
November 1, 2018

Ryan Barry
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Cambridge Bay, NU X0B 0C0

Stephanie Autut
Executive Director
Nunavut Water Board
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RE: WHALE TAIL PIT PROJECT NIRB File No. 18MN047 – RESPONSE TO NIRB LETTER DATED OCTOBER 19, 2018 AND SUBMISSION OF THE PROJECT DESCRIPTION TO SUPPORT THE RECONSIDERATION OF THE PROJECT CERTIFICATE (NIRB No.008) AND AMENDMENT TO THE TYPE A WATER LICENCE (No. 2AM-WTP1626)

Dear Mr. Barry and Ms. Autut:

Agnico-Eagle Mines Limited (Agnico Eagle) currently operates the Meadowbank Mine under Nunavut Impact Review Board (NIRB) Project Certificate No. 4, and the Whale Tail Pit Project under NIRB Project Certificate No. 8. As set out in the enclosed materials, Agnico Eagle is proposing certain changes to the Whale Tail Pit Project.

Specifically, Agnico Eagle is seeking approval to expand and extend the Whale Tail Pit Project (the Whale Tail Pit Project Expansion) to include:

- the IVR Pit,
- IVR Waste Rock Facility,
- IVR Attenuation Pond, and
- Underground mine (collectively, the Whale Tail Pit Expansion Project).

As described in its letter of October 15, 2018 to the Nunavut Planning Commission (NPC), Agnico Eagle has consulted the “*NIRB Guidance on Process for Seeking Approval for Modifications to Previously-Approved Projects*” (April 27, 2018) (the NIRB Guidance). As per instructions provided by NIRB in its letter dated October 19, 2018 and subsequent conversations with NIRB staff, Agnico Eagle has uploaded the attached project description of the Whale Tail Pit Expansion (Volume 1 of the FEIS Addendum) that contains the information requirements by NIRB in *Appendix A-Information Request for Agnico Eagle’s “Whale Tail Pit Expansion”* pursuant to s.144(1) of NuPPAA.

Through this submission, Agnico Eagle believes the NIRB has the information required to determine a regulatory path forward for the Whale Tail Pit Project Expansion and requests an expeditious decision regarding a schedule for the reconsideration of the Whale Tail Pit Project Certificate NIRB 008.

A. Background

The Meadowbank Mine was the subject of positive NPC conformity determinations on July 12, 2002 and July 21, 2003; the Amaruq exploration project received positive NPC conformity determinations on March 10, 2011 and October 15, 2015; and the Amaruq access road received an NPC conformity determination on July 16, 2015. Agnico Eagle also received a positive conformity determination on June 17, 2016 for the operation of the Whale Tail Pit and haul road, as it is a satellite operation to the Meadowbank Mine.

On November 6, 2017, the NIRB provided a positive decision on the Whale Tail Pit Project and on March 15, 2018 Agnico Eagle gained approval to further extend the life of the mine by constructing and operating the Whale Tail Pit and associated facilities as permitted by NIRB Project Certificate No.008. On July 11, 2018, the Minister approved the Whale Tail Pit Type A Water License 2AM-WTP1826 to begin construction and operation of the Whale Tail Pit, hauling of ore to the Meadowbank Mill, and continued milling at the Meadowbank Mill and operation of the tailings storage facility under an amended Meadowbank Mine Type A Water License 2AM MEA1526.

Given the rapid pace in reserve and resource expansion at the property, Agnico Eagle undertook the pre-economic assessment and feasibility of expanding the Whale Tail Pit Project to include the Whale Tail Pit Expansion Project. The Whale Tail Pit Expansion Project are located within the approved Whale Tail Pit project radius. As per its determination of October 19, 2018, the Nunavut Planning Commission (NPC) has confirmed that the Whale Tail Pit Expansion are in conformity with the applicable land use planning requirements. Further details of the Whale Tail Pit Expansion are set out in the enclosed Project Description uploaded with this letter.

B. Nunavut Impact Review Board Determination as to Next Steps

To assist in the NIRB's determination of next steps, Agnico Eagle has appended to this letter a Section 90 self-assessment of the Whale Tail Pit Project Expansion, prepared in accordance with the NIRB Guidance. Based on the Section 90 factors self assessment presented in Appendix A, Table 1, Agnico Eagle considers the nature, magnitude, complexity, probability, frequency and duration of the impacts for the proposed expansion are low to negligible changes from the approved Whale Tail Pit Project.

To support the NIRB's determination of next steps, it is important to note that the proposed changes to the Whale Tail Pit Project are located entirely within the area of impact previously considered by NIRB when Agnico received Project Certificate No. 8 on March 15, 2018. It is also important to note that the determination of the "significance" of the planned changes will ultimately be made by NIRB. Agnico is confident that at the completion of the NIRB process that the NIRB will agree that the Whale Tail Pit Project Expansion will not cause any significant adverse ecosystemic or socio-economic impacts.

In addition to the enclosed materials, Agnico Eagle will submit to NIRB on November 16th, 2018 a complete Whale Tail Pit Project Expansion Final Environmental Impact Statement (FEIS) Addendum which will include Volumes 2 to Volume 8 Addendums. The FEIS Addendum has been completed consistent with the requirements of the Guidelines (NIRB 2004). Volume 2 through Volume 8 are a series of complementary documents to provide a full understanding of the traditional knowledge/ Inuit qaujimaqatuqangit, consultation, technical and scientific aspects of the Whale Tail Pit Project Expansion and will include FEIS Addendums to Whale Tail Pit Project as follows:

- Volume 3 – Assessment Methods;
- Volume 4 – Atmospheric Environment;
- Volume 5 – Terrestrial Environment;
- Volume 6 – Freshwater Environment;
- Volume 7 – Human Environment; and
- Volume 8 – Monitoring, Mitigation, and Management Plans.

For further clarity, the Whale Tail Pit Project Expansion Project Description includes references to the volumes listed above and these volumes will be submitted on or before November 16th, 2018.

Should NIRB determine that the Whale Tail Pit Project Expansion is a “significant modification” under s. 146 of NUPPAA, in accordance with NIRB Guidance Agnico Eagle requests that NIRB conduct an assessment by reconsideration pursuant to Nunavut Agreement s. 12.8.2 and NuPPAA s. 112. As the planned changes included in the Whale Tail Pit Project Expansion are integrally linked to the original Whale Tail Pit Project as assessed by the NIRB, assessment of the proposed modification as an independent project proposal is inappropriate.

C. Related Nunavut Water Board Process

Agnico also anticipates that related amendments to the Type A Water Licence 2AM-WTP1826 will be required by the NWB. Given that this proposed expansion is an extension of Whale Tail Pit ore body that is approved under Type A Water Licence 2AM WTP1826, Agnico Eagle requests a “staggered” (or partially) coordinated review process between the NIRB and NWB. This approach would see the NIRB process proceed partially in parallel with the process to amend the existing NWB Type A Water Licence to ensure impacts to waste and water relating to the Whale Tail Pit Expansion are consistent with those predicted for the Whale Tail Pit Project.

As an amendment, Agnico Eagle has ensured the operation and closure strategies for the proposed Whale Tail Pit Project Expansion are consistent with the approved Whale Tail Pit Project and securities for the expansion will be arranged with Crown Indigenous Relations and Northern Affairs Canada and Kivalliq Inuit Association and posted in accordance with Type A Water Licence 2AM WTP1826.

Agnico Eagle will work with NIRB and NWB to optimize the coordinated process schedule and timelines, applying lessons learned from previous coordinated files, while allowing for adequate time for review and comment. It is our hope that this approach will achieve an efficient and thorough, yet less confusing regulatory phase for the Whale Tail Pit Project Expansion.

D. Conclusion

As stated previously, we are hoping for a timely determination of a coordinated process with the NWB and NIRB that will allow commencement of the reconsideration process with NIRB immediately. If you require any further information in relation to this application, please contact the undersigned via email or telephone.

Regards,



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Environmental Superintendent –
Permitting and Regulatory Affairs Nunavut

Permitting Lead - Nunavut

copy to: Nunavut Impact Review Board
 Nunavut Water Board

Appendix A
Summary of Self-Assessment Per NIRB Guidance

The following analysis follows the NIRB Guidance, in which NIRB sets out its recommended process for proponents wishing to propose a modification to a previously approved project.

Section 90 of NuPPAA states, in determining the significance of potential impacts, the NIRB must take into account the factors outlined in Table 1. In accordance with the NIRB Guidance, Agnico Eagle has considered the proposed scope of activities and the potential impacts of the proposed expansion in relation to s. 90 of NuPPAA, using the self-assessment steps outlined by the NIRB and as summarized in Table 1 below.

In consideration of the scope of the changes compared to the Whale Tail Pit Project as originally assessed by NIRB and licenced by the NWB, Agnico Eagle is of the view that the proposed changes are a modification that should be considered by the NIRB as a reconsideration of the existing terms and conditions of Project Certificate No. 8 (see NIRB Guidance, Nunavut Agreement s. 12.8.2 and NuPPAA s. 112), and by the NWB in the water licencing process. Agnico Eagle is of the view that following completion of the NIRB reconsideration assessment process, the determination of the NIRB will ultimately be that the proposed expansion will not cause any significant adverse effects.

Table 1: Agnico Eagle NuPPAA Section 90 Self-Assessment

NuPPAA Section 90 factors	Results of Agnico Eagle's Self-assessment
(a) the size of the geographic area, including the size of wildlife habitats, likely to be affected by the impacts;	The proposed expansion is inside the approved project's radius (~4km) and therefore within the same geographic area. As a result, the expansion results in no additional impacted geographic area. Changes to the project will all occur within the area previously included in the NPC's positive conformity determination, assessed by NIRB and licensed by the NWB.
(b) the ecosystemic sensitivity of that area	The proposed expansion does not cause impacts to an ecosystemically sensitive areas.
(c) the historical, cultural and archaeological significance of that area	The expanded facilities will not result in changes to impacts to an area of historical, cultural or archaeological significance.
(d) the size of the human and the animal populations likely to be affected by the impacts	The expansion will not result in changes to impacts on human and animal populations.

NuPPAA Section 90 factors	Results of Agnico Eagle's Self-assessment
(e) the nature, magnitude and complexity of the impacts	The expansion will result in a low to negligible change to the Whale Tail Pit Project predicted environmental impacts, including the nature, magnitude and complexity of the impacts.
(f) the probability of the impacts occurring	There will be low to negligible change to the probability of impacts occurring as per the existing PC and Water License.
(g) the frequency and duration of the impacts	There will be low to negligible change to the frequency and duration of the impacts.
(h) the reversibility or irreversibility of the impacts	There will be no change to the reversibility or irreversibility of the impacts as per the existing PC and Water License.
(i) the cumulative impacts that could result from the impacts of the project combined with those of any other project that has been carried out, is being carried out or is likely to be carried out	There will be no change to the cumulative impacts.
(j) any other factor that the Board considers relevant to the assessment of the significance of impacts	To be determined by NIRB.