



FEB 15 2018

Ms. Elizabeth Copland
Chairperson
Nunavut Impact Review Board
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ecopland@nirb.ca

Dear Ms. Copland:

Thank you for your letter of November 6, 2017, and the enclosed Final Hearing Report for Agnico Eagle Mines Limited's Whale Tail Pit Project and for the subsequent November 28, 2017, notice of erratum. I appreciate the Nunavut Impact Review Board's diligence on this matter.

The Final Hearing Report contains the Nunavut Impact Review Board's assessment of the potential ecosystemic and socioeconomic effects of the project and expresses the Board's determination that the Project should proceed, subject to the terms and conditions identified as appropriate by the Board.

The Minister of Fisheries, Oceans and the Canadian Coast Guard; the Minister of Natural Resources; and I have regulatory jurisdiction for allowing the project to proceed, and, as a result, are the responsible ministers for this project. In furtherance of our role under the *Nunavut Planning and Project Assessment Act* and based on our review of the Final Hearing Report and our post-report consultation efforts with the Kivalliq Inuit Association, the responsible ministers and I have concluded that the Final Hearing Report contains a thorough assessment of potential ecosystemic and socioeconomic impacts. Pursuant to paragraph 105(a)(i) of the Act, we agree with the Board's determination that the project should proceed and accept the terms and conditions identified by the Board in its report.

It is evident that the Nunavut Impact Review Board met its primary objectives under subsection 23(1) of the Act, which are to protect and promote the existing and future well-being of residents and communities of the Nunavut Settlement Area and to protect

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the ecosystemic integrity of the Area, all while taking into account the well-being of residents of Canada outside of the Nunavut Settlement Area.

This decision is also consistent with the Government of Canada's January 2016 announcement of five interim principles to guide environmental assessment decision-making. The Board's assessment of this project accords with those principles in that it is based on science, Inuit Qaujimajatuqangit, and other relevant evidence provided for meaningful consultation of Inuit and other Indigenous Peoples and allowed for due consideration of the views of affected communities.

As is sometimes the case at the completion of an impact assessment and the commencement of subsequent regulatory processes, some uncertainty may remain with respect to the prediction of environmental effects until more detailed information becomes available. With respect to this project, there remains uncertainty regarding the possibility of elevated arsenic concentrations in seepage water that is expected to emanate from the Waste Rock Storage Facility and the fill water in the proposed pit lake created after the excavation of the ore body. These concerns were highlighted during the review, but because additional information will be required in the regulatory phase to fully understand the issues and address uncertainty, they remain outstanding.

I would like to acknowledge the commitment made by Agnico Eagle Mines Limited to conduct additional hydrodynamic modelling of the Waste Rock Storage Facility seepage water and additional modelling and characterization studies related to water quality in the pit lake. This information will help to reduce uncertainty about water quality and help ensure that our common goal of responsible resource development is achieved.

The outstanding water-quality concern is squarely within the mandate and expertise of the Nunavut Water Board. The other responsible ministers and I are confident that the remaining uncertainty related to these arsenic-related water-quality issues will be addressed by the Nunavut Water Board in such a way that the required information is available, the potential for water-quality problems is understood and addressed prior to the development of the pit or related project components, and therefore the risk of requiring long-term care and maintenance is minimized or eliminated.

The impact assessment of the project conducted by the Board has provided many opportunities for engagement and consultation with Indigenous Peoples and organizations. On November 8, 2017, following the release of the Board's Final Hearing Report, further consultation and engagement was sought from the Kivalliq Inuit Association in the form of correspondence issued by the Northern Project Management

Office. No outstanding concerns were expressed by the regional Inuit organization with respect to its ability to engage in the assessment process or with the determination of the Board. The thorough and inclusive assessment process conducted by the Board, coupled with effective responses to issues raised by Indigenous participants, has led the other responsible ministers and me to conclude that there has been adequate and meaningful consultation with affected Indigenous groups.

My colleagues and I look forward to the issuance of the project certificate and appreciate the Board's commitment to work with the parties throughout the development of the proposed mine to ensure that all of the associated terms and conditions can be fully implemented.

In closing, the responsible ministers and I would like to acknowledge the continued hard work and dedication exhibited by the Board throughout the assessment of the Project. I would also like to recognize the full engagement and participation of the Kivalliq Inuit Association, the Baker Lake Hunters and Trapper's Organization, and community representatives during this assessment. The conclusion of this rigorous impact assessment of the Project illustrates the results that can be achieved through positive working relationships that are the fundamental underpinnings of this northern co-management process.

The other responsible ministers and I look forward to working closely with Agnico Eagle Mines Limited, while ensuring that environmental protections are implemented and that the socioeconomic benefits of the project are fully realized.

Sincerely,

A handwritten signature in cursive script, reading "Carolyn Bennett". The signature is written in dark ink on a white background.

Hon. Carolyn Bennett, M.D., P.C., M.P.

c.c.: The Honourable Dominic LeBlanc, P.C., M.P.
The Honourable James Carr, P.C., M.P.