



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

March 13, 2017

To: *NIRB*: Whale Tail Pit Project Distribution List
NWB: Meadowbank Distribution List

Sent via email

Re: Draft Agenda for the NIRB's and the NWB's Technical Meeting and Agenda for the Pre-Hearing Conference for Agnico Eagle Mines Ltd.'s "Whale Tail Pit" Project Proposal and associated Water Licence Application

Dear Parties:

On November 25, 2016 the Nunavut Impact Review Board (NIRB) and Nunavut Water Board (NWB) jointly accepted the Environmental Impact Statement (EIS) and the information pertaining to the Type "A" Water Licence Application (the Application) submitted by Agnico Eagle Mines Ltd.'s (Agnico Eagle or Proponent) for the "Whale Tail Pit" Project Proposal (the Project) and initiated the public technical review process. Further, on January 27, 2017 the NIRB requested that responsible authorities, interested parties and those with specialist advice provide their technical review comments to the NIRB prior to the conclusion of the public comment period. In addition, the NWB reviewed the Application, determined the Application to be complete and gave Notice of the Application and invited interested persons to provide technical review comments in relation to the Application to the NWB directly. In the joint correspondence interested parties were invited to submit their technical review comments in respect of the EIS to the NIRB and in respect of the Application to the NWB by no later than Tuesday, March 28, 2017. The correspondence released on January 27, 2017 also included tentative dates for the upcoming Technical Meeting and Pre-Hearing Conference (PHC).

The NIRB and the NWB have attached a *Draft* Technical Meeting Agenda for the information of parties (see [Appendix A](#)), and hereby invites comments from interested parties regarding the ordering of specific topics and appearance of parties, as well as the time currently allotted to agenda items, including parties' presentations. Comments on the *draft* agenda must be submitted directly to the NIRB via email at info@nirb.ca and to the NWB at licensing@nwb-oen.ca by **April 19, 2017**.

Parties planning to attend the upcoming Technical Meeting are advised that times given in the attached *Draft* Technical Meeting Agenda are approximate and the order of presenters and times given for presentations are 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 Technical Meeting.

Community Information Session

The NIRB and the NWB will be holding an evening information session on April 27, 2017 at the Baker Lake Community Hall and the objective of the information session is to provide community representatives with information on the NIRB and the NWB processes and information regarding the expectations and participation of representatives in the Technical Meeting and Pre-Hearing Conference (PHC) for the file.

In addition, Agnico Eagle will also present a summarized version of its Power Point presentation anticipated for the Technical Meeting and should provide an overview of the Whale Tail Pit Project Proposal during this session.

Technical Meeting

As detailed in the *Draft* Agenda ([Appendix A](#)), the NIRB and the NWB have scheduled the Technical Meeting to be held from April 28 to April 29, 2017 at the Baker Lake Community Hall, with meetings beginning daily at 9:00 am each day. The Technical Meeting is an opportunity to bring technical reviewers together in person with the Boards' staff in an effort to address technical issues associated with the EIS and Application prior to the PHC. The Technical Meeting will involve informal, face-to-face discussions regarding the technical issues raised by parties' technical review comments submitted in respect of the EIS and the Application for the Whale Tail Pit Project. The objective of discussions will be to achieve further clarity and/or resolution on items within the EIS and the Application where the methodology, analysis or conclusions presented by the Proponent are not supported by reviewers. Reflecting Rule 18 of the NIRB Rules¹ and Rule 14 of the NWB Rules² the meeting will be facilitated by the NIRB and the NWB staff, and discussions will involve participation by the Proponent, responsible authorities and those interested parties that have submitted technical review comments to the NIRB and the NWB.

Break-out sessions may take place to further discussions in smaller groups (e.g., may be related to engineering, wildlife, water or socioeconomic issues) and these sessions would be facilitated by the NIRB and the NWB staff. During the Technical Meeting, the Proponent is expected to keep track and compile the list of commitments made by the Proponent when addressing planned clarification, resolution of technical issues, edits or additions for the EIS and the Application, as well as commitments made by other parties in attendance. In addition, the NIRB and the NWB staff will keep a similar listing for the purposes of comparison at the conclusion of the meeting. The final listing of commitments will form a part of the meeting record, will also be carried

¹ NIRB's *Rules of Procedure* dated September 3, 2009.

² NWB's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005.

forward to the PHC for consideration by the Boards and may be incorporated into the Boards' PHC decision.

The NIRB and the NWB have made the following arrangements for the Technical Meeting:

- Interpretation:** Simultaneous English/Inuktitut interpretation will be provided to the extent practicable
- Representatives:** Seating at the main table for each organization during the meeting will be limited, with a maximum of 2-3 seats per agency available. Additional seats will be provided for observers or upon request for representatives needing to be present during a particular session.
- Facilitator:** The meeting will be facilitated by the NIRB and the NWB staff.
- Materials:** The NIRB and the NWB will make available, a digital copy of all materials contained within the Boards' public registry for the Review of the EIS and the Application.
- 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 throughout the day. Light refreshments will be provided during health breaks; other meals will not be provided for participants. Evening sessions may also be scheduled as necessary to ensure all agenda items are covered.

The NIRB and the NWB will structure the meeting to allow each party an opportunity to speak to outstanding technical review comments pertaining to agenda items in an ordered fashion, with time limits enforced as necessary to ensure the meeting proceeds in a timely fashion. The Boards have endeavored to weigh the agenda to allot more time for discussion of those items for which significant concerns were raised or where regulatory jurisdictions overlap. Where discussions require more time than has been allotted, the meeting may extend into evening sessions and/or breakout groups may be utilized to continue discussion on key items.

Presentations

The NIRB and the NWB request that Agnico Eagle deliver specific presentations at the Technical Meeting. The presentations should provide a brief description of the Project Proposal and summarize its response to parties' technical review comments, including which issues may have been addressed within its responses and those, which have not yet been resolved. Parties will be given an opportunity to question the Proponent at the conclusion of each presentation.

Parties participating during the technical session portion of the agenda are advised that each party will be allotted a specific amount of time to summarize their technical review comments and any outstanding issues. Additional time will be allotted for the questioning of each party at the conclusion of each presentation. Parties are requested to also structure their presentations to follow the EIS and the Application, providing a brief synopsis of significant issues resolved through the preceding technical review, identification of those issues remaining unresolved (with accompanying recommendations), and whether or not the issues that they have identified have been or will be addressed by Agnico Eagle to their satisfaction prior to the Hearing.

The Boards request that the Proponent and parties provide sufficient printed copies of its presentations for parties in attendance at the meeting (50 copies), translated into both Inuktitut, and French where possible. Parties are also requested to provide an executive summary of their technical review comments (50 copies) complete with Inuktitut and French translations to be made available in hard copy at the meeting.

PRE-HEARING CONFERENCE (PHC): MAY 1 – MAY 2, 2017

Pre-Hearing Conference (PHC) and Community Roundtable

In advance of the Pre-Hearing Conference (PHC) scheduled to take place May 1-2, 2017 in Baker Lake, the NIRB and the NWB have included an agenda for the information of parties (see [Appendix B](#)). The PHC is an important milestone in the Boards' processes, providing an opportunity for the Boards to hear from parties, the Proponent and the public regarding issues identified during the technical review of the EIS and the Application, including those which have been adequately addressed and those which remain outstanding. The NIRB and the NWB conduct a PHC to identify and limit the issues of divergence among parties to the Review of the Project and the associated Application, and to promote the efficient use of time at the Final/Public Hearing. The PHC will also serve as an opportunity to discuss the final phase of the Review process and consideration of the Application, the readiness of the matter to proceed to a Final/Public Hearing; timelines for submissions and the Final/Public Hearing; future meetings, evidence and document exchange; participants in a Final/Public Hearing; Final/Public Hearing venue(s); Final/Public Hearing format; and, any other matters related to the procedure and logistics associated with the Final/Public Hearing. As the assessment and licensing aspects of this file are being coordinated by the NIRB and the NWB, specific consideration of additional coordination measures, including process and timing considerations associated with the NIRB Final Hearing and the NWB Public Hearing will also be discussed.

The NIRB and the NWB will facilitate a Community Roundtable session in conjunction with the PHC, to include representation from communities identified as potentially impacted by the proposed Project in order to provide further opportunity for meaningful participation in the NIRB's Review and the NWB's consideration of the Application.

The NIRB and the NWB have made the following arrangements for the PHC and Community Roundtable:

- | | |
|-------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Interpretation: | Simultaneous English/Inuktitut interpretation will be provided to the extent practicable. |
| Representatives: | Seating at the main table for each organization during the meeting will be limited, with a maximum of two (2) seats per agency available. Additional seats will be provided for observers or upon request for representatives needing to be present during a particular session. Parties will be asked to be seated in the audience during the Community Roundtable Session |
| Facilitator: | The meeting will be facilitated by the NIRB Chairperson and NWB staff. |

Materials: The NIRB and the NWB will make available, a digital copy of all materials contained within the Boards' public registry for the Review of the EIS and the Application.

Meeting times: Meetings will start at 9:00 a.m. and run until 5:00 p.m. daily, with an hour break for lunch and two 15 minute health breaks throughout the day. Light refreshments will be provided during the meetings; other meals will not be provided for participants. An evening session on the first day has been scheduled to ensure the public have an opportunity to attend outside of regular working hours; additional evening sessions may also be scheduled as necessary.

Presentations

The NIRB and the NWB request that Agnico Eagle prepare a presentation which gives an overview of the Whale Tail Pit Project for the community representatives and summarizes the conclusions contained within its EIS and the Application as well as a description of how public comments and concerns have been addressed by Agnico Eagle and how the environmental assessment, technical review comments and concerns raised through this process have helped to inform the Project design. The presentation should also provide a brief summary of Agnico Eagle's response to technical review comments, identifying issues, which have been addressed through commitments made from the Technical Meeting, and highlighting any outstanding or unresolved issues. Following the presentation, community representatives and parties will be given an opportunity to question the Proponent on the items discussed. It is recommended that where possible, the presentation should highlight NIRB related issues which are handled through the environmental assessment, and NWB related issues which will be handled through permitting.

All responsible authorities and parties planning to attend the PHC are asked to prepare a brief presentation which provides an overview of their mandate and jurisdiction related to the Project Proposal and associated Application, and summarizes the issues in plain language format highlighting issues of concern to communities, and any outstanding issues. Printed copies of all presentations must be available in English, Inuktitut, and French if possible for the benefit of all attendees. During the PHC, a time limit of 25 minutes for each presenting party will be enforced; presentations should be prepared with these limits in mind. If presenting parties seek to collaborate and combine presentations, additional time can be allocated to allow for these combined comments.

All Parties are advised that the NIRB and the NWB will be soliciting comment on Day 2 of the PHC with respect to the formulation of issues for the Hearing, and identifying unresolved issues which should be addressed within any additional information and/or submission by Agnico Eagle that will be provided prior to the Final/Public Hearing.

The NIRB and the NWB requests that **all parties** provide the following materials in support of the PHC:³

- Adequate hardcopies of all presentations for the Board, parties and the public (80 English, 50 Inuktitut, and 20 French if possible); and

³ Printed and electronic copies of presentation materials should be dropped off to the NIRB and the NWB's attention at the Baker Lake Community Hall on Monday May 1, 2017 by 8:30 a.m.

- Digital copy of presentation(s) in Microsoft PowerPoint format to display via a laptop computer and projector during the meetings (presentations should be named according to meeting and agency, e.g. Environment and Climate Change Canada_PHC, Agnico Eagle Roundtable, etc.).

While the Technical Meeting is a structured but largely informal opportunity for technical experts to resolve outstanding issues, participation in the PHC is somewhat more restricted and formalized; Elders will be permitted to speak at any time.

NEXT STEPS IN THE COORDINATED PROCESS

Should parties have any significant concerns with respect to the attached *draft* Technical Meeting agenda, please provide an indication of any such concerns to our offices by **April 19, 2017**. Any requests for specialized audio/visual equipment or specific logistical arrangements that may be required during the Technical Meeting and/or PHC should also be provided to both the NIRB and the NWB at that time.

Parties planning to attend the upcoming Technical Meeting and PHC for the NIRB's Review and the NWB's consideration of the Application by Agnico Eagle in respect of the proposed Whale Tail Pit Project should provide our offices with details regarding the number of representatives to be in attendance at each meeting, including names, and positions by **April 21, 2017**.

The NIRB and the NWB will consider comments and suggested revisions to the *Draft* Technical Meeting Agenda submitted in accordance with these timelines prior to finalizing the Agenda. The finalized Agenda will be provided for the information of all parties on or before **April 24, 2017**.

Presentations

Parties are advised that all presentation materials must be provided in English, Inuktitut and French if possible. Parties are further reminded that presentations will serve as formal submissions. All parties are asked to provide sufficient copies of all presentation materials for both the Technical Meeting and the Pre-Hearing Conference, including translated versions.

The NIRB and the NWB request that all parties submit technical and summary presentations for the upcoming Technical Meeting and the Pre-Hearing Conference electronically in Microsoft PowerPoint format (*for the meeting*) and PDF format (*for the public registry*) to the NIRB at info@nirb.ca or through the online public registry at www.nirb.ca and to the NWB at licensing@nwb-oen.ca, on or before **April 21, 2017**. We appreciate the efforts of parties to provide presentation materials as requested, as the NIRB and the NWB require these materials in order to prepare comprehensive information packages for community roundtable participants in advance of the Pre-Hearing Conference.

Summary of Important Dates

The following is a summary of the important dates within this letter and both Boards request that parties submit their information to the NIRB at info@nirb.ca and to the NWB at licensing@nwb-oen.ca regarding:

April 19, 2017	1) Parties submit comments to the NIRB and the NWB regarding the <i>Draft</i> Technical Meeting Agenda, including requests for additional time for presentation of issues
April 21, 2017	1) Parties' presentations (English, Inuktitut, and French, if possible) provided electronically to the NIRB and the NWB and confirmation of attendance.
April 24, 2017	1) The Boards release <i>Final</i> Technical Meeting Agenda

If you have any questions regarding the NIRB's Review of the Whale Tail Pit Project Proposal, please contact Sophia Granchinho, Manager, Impact Assessment at sgranchinho@nirb.ca or by phone at (867) 857-4829. If you have any questions on the NWB's consideration of the Water Licence Application, please contact Karén Kharatyan, Acting Manager, Licensing at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35).

Sincerely,



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

Sincerely,



Karén Kharatyan, Ph.D.
Acting Manager, Licensing
Nunavut Water Board

cc: Ryan Vanengen, Agnico Eagle Mines Ltd.
Stéphane Robert, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
Larry Connell, Agnico Eagle Mines Ltd.

Attachments: Appendix A: *Draft* Technical Meeting Agenda for the Whale Tail Pit Project
Appendix B: *Draft* Pre-Hearing Conference Agenda for the Whale Tail Pit Project

APPENDIX A: *DRAFT* TECHNICAL MEETING AGENDA FOR THE WHALE TAIL PIT PROJECT

NIRB File No.: 16MN056 – Whale Tail Pit Project Proposal
NWB File No.: 2AM-WTP- - -
Proponent: Agnico Eagle Mines Ltd.
Location: Baker Lake Community Hall, Baker Lake, NU
Dates: April 27 to April 29, 2017

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

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

Thursday, April 27, 2017 – Community Information Evening Session

General Opening

1. Opening prayer
2. NIRB Presentation
3. NWB Presentation
4. Presentation by the Proponent

Friday, April 28, 2017 – Day 1 of Technical Meetings (*including evening session*)

General Opening

1. Opening prayer
2. Opening Remarks by the NIRB and the NWB (*30 minutes*)
 - i. Introductions, overview of procedural history (NIRB and NWB), structure of technical meeting, etc.
 - ii. Review of Agenda
 - iii. Housekeeping Items

Technical meeting

3. Presentations by the Proponent - Note: time for questions by Parties, NIRB staff and NWB staff will be provided following each presentation:
 - i. Introduction & Overview (*45 minutes*)
 - ii. Response to Technical Comments (*30 minutes*)
 - iii. Public Participation and Engagement (*30 minutes*)
 - iv. Atmospheric Environment (*30 minutes*)
 - v. Terrestrial Environment (*30 minutes*)
 - vi. Marine Environment (*30 minutes*)
 - vii. Socio-Economics (*30 minutes*)

- viii. Human Health (30 minutes)
- ix. Freshwater Environment (including water use aspects of the Application) (30 minutes) including
 - i. Contact and Non-contact Water Management
 - ii. Talik within Whale Tail open pit and Groundwater Management
 - iii. Adaptive Management
 - iv. Designs of Water Management Infrastructure
- x. Waste Management (including waste management aspects of the Application) (30 minutes) including
 - i. Designs of Tailings Storage Facility (including thermal instrumentation) at Meadowbank Site and Waste Rock Storage Facility
 - ii. Wastewater Management and Treatment
 - iii. Effluent Quality Criteria
 - iv. Dust Management
- xi. Management Plans and Monitoring Programs (with a focus on those submitted for review and approval as part of the Application) (20 minutes) including
 - i. Water Quality and Flow Monitoring
 - ii. Water Quality Monitoring and Management for Dike Construction
 - iii. Quality Assurance / Quality Control
 - iv. Spill Contingency and Emergency Response Planning
 - v. Closure and Reclamation Planning
- xii. Accidents and Malfunctions (30 minutes)

Close of Day 1

Saturday, April 29, 2017 – Day 2 of Technical Meetings

Technical meeting (Continued from Day 1)

1. Opening prayer
2. Opening Remarks by the by the NIRB and the NWB
3. Presentations from registered Parties – Summary of Technical Review Comments, each Party is allotted 45 minutes for the presentation, followed by time for questions by Board Members, other Parties, and the Proponent.
 - i. Nunavut Tunngavik Incorporated
 - ii. Kivalliq Inuit Association
 - iii. Government of Nunavut
 - iv. Environment and Climate Change Canada
 - v. Fisheries and Oceans Canada

- vi. Indigenous and Northern Affairs Canada
 - vii. Natural Resources Canada
 - viii. Transport Canada
- 4. Discussion of Proponent and Parties' list of commitments associated with the EIS
 - 5. Discussion of Proponent and Parties' list of commitments and list of issues associated with the Application
- Close of Day 2

APPENDIX B: DRAFT PRE-HEARING CONFERENCE AGENDA FOR THE WHALE TAIL PIT PROJECT

NIRB File No.: 16MN056 – Whale Tail Pit Project Proposal
NWB File No.: 2AM-WTP- - - -
Proponent: Agnico Eagle Mines Ltd.
Location: Baker Lake Community Hall, Baker Lake, NU
Dates: May 1 to May 2, 2017

Times: **All times given are approximate. The order of presenters and time given for presentations are subject to change at the facilitator's discretion during the Pre-Hearing Conference:**

Pre-Hearing Conference:	9:00 am – 5:00 pm
Community Roundtable Sessions:	9:00 am – 5:00 pm
Evening Sessions:	6:30 pm – 9:00 pm

Note: While the agenda has been set to close the Pre-Hearing Conference following the conclusion of the afternoon session on Day 2, parties are advised that the agenda may be subject to change and that the Pre-Hearing Conference may extend into the evening if required.

Monday, May 1, 2017 – Day 1 of Pre-Hearing Conference (*including evening session*)

General Opening

1. Opening prayer
2. Welcoming Remarks by the Mayor of Baker Lake (*15 minutes*)
3. Opening Remarks by the Chairperson of the NIRB and the NWB Executive Director
 - i. Introductions, overview of procedural history, structure of proceedings, etc. (*30 minutes*)
 - ii. Review of Agenda
 - iii. Housekeeping Items

Community Roundtable Session

4. Summary presentation by the Proponent – **Introduction and Overview of Project** (*90 minutes*)
5. Questioning of the Proponent and Parties by community representatives
6. Presentations by members of the public who have advised the Boards that they wish to speak on this topic
7. Presentations from registered Parties – each Party is allotted 25 minutes for the presentation, followed by time for questions by other Parties, the Proponent and Board staff. NOTE: Presentations should be presented in plain language and focus on issues of importance to communities and should NOT simply be a repeat of the presentation from the Technical Meeting.
 - i. Nunavut Tunngavik Incorporated

- ii. Kivalliq Inuit Association
- iii. Government of Nunavut
- iv. Environment and Climate Change Canada
- v. Fisheries and Oceans Canada

Close of Day 1

Tuesday, May 2, 2017 – Day 2 of Pre-Hearing Conference

General Opening

1. Opening Remarks by the Chairperson of the NIRB and the NWB Executive Director

Community Roundtable Session continued

2. Presentations by parties should be presented in plain language and focus on issues of importance to communities.
 - i. Indigenous and Northern Affairs Canada
 - ii. Natural Resources Canada
 - iii. Transport Canada
3. Closing statements from each community

Pre-Hearing Conference

4. Identification of any issues preventing project from proceeding to a Public Hearing (both NIRB and/or NWB)
5. Facilitation of the hearing processes – discussion to include:
 - i. Procedures to be followed in the hearing (including coordination opportunities)
 - ii. Anticipated date, time, form and location of Final/Public Hearing
 - iii. Timetable for the exchange of documents and information requests prior to the Final/Public Hearing
 - iv. Finalization of issues for the Final/Public Hearing
 - v. Equipment, language, interpretation, translation and transcript requirements
 - vi. Any changes to the Water Licence Application for the purposes of clarification
 - vii. Identification of interested parties to attend the Final/Public Hearing
 - viii. Other matters that may aid in the simplification of the Final/Public Hearing
6. NIRB Closing Remarks and Next Steps
7. NWB Closing Remarks and Next Steps
8. Closing Prayer

Close of Day 2