

Agnico Eagle Whale Tail Pit Expansion Project – Meeting with Environment and Climate Change Canada (ECCC) to Discuss Outstanding Wildlife Technical Comments

04 July 2019; 13:00 to 14:30 ET

Participants:

- ECCC: Emily Nichol, Georgina Williston, Jean-Francois Dufour, Melissa Pinto
- Agnico Eagle: Manon Turmel, Jamie Quesnel, Philippe Lapointe
- Golder Associates: Dan Coulton, Andrea Amendola, Jen Range

ECCC-TC11 (Currently Unresolved/Resolved Pending Actions) – Assessment of Direct Habitat Loss and Destruction of Nests

- ECCC maintains the position that there is still underestimation in the potential range of displacement
 - Territory assumptions used (1= territory = 1 bird) is incorrect and should be 1 territory = 2 birds (based on a Trent University presentation on the collaborative study)
- Golder clarified that the report from Trent University was not clear what a territory was so this clarification is helpful
- Golder suggested that updating calculations would add to the absolute number; however, this change wouldn't be large enough to trigger a change in the significance or magnitude conclusions in the FEIS Addendum
- ECCC would like to see the best information presented to accurately characterize the potential displacement
- **ECCC to send Trent University presentation and other technical information to use for the calculations next week. ECCC and Golder to work together for recalculations (ccing Agnico Eagle)**
- ECCC will include the new calculations in their Final Written Submission
- Once the new numbers have been calculated and presented to NIRB this issue (ECCC-TC11) will be considered resolved

ECCC-TC-10 (Unresolved/Resolved Pending Actions) – Exposure to Contaminants

- Agnico Eagle reiterated that the Tailings Storage Facility (TSF) is not part of the Expansion Project application (or Approved Project). There is concern for Agnico Eagle with TSF being addressed in the Expansion Project application process.
- Additionally, Agnico Eagle believes this topic was addressed during the Approved Project and believes that all ECCC recommendations have been addressed. Agnico Eagle believes that this item is considered resolved for the Approved Project.
- ECCC considers the new tailing waste that is produced by the Expansion Project and transported to the main Meadowbank TSF to be a part of the Expansion Project.
- ECCC maintains that a quantitative assessment of predicted effects of the Expansion Project needs to be completed for the ingestion of water and/or sediment at the TSF For all wildlife receptors (including the semi-palmated sandpiper). To do so will require an understanding of the baseline, Meadowbank and Approved Project conditions in order to differentiate the Expansion Project effects.

- Additionally, it is the view of ECCC that the recent WSRLAP update only partially meets ECCC recommendations. Recommendation was: addition of semi-palmated sandpiper as a wildlife receptor for all contamination pathways (i.e., not just at TSF) and the addition of ingestion of water and sediment at the TSF as a pathway for ALL wildlife receptors.
- ECCC would accept just the results of the ecological risk assessment and does not need a complete report to satisfy this request. ECCC is willing to work with Golder to refine some of the inputs and conservative assumptions for this analysis.
- ECCC suggested a few years of WLSRAP monitoring would be needed to support the predictions of the risk assessment. If the monitoring results confirm there are no risks to migratory birds, then deterrence and monitoring at the TSF could be halted.
- Agnico Eagle will revise its ecological risk assessment based on ECCC's recommendation.

ECCC-TC14 (Resolved) – Mortality of Diving Waterbirds - Fishouts

- This issue was resolved following Agnico Eagle's responses to ECCC's Information Requests and ECCC indicated it was resolved in their Technical Review Submission to the NIRB

ECCC-TC12 (Resolved) – Migratory Bird Protection Plan

- ECCC considers this issue resolved at this time as the plan was updated from a conceptual plan to an operational plan
- ECCC notes that it does not agree with the assessment of direct habitat loss and destruction of nests which was included in this plan (re: ECCC-TC11); however, ECCC is of the opinion that an update to the plan (with the new calculations from ECCC-TC11) is not necessary at this time, but can be done during the next revision.
- ECCC noted that they would prefer to see results of 2019 studies before any updates to the 2020 plan are made
- Agnico Eagle and ECCC agreed that future revisions could be addressed through the regulatory phase and provided as part of the Annual Report.
- In the Final Written Submission, ECCC will note that they will work with Agnico Eagle to update plan, if required

ECCC-TC13 (Currently Unresolved/Resolved Pending Actions) – Terrestrial Ecosystem Management Plan (TEMP)

- ECCC submitted comments on the TEMP to Agnico Eagle through the Terrestrial Advisory Group and had requested an updated version prior to the Final Written Submissions
- Agnico Eagle provided an updated TEMP to the TAG
- ECCC will review track changes version of the TEMP that was sent to TAG members prior to the Final Written Submission. This will allow ECCC to see what additions were made and to verify that the comments submitted by ECCC were incorporated into the latest version. If additional clarifications are needed, a separate call can be arranged
- Agnico Eagle informed ECCC that the TAG meeting on July 15 will be focused mostly on caribou and commitments around caribou; the next comprehensive TAG meeting is planned for October
- ECCC will provide future comments on the TEMP through the TAG

ECCC Summary of Technical Comments

Resolved: ECCC-TC12 and ECCC-TC14

Unresolved: ECCC-TC10

Currently Unresolved/Resolved Pending Actions: ECCC-TC11 and ECCC-TC13

Air Quality follow-up

- **ECCC will send Agnico Eagle email with dates when Air Quality Expert Brian Asher is available to discuss outstanding issues**
- Agnico Eagle will discuss internally if in-person or conference call is best for them based on Brian's availability

Water Quality follow-up

- Call last week was productive, Agnico Eagle has a few pending follow-up actions as a result of the call
- ECCC noted that Water Quality Expert Trish Auser will not be available the week of July 8 to discuss any outstanding actions/comments
- **ECCC will follow-up with Trish Auser to confirm availability for a call the latter part of July or early August for a combined NIRB and NWB call. This call will be to i) understand outstanding issues with NIRB process; and ii) discuss Information Requests for the NWB process**