



NIRB File No.: 16MN056

July 17, 2019

Whale Tail Pit Distribution List

Sent via email

Re: Draft Agenda for the upcoming Public Hearing for the NIRB's Assessment of Agnico Eagle Mines Limited's "Whale Tail Pit Expansion" Proposal

Dear Parties:

On June 20, 2019 the Nunavut Impact Review Board (NIRB or Board) issued its Notice of Public Hearing for the NIRB's assessment of Agnico Eagle Mines Limited's (Agnico Eagle or Proponent) "Whale Tail Pit Expansion" Proposal (NIRB File 16MN056; the Project).¹ The Public Hearing is being held **August 26-29, 2019** in Baker Lake as part of the Board's reconsideration² of the terms and conditions of NIRB Project Certificate No. 008.

At this time, the NIRB would like to provide parties with opportunity to comment on the attached *Draft Hearing Agenda* ([Appendix A](#)) which sets out the proposed ordering of specific topics and appearance of Intervenor, as well as the time currently allotted to agenda items. Comments on the *Draft Agenda* can be submitted directly to the NIRB via email at info@nirb.ca by **July 26, 2019**.

PUBLIC HEARING FORMAT

Times given in the attached *Draft Hearing Agenda* are approximate and the order of presenters and presentation times may be subject to change at the moderator's discretion during the proceedings. **Consequently, participants are advised to ensure travel and other logistical arrangements are sufficiently flexible to accommodate modifications to the proposed timing and order of presenters throughout the proceedings.**

¹ Public Registry ID: 325541.

² In accordance with Section 12.8.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and with s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (*NuPPAA*).

Technical Sessions

The objective of the Technical Session is to facilitate presentations and questioning by technical experts regarding the conclusions presented within the Proponent's Final Environmental Impact Statement Addendum (FEIS Addendum) or documents provided following the Technical Meeting (Additional Documents), with a focus on the unresolved issues and concerns raised within parties' final written submissions to the NIRB.

Community Roundtable Sessions

Given the importance placed on ensuring public input for the Board's assessment process, the NIRB has invited five (5) representatives from each of the potentially affected communities in the Kivalliq region to participate in the Community Roundtable Session portion of the Public Hearing.

The Community Roundtable Session is not only an opportunity for members of the potentially affected communities to ask questions of the Proponent about the proposed Project, but also to engage the Intervenor. Therefore, the Board requires that all parties ensure sufficient expertise is available for both the Technical Sessions AND the Community Roundtable Sessions.

Presentations

The Proponent will present an overview of its project proposal, followed by a presentation of the conclusions regarding potential impacts and required mitigation identified in its FEIS Addendum and Additional Documents, as well as its responses to parties' final written submissions. Intervenor and the Board Members will be permitted to ask questions at suitable points throughout this portion of the agenda. At the beginning of the community roundtable, the Proponent will be expected to deliver a summary presentation providing an overview of each major project component, highlighting the conclusions regarding potential impacts and proposed mitigation identified in documents related to this proposal.

As discussed during the Technical Meeting, due to the length of the Hearing, Intervenor will be required to give one presentation to cover both the technical and community issues related to this proposal. In addition, the NIRB requests that presentations be organized by the thematic volumes in the FEIS Addendum to assist with the tracking of issues and use accessible language to ensure the issues are understandable for community representatives and the general public.

Intervenor will each be granted up to 30 minutes to present evidence to the Board. Additional time will be allotted for the questioning of each Intervenor at the conclusion of each presentation. Should any Intervenor believe additional time is required to present its evidence during the Hearing, a request should be made when providing comments on the *Draft* Hearing Agenda; the granting of additional presentation time will be at the discretion of the Board. If it is identified by Intervenor that grouping presentations to more effectively present parties' topics, the Board is willing to consider adjusting speaking order to accommodate; requests to make this adjustment should be submitted with comments on this *Draft* Agenda.

With respect to the format for presentations, the NIRB requests that Intervenors structure their presentation as follows:

1. Provide a brief overview of the organization's mandate and jurisdiction in association with the proposed project components/activities, highlighting applicable legislation, policies or guidelines as necessary.
2. Present an overview of the technical concerns or issues identified in a manner that parallels your final written submission to the NIRB.
 - a. This should include a brief synopsis of significant issues resolved through the preceding technical review, and identify those issues remaining unresolved (with accompanying recommendations) as raised within the final written submissions.
3. Discuss the organization's recommendations to the Board regarding whether proposed mitigation is adequate to address potential adverse effects.

Following each presentation, the Proponent, other Intervenors, and the NIRB will be given an opportunity to question and cross-examine the presenters and the evidence provided. **Parties are advised to ensure that personnel with the necessary expertise to answer questions arising during the Technical Sessions are readily available throughout the Public Hearing.**

PUBLIC HEARING LOGISTICS

Public Hearing Agenda & Attendance

The NIRB requests that parties planning to attend the upcoming Public Hearing provide our office final confirmation indicating the number of representatives to be in attendance, including their names, positions and respective areas of expertise or authority, on or before **July 26, 2019**.

Following the receipt of comments and suggested revisions to the *Draft* Agenda the NIRB expects to provide a finalized agenda on or before **July 29, 2019**.

Public Hearing Structure

The NIRB has made the following arrangements for the Public Hearing:

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|------------------------|--|
| Interpretation: | Simultaneous English/Inuktitut interpretation will be provided to the extent practicable (parties requiring French interpretation for the Hearing are to notify the NIRB by July 22, 2019). |
| Seating: | Available seating at the main table during the technical session proceedings will be necessarily limited to a maximum of 2-3 seats per agency. During the community roundtable proceedings, Intervenors will be asked to be seated in the general audience, with community representatives assuming their seats at the main table. |
| Facilitator: | The meetings will be facilitated by the NIRB Chairperson. |
| Materials: | The NIRB will make available a digital copy of all materials contained within the Board's public registry for the assessment of the Project. |

Meeting times: Meetings will start at 9:00 am and run until 5:00 pm daily, with an hour break for lunch and two 15-minute health breaks. Light refreshments will be provided during health breaks; other meals will not be provided for participants. Evening sessions have been scheduled as necessary to ensure all agenda items are covered and to ensure the public have an opportunity to attend outside of office hours; extended hours may be scheduled if deemed necessary.

The NIRB will structure the proceedings to allow each party an opportunity to speak to outstanding issues/concerns/comments pertaining to each agenda item in an ordered fashion, with time limits enforced as necessary to ensure the Hearing proceeds in a timely fashion. The Board has endeavored to allot more time for discussion of those items for which significant concerns were raised or where regulatory jurisdictions overlap.

Presentations

Parties are advised that all presentation materials are to be provided in English, Inuktitut, and French if possible. Parties are further reminded that presentations will serve as formal exhibits to the Hearing proceedings, and that filing of additional materials at the Public Hearing will be undertaken on an as-needed basis.

The NIRB asks that all parties provide printed copies of their presentation and executive summaries of Final Written Submissions for the information of attendees at the Public Hearing, including 100 English copies, 80 Inuktitut copies, and 30 French copies.

The NIRB requests that all parties submit digital copies of their presentations for the upcoming Hearing via email to info@nirb.ca no later than **August 19, 2019**. We appreciate the efforts of parties to provide presentation materials as requested, as the NIRB will utilize these materials to prepare comprehensive information packages for the community roundtable participants.

SUMMARY

In closing, as we move closer to the Public Hearing for the NIRB's assessment of the "Whale Tail Pit Expansion" proposal, the Board thanks all parties for their support and encourages continued active engagement in the assessment process. Additional details regarding the Hearing logistics and final scheduling will be provided as they become available. Upcoming deadlines for submissions to the NIRB are:

July 22, 2019	<ol style="list-style-type: none">1. Request for French interpretation if required for the Hearing;2. Request from media for access to recordings (film, photograph, or audio).
July 26, 2019	<ol style="list-style-type: none">1. Parties confirmation of attendance: number of representatives, names, positions and areas of expertise or authority;2. Comments regarding the <i>Draft</i> Agenda, including the timing and format of presentations.
July 29, 2019	<ol style="list-style-type: none">1. NIRB release Final Agenda.
August 19, 2019	<ol style="list-style-type: none">1. Parties provide electronic copy of presentations (English, Inuktitut, and French) and plain language summaries to the NIRB.

Should you have questions regarding the upcoming Public Hearing for the NIRB's assessment of the Whale Tail Pit Expansion proposal, please contact Erin Reimer, Technical Advisor I at ereimer@nirb.ca or (867) 857-4566, or the undersigned directly at sgranchinho@nirb.ca or (867) 857-4829.

Sincerely,



Sophia Granchinho, M.Sc.
Manager, Impact Assessment
Nunavut Impact Review Board

cc: Jamie Quesnel, Agnico Eagle Mines Limited
Philippe Lapointe, Agnico Eagle Mines Limited
Michel Groleau, Agnico Eagle Mines Limited

Attachment (1): Appendix A: *Draft* Hearing Agenda (NIRB File No. 16MN056)

APPENDIX A – DRAFT PUBLIC HEARING AGENDA

NIRB File No.: 16MN056 – Whale Tail Pit Expansion Project Proposal
Proponent: Agnico Eagle Mines Limited
Location: Community Hall, Baker Lake, NU
Dates: August 26-29, 2019

Times: **All times given are approximate. The order of presenters and time given for presentations are subject to change at the NIRB's discretion:**

Technical Sessions: 9:00 am – 5:00 pm
Community Roundtable Sessions: 9:00 am – 5:00 pm
Evening Sessions: 6:30 pm – 9:00 pm

Note (1): Witnesses appearing on behalf of registered Intervenor will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Panels of witnesses may be used for the presentation of evidence.

Note (2): All testimony will be recorded and transcribed by the Board and may also be recorded by the media.

Monday, August 26, 2019 – Day 1 of Technical Sessions (*including evening session*)

General Opening

1. Opening prayer
2. Welcoming Remarks by the Mayor of Baker Lake
3. Opening Remarks by the Chairperson (*30 minutes*)
 - i. Introductions, overview of procedural history, structure of proceedings, etc.
 - ii. Identification of motions or objections
 - iii. Review of Agenda
 - iv. Housekeeping Items

Technical Session

4. Presentations by the Proponent - Note: witnesses appearing on behalf of the Proponent will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Time for questioning by Board Members and Intervenor will be provided immediately following presentations.
 - i. Introduction, Project Overview, and Response to final written submissions (*60 minutes*)
 - ii. Public Participation and Engagement (*20 minutes*)
 - iii. Alternatives Assessment and Cumulative Effects (*20 minutes*)
 - iv. Atmospheric Environment (*20 minutes*)

- v. Terrestrial Environment (20 minutes)
- vi. Freshwater Environment (20 minutes)
- vii. Marine Environment (10 minutes)
- viii. Socio-Economics (20 minutes)
- ix. Human Health (20 minutes)
- x. Management Plans and Monitoring Programs (20 minutes)

Close of Day 1

Tuesday, August 27, 2019 – Day 2 of Technical Sessions

Technical session (Continued from Day 1)

1. Opening Remarks by the Chairperson
2. Presentations from registered Intervenor – Note: witnesses appearing on behalf of registered Intervenor will be sworn in/affirmed and exhibits will be marked in advance of testimony being given. Unless otherwise indicated, each Intervenor has been allotted up to 30 minutes for their presentations. Following each Intervenor's presentation there will be time for questions by Board Members, other Intervenor and the Proponent.
 - i. Kivalliq Inuit Association
 - ii. Baker Lake Hunters and Trappers Organization
 - iii. Government of Nunavut
 - iv. Crown-Indigenous Relations and Northern Affairs Canada
 - v. Environment and Climate Change Canada
 - vi. Fisheries and Oceans Canada

Close of Day 2

Wednesday, August 28, 2019 – Day 1 of Community Roundtable (including evening session)

General Opening

1. Opening prayer
2. Opening Remarks by the Chairperson
3. Presentations from registered Intervenor (*continued*)
 - vii. Health Canada
 - viii. Natural Resources Canada

Community Roundtable Session

4. Presentation by the Proponent – **Introduction and Overview of Project** (90 minutes)
5. Questioning of the Proponent and Parties by community representatives and members of the public, organized by the following topics:

- Public participation and engagement
- Continuing use of Baker Lake facilities and Meadowbank all-weather access road
- Continuing use of Meadowbank facilities, processing plant and tailings storage
- Development of additional facilities at Whale Tail site and expansion of haul road
- Cumulative effects and other concerns

Close of Day 3

Thursday, August 29, 2019 – Day 2 of Community Roundtable

General Opening

1. Opening Remarks by the Chairperson

Community Roundtable Session (*continued*)

2. Questioning of the Proponent and Parties by community representatives and members of the public, organized by the following topics: (*continued*)
 - Public participation and engagement
 - Continuing use of Baker Lake facilities and Meadowbank all-weather access road
 - Continuing use of Meadowbank facilities, processing plant and tailings storage
 - Development of additional facilities at Whale Tail site and expansion of haul road
 - Cumulative effects and other concerns
3. Closing Remarks – Proponent and Intervenors
4. Closing Remarks – Community Members

Close of Day 4