



NIRB File No.: 16MN056

NWB File No.: 2AM-WTP1826 & 2BB-MEA1828

December 10, 2018

Ryan Vanengen
Environment Superintendent – Nunavut
Agnico Eagle Mines Ltd.
PO Box 549
Baker Lake, NU X0C 0A0

Sent via email: ryan.vanengen@agnicoeagle.com

Re: Results of the NIRB's Conformity Review of Agnico Eagle Mines Ltd.'s FEIS Addendum Submission for the Whale Tail Pit Expansion Proposal, Whale Tail Pit Project

Dear Ryan Vanengen:

On November 27, 2018 the Nunavut Impact Review Board (NIRB or Board) acknowledged receipt of Agnico Eagle Mines Ltd.'s (Agnico Eagle or Proponent) Final Environmental Impact Statement Addendum (FEIS Addendum) submission for the "Whale Tail Pit Expansion" Proposal, a proposed amendment to the approved Whale Tail Pit Project (NIRB File No. 16MN056). On the same date the NIRB initiated an internal review to determine whether the submission conforms to 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 s. 101(3) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

The NIRB has now completed its conformity review of Agnico Eagle's FEIS Addendum submission and determined that the FEIS Addendum does not conform to the minimum Environmental Impact Statement requirements as referred to above as the submission contains deficiencies which must be addressed to facilitate an efficient technical review of the document by all parties. Until the deficiencies in the submission as identified by the NIRB in this letter have been addressed and the NIRB subsequently determines that the FEIS Addendum conforms with the minimum Environmental Impact Statement requirements set out under Section 12.5.2 of the *Nunavut Agreement* and s. 101(3) of the *NuPPAA*, the technical review of the submission will not commence.

General areas where deficiencies have been encountered in the FEIS Addendum submission can be summarized as follows:

1) Environmental Management Plans (EMPs):

While some of the updates to Mitigation and Monitoring Plans that would be required to support implementation of the Whale Tail Pit Expansion Proposal are described generally, there is insufficient information provided to understand how the proposed Project would be carried out, to assess the accuracy of impact predictions presented, and to evaluate the adequacy of proposed mitigation and environmental management that would be applied.

Within Volume 8 Section 8.2 of the FEIS Addendum, Agnico Eagle has described its approach to developing the Mitigation and Monitoring Plans required to support the assessment of the Whale Tail Pit Expansion:

“As previously stated, the [Whale Tail Pit] Expansion project is an extension of mining operations for the [Meadowbank Gold Mine] Approved Project; therefore, many of the monitoring and mitigation plans are “operational” plans in place for the Approved Project. By title, Agnico Eagle has indicated that plans are intended Expansion Project, for the NIRB assessment (_NIRB). These plans are living documents which will evolve as the approved and expanded project proceeds and will be updated to reflect changes in operation, technology, and direction or requests made by the NIRB and/or NWB and subsequent approvals for the project”¹

Recognizing that the Whale Tail Pit Expansion Proposal describes a proposed amendment to the approved Whale Tail Pit project, an approved project under active operation, it is expected that the majority of relevant existing Mitigation and Monitoring Plans and their proposed updates should be presented with the FEIS Addendum to support the required public technical review. The NIRB’s guide on submission of an Environmental Impact Statement² notes the expectation of provision of the contingency plans in addition to description of steps which the Proponent proposes to take to mitigate adverse impacts. Directing reviewers to access copies of current Mitigation and Monitoring Plans from the NIRB’s registry – which have not been updated to address the Whale Tail Pit Expansion Proposal – is insufficient.

The Board’s Recommendation 1 from its 2017-2018 Annual Monitoring report for the Whale Tail Pit Project noted several operational plans not yet provided to the NIRB to reflect requirements of the Whale Tail Pit project approval, and others that have been received but do not satisfy the requirements of the Project Certificate terms and conditions. Despite the acknowledgment of these plans being living documents, the lack of actual plans in the original EIS and number of outdated plans on the NIRB’s public registry, has further limited in the NIRB in being able to confirm if the FEIS Addendum is complete.

¹ FEIS Addendum, page 310

² Guide 7 – The Preparation of Environmental Impact Statements, subsection EIS Format bullet n, page 6

2) General comments:

The NIRB's Rules of Procedure (September 2009) require submission of a hard copy version of the FEIS Addendum prior to the commencement of the review of the proposal which is also essential to the process. The NIRB expects this submission as soon as possible and would suggest the submission include the updated materials to address the above deficiencies.

Throughout the NIRB's cursory review of the FEIS Addendum and supporting documentation, numerous spelling/grammatical, formatting, and referencing errors have also been noted. While some errors are to be anticipated within large submissions such as an EIS or FEIS Addendum, a greater frequency of occurrence corresponds with increased difficulty for reviewers and the general public to access the information and develop an understanding of the proposed project and its potential effects.

CONCLUSION

The NIRB requests that Agnico Eagle review the enclosed tables and advise the Board of its anticipated submission date for a revised FEIS Addendum which adequately addresses the identified deficiencies. Upon receipt of a revised FEIS Addendum submission, the Board will conduct a conformity review of the submission against the the minimum Environmental Impact Statement requirements noted above, including the enclosed tables, and will communicate its determination in as timely a manner as possible.

In closing, contact the undersigned at (867) 983-4611 or tarko@nirb.ca to discuss any additional clarification that may be necessary regarding the Board's information requirements or the conformity review process.

Sincerely,



Tara Arko
Director, Technical Services
Nunavut Impact Review Board

Enclosures (2): Table 1: NIRB FEIS Conformity Determination Review. Evaluation of submission(s) satisfies the minimum EIS requirements (December 10, 2018).

Table 2: NIRB FEIS Conformity Determination Review. Evaluation of original project proposal with FEIS Addendum submission (December 10, 2018).

cc: Whale Tail Distribution List