding technical review comments pertaining to agenda items in an ordered fashion, with time limits enforced as necessary to ensure the meeting proceeds in a timely fashion. The Board has endeavored to allot more time for discussion of those items for which significant concerns were raised or where regulatory jurisdictions overlap. Where discussions require more time than has been allotted, the meeting may extend into evening sessions and/or breakout groups may be utilized to continue discussion on key items.

Presentations

Parties are advised that all presentation materials are to be provided in English, Inuktitut, and French if possible. Parties are further reminded that presentations will serve as formal exhibits to the Hearing proceedings, and that filing of additional materials at the Final Hearing will be undertaken on an as-needed basis. The NIRB asks that all parties endeavor to provide sufficient printed copies of their presentation materials for the technical sessions and community roundtable portions of the Hearing, including translated versions, noting that up to 100 copies each of English and Inuktitut may be required.

The Board requests that the **all parties** provide the following materials in support of the Final Hearing:

- Adequate hardcopies of all presentations for the Board, parties and the public (100 English, 80 Inuktitut, and 30 French if possible) for the technical sessions;
- Adequate hardcopies of all presentations for the Board, parties and the public (100 English, 80 Inuktitut, and 30 French if possible) for the community roundtable;
- Executive summaries of their final written submissions (80 copies) translated into both Inuktitut and French where possible to be made available in hard copy at the meeting.
- Digital copy of presentation(s) in Microsoft PowerPoint format to display via a laptop computer and projector during the meetings (presentations should be named according to meeting and agency, e.g. Environment and Climate Change Canada_FH, Agnico Eagle Roundtable, etc.).

The NIRB requests that all parties submit their technical presentations and plain language summary presentations for the upcoming Hearing via email to info@nirb.ca, on or before **August 28, 2017**. We appreciate the efforts of parties to provide presentation materials as requested, as the NIRB will utilize these materials to prepare comprehensive information packages for community roundtable participants in advance of the Hearing.

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 of the following important dates and the NIRB requests that parties notify the NIRB regarding the following:

August 14, 2017: Parties submit final written submissions.

August 18, 2017: 1) Parties provide expression of interest in billeted accommodations in Baker Lake.
 2) Parties 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).

August 24, 2017: 1) Parties provide confirmation to the NIRB of planned attendance at the Hearing, including number of representatives, their names, positions and respective area(s) of expertise or authority.
 2) Parties provide comments to the NIRB regarding *Draft* Agenda, timing, and format of presentations.

August 28, 2017: Parties provide presentations (English, Inuktitut and French) and plain language summaries electronically to the NIRB.

August 31, 2017: NIRB to release Final Hearing Agenda.

Should you have questions regarding the upcoming Final Hearing for the NIRB's Review 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: *Draft* Hearing Agenda (NIRB File No. 16MN056)

APPENDIX A – DRAFT HEARING AGENDA

NIRB File No.: 16MN056 – Whale Tail Pit Project Proposal
NWB File No.: 2AM-WTP- - - -
Proponent: Agnico Eagle Mines Ltd.
Location: Baker Lake Community Hall, Baker Lake, NU
Dates: September 19 to September 22, 2017

Times: **All times given are approximate. The order of presenters and time given for presentations are subject to change at the facilitator's discretion:**

Technical Sessions: 9:00 am – 5:00 pm
Community Roundtable Sessions: 9:00 am – 5:00 pm
Evening Sessions: 6:30 pm – 9:00 pm

Note (1): Witnesses appearing on behalf of registered Intervenor will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Panels of witnesses may be used for the presentation of evidence.

Note (2): All testimony will be recorded and transcribed by the Board, and may also be recorded by the media.

Tuesday, September 19, 2017 – Day 1 of Technical Sessions (*including evening session*)

General Opening

1. Opening prayer
2. Welcoming Remarks by the Mayor of Baker Lake
3. Opening Remarks by the Chairperson:
 - i. Introductions, overview of procedural history, structure of proceedings, etc. (30 minutes)
 - ii. Identification of motions or objections
 - iii. Review of Agenda
 - iv. Housekeeping Items

Technical Session

4. Presentations by the Proponent - Note: witnesses appearing on behalf of the Proponent will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Time for questioning by Board Members and Intervenor will be provided immediately following presentations.
 - i. Introduction, Project Overview, and Response to final written submissions (60 minutes)
 - ii. Public Participation and Engagement (20 minutes)
 - iii. Atmospheric Environment (15 minutes)

- iv. Terrestrial Environment (*20 minutes*)
- v. Freshwater Environment (*20 minutes*)
- vi. Marine Environment (*15 minutes*)
- vii. Socio-Economics (*20 minutes*)
- viii. Human Health (*15 minutes*)
- ix. Management Plans and Monitoring Programs (*20 minutes*)
- x. Accidents and Malfunctions (*20 minutes*)

Close of Day 1

Wednesday, September 20, 2017 – Day 2 of Technical Sessions

Technical session (Continued from Day 1)

1. Opening Remarks by the Chairperson
2. Presentations from registered Intervenors – Note: witnesses appearing on behalf of registered Intervenors will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Unless otherwise indicated, each Intervenor has been allotted up to 30 minutes for their presentations. Following each Intervenor's presentation there will be time for questions by Board Members, other Intervenors and the Proponent.
 - i. Nunavut Tunngavik Incorporated
 - ii. Kivalliq Inuit Association
 - iii. Baker Lake Hunters and Trappers Organization
 - iv. Government of Nunavut
 - v. Environment and Climate Change Canada
 - vi. Fisheries and Oceans Canada
 - vii. Indigenous and Northern Affairs Canada
 - viii. Natural Resources Canada
 - ix. Transport Canada

Close of Day 2

Thursday, September 21, 2017 – Day 1 of the Community Roundtable (*including evening session*)

General Opening

1. Opening prayer
2. Opening Remarks by the Chairperson
 - i. Introductions, overview of procedural history, structure of proceedings, etc. (*30 minutes*)
 - ii. Identification of motions or objections

- iii. Review of Agenda
- iv. Housekeeping Items

Community Roundtable Session

- 3. Summary presentation by the Proponent – **Introduction and Overview of Project** (90 minutes)
- 4. Questioning of the Proponent and Parties by community representatives
- 5. Presentations by members of the public who have advised the Board that they wish to speak on this topic
- 6. Presentations from registered Parties – each Party is allotted 20 minutes for the presentation, followed by time for questions by other Parties, the Proponent and Board staff. NOTE: Presentations should be presented in plain language and focus on issues of importance to communities and should NOT simply be a repeat of the presentation from the Technical Sessions.
 - i. Nunavut Tunngavik Incorporated
 - ii. Kivalliq Inuit Association
 - iii. Baker Lake Hunters and Trappers Organization
 - iv. Government of Nunavut

Close of Day 3

Friday, September 21, 2017 – Day 2 of the Community Roundtable

General Opening

- 1. Opening Remarks by the Chairperson

Community Roundtable Session (continued)

- 2. Presentations by parties should be presented in plain language and focus on issues of importance to communities.
 - i. Environment and Climate Change Canada
 - ii. Fisheries and Oceans Canada
 - iii. Indigenous and Northern Affairs Canada
 - iv. Natural Resources Canada
 - v. Transport Canada
- 3. Presentations by members of the public who have advised the Chairperson that they wish to speak on this topic
- 4. Closing Remarks – Proponent and Intervenors
- 5. Closing Remarks – community members

Close of Day 4