



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

May 15, 2019

Jamie Quesnel
Superintendent, Permitting and Regulatory Affairs - Nunavut
Agnico Eagle Mines Limited
PO Box 549
Baker Lake, NU X0C 0A0

Sent via email: jamie.quesnel@agnicoeagle.com

Re: Receipt of Technical Review Comment Submissions for the NIRB's Assessment of Agnico Eagle Mines Limited's "Whale Tail Pit Expansion" Project Proposal

Dear Jamie Quesnel:

On January 10, 2019 the Nunavut Impact Review Board (NIRB or Board) initiated the public technical review of the Final Environmental Impact Statement Addendum (FEIS Addendum) submitted by Agnico Eagle Mines Limited (Agnico Eagle) for the "Whale Tail Pit Expansion" project proposal (NIRB File No. 16MN056). Following the receipt of Agnico Eagle's response to initial Information Requests (IRs) received from parties, on March 14, 2019 the NIRB invited interested parties to provide the Board with technical review comments regarding the FEIS Addendum by May 14, 2019.

On or before May 14, 2019 the NIRB received technical review comment submissions from the following parties:

- Kivalliq Inuit Association
- Government of Nunavut
- Government of Canada:
 - Crown-Indigenous Relations and Northern Affairs Canada
 - Environment and Climate Change Canada
 - Fisheries and Oceans Canada
 - Natural Resources Canada
 - Transport Canada
 - Health Canada
- Baker Lake Hunters and Trappers Organization

All technical review comments (Document ID No.'s: 324959 through 324960, 324966, 324968 through 324971, 324975 through 324979 and 324983) as received by the NIRB can be accessed via the NIRB's online public registry at www.nirb.ca/project/125418.

Following a review of parties' technical review comments, the NIRB is also providing sixteen (16) additional Technical Review comments directed to Agnico Eagle for its consideration and response ([Appendix A](#)). The NIRB's development of these comments considered issues which do not appear to have been raised by other parties, but which warrant additional discussion or response that should be provided by Agnico Eagle.

The NIRB would like to offer Agnico Eagle an opportunity to provide an overview response to the technical review comments to facilitate discussions at the upcoming Technical Meeting in Baker Lake (*June 11-13, 2019*) and requests that the response to technical comments be provided to the NIRB by **May 28, 2019**.

Agnico Eagle's response should briefly outline its understanding of the main issues raised in the technical comments and its proposed plans to address and resolve these issues and related concerns including a draft list of commitments if possible. The draft list of commitments should also include an indication of Agnico Eagle's plans to satisfy any IRs directed to Agnico Eagle where a response was deferred to a later stage in the Review process (i.e., technical review, technical meeting, or the licensing/permitting/authorization phase).

The NIRB has budgeted time at the beginning of the Technical Meeting for Agnico Eagle to present its response to parties' technical review comments with a focus upon outstanding items requiring discussion. The Board requests that Agnico Eagle be prepared to provide sufficient printed copies of any related presentation materials, including translated versions in Inuktitut and French where possible for parties in attendance at the upcoming Technical Meeting.

The NIRB requests that Agnico Eagle provide its response to technical review comments, including a draft list of commitments to the Board via email at info@nirb.ca on or before **May 28, 2019**.

If you have any questions or require additional clarification related to the NIRB's assessment of the Whale Tail Pit Expansion project proposal, please contact the undersigned directly at (867) 857-4829 or via email at sgranchinho@nirb.ca or contact Erin Reimer, Technical Advisor I, at (867) 857-4566 or ereimer@nirb.ca.

Sincerely,



Sophia Granchinho
Manager, Impact Assessment
Nunavut Impact Review Board

cc: Whale Tail Pit Distribution List
Manon Turmel, Agnico Eagle Mines Limited

Attachments: Appendix A: NIRB Technical Review Comments for the Whale Tail Pit Expansion Project Proposal

**APPENDIX A: NIRB TECHNICAL REVIEW COMMENTS FOR THE WHALE TAIL PIT EXPANSION
PROJECT PROPOSAL**

Review Comment Number	NIRB-TRC-01
Subject/Topic	Air quality and potential effects to human health
References	App 3-B-1.1, p 1
Summary	Residual effects from exposure to nitrogen dioxide (NO ₂) at Grave Site 30 should be evaluated for workers at the site.
Importance of Issue to Impact Assessment	Air quality and potential effects to human health
Detailed Review Comment	For the Expansion proposal, some marginal risks were associated with 1-hour nitrogen dioxide (NO ₂) at Grave Site 30. However, given that this location is within the Project boundary and access to members of the public would be restricted during operations, NO ₂ was not retained for further evaluation in the residual effects classification given that exposure is not expected to occur. However, residual effects from exposure were not considered for workers at the site.
Recommendation/Request	Request Agnico Eagle provide clarification on how worker health would not be affected from NO ₂ and consider evaluating NO ₂ in the residual effects assessment.
Review Comment Number	NIRB-TRC-02
Subject/Topic	Marine transportation
References	Main document, page 25, section 1.2.7
Summary	Agnico Eagle does not forecast changes to the existing transportation requirements related to the marine environment;
Importance of Issue to Impact Assessment	Impacts to the marine environment does not consider potential increase to the existing transportation requirements that might be required for the Expansion proposal.
Detailed Review Comment	Further information/evidence should be provided to confirm that there is no forecasted change in the existing transportation requirements as Agnico Eagle recently submitted an amendment application to expand the fuel tank farm in Baker Lake. Further, during the review of the original Whale Tail Pit Project, Agnico Eagle indicated that the transportation requirements would not change as the increase required for the Whale Tail Pit project would occur during the same period as a decrease in requirements for the Meadowbank Project. In addition, the original project proposal noted that the annual volume of 66.8 million litres of fuel would be supplied to Baker Lake while the Expansion proposal indicates that 96.8 million litres of fuel would be supplied to Baker Lake on an annual basis. This clearly is an increase in the amount of fuel to be transported which translates into changes to the existing transportation requirements related to the marine environment
Recommendation/Request	<ol style="list-style-type: none"> 1) Provide information with respect to the forecasted transportation requirements with the inclusion of the Expansion proposal in addition to the original Whale Tail Pit Project and the Meadowbank project. 2) Provide a discussion on how the increase in fuel transportation from the original 66.8 million litres to the proposed 96.8 million litres would not amount to a change in the existing transportation requirements and potential impacts to the marine environment, including cumulative effects.

Review Comment Number	NIRB-TRC-03
Subject/Topic	Marine transportation
References	Main document, page 25, section 1.2.7
Summary	Fuel is supplied to Baker Lake by marine fuel tankers at an annual volume of 96.8 million L (95 million L of ULSD and 1.8 million L of Jet A). Clarification is required on how the fuel will be stored at the Baker Lake Marshalling Facility for the Expansion Proposal
Importance of Issue to Impact Assessment	Clarification required on the Expansion Proposal to ensure impact assessment includes the accommodation of increase in fuel that will be supplied to Baker Lake.
Detailed Review Comment	Information is not clear whether the amount referred to is with respect to the 60 million litre capacity available at Baker Lake Marshalling Facility or includes the expansion of the facilities that was approved.
Recommendation/Request	Provide information whether the amount of annual volume of fuel to be supplied to Baker Lake includes the expansion of the Baker Lake facility. If not, clarify whether Agnico Eagle is expecting that the annual volume of marine fuel tankers would increase to accommodate the expansion of the Baker Lake facility as well as the proposed Whale Tail Pit Expansion proposal
Review Comment Number	NIRB-TRC-04
Subject/Topic	Spatial Boundaries
References	Main document, page 51, Section 3.2
Summary	This FEIS Addendum evaluates effects using the same spatial boundaries as those defined in the Approved Project, which are described in each discipline section
Importance of Issue to Impact Assessment	Spatial boundaries need to be updated to include the Expansion proposal
Detailed Review Comment	The spatial boundaries, especially the local study area needs to consider the Expansion proposal and not be dependent on the Approved Project. For example, Table 3.2-1 indicates that the LSA for noise and vibration was identified as "5 km buffer around the Project footprint (i.e., Whale Tail Pit operations and the haul road)". What about the Expansion proposal?
Recommendation/Request	Provide clear information within Table 3.2-1 of the changes to the local study area(s) that includes the Expansion proposal versus the Approved local study area(s).
Review Comment Number	NIRB-TRC-05
Subject/Topic	Cumulative effects to Marine Environment
References	Main document, Table 3.4-2
Summary	The FEIS Addendum indicated that no change is considered for cumulative effects to the marine environment from shipping activities. However, no consideration was given to the ongoing cumulative effects from extending the shipping time period with the inclusion of the Expansion proposal.
Importance of Issue to Impact Assessment	Cumulative effects due to change to temporal activities related to shipping activities
Detailed Review Comment	Agnico Eagle is proposing to extend the marine transportation activities from 2021 to potentially 2025 and further if the Expansion proposal is approved. Agnico Eagle needs to include a discussion on any considerations given for the potential for accumulation of impacts to the marine environment from extending the marine activities that are currently being proposed compared to what was previously proposed. The initial Project as submitted by Cumberland was to end marine transportation with the closure of the Meadowbank mine which has now been extended with the approval of the Whale Tail Pit project. However, Agnico Eagle is now proposing to extend the marine activities to beyond 2025 and potentially even further if additional areas might be developed by Agnico Eagle.

Recommendation/Request	Consideration in the impact assessment should include the accumulation of impacts to the marine environment from the marine activities that are currently being proposed.
Review Comment Number	NIRB-TRC-06
Subject/Topic	Sensory Disturbance of Muskoxen
References	FEIS Addendum Section 4.4.3.1.2, Table 4.4-4, p. 103; FEIS Addendum Section 4.4.3.3.2, Table 4.4-9, p. 111; Appendix 8-E.9 Terrestrial Ecosystem Monitoring Plan, Section 3.5 Ungulates, Figure 10, p. 36.
Summary	The analysis presented in the FEIS Addendum regarding NPC-119 PPV and PPL does not appear to be appropriately used to inform the determination of muskox distance thresholds for monitoring and mitigation in the TEMP. If the NPC-119 PPV maximum acceptable limit for ground vibration is met at distances greater than 1150 m from pit operations blasting, it is not clear why a threshold of 500 m is chosen for the Level 2 trigger threshold. It is also not clear under 'Level 2' what conditions would be necessary for the Environmental Supervisor to initiate additional mitigation measure such as blasting cessation.
Importance of Issue to Impact Assessment	It is necessary to establish appropriate thresholds for the monitoring and mitigation of sensory disturbance from blasting on muskoxen to assess the possible impacts, and to ensure that impacts to muskoxen are appropriately mitigated.
Detailed Review Comment	The FEIS Addendum states that, in relation to peak particle velocity (PPV) and permissible sound levels (PPL) predicted to result from pit operations blasting "The NPC-119 PPV limit is the maximum ground vibration level considered acceptable by the guideline. The results in this table show that PPV values are predicted to decay to below the NPC-119 limit for distances greater than 1150 m from pit operations blasting activities" and further that "The NPC-119 PPL limit is the maximum airborne noise level considered acceptable by the guideline. The results in this table show that PPL values are predicted to decay to below the NPC-119 limit for distances greater than 1000 m from pit operations blasting activities". In addition Table 4.4-9 states that blasting for haul road widening and construction activities "PPV values are predicted to decay to below the NPC-119 limit for distances greater than 165 m from haul road construction and widening blasting activities." and that "PPL values are predicted to decay to below the NPC-119 limit for distances greater than 300 m from haul road construction and widening blasting activities." The TEMP provides a monitoring and mitigation threshold for muskoxen when group size thresholds (GST) >13 animals are observed within 500 m of both project operations and roads. This would trigger a Level 2 monitoring/mitigation response which indicates such actions as increased reporting and ground surveys as well as "Environmental Supervisor may initiate additional mitigation such as blasting cessation, heavy equipment cessation depending on muskox distribution and abundance and proximity to operations". There are no further monitoring/mitigation actions presented for muskoxen.
Recommendation/Request	<ol style="list-style-type: none"> 1) Agnico Eagle should clarify how the threshold of 500 m for triggering Level 2 monitoring/mitigation of muskoxen was established, and how the NPC-119 guideline for maximum ground vibration level was used to inform the threshold determination. 2) Agnico Eagle clarify under what conditions (distribution, abundance and/or proximity to operations) additional mitigation would be initiated when Level 2 threshold is triggered.

Review Comment Number	NIRB-TRC-07
Subject/Topic	Climate and Meteorology
References	Main Document 4.2.2. p 77 & Appendix 4C
Summary	Meteorological data from 2005 to 2009 for the Baker Lake meteorological station were used as input to the air quality dispersion model used to assess potential Project-related effects to air quality. No information or discussion was provided why over 10-year-old data was used with no additional updated information incorporated into the model. Further, weather data for the dustfall and air quality monitoring plan is collected using the Meadowbank mine's permanent climate station but this information was not incorporated into the model.
Importance of Issue to Impact Assessment	Data that are over 10 years old should not be used as input to the air quality dispersion model and updated information collected from the Meadowbank site should have been incorporated.
Detailed Review Comment	<p>Meteorological data presented for the air quality dispersion model was collected from Baker Lake from 2005-2009. The information and data is over 10 years old and have not been updated since the last assessment of the Approved Project. Baker Lake is over 100 kilometres (km) from the proposed Expansion project and may not be representative of the area. It is noted that Agnico Eagle collects ongoing meteorological information from the Meadowbank Mine Site. Why was this information and data not used to update the air quality dispersion model? In addition, since the Whale Tail Pit Project has been approved, why has a meteorological station not been installed at Whale Tail?</p> <p>Further, it is noted that Agnico Eagle noted that Environment and Climate Change Canada (ECCC) conducts long-term monitoring of weather and climate in the Kivalliq region of Nunavut and therefore there are no plans to conduct supplementary meteorological monitoring at the Project. Climate can vary by location and as noted above Baker Lake is greater than 100 km away from the Amaruq site and the proposed Whale Tail Pit Expansion. Further, Meadowbank is 60 km away from the proposed Expansion project. There is a need for overall data sets to be reflective of actual weather for climate change assessment and air quality.</p>
Recommendation/Request	<ol style="list-style-type: none"> 1) Update the air quality dispersion model to include recent meteorological data collected within the vicinity of the Whale Tail Pit and Amaruq area. If the information is not available, clarification needs to be provided. 2) Provide justification why meteorological stations have not been set up at the Whale Tail site to obtain data reflective of actual site conditions to be used in air quality modeling.
Review Comment Number	NIRB-TRC-08
Subject/Topic	Air Quality Impact Assessment; Air Quality and Dustfall Monitoring Plan
References	Main Document 4.3.1.3 / p 81; Main Document 2.4
Summary	Inuit Qaujimajatuqangit (IQ) highlighted concerns about the sensitivity of caribou and muskox to losses of vegetation habitat (habitat quantity) and changes in vegetation habitat quality (habitat quality) because of dust deposition. Concerns were also raised related to the effects of dust on other traditional resources and activities that Inuit depend on. Potential effects of the Expansion proposal on air quality and atmospheric deposition were predicted and compared to national and territorial air quality guidelines as there are no standards that can be drawn explicitly from IQ.
Importance of Issue to Impact Assessment	IQ not being accurately considered in the Impact Assessment of the Whale Tail Pit Expansion proposal

Detailed Review Comment	While there are no "standards" that can be explicitly drawn from IQ there are observations that show impacts due to air quality. That is there is potential linkages between caribou avoidance of area from smell (pollution or dust or losses of habitat quality because of dust deposition. Different monitoring studies at Ekati Diamond Mine actually show a correlation between air quality measured parameters and the zone of influence (ZOI) of caribou. This correlation needs to be considered along with IQ and observations made by Inuit regarding the effects on air quality and atmospheric deposition
Recommendation/Request	Agnico Eagle needs to demonstrate how they have incorporated IQ into their impact assessment and how they have addressed IQ concerns with mitigation measures and monitoring and whether these have been successful to address Inuit concerns.
Review Comment Number	NIRB-TRC-09
Subject/Topic	Total soil metal concentrations
References	Addendum S 5.1.2.11, p 116; App 5B; Addendum Section 5.3.2.4, p 125; App 5B
Summary	The analyses conducted for total soil metal concentrations are "within the project footprint" of the Approved project. The FEIS Addendum does not address the Expansion proposal and the increase in proposed project footprint.
Importance of Issue to Impact Assessment	The impact assessment and information provided should include the propose Expansion proposal and not depend on the Approved project
Detailed Review Comment	Agnico Eagle noted that the historical baseline report (Appendix 5-B) was reviewed and received conformity approval as part of the Approved Project FEIS submission (Agnico Eagle 2016c), and then final approval under Project Certificate No. 008. Therefore, the baseline report was not updated for the Expansion proposal. It does not appear that the sampling for the baseline report included the additional of 368 hectares for the Expansion proposal. Information is required to ensure that the baseline report includes the Expansion proposal. Further, no information was provided whether soil metal concentrations may have altered due to the activities currently being carried out in the area since the original data was gathered in 2015
Recommendation/Request	<ol style="list-style-type: none"> 1) Provide an update to the baseline report for total soil metal concentrations that includes the Expansion proposal. 2) Clarify and update the baseline report to include the current activities and any changes observed to soil metal concentrations.

Review Comment Number	NIRB-TRC-10
Subject/Topic	Zone of influence (ZOI) on caribou movement (<i>Related to KivIA-IR-06</i>)
References	FEIS Addendum Section 5.5.5.2 Terrestrial Ecosystem Monitoring Plan; FEIS Addendum, Appendix 5F Caribou Incremental and Cumulative Encounter Rates for Expansion Project; TEMP Section 2.3.2.1 ; FEIS Addendum Section 5.5.3.3 Primary Pathway Indirect Habitat Loss; Caribou
Summary	Ref FEIS 5.5.5.2 pg 179 "Collect additional caribou collar data and conduct analyses of this data to quantify the zone of influence and associated effects of project components on caribou movement for a study area (T&C #29)" Ref App 5F pg 8 "The movement paths of each collared caribou were combined with the development layer database and associated assumed ZOIs for different types of development (Table 3)." Ref TEMP 2.3.2.1 "Agnico Eagle completed a preliminary ZOI study for the Lorillard and Wager Bay herds and found no ZOI effect with the exception of a weak effect during the winter months at a distance of 35 km." Ref FEIS 5.5.3.3 "A ZOI analysis with caribou collar data from Lorillard and Wager Bay caribou herds was completed for Meadowbank Mine as part of the Approved Project FEIS (Golder 2017b). The results indicated caribou may avoid the Meadowbank Mine and AWAR up to 35 km in winter but not in fall when more collared caribou were present within 50 km of infrastructure (Golder 2017b).""Golder. 2017b. Whale Tail Commitment 8, Meadowbank Mine and All-weather Access Road Caribou Zone of Influence Assessment. Prepared for Agnico Eagle Mines Limited by Golder Associates Ltd"
Importance of Issue to Impact Assessment	It is important to quantify the zone of influence on caribou movement for the current Expansion proposal to determine how caribou are being affected with distance from project components and to adequately assess the significance of impacts to caribou.
Detailed Review Comment	It is noted that Agnico Eagle has committed to providing the analysis as per term and condition 29 of the Project Certificate 008, and have stated that additional studies will be discussed with the terrestrial advisory group (TAG) and in collaboration with the Government of Nunavut and other parties. (TEMP, pg 16). However, it is not clear when further study will be forthcoming, and how Agnico Eagle plans to fulfill the term and condition to quantify the zone of influence and associated effects of project components, specifically of the Expansion proposal on movement of caribou. While Appendix 5F discusses encounter rates and residency times in ZOI's for different case scenarios including the Expansion proposal Case, it does not quantify the ZOI for any scenario and assumes a general 15 km buffer for mine developments. Further, evidence is not provided in the FEIS Addendum to support the statement in the TEMP relating effects on caribou to distance from project components. The document referenced in the FEIS Golder 2017b is not provided and does not analyze ZOI for Approved Project or Expansion proposal components.
Recommendation/Request	Provide discussion on Caribou Incremental and Cumulative Encounter Rates for Expansion proposal, specifically how it has quantified the zone of influence for project components on caribou movement. Agnico Eagle should provide an indication of when and how additional studies can be implemented to fulfill the term and condition from the Approved Project and also inform the review of the current proposal.

Review Comment Number	NIRB-TRC-11
Subject/Topic	Baseline data and conclusions in the FEIS Addendum, Volume 5 Section 5.5 Terrestrial Wildlife and Wildlife Habitat <i>Related to NIRB-IR-01 Use of existing baseline data with no new information gathered or submitted for the Addendum</i>
References	FEIS Addendum Vol. 5., pg 114.FEIS Addendum Section 5.5.2.2 Seasonal AbundanceFEIS Addendum Section 5.5.2.2 Movement PatternsFEIS Addendum Section 5.5.2.2 Habitat UseFEIS Addendum Section 5.5.2.2 Harvesting PatternsFEIS Addendum Section 5.5.3FEIS Addendum Section 5.5.3.5Appendix 5C Terrestrial Baseline Characterization ReportAppendix 5D Tables of Collared Caribou Residency and Road Crossing
Summary	<p>"To support the review of the FEIS Addendum, Agnico Eagle has provided all appendices in the FEIS Addendum Application. It should be noted that historical baseline reports (Appendices 5-A, 5-B, 5-C, and 5-D) were reviewed and received conformity approval as part of the Approved Project FEIS submission (Agnico Eagle 2016c), and then final approval under Project Certificate No. 008. These baseline reports remain unchanged."</p> <p>"The data do not indicate calving activity in the RSA as few collared caribou are present in the RSA during the calving period, which is consistent with Elders identifying there that there are no calving grounds near the Whale Tail area (Approved Project FEIS Volume 7, Appendix 7-A; Agnico Eagle 2016c)."</p> <p>"Within the RSA, caribou movements appear to be diffuse and distributed across the study area, with potential movement corridors north of Tehek Lake (Volume 5, Appendix 5-C, Figure 7.8). Caribou trails identified in the RSA during IQ workshops and confirmed by field biologists during the baseline surveys support this observation (Volume 5, Appendix 5-C, Figure 7.9)."</p> <p>"Habitat suitability rankings were used to identify quality habitats for the Meadowbank Mine (Cumberland 2005e) and were updated for the Approved Project (Volume 5, Appendix 5-C, Section 4.3.4)."</p> <p>"Historical harvesting patterns were described for the Approved Project (FEIS Volume 5). No new harvesting information was available for 2016 or 2017 but harvest levels are anticipated to be within historical ranges."</p> <p>"Finally, the RSA is not frequently used by caribou, as the most frequently occurring herd (i.e., Wager Bay herd) spend only 2.1% of their time in the RSA, as estimated from collars (Volume 5, Appendix 5-D, Table 5-D-1)."</p> <p>"Shoreline surveys during the baseline field work examined 62.8 km of shoreline along lakes and streams (Volume 5, Appendix 5-C)"</p> <p>"It should be noted that this historical baseline report (Appendix 5-C) was reviewed and received conformity approval as part of the Approved Project FEIS submission (Agnico Eagle 2016c), and then final approval under Project Certificate No. 008. This baseline report remains unchanged."</p> <p>"It should be noted that this historical baseline report (Appendix 5-D) was reviewed and received conformity approval as part of the Approved Project FEIS submission (Agnico Eagle 2016c), and then final approval under Project Certificate No. 008. This baseline report remain unchanged."</p>
Importance of Issue to Impact Assessment	Conclusions in the FEIS Addendum are consistently supported by references to baseline data that has not been updated for the Expansion proposal. Revised conclusions based on the most recent available baseline characterization reports should be provided for ease of review in the FEIS Addendum and to increase confidence in conclusions for the Expansion proposal.

Detailed Review Comment	The NIRB acknowledges that the following reports as indicated in Appendix 2C and in Agnico Eagle Response to IRs NIRB-IR-01 were provided in support of the FEIS Addendum to reflect the most current baseline data available. "Whale Tail Expansion proposal: 2018 Fish and Fish Habitat Field Investigations (Portt 2019) (IR-SD-1) • Whale Tail Pit, IVR-Zone and Whale Tail Haul Road Project Area Comprehensive Terrestrial Baseline Characterization Report (IR-SD-5) • Whale Tail Pit Core Receiving Environment Monitoring Program (CREMP): 2014 – 2017 Baseline Studies (IR-SD-6)" It is also noted that sections of the FEIS Addendum have not been updated with the most current baseline references, as outlined in the above examples. The examples provided are not by any means an exhaustive list of instances where past baseline reports are referenced, as this is a common theme throughout the Addendum. It is unclear whether specific conclusions reached in the FEIS Addendum were informed by all currently available data.
Recommendation/Request	Provide explanation as to why the new reports and available data were not incorporated into some sections of the FEIS Addendum to add to current understanding of impacts to terrestrial wildlife and wildlife habitat. A comprehensive update to the Addendum may be necessary to increase reviewers confidence that results presented in the FEIS were informed by all available and current baseline data. This would also increase confidence that Agnico Eagle has collected and analyzed additional data to fully evaluate the environmental impacts of the Expansion proposal.
Review Comment Number	NIRB-TRC-12
Subject/Topic	Insufficient aquatic baseline data for Lake D1 and Lake D5
References	Main Document, Table 6.2-1, page 195; Table 6.5-0, page 251
Summary	Baseline data collected for Lakes D1 and D5. "The LSA also considers alternative discharge locations (i.e., Lake D1 and Lake D5) in the D watershed as a mitigation option for discharge of treated effluent."
Importance of Issue to Impact Assessment	Baseline characterization of the lakes cannot be determined from a single season of water, sediment quality sampling and fish and fish habitat studies.
Detailed Review Comment	As noted by Environment and Climate Change Canada (ECCC) in their information request #20, baseline data collected for Lakes D1 and D5 consisted of a total of four water quality, five sediment grab, and ten sediment core sampling efforts for each lake. Water quality samples were collected in August and September of 2018 and sediment samples were collected in August 2018. The baseline data collected for Lakes D1 and D5 is not sufficient as it is limited to data collected within a single season of one year. Based on the information submitted, baseline seasonal and inter-annual variation cannot be determined from such limited baseline data which limits the ability to interpret project monitoring data and subsequently detect potential project related changes. Further, Agnico Eagle noted that "monitoring at these areas during the operational phase is contingent on selection as alternate locations for discharge for treated water". One year of data does not support a robust baseline dataset and it is recommended that full characterization of these areas should include a minimum of two years of data for the range of conditions which occur under ice, at freshet, and throughout the open water season. In response to ECCC's request, Agnico Eagle noted that based on site needs, CREMP data will be collected at least 1 year prior to discharge, Agnico Eagle will update the CREMP plan and submitted to the NWB prior to construction and operation of the alternate discharge location. This is not sufficient as it does not provide sufficient information on how the potential impacts would be determined based on the baseline information and how the potential impacts would be determined.

Recommendation/Request	<ol style="list-style-type: none"> 1) Provide additional baseline data associated with the Expansion proposal with a minimum of at least 2 years of data for the range of conditions that would occur at site which includes under ice, at freshet and during open-water season. 2) Models should be updated to reflect the additional data collected with a minimum of 2 years. The NIRB requires this information in order to determine the potential impacts from the Expansion proposal would have on the environment and to support the selection of Lake D1 and Lake D5 as alternative discharge locations.
Review Comment Number	NIRB-TRC-13
Subject/Topic	Figures noting watersheds
References	Volume 6, Main document
Summary	Lakes D1 and D5 not identified in any figures. Watersheds not identified in figures
Importance of Issue to Impact Assessment	Clearly identification of the watersheds and the lakes that may be impacted by the proposed Expansion Project
Detailed Review Comment	Lakes D1 and DS5 not identified in any figures for the aquatics environment. Agnico Eagle noted that these two lakes have been identified to support the discharge mitigation option. In addition, Watersheds A, B, C, D and DS2 were not identified in the figures provided or a justification of why these lakes were left out of the figures.
Recommendation/Request	Provide figure that delineates the different watersheds that are discussed in the FEIS Addendum or clarify why these waterbodies were not included in the study.
Review Comment Number	NIRB-TRC-14
Subject/Topic	Insufficient water quality baseline data from tributaries and lakes along the haul road in the study area
References	Main Document, Table 6.2-1, page 195
Summary	Baseline data were collected only in 2015 for the tributaries in the study area and for the lakes along the haul road
Importance of Issue to Impact Assessment	Insufficient baseline data to provide conclusion on potential impacts from proposed project
Detailed Review Comment	Agnico Eagle notes in the addendum that baseline water quality sampling was conducted at lakes and tributaries in the study area but no baseline data were collected for the tributaries in the study area and for the lakes along the haul road since 2015. No rationale for why additional baseline data were not collected.
Recommendation/Request	Provide rationale why additional data were not collected for the tributaries in the study area and for the lakes along the haul road
Review Comment Number	NIRB-TRC-15
Subject/Topic	Baseline studies
References	Main document & Appendix 6G (CREMP 2014-2017 Baseline Studies)
Summary	A summary of baseline studies completed for the Approved Project and Expansion proposal does not include baseline information collected after 2016.
Importance of Issue to Impact Assessment	Updates to baseline information related to the Expansion proposal should be included to ensure models and impact assessment is complete and up to date for the Expansion Proposal

Detailed Review Comment	<p>Agnico Eagle noted that since 2016, Agnico Eagle has continued to collect baseline data, update models, and refine engineering optimization of project operations for the Approved Project and Expansion proposal. Within the Expansion proposal, Agnico Eagle refers the reader to Appendix 6-G for additional information on the summary of the water and sediment quality results from the Core Receiving Environment Monitoring Program. Appendix 6-G only included baseline studies completed up to 2015. Following the IR period and request by parties for an updated monitoring program, Agnico Eagle provided an updated Core Receiving Environment Monitoring Program with data up to and including 2017. This makes it very confusing to the reader where to find the appropriate data for the Expansion proposal as this data was available at the time of the submission of the FEIS addendum but was not included. It is suggested that the FEIS addendum be updated to refer to the appropriate appendices to minimize confusion and the need to search for the appropriate documents which should have been submitted at the time. Further, Agnico Eagle provides conclusions based on the data collected between 2016 and 2017 in the FEIS addendum but as noted the initial baseline information provided in Appendix 6G only goes to 2015. Again, this makes for a confusing read as the discussion in the FEIS addendum refers to all the data collected up to 2017 but parties were not provided this information until after an Information Request was submitted. Further, following the NIRB's first conformity determination (December 10, 2018), the NIRB clearly stated the FEIS Addendum should present updates to the mitigation and monitoring plans for the Whale Tail Pit Expansion Proposal which was not done for this section. Finally, without it being clear in the FEIS addendum, it makes it difficult to determine whether the effects analyses included the additional baseline information.</p>
Recommendation/Request	<ol style="list-style-type: none"> 1) Update the FEIS addendum to refer to the correct and most up to date documents/appendices to avoid confusion by readers. 2) Update the baseline information to include most recent data collected for the freshwater environment. This is important to be able to complete the technical review for the Expansion proposal as baseline information is lacking.
Review Comment Number	NIRB-TRC-16
Subject/Topic	Zooplankton
References	Main Document, Section 6.5.3.2.2.3, page 261
Summary	No new data was collected for zooplankton following submission of the Approved Project
Importance of Issue to Impact Assessment	Baseline information for impact assessment is not complete as no new information was collected
Detailed Review Comment	No justification was provided on why no new data was collected for zooplankton for the Expansion Proposal.
Recommendation/Request	Provide justification on why no new data was collected for zooplankton for the Expansion Proposal.