



**NIRB File No.: 16MN056**  
**NWB File No.: 2AM-WTP1826**

March 14, 2019

To: Whale Tail Pit Distribution List

*Sent via email*

**Re: Commencement of the Technical Review Period for the NIRB's Reconsideration and Review of Agnico Eagle Mines Limited's "Whale Tail Pit Expansion Project" Proposal**

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Dear Parties:

On January 10, 2019 the Nunavut Impact Review Board (NIRB or Board) initiated the public technical review of the revised Final Environmental Impact Statement (FEIS) Addendum submitted by Agnico Eagle Mines Limited (Agnico Eagle or Proponent) for the "Whale Tail Pit Expansion Project" proposal (NIRB File No. 16MN056) by inviting interested parties to submit Information Requests (IRs) by February 21, 2019. Following receipt of submissions and confirmation as IRs, the NIRB, on February 25, 2019 requested that the Proponent review the submissions and supply the NIRB with an indication of an anticipated submission date of an IR Response Package by March 11, 2019. The NIRB received the IR Response Package from Agnico Eagle on March 13, 2019.

The revised FEIS Addendum, IR submissions and Response Package as received by the NIRB can be accessed online via the NIRB's public registry at [www.nirb.ca/project/125418](http://www.nirb.ca/project/125418).

The NIRB has conducted a preliminary completeness check to ensure that adequate information has been provided by the Proponent in order to commence the sixty (60) day technical review period. Although unable to fully assess the technical quality of the responses and to determine whether they will meet with reviewers' requirements, the NIRB is of the opinion that sufficient information has been provided to commence the technical review of the FEIS Addendum and to facilitate the next steps in the process including the preparation of technical review comments and the scheduling of a Technical Meeting.

#### CALL FOR TECHNICAL REVIEW COMMENTS

The public technical review period is meant to provide for a detailed review of the FEIS Addendum with the intent of analyzing the completeness and assess the quality of the information presented by the Proponent in support of this project proposal. Parties are invited to review the FEIS Addendum submission and develop 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 technical review comments and additional clarification regarding the information that must be included with the submissions as follows:

- Determination of whether Parties agree/disagree with the conclusions in the FEIS Addendum 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 FEIS Addendum are supported by the analysis – and reasons to support the determination;
- Determination of whether appropriate methodology was utilized in the FEIS Addendum to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- 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);
- Assessment of the quality and presentation of the information in the FEIS Addendum; and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

The NIRB is requesting that responsible authorities, interested parties and those with specialist advice provide their technical review comments to the NIRB by the conclusion of the public technical commenting period on **Tuesday, May 14, 2019**.

#### NEXT STEPS IN THE RECONSIDERATION PROCESS

The next steps in the NIRB's Reconsideration and Review of Agnico Eagle's Whale Tail Pit Project proposal and the terms and conditions of Project Certificate No. 008 for the Whale Tail Pit Project have been outlined as follows for the information of parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate (see enclosed Process Map):

<b>March 12, 2019:</b>	Intervenor applications due; NIRB forwards intervenor applications to Crown-Indigenous Relations and Northern Affairs Canada for review.
<b>March 15, 2019:</b>	Commencement of the Technical Review period; parties are asked to provide their technical review comments on a number of specific points as outlined above and in <a href="#">Appendix A</a> in this letter.
<b>May 14, 2019:</b>	Submission of technical review comments to the NIRB from parties.
<b>May 28, 2019:</b>	Agnico Eagle to provide response(s) to technical review comments.  Parties given an opportunity to review responses from Agnico Eagle.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with Agnico Eagle to discuss issues in advance of the proposed Technical Meeting. The NIRB, however, requests to be kept informed of any issues and any agreement(s) reached between the parties on specific issues related to the Whale Tail Pit Expansion Project proposal and the FEIS Addendum.

Once again, the NIRB requests that all interested parties submit their Technical Review Comments to the NIRB by email at [info@nirb.ca](mailto:info@nirb.ca) or through the online public registry at [www.nirb.ca](http://www.nirb.ca) on or before **Tuesday, May 14, 2019**.

Should you have any questions or require further clarification regarding the next steps in the Board's assessment of the Whale Tail Pit Expansion Project proposal, please contact Erin Reimer, Technical Advisor I, at (867) 857-4566 or [ereimer@nirb.ca](mailto:ereimer@nirb.ca), or the undersigned at (867) 857-4829 or [sgranchinho@nirb.ca](mailto:sgranchinho@nirb.ca).

Sincerely,



Sophia Granchinho,  
Manager, Impact Assessment  
Nunavut Impact Review Board

cc: Jamie Quesnel, Agnico Eagle Mines Limited  
Ryan Vanengen, Agnico Eagle Mines Limited  
Manon Turmel, Agnico Eagle Mines Limited  
Karén Kharatyan, Nunavut Water Board  
Luis Manzo, Kivalliq Inuit Association  
Chris Spencer, Government of Nunavut – Department of Economic Development/Transportation  
Alex Power, Northern Projects Management Office  
Julia Prokopick, Crown-Indigenous Relations and Northern Affairs Canada  
Emily Nichol, Environment and Climate Change Canada  
Sally Wong, Fisheries and Oceans Canada  
Sandra Slogan, Health Canada  
Peter Unger, Natural Resources Canada

Attachment: Appendix A – NIRB's Suggested Format for Parties' Technical Review Comments

Enclosure (1): Updated Anticipated Process Map for NIRB Assessment of Agnico Eagle Mines Ltd.'s Whale Tail Pit Expansion Project (NIRB No. 16MN056) [February 13, 2019]

For each issue raised, parties are asked to include a clear reference to the main FEIS Addendum volume number(s), document section, and/or page number in the FEIS Addendum where the 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 FEIS Addendum. 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 Board's review process.

### **Format & File Size**

Parties are requested to provide technical review comments or information request submissions in a fully functional, electronically searchable Word, Excel or unlocked PDF format. Noting the current constraints with respect to internet bandwidth and speed, the NIRB requests that all submissions be submitted as electronic file(s) no larger 10 to 25 MB.

### **Deadline for filing technical review comments**

The NIRB is requesting that responsible authorities, interested parties and those with specialist advice provide their technical review comments to the NIRB on or before **Tuesday, May 14, 2019**.

### **Technical review comment 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 FEIS Addendum. 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 FEIS Addendum for the Whale Tail Pit Expansion Project proposal and which identify the major issues under those headings the party intends to bring forward for discussion and intends to address at the Technical Meeting. Submissions may also address any other matter that the party considers relevant to the NIRB's review of the FEIS Addendum and the proposed Whale Tail Pit Expansion project.

#### **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 proposed Whale Tail Pit Expansion project and the approved Whale Tail Pit project, must also provide a description of that party's jurisdiction as well as a list of the legislation, regulations, policies and guidelines administered by the party that are applicable to the proposed Whale Tail Pit Expansion project.

#### **4. Specific comments**

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

- a. A detailed description of the issue and, where appropriate, a reference to where within the FEIS Addendum (volume/document, section and page number) that issue is discussed;
- b. If provided by the Proponent within the FEIS Addendum, 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, comment submissions must contain a *summary* of the recommendations to the Board with respect to:

- Whether Parties agree/disagree with the conclusions presented in the FEIS Addendum 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 FEIS Addendum are supported by the analysis – and all evidence supporting the parties' position;
- Whether appropriate methodology was utilized in the FEIS Addendum 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 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);
- An assessment of the quality and the presentation of the information presented in the FEIS Addendum; and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

## 6. Summary of Recommendations

<b>Review Comment Number</b>	
<b>Subject/Topic</b>	
<b>References</b> to the FEIS Addendum (i.e. volume/document, section/sub-section, page number, etc.)	
<b>Summary</b> (include Proponent's conclusion if relevant and conclusions of commenting party)	
<b>Importance of issue to impact assessment</b>	
<b>Detailed Review Comment</b>	<b>1. Gap/Issue</b> <b>2. Disagreement with FEIS Addendum conclusion</b> <b>3. Reasons for disagreement with FEIS Addendum conclusion</b>
<b>Recommendation/Request</b>	