



Date of Conference: May 1 to May 2, 2017
Date of Decision: June 8, 2017

Issued by:

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Cover photos: 1) Technical Meeting prior to the Pre-hearing Conference
2) Pre-hearing Conference Community Roundtable

EXECUTIVE SUMMARY

The Nunavut Impact Review Board (NIRB) and Nunavut Water Board (NWB) have jointly prepared and issued this Pre-hearing Conference Decision Report (PHC Decision Report) to provide a summary of the discussions and outcomes resulting from the joint NIRB and NWB Technical Meeting held in Baker Lake, Nunavut on April 27-29, 2017, and the Community Roundtable and Pre-hearing Conference (PHC) held in Baker Lake on May 1 and 2, 2017 as part of the Boards' review of Agnico Eagle Mines Limited's (the Proponent or Applicant) Whale Tail Pit project proposal (NIRB File No. 16MN056) and the associated water licence application (NWB File No. 2AM-WTP----). The Boards note that these meetings were conducted jointly in response to the Proponent's request that the NIRB and the NWB coordinate, to the extent possible, their respective processes for the assessment of the Whale Tail Pit project proposal (the Project) and the associated water licence application. The coordinated process has resulted in the NWB initiating its consideration of the water licensing required for the Project at a much earlier stage than would normally be the case and has engaged the NWB's consideration of the water licence application while the NIRB's assessment of the Project is ongoing.

Throughout the PHC Decision Report, the NIRB and the NWB will provide their own summaries regarding those aspects of the coordinated processes conducted to date to support each Board's consideration of the Project to fulfill their individual mandates. In addition, the PHC Decision Report also provides each Board's specific procedural direction regarding the next step in their respective consideration of the Project and associated water licensing.

Nunavut Impact Review Board

Following the completion of the Technical Meeting, Community Roundtable session and PHC in Baker Lake, and following consideration of the Environmental Impact Statement provided by the Proponent, the technical review submissions and commitments of the parties provided during the Technical Meeting, the NIRB has determined that its assessment of the Whale Tail Pit project proposal can proceed to a Final Hearing. This determination is predicated on the condition that all the information required to be submitted in advance of the Final Hearing is provided in accordance with the timelines set out in the List of Commitments in [Appendix F](#) of this Report.

The NIRB has determined that the most appropriate venue for the Final Hearing is the closest community to the proposed development, Baker Lake. The NIRB is also committed to taking steps to ensure that representatives from each of the other potentially affected communities of Arviat, Chesterfield Inlet, Coral Harbour, Nauyasat, Rankin Inlet and Whale Cove have an opportunity to participate in the Final Hearing.

The Final Hearing will proceed in accordance with the NIRB's Rules of Procedure, dated September 3, 2009. The Board has decided to vary Rule 38.1 to direct a party wishing to rely on documentary evidence at the Final Hearing to file the documentary evidence at least thirty (30) days before the date of the hearing (the specific deadlines for filing information with the NIRB before the Final Hearing are set out in the PHC Decision Report, [Section 5.3](#)).

During the Final Hearing, formal technical presentations will be scheduled to take place first and will be organized by subject. After the technical component of the Final Hearing, the NIRB will host the Community Roundtable session. All parties are required to ensure sufficient technical expertise is available for both the technical sessions and the Community Roundtable to ensure that community representatives, members of the public and other participants have their questions responded to adequately.

Although the NIRB reserves the right to reschedule the Final Hearing if it considers it to be necessary, the NIRB has tentatively scheduled the Final Hearing for the week of September 18, 2017. This is based on the assumption that all information required to be filed by Agnico Eagle in advance of the Final Hearing is received by the NIRB.

The NIRB encourages the parties to work together to address the remaining outstanding technical issues, and the Proponent is further encouraged to fully meet its commitments as set out in [Appendix F](#) and to comply with the further direction of the Board as set out in this PHC Decision Report regarding the additional information required.

Signed this 8 day of June, 2017.



Elizabeth Copland
Chairperson
Nunavut Impact Review Board

Nunavut Water Board

For the Nunavut Water Board (NWB), this joint NIRB and NWB Pre-hearing Conference Decision Report (PHC Decision Report) focuses on the NWB's consideration of an Application submitted to the NWB on July 8, 2016 by Agnico Eagle Mines Limited (the Applicant) for an amendment to the existing Type "A" Water Licence No. 2AM-MEA1525, applicable to the Meadowbank Gold Mine Project (the Application). On October 3, 2016, the NWB issued correspondence to the Applicant indicating the NWB had determined that the scope of the works proposed should be regulated by a separate Type "A" Water Licence, and that the NWB would therefore be processing the Application as a new Type "A" Water Licence (2AM-WTP----) for Agnico Eagle and also consequential amendments to the Type "A" Water Licence 2AM-MEA1525 for the Meadowbank Gold Mine.

The Board issued a Notice of the Application on January 27, 2017 in joint correspondence with the NIRB, setting tentative dates for the Technical Meeting, Community Session and PHC to be held in Baker Lake, tentatively the weeks of April 24, 2017 and May 1, 2017. The Technical Meeting and PHC for the Application were held in person in the community closest to the undertaking, the Hamlet of Baker Lake, Nunavut on April 28-29, 2017 (Technical Meeting) and May 1 to 2, 2017 (PHC). On the evening of April 27, 2017 the NIRB and NWB staff also hosted a Community Session regarding the Application.

On June 6, 2017 by Motion 2017-03-P17-03, the members of the Whale Tail Pit Panel, duly appointed by the Nunavut Water Board (NWB) to consider the Application, approved and directed the release of this joint NIRB and NWB PHC Decision Report. Further, the Panel also approved the release of the procedural direction associated with the next steps in the Board's processing of the Application. This procedural direction includes the NWB providing notice that the next stage in the NWB's processing of the Application will be to hold an in person Public Hearing in the community of Baker Lake. The Public Hearing will not be conducted jointly with the NIRB Final Hearing, but will be coordinated such that the NWB's separate Public Hearing will be held immediately at the conclusion of the NIRB Final Hearing to review the Whale Tail Pit Project Proposal. The NWB Public Hearing is tentatively scheduled for the week of September 25, 2017. It should be noted that although the NWB will be holding the NWB Public Hearing immediately following the NIRB Final Hearing, the NWB will not be closing the Public Hearing Record, and therefore not remitting the Application to the Panel for decision-making and ultimately issuing a decision in respect of the Application until the NIRB review of the Whale Tail Pit Project proposal has been completed (the decision from the Responsible Minister has been received), any updated information that may be required by the NWB has been received and the Public Hearing Record has closed. The NWB also notes that if the NIRB recommends and the Minister accepts that the project proposal should not be allowed to proceed, the NWB would not issue a decision in respect of the Application.

This PHC Decision Report also provides a summary of the outcome of the Technical Meeting, Community Roundtable and Pre-hearing Conference (PHC) conducted jointly by the NIRB staff, the NIRB's Chairperson and the NWB staff. These joint sessions were conducted under Rule 14 of the NWB *Rules of Practice and Procedure* (the Rules), as modified by the NIRB and NWB to reflect that the Technical Meeting, Community Roundtable Session and PHC were jointly conducted by the NIRB and NWB.

In particular, the NWB highlights that as required by Rule 14.1 of the Rules, the PHC dealt with the following matters relevant to the Application:

- Timetable for the Pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Hearing.

The discussions and outcome of the PHC are set out in [Section 5.0](#) of the PHC Decision Report.

Signed this 6 day of June, 2017

Lootie Toomasie
Vice Chairperson and Chairperson of Panel P17
Nunavut Water Board

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LIST OF ACRONYMS

| | |
|-------------------|--|
| AWAR | All-Weather Access Road |
| CREMP | Core Receiving Environmental Monitoring Program |
| DFO | Fisheries and Oceans Canada |
| ECCC | Environment and Climate Change Canada |
| EIS | Environmental Impact Statement |
| EMZ | Effective Mixing Zone |
| GN | Government of Nunavut |
| HC | Health Canada |
| HTO | Hunters and Trappers Organization |
| IIBA | Inuit Impact Benefit Agreement |
| INAC | Indigenous and Northern Affairs Canada |
| IR | Information Request |
| KIA | Kivalliq Inuit Association |
| km | Kilometre |
| Mt | Million Tonnes |
| NIRB | Nunavut Impact Review Board |
| NPA | <i>Navigation Protection Act</i> |
| NPC | Nunavut Planning Commission |
| NRCan | Natural Resources Canada |
| NTI | Nunavut Tunngavik Incorporated |
| NuPPAA | <i>Nunavut Planning and Project Assessment Act</i> |
| Nunavut Agreement | <i>Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada</i> |
| NWB | Nunavut Water Board |
| NWNSRTA | <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> |
| PHC | Pre-hearing Conference |
| SSWQO | Site-Specific Water Quality Objective |
| TC | Transport Canada |
| TEMP | Terrestrial Ecosystem Management Plan |
| TSF | Tailings Storage Facility |
| TSS | Total Suspended Solids |
| WRSF | Waste Rock Storage Facility |

1.0 INTRODUCTION AND REGISTRATION

In accordance with the mandate and objectives of the Nunavut Impact Review Board (NIRB) established under Article 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and the mandate and objectives of the Nunavut Water Board (NWB) established under Article 13 of the Nunavut Agreement, the Boards recently concluded the technical review and pre-hearing conference stages for Agnico Eagle Mines Limited's (Agnico Eagle, Proponent or Applicant) "Whale Tail Pit" project proposal and the Type "A" water licence application (Application).

Pursuant to *Rule 18* of the NIRB Rules¹ and *Rule 14* of the NWB Rules² a meeting of technical experts (i.e., a Technical Meeting) was facilitated by the NIRB and the NWB staff with participation by the Proponent, responsible authorities and other interested parties in Baker Lake, Nunavut from April 28 to April 29, 2017. The Technical Meeting was an opportunity to bring technical reviewers together in person with the Boards' staff in an effort to address technical issues associated with the Environmental Impact Statement (EIS) and Application and to achieve further clarity and/or resolution on items within the EIS and Application where the methodology, analyses or conclusions were not supported by reviewers, prior to the Pre-hearing Conference (PHC) for the Whale Tail Pit Project.

Pursuant to Rule 21.1 of the NIRB's Rules of Procedure, in order to facilitate the hearing process, the NIRB may hold a PHC with the parties either before or after the date of a hearing is set. The PHC may be held in writing or orally, by teleconference or in person, and deal with any of the following matters:

- a) Prepare a clear statement of issues in question;
- b) Confirm the participation of authorizing agencies in the hearing;
- c) Identify and register intervenors;
- d) Determine the positions of the parties;
- e) Determine the witness list;
- f) Determine whether the parties may benefit from a mediation meeting to discuss the issues;
- g) Set a timetable for the exchange of documents and information requests prior to the hearing;
- h) Finalize procedures to be followed in the hearing; and
- i) Decide any other matters that may aid in the simplification of the hearing.

Similarly, pursuant to Rule 14 of the NWB *Rules of Practice and Procedure for Public Hearing*, in order to facilitate the hearing process, the NWB may, through its staff or in conjunction with

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.

staff hold a PHC with the parties, either in writing, by teleconference or in person, in order to deal with any of the following matters:

- a) Procedures to be followed in the hearing (including coordination opportunities);
- b) Anticipated date, time, form and location of Final/Public Hearing;
- c) Timetable for the exchange of documents and information requests prior to the Final/Public Hearing;
- d) Finalization of issues for the Final/Public Hearing;
- e) Equipment, language, interpretation, translation and transcript requirements;
- f) Any changes to the water licence application for the purposes of clarification;
- g) Identification of interested parties to attend the Final/Public Hearing; and
- h) Other matters that may aid in the simplification of the Final/Public Hearing.

The following parties registered and attended the Technical Meeting and PHC in Baker Lake (see [Appendix A](#) and [Appendix B](#) for a copy of the respective agendas):

- Agnico Eagle Mines Limited (Agnico Eagle, Proponent or Applicant)
- Nunavut Tunngavik Incorporated
- Kivalliq Inuit Association
- Government of Nunavut
- Environment and Climate Change Canada
- Fisheries and Oceans Canada
- Indigenous and Northern Affairs Canada
- Natural Resources Canada
- Transport Canada
- Canadian Northern Economic Development Agency (in support of the Federal attendees, but did not provide technical submissions on their own behalf)

Following the technical review period of the EIS and the Application, and at the NIRB's and NWB's Technical Meeting, the Proponent made close to 153 commitments (109 commitments in response to comment submissions and 44 commitments at the Technical Meeting) intended to address the technical comments, questions and concerns raised by interested parties regarding the Project and the information needed for presentation within additional information and/or submission by Agnico Eagle that will be provided prior to the Final/Public Hearing for the Project. A list of these commitments was compiled and brought forward for consideration at the PHC held as part of the review of the Project and the Application, in order to assist the Boards with identifying those areas where additional direction may be required for the Proponent's preparation of its submissions to the NIRB and the NWB (see [Appendix F](#)).

A Community Roundtable and PHC were conducted in Baker Lake from May 1 to May 2, 2017 as part of the NIRB's and NWB's review of the Whale Tail Pit Project and associated water licence application. The NIRB and NWB benefitted from the attendance at the Community Roundtable and PHC of community representatives from the seven (7) potentially affected communities in the Kivalliq region who asked questions and provided comments about the EIS

and Application. [Section 4.11](#) of this Report provides a summary of the questions, comments and issues raised by community members. The list of attendees at the Community Evening Session, Technical Meeting, Community Roundtable, and PHC held in Baker Lake (summarized from the sign-in sheets recorded at these sessions) can be found in [Appendix C](#) to this Report.

The PHC serves as 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 also served 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 were also discussed. Parties at the PHC confirmed that there were no outstanding issues that would prevent the review of the EIS and the Application from proceeding to the next step in the impact assessment and licensing process for both Boards, holding a public hearing.

Should the Proponent fulfill its commitments in respect of both the EIS and the Application, the NIRB and the NWB believe that many of the technical issues identified by the parties during their review of the EIS and the Application will be addressed through Agnico Eagle's additional information and/or submissions. However, the Boards note that there were a number of issues identified at the Community Roundtable and PHC that may not be fully addressed through the Proponent's commitments alone. The Proponent committed to provide additional information for review and/or meeting with respective Party(ies) to resolve the issues that were raised with respect to the EIS and/or the Application. Parties have noted that they will not consider these issues to be resolved until the required information has been provided and the Parties have had an opportunity to consider this additional information. The Boards note that the Proponent and/or Parties are expected to advise the Boards as to whether there are any outstanding issues that remain following the meetings and review of the respective documents.

The objective of this PHC Decision Report is to provide further direction that must be addressed by Agnico Eagle in its preparation of final submissions for the Project and the Application, and to provide the Boards' direction and guidance regarding the next stages in the coordinated process such that the final stage of the NIRB's Review of the Whale Tail Pit project proposal and the NWB's consideration of the Application adequately addresses the potential impacts and public concerns associated with the proposed project and associated Application, and narrows the outstanding issues to be addressed through the Boards' Final/Public Hearing for the file. The PHC Decision Report provides a proposed timetable for the exchange of information and a

timeline for the NIRB Final Hearing and the NWB Public Hearing that respects both Boards' sixty (60) day public notice requirements³.

1.1 NIRB/NWB Co-Ordinated Process

In 2011-2012, the NIRB and NWB developed a Detailed Coordinated Process Framework to meet legislative requirements for coordination and to address project specific requests from proponents to better integrate the NWB's licensing phase with the NIRB's impact assessment phase. The Detailed Coordinated Process Framework was introduced to provide clarity, transparency, and timelines for a coordinated approach to impact assessment and water licensing for the NIRB, the NWB, Proponents and other parties participating in these processes. By allowing for the initial steps in the NWB's water licencing process to run concurrently with the NIRB's Review process for major developments, the Detailed Coordinated Process Framework was designed to reduce the overall timeline for impact assessment and water licensing and also limit duplication and overlap, resulting in more timely, coordinated and efficient assessment and licensing.

This Framework was recently updated by the Boards to reflect an increased emphasis on coordination and the ability of the Boards to consider the conduct of joint hearings in accordance with the amended Article 13, Section 13.5.2 of the Nunavut Agreement that states:

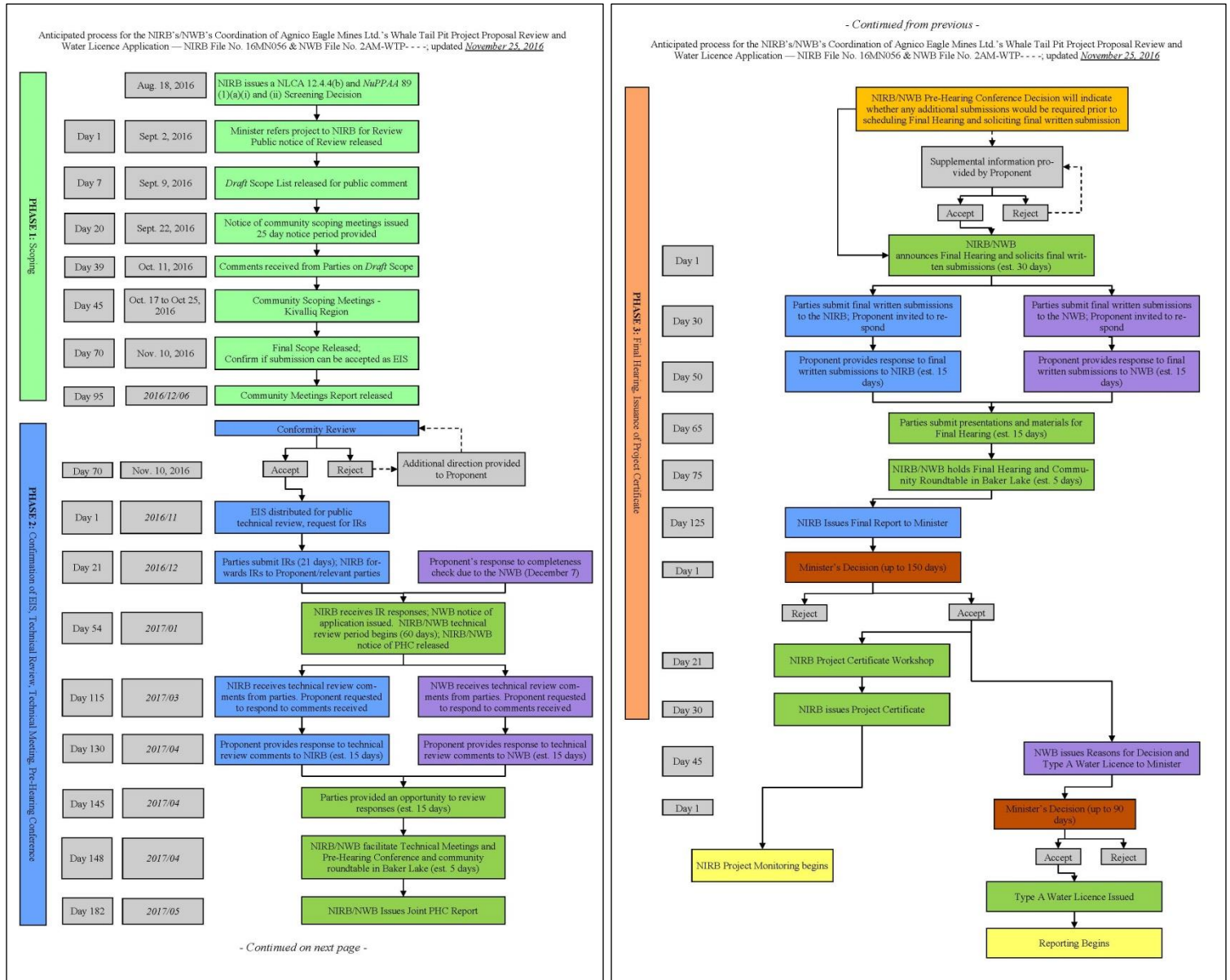
Where the project proposal is referred for review under Article 12, the NWB and the review body shall coordinate their efforts to avoid unnecessary duplication in the review and processing of the proposal. Legislation may provide for joint hearings or authorize the NWB to forego public hearings on any water application where it has participated in a public review of the relevant proposal pursuant to Article 12.

In Agnico Eagle's submission of the Whale Tail Pit project proposal to the NIRB and the water licence application to the NWB, Agnico Eagle requested a "a fully coordinated NIRB/NWB regulatory process, with harmonized timelines in respect of technical review periods, technical meetings and prehearing conference meetings, and public hearings."⁴ To accommodate Agnico Eagle's request, the NIRB and the NWB met in November 2016 to develop a project-specific process map that conveyed the Boards' willingness to coordinate a joint Technical Meeting, PHC and potential a Final Hearing for the Project. The Boards continue to refine the process and procedures for the coordination of their activities in respect of the file moving forward. See [Figure 1](#) for an updated Process Map and Anticipated Timeline for NIRB's Review and NWB's processing of water licence application associated with the Whale Tail Pit project proposal.

³ For the NIRB this notice requirement arises from s. 102 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (NuPPAA) and Rule 20.1(c) of the NIRB Rules of Procedure and for the NWB this notice requirement is set out in s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA)

⁴ S. Robert and R. Vanengen, Agnico Eagle Mines Ltd., Letter to Nunavut Impact Review Board Re: NIRB File 03MN107 Meadowbank Mine – Amendment to Project Certificate (No. 004). May 25, 2016.

Figure 1: Updated Process Map and Anticipated Timeline for NIRB's Review and NWB's Processing of Water Licence Application for Whale Tail Pit project proposal



2.0 PROJECT PROPOSAL AND THE APPLICATION BEFORE THE BOARDS

2.1 Project Proposal before the Nunavut Impact Review Board

2.1.1 Project Description Overview

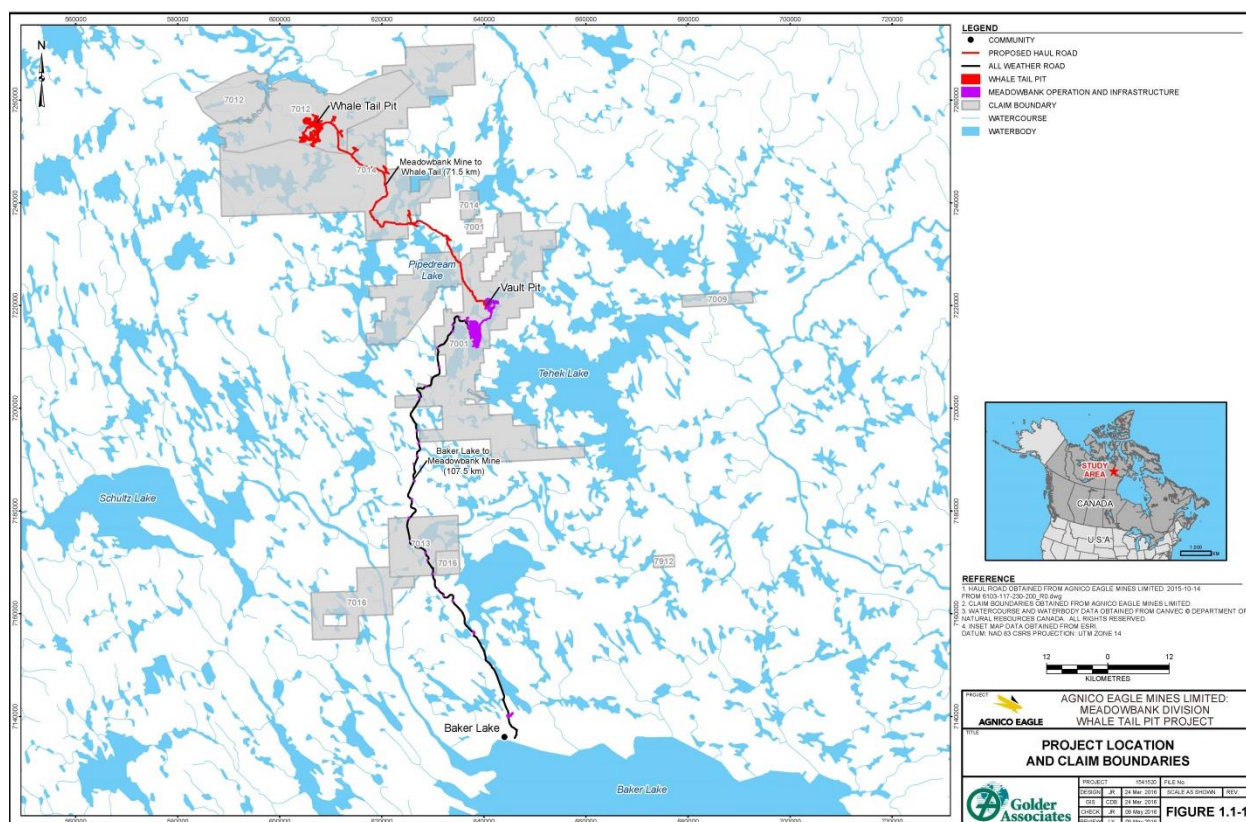
The Whale Tail Pit project (the Project) is a proposed open pit gold mine located at the Amaruq property, approximately 150 kilometres (km) north of the hamlet of Baker Lake and approximately 50 km northwest of Meadowbank Gold Mine project within the Kivalliq region (see [Figure 2](#)). Agnico Eagle Mines Limited (Agnico Eagle or Proponent or Applicant) proposes development of the Whale Tail Pit project to continue employment and transition operations between the Meadowbank Gold Mine project, which is at the end of its operations and the Meliadine Gold Mine Project, which is in early construction. Construction is proposed to take approximately one (1) year beginning in early 2018, with operations expected to commence in late 2018 and continuing for three (3) to four (4) years, from 2019 to 2022, followed by closure of the site over approximately seven (7) years, ending in post closure monitoring. Development of the pit is intended to allow for access to an estimated 8.3 million tonnes (Mt) of ore, and produce 46.7 Mt of waste rock and 5.8 Mt of overburden.

Ore would be trucked by road at a rate of 9,000 to 12,000 tonnes per day to the existing Meadowbank Gold Mine⁵ for milling. Approximately 8.3 Mt of tailings produced from the milling process would be stored within the existing Meadowbank Gold Mine's Tailings Storage Facility (TSF), with approximately 5.3 Mt stored within the current footprint of the south cell TSF and approximately 3 Mt within the north cell TSF by constructing internal dike structures within the north cell.

Existing ancillary infrastructure used for the Whale Tail Pit Project would include Agnico Eagle's existing marine infrastructure, which would support open-water shipping during the construction phase and annual resupply during operations, with the mine product, doré gold bars, to be flown to market directly from site.

It is anticipated that up to 500 employees would be required during the construction phase for the proposed project, including for dewatering, with an on-site labour requirement of up to 931 people on rotation during operations.

⁵ The NIRB previously reviewed the related but distinct Meadowbank Gold Mine project (NIRB File No. 03MN107) in accordance with Part 5 of Article 12 of the Nunavut Agreement. The Meadowbank Gold Mine project was allowed to proceed pursuant to the NIRB Project Certificate No. 004 which was issued December 30, 2006 following the then Minister of Indian and Northern Affairs' approval of the Meadowbank Gold Mine Project.



2.1.2 Scope of the Project

2.1.2.1 Description of the project, the purpose of and the need for, the project

The scope of the project proposal includes all physical works, activities, and/or undertakings, as scoped by the Nunavut Impact Review Board (NIRB) on June 17, 2016 for the Whale Tail Pit Project and encompasses the entire project life.

a. Project Components

i. Meadowbank Gold Mine Site

Activities and Facilities would include use of existing infrastructure at the Meadowbank Gold Mine site and ongoing use of resources as previously approved, specifically:

- the camp to accommodate personnel;
- airstrip and road between Baker Lake and the mine site;
- facilities including maintenance shops, administration buildings, power generators, mine dry facility (to include lockers, sinks, and changing rooms for personnel), reagent storage areas, fuel storage, landfill, waste and hazardous materials storage area, incinerator, sewage treatment plant, landfarm, ore storage, and surface water management (to include pollution and sediment control or supernatant ponds);
- operation of mill and batch plant;
- tailings conveyance, waste and hazardous wastes storage; and

- potable water sourced from Third Portage Lake, mill water sourced from the reclaim pond located near the mill.

ii. Baker Lake Docking Facility

Activities and Facilities would include ongoing use of existing barge unloading facilities, laydown storage and marshalling area, 60-million litre fuel tank farm, and interconnecting roads.

iii. Whale Tail Pit

Note: Whale Tail Pit project infrastructure is separate from, and in addition to, infrastructure previously screened and approved by the NIRB for Agnico Eagle's exploration program at the Amaruq site (NIRB File No. 11EN010).

Activities and Facilities would include the development of one open pit mine located within the Amaruq property, construction of temporary dikes in Whale Tail Lake and Mammoth Lake, the partial dewatering and fishout of Whale Tail Lake (north basin) with discharge of the water into the south basin of Whale Tail Lake or into Mammoth Lake. Mine infrastructure development, specifically camp and accommodations for 210 personnel, power plant, helipad, maintenance shop, bulk fuel storage facility (approximately 500,000 litre capacity), waste rock storage facility, ore stockpiling facility, crushing facility, landfill, and laydown area. Construction of water management infrastructure and water treatment facilities to include: contact and fresh water collection ponds, diversion channels, retention dikes, dams and culverts, a water treatment plants, sewage treatment plant, discharge diffuser, and construction of the Whale Tail attenuation pond to contain discharge of treated sewage and site contact water before being discharged into Mammoth Lake. Potable water for the Whale Tail camp sourced from Nemo Lake and Whale Tail Lake (south basin) while non-contact water to be diverted from site through channels and dikes, with additional water raising the water level of Whale Tail Lake (south basin) to be discharged into Mammoth Lake through a southwest diversion channel. See [Figure 3](#) for a proposed site layout of the Whale Tail Pit project.

iv. Mobilization and Shipping

Activities and Facilities would include annual sealift delivery of fuel, equipment and supplies to the Baker Lake marshalling facility during the ice-free (open water) season, use of laydown areas at various project sites, shipping of doré gold bars off site via air, as well as extension and widening of the previously approved Amaruq exploration road into a private mine haul road extending from the current 6.5 metre width to 9.5 metres width. After the expansion, this road would remain closed to the public.

v. Abandonment, Decommissioning and Reclamation

Activities and Facilities would include closure and remediation of the Whale Tail Pit infrastructure, removal of site infrastructure and flooding of the mined-out open pit, as well as closure and remediation of milling and tailings facilities at the Meadowbank Gold Mine site.

2.1.3 Scope of the Assessment

2.1.3.1 *Anticipated Effects of the Environment on the Project*

The scope of the assessment will include the potential for the Arctic environment to exert effects on the Project throughout the Project lifecycle, including the following specific factors:

- a. Climate and meteorology including climate change
- b. Permafrost
- c. Geotechnical hazards including slope movement, differential or thaw settlement, frost heave, and ice scour
- d. Subsidence
- e. Flooding
- f. Unfavorable geological conditions

The scope of the assessment will include the potential for conditions in Nunavut's unique socio-economic environment, including the following specific factors:

- a. Limited availability of labour and capacity
- b. Limitations on physical infrastructure

2.1.3.2 *Anticipated ecosystemic and socio-economic impacts of the Project*

The assessment of the potential for ecosystemic and socio-economic impacts to result from the proposed project components and activities as outlined in the section above will be inclusive of the factors listed below. The assessment of impacts to each valued ecosystemic or socio-economic component shall take into account appropriate temporal and spatial boundaries and draw upon relevant information from scientific sources, Inuit Qaujimaningit⁶, traditional and community knowledge.

- a. Air quality including greenhouse gases
- b. Climate and meteorology
- c. Noise and vibration
- d. Terrestrial environment, including:
 - i) Terrestrial ecology
 - ii) Landforms and soils
 - iii) Permafrost and ground stability
- e. Geological features including discussion of geology and geochemistry
- f. Hydrological features and surface water quality
- g. Hydrogeology and groundwater

⁶Inuit Qaujimaningit encompasses Inuit traditional knowledge (and variations thereof) as well as Inuit epistemology as it relates to Inuit Societal Values and Inuit Knowledge (both contemporary and traditional).

- h. Sediment quality
- i. Freshwater aquatic environment, including:
 - i) Aquatic ecology
 - ii) Aquatic biota including representative fish as defined in the *Fisheries Act*, aquatic macrophytes, benthic invertebrates and other aquatic organisms
 - iii) Habitat including fish habitat as defined in the *Fisheries Act*
 - iv) Commercial, recreational, and Aboriginal fisheries as defined in the *Fisheries Act*
- j. Terrestrial vegetation
- k. Terrestrial wildlife and wildlife habitat, including:
 - i) Representative terrestrial mammals to include caribou, caribou habitat, migration and behavior, muskoxen, wolverine, grizzly bears, Polar Bears, wolves and less conspicuous species that may be maximally exposed to contaminants
 - ii) Wildlife migration routes and crossings
- l. Birds and bird habitat, including:
 - i) Raptors
 - ii) Migratory birds
 - iii) Seabirds
- m. Marine environment, including:
 - i) Marine ecology
 - ii) Marine water and sediment quality
 - iii) Marine biota including fish and benthic flora and fauna
 - iv) Marine habitat
 - v) Commercial, recreational, and Aboriginal fisheries as defined in the *Fisheries Act*
- n. Marine wildlife
- o. Terrestrial and marine Species at Risk, including:
 - i) Species under consideration for listing on the *Species at Risk Act*
 - ii) Species designated “at risk” by the Committee on the Status of Endangered Wildlife in Canada
- p. Socio-economic factors, including:
 - i) Economic development opportunities
 - ii) Employment
 - iii) Education and training
 - iv) Contracting and business opportunities
 - v) Population demographics
 - vi) Benefits and revenues (tax, royalties, etc.)
- q. Traditional activity and knowledge and community knowledge including:
 - i) Land use

- ii) Food security
 - iii) Language
 - iv) Cultural and commercial harvesting
- r. Non-traditional land use and resource use
- s. Heritage resources
 - i) Archaeology
 - ii) Paleontology
 - iii) Cultural
- t. Health and well being
 - i) Individual and community wellness
 - ii) Family and community cohesion
- u. Community infrastructure and public services
- v. Health and safety including employee and public safety
- w. Cumulative effects, giving specific consideration to the project in terms of existing, proposed, and reasonably foreseeable future mining and transportation infrastructure projects, with specific consideration of the Meadowbank Gold Mine
- x. Residual effects
- y. Transboundary effects

2.1.3.3 *Measures proposed by the Proponent to avoid and mitigate adverse ecosystemic and socio-economic impacts, including contingency plans*

The scope of the assessment will include any contingency plans or risk management plans to avoid and mitigate adverse impacts caused by the proposed project components and activities. These plans must extend, where relevant, through all project phases. These plans shall take into account the appropriate temporal and spatial boundaries and are expected to draw upon relevant information from scientific sources, best practice as well as traditional and community knowledge and are to include, but not be limited to:

- a. Avoidance, Mitigation and Offsetting Measures specifically related to fisheries offsetting for the Whale Tail Pit project
- b. Emergency
- c. Spill response
- d. Hazardous materials management
- e. Accidents and malfunctions
- f. Regulatory requirements
- g. Monitoring and Adaptive Management
- h. Mitigation measures

2.1.3.4 Measures proposed by the Proponent to optimize the benefits of the Project, with specific consideration being given to expressed community and regional preferences in regards to benefits

The scope of the assessment will include steps that the Proponent proposes to take to optimize benefits of the project, and should include, but not be limited to:

- a. Compensation and benefits
- b. Health benefits
- c. Human health and well-being
- d. Employment
- e. Education and training
- f. Land use
- g. Contracting and business opportunities
- h. Any non-confidential details from an Inuit Impact and Benefit Agreement.

2.1.3.5 Measures proposed by the Proponent to compensate persons whose interests are adversely affected by the Project

The scope of the assessment will include the steps that the Proponent proposes to take to compensate interests of parties adversely affected by the Project including all non-confidential details pertaining to any Inuit Impact and Benefit Agreement pursued in connection with the Project.

2.1.3.6 Measures proposed by the Proponent to restore ecosystemic integrity after the permanent closure of the project

The scope of the assessment will include any closure and reclamation plans to ensure that issues associated with the effective closure and reclamation of all Project components are considered at the earliest possible stage in the mine development process, thereby influencing mine design to take into account environmental issues related to mine closure and reclamation. These plans must extend, where relevant, through all project phases. These plans shall take into account the appropriate temporal and spatial boundaries and are expected to draw upon relevant information from scientific sources, best practice as well as traditional and community knowledge and are to include, but not be limited to:

- a. Care and Maintenance
- b. Mine Closure and Reclamation

2.1.3.7 Any monitoring programs that the Proponent proposes to establish and to manage the ecosystemic and socio-economic interests potentially affected by the Project

The scope of the assessment will include any programs that would be established to monitor the potential ecosystemic and socio-economic impacts caused by the proposed project components and activities.

2.1.3.8 *The interests in lands, waters and other resources which the Proponent has acquired or seeks to acquire*

The scope of the assessment will include consideration for any interests in lands, waters and other resources which the Proponent has secured or seeks to secure based on the proposed works and activities or undertakings that constitute the Whale Tail Pit project proposal (see [Table 1](#)).

Table 1: List of any interest in lands, waters and other resources the Proponent has acquired or seeks to acquire

| <i>Organization</i> | <i>Requirement</i> |
|--|--|
| Nunavut Impact Review Board | Project Certificate |
| Nunavut Water Board | Type “A” Water Licence |
| Kivalliq Inuit Association | Land Use Licences, leases, easements, right-of-ways, and Quarry Concession Permit(s) |
| Nunavut Tunngavik Incorporated | Mineral Production Lease |
| Government of Nunavut – Community & Government Services | Right-of-Way approval |
| Government of Nunavut – Department of Culture and Heritage | Archaeology Permit(s) and Palaeontology Permit(s) |
| Government of Nunavut – Department of Environment | Wildlife Research Permit |
| Nunavut Research Institute | Socio-economic & Traditional Knowledge Research Licence, Scientific Research Licence |
| Indigenous and Northern Affairs Canada | Right-of-Way Approval |
| Environment and Climate Change Canada | Schedule 2 Amendment to Metal Mining Effluent Regulations |
| Fisheries and Oceans Canada | Section 35 authorization under the <i>Fisheries Act</i> |
| Natural Resources Canada | Licence for a Factory and Magazine |
| Transport Canada | Navigable Waters Approval(s) and/or Exemption(s) and Oil Pollution Prevention/Emergency Plan as per the <i>Canada Shipping Act</i> |
| Workers Safety & Compensation Commission | Permit to Store Detonators, Explosives Use Permit |

2.1.3.9 *Options for carrying out the Project that are technically and economically feasible and the anticipated ecosystemic and socio-economic impacts of those options*

The scope of the assessment will include consideration for alternative means of carrying out the Project that might be economically and technically feasible and the environmental effects of those alternative means. This assessment will include alternate timing and development options, as well as presenting the “no-go” or “no-build” alternative, and the “preferred” alternative. The “no-go” alternative is not only a potentially stand-alone option; it also serves as a baseline for comparison with other development alternatives that might reasonably be proposed in the circumstances.

2.1.3.10 Any other relevant information or matters

The scope of the assessment will include any other matters that the NIRB considers relevant, including:

- a. Technical innovations previously untested in the Arctic including new technology for mine design, operation, and tailings management
- b. Inuit Qaujimaningit, traditional and community knowledge
- c. Statement of consultation principles and practices
- d. Significant effects analysis
- e. Sustainability analysis
- f. Interactions with Valued Ecosystem Components and Valued Socio-Economic Components
- g. Discussion of similar resource development projects in other jurisdictions
- h. Planned future development and the associated level of uncertainty
- i. How the application incorporates facilities that are currently in place and which have been allowed to proceed pursuant to the NIRB Project Certificate No. 004.

The NIRB also notes encouragement received from the responsible Ministers to make use of existing documentation from past assessments as much as possible during the Review process for the Whale Tail Pit project proposal.

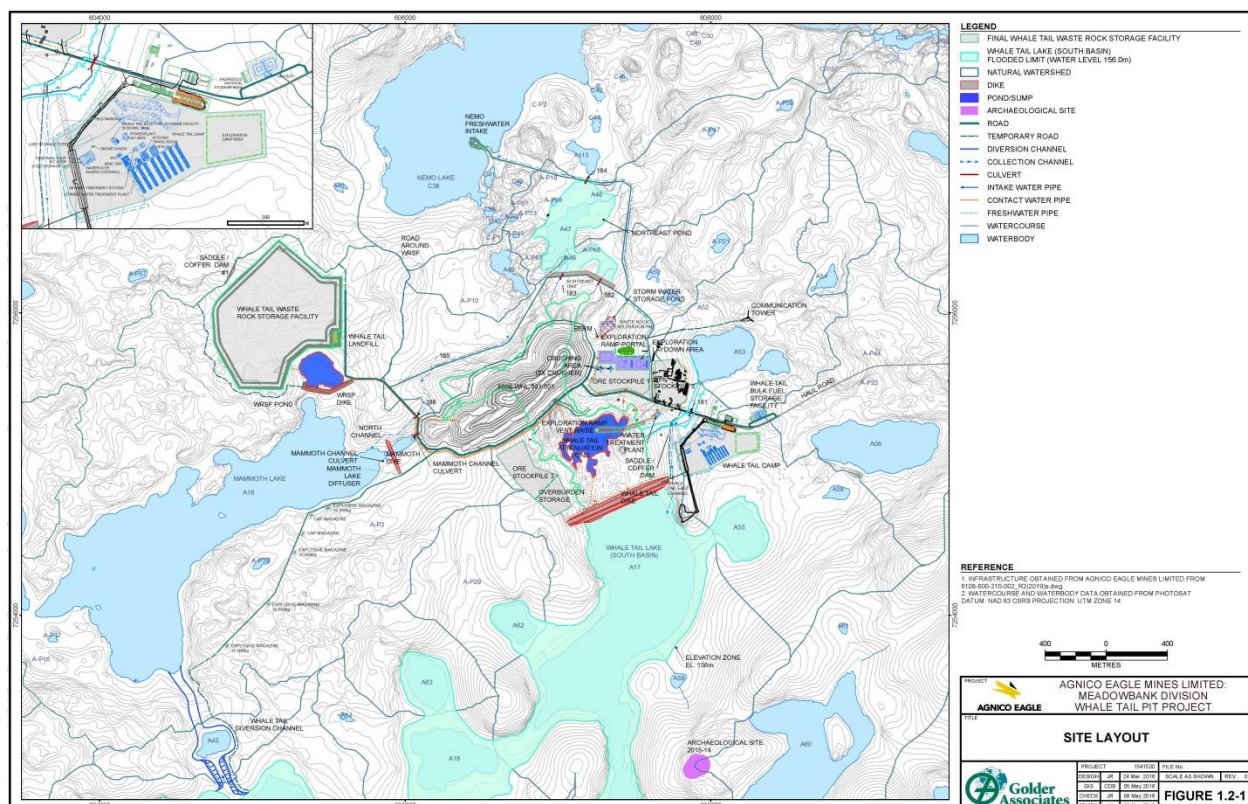


Figure 3: Whale Tail Site Layout (from the Whale Tail Pit Project Proposal Description, Volume 1)

2.1.4 Linkage between the Project Proposal and Previously Assessed Project Proposals

The development of the Whale Tail Pit project would include the utilization of select key infrastructure components that are currently part of the approved Meadowbank Gold Mine⁵ as follows:

- Infrastructure at Meadowbank Gold Mine site would include:
 - Mill and water supply for ore processing;
 - Tailings storage facility;
 - Baker Lake marshalling facility;
 - All-weather access road from Baker Lake;
 - Airstrip facilities; and
 - Camp facilities.
- Transportation of supplies and employees to the existing Meadowbank Gold Mine airstrip.
- Closure and remediation of the Whale Tail Pit infrastructure, including removal of site infrastructure and flooding of the mined-out open pit, as well as closure and remediation of milling and tailings facilities at the Meadowbank Gold Mine site.

The scope of the original Meadowbank Gold Mine project included the construction, operation and eventual reclamation of an open pit gold mine located 70 kilometres (km) north of the Hamlet of Baker Lake on Inuit-owned surface lands; associated infrastructure for the extraction, transportation and shipment of gold ore from three (3) deposits [Portage Pit, Goose Pit and Vault Pit]; the construction of ancillary Project infrastructure located approximately 2 km east of the Hamlet of Baker Lake that consisted of a barge unloading facility, a laydown storage and marshalling area, a 60 million litre (ML) fuel tank farm; and the construction of a 110 km all-weather private access road linking the ancillary Project infrastructure with the Meadowbank mine site. On December 30, 2006, the NIRB issued Project Certificate No. 004 for the Meadowbank Gold Mine project.⁵

On November 20, 2009 the NIRB issued an amendment of the Project Certificate to reflect the Proponent Project Name Change and modification associated with the all-weather access road following reconsideration of Term and Condition #32 under 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).⁷

On August 12, 2016 the NIRB issued amendment 002 of the Project Certificate to reflect the development of the Vault Pit Expansion Project, which included reconsideration of relevant terms and conditions within Project Certificate 004 under the NIRB's authority under Section

⁷ The NIRB issued amendment 001 of the Project Certificate to Agnico Eagle Mines Limited on November 20, 2009 following the approval by the then Minister of Indian and Northern Affairs for the reconsideration of Condition 32.

12.8.2(b) and 12.8.3 of the Nunavut Agreement.⁸ The Vault Pit Expansion Project proposal included the expansion of the Vault Pit to develop two small extensions known as Phaser Pit and the BB Phaser Pit which is an extension of the Vault Pit deposit. These two small open pits would extend from the perimeter of Vault Pit to the southwest into Phaser Lake. The Vault Pit Expansion Project proposal includes the expected extraction of an additional 269,438 tonnes (t) of ore from Phaser Pit and 132,950 t from BB Phaser Pit. This is in addition to the current approved production of approximately 29.8 million tonnes (Mt) and 10.7 Mt of ore from the entire Meadowbank Gold Mine pits and the Vault Pit, respectively, over the life of the mine. The following additional activities and components at the Vault mine site were approved when amendment 002 of Project Certificate 004 was issued: construction and operation of additional haul roads connecting the new pits to Vault Pit infrastructure; water diversion and management activities; dewatering and fish-out of Phaser Lake; and eventual re-flooding of Phaser Pit and BB Phaser Pit along Vault Pit.

The Vault Pit Expansion Project is expected to extend the life of the mine by approximately 30 days, and dewatering activities and construction activities is expected to commence in quarter 2 of 2017. All activities associated with the construction, development, and operation of the proposed Phaser and BB Phaser Pits would continue to utilize the currently approved mine facilities.

2.2 The Application before the Nunavut Water Board

2.2.1 Scope of the Application

The Type “A” water licence application (Application) being considered by the Nunavut Water Board (NWB) was filed by Agnico Eagle Mines Limited (Agnico Eagle, Applicant or Proponent) on July 8, 2016, seeking to amend the existing Type “A” Water Licence No. 2AM-MEA1525, which applies to the Meadowbank Gold Mine. The amendments proposed in the Application would authorize the use of additional water and deposit of waste associated with the development of the mining undertaking at the Whale Tail Pit, a satellite deposit located on the Amaruq property. On October 3, 2016, the NWB advised the Applicant and the parties that the NWB had determined that a separate Type “A” Water Licence would be required to govern the uses of water and deposits of waste taking place at the Whale Tail Pit. On this basis, the NWB indicated that the Application filed with the NWB would be considered to be an application for a new Type “A” Water Licence to authorize the use of water and deposit of waste activities at the Whale Tail Pit and also as an application to authorize the consequential amendments to the existing Water Licence 2AM-MEA1525 that may be required to reflect the additional water use and waste deposit associated with the use of the Meadowbank Gold Mine infrastructure for processing the additional ore mined at the Whale Tail Pit. On October 15, 2016, Agnico Eagle confirmed that they agreed to have the NWB process the Application in accordance with the NWB’s direction.

⁸ The NIRB issued the amendment 002 of the Project Certificate to Agnico Eagle Mines Limited on August 12, 2016 following the approval by the Minister of Indigenous and Northern Affairs for the Vault Pit Expansion Project.

The Amaruq property is a 408 square kilometer (km²) site located on Inuit Owned Land approximately 150 kilometres (km) north of the Hamlet of Baker Lake and approximately 50 km northwest of Meadowbank Gold Mine in the Kivalliq Region of Nunavut. The Meadowbank Gold Mine is licensed under 2AM-MEA1525 Water Licence. Agnico Eagle is looking to extend the life of the mine (operations) by constructing and operating Whale Tail Pit and Haul Road (Project).

The proposed development of Whale Tail Pit will require new project facilities that will be included under the scope of a new Type “A” Water Licence, and would include the following:

- A personnel camp (i.e., Main Camp) with accommodation buildings and maintenance and storage areas, Heli-pad;
- Crusher, power plant, explosive magazines;
- Waste Rock and Overburden storage facility;
- Ore stockpiling facilities;
- Haul roads and access roads;
- Quarries and borrow pits;
- Fuel storage facility (0.5 million L);
- Landfill and incinerator;
- Water collection and treatment systems, including potable water and sewage treatment plants;
- Water management infrastructure (e.g., Attenuation pond, water collection ponds, water retention dikes and dams, water diversion channels, water passage culverts);
- Expansion of the existing 64.1 km Amaruq Exploration Access Road (Water Licence 8BC-AEA1525) to a Haul Road (from 6.5m width to a 9.5m width) to accommodate increased traffic rates and haul trucks.

The proposed operation will generate approximately 8.3 Mt of ore, 46.7 Mt of waste rock, and 5.8 Mt of overburden soil (with very limited organic material) and 8.3 Mt of tailings. Agnico Eagle proposes to process the Whale Tail Pit’s ore and dispose of the tailings slurry at the existing Meadowbank Gold Mine’s Tailings Storage Facility (TSF) which is included within the scope of the existing Type “A” Water Licence 2AM-MEA1525.

No new infrastructure is required at the existing Meadowbank Gold Mine to support the development of the Project. Tailings produced from processing of Whale Tail Pit ore will be accommodated within the existing footprint of the TSF. More specifically, tailings will be stored within the current footprint of the south cell TSF and by building an internal structure in the north cell TSF. Agnico Eagle will submit this request for a modification to the TSF (and potential amendments) associated with the Water Licence 2AM-MEA1525 together with the updated Application for Water Licence 2AM-WTP----, for NWB’s consideration prior to the Public Hearing.

Approximately 17,520 m³/year of freshwater will be required from Whale Tail Lake and Nemo Lake during the construction phase, and approximately 118,625 m³/year of freshwater will be required from Nemo Lake during operations, with 241 m³/day required for industrial purposes

and 84 m³/day required for domestic purposes. In addition to the 17,520 m³/year of freshwater required from Whale Tail Lake during closure, it is anticipated that approximately 24,000,000 m³ of freshwater over eight years will be required to fill the mined-out Whale Tail Pit (approximately 17,000,000 m³) and Whale Tail Lake (North Basin) (approximately 7,000,000 m³) to its original level.

A cost estimate has been prepared by the Applicant using RECLAIM Version 7.0 (March 2014) that covers the closure and reclamation of all facilities for the permanent closure of the Project. The Applicant has concluded that the total estimated reclamation cost for the Project is \$19,831,405.

2.2.2 Application and Supporting Materials Submitted by the Applicant

On July 8, 2016, Agnico Eagle submitted the water licence application and supporting documentation for Amendment to the Type “A” Water Licence 2AM-MEA1525 for the Meadowbank Gold Mine, to include the development of Whale Tail Pit.

On December 7, 2016 and January 26, 2017, the Applicant provided responses to the comments provided by parties in the context of their completeness review of the Application.

On April 7, 2017, the Applicant provided a further submission in response to the technical review comments of parties filed by March 28, 2017.

[Appendix D](#) provides a listing of the specific information provided with the Application, all of which is available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-WTP----%20Agnico/>.

2.2.3 Linkage between the Application and Existing Water Licences

2.2.3.1 Water Licence 2AM-MEA1525

The Type “A” Water Licence 2AM-MEA0815 was issued by the Nunavut Water Board (NWB) on June 9, 2008. This licence was subsequently approved by the Minister on July 10, 2008. The Licence 2AM-MEA0815 authorized the use of water and deposit of waste in relation to the Mining Undertaking at the Meadowbank Gold Mine project located approximately 70 km north of Baker Lake within the Kivalliq Region of Nunavut.

Amendment No. 1 to 2AM-MEA0815 was issued by the NWB on May 6, 2010, and was subsequently approved by the Minister on June 18, 2010. Amendment No. 1 allowed Agnico Eagle to expand the Marshalling Area Bulk Fuel Storage Facility and fuel storage area, with increasing capacity from 40 million litres (ML) to 60 ML of diesel fuel by adding two additional 10 ML capacity diesel fuel tanks. In addition, the amendment authorized the construction of an additional 2 ML tank for the bulk storage of Jet A fuel to refuel aircraft flying into the Meadowbank Gold Mine site.

Amendment No. 2 to 2AM-MEA0815 was issued by the NWB on June 30, 2014, and was subsequently approved by the Minister on July 23, 2014 to increase the authorized use of water associated with the Meadowbank Gold Mine project from the licensed amount of 700,000 m³ *per* year of fresh water for all purposes (domestic camp use, mining, milling and associated uses), to a total amount of 1,870,000 m³ in 2013 and 1,150,000 m³ *per* year after 2013.

Short-Term Renewal of 2AM-MEA0815 was issued by the NWB on March 20, 2015 and was approved by the Minister on April 20, 2015. The Short-term Renewal extended the expiry of the Licence by an additional 180 days to allow time for the NWB to complete their consideration of the full Renewal and Amendment Application, with all other terms and conditions of the Licence remaining unchanged.

Renewal/Amendment Water Licence No. 2AM-MEA1525 (the Licence) was issued by the NWB on August 8, 2015. The Licence was subsequently approved by the Minister on September 2, 2015. The amended scope of the Licence included provisions to authorize the additional water use during re-filling of mined out open pits. The Licence will expire on July 22, 2025.

Amendment No. 1 to the Water Licence No. 2AM-MEA1525 was issued by the NWB to Agnico Eagle on June 6, 2016. Amendment No. 1 involved amendments to terms and conditions in Part C of the licence related to the reclamation security required to be held under the Licence to take into account that Agnico Eagle, the Kivalliq Inuit Association and the Minister of Indigenous and Northern Affairs Canada had entered into an agreement to govern how reclamation security will be held for the Project under the Licence and the Kivalliq Inuit Association's Commercial Land Lease. The Amendment No. 1 2AM-MEA1525 was subsequently approved by the Minister on July 19, 2016.

2.2.3.2 Water Licence 2BB-MEA1318

The first Water Licence NWB2MEA9899 related to the exploration activities at the Meadowbank project was issued by NWB in 1998. The licence was subsequently renewed in 2000, 2002, 2005, 2008 and 2013. Amendment No. 1 to the renewal Water Licence 2BE-MEA1318 on July 31, 2014, extended the exploration project area to include the Amaruq property area. On December 1, 2016, the licence was amended again to allow for water use and deposit of waste in the development of a portal/ramp and rock quarry at the Amaruq Exploration Project along with other exploration works. With this amendment, the Water Licence 2BE-MEA1318 became 2BB-MEA1318. The licence expiry date for the Licence is now set at March 6, 2018.

2.2.3.3 Water Licence 8BC-AEA1525

The Water Licence 8BC-AEA1525 was issued by NWB to allow for the use of water and deposit of waste during the construction, operation, and eventual decommissioning of the Amaruq Exploration Access Road linking the Amaruq exploration project site to the Meadowbank Gold Mine site. The expiry date for this licence is set at December 31, 2025. In the Application, the Applicant had requested authorization to upgrade the exploration road and include the upgraded haul road within the scope of the new Type "A" Water Licence for the development of Whale Tail Pit, NWB File No. 2AM-WTP----

3.0 PROCEDURAL HISTORY OF THE PROJECT PROPOSAL AND WATER LICENCE APPLICATION

[Table 2](#) below provides a brief summary of the key procedural steps associated with the Nunavut Impact Review Board's (NIRB) assessments for the Whale Tail Pit Project under Article 12, Part 5 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and Part 3 of the *Nunavut Planning and Project Assessment Act* (NuPPAA), and the Nunavut Water Board's (NWB) consideration of the associated Type "A" water licence application (Application). The procedural steps commenced with the receipt of the original project proposal from the Nunavut Planning Commission on June 17, 2016 with an accompanying positive conformity determination under the Keewatin Regional Land Use Plan and continuing through to the completion of the Boards' Pre-hearing Conference (PHC) in Baker Lake on May 2, 2017 (please refer to [Appendix D](#) for a listing of the specific information provided with the Environmental Impact Statement (EIS) and Application).

[Table 2](#) also identifies key milestones, opportunities for public participation, and involvement of parties throughout the NIRB and the NWB processes and associated timelines. Please refer to [Appendix E](#) for a list of commitments made following the technical review period and [Appendix F](#) for a list of the commitments confirmed by the parties at the Whale Tail PHC.

3.1 Land Use Planning Requirements

On June 17, 2016 the Nunavut Planning Commission (NPC) issued correspondence to the NIRB, NWB and relevant parties indicating that Agnico Eagle Mines Limited's (Agnico Eagle, the Proponent or Applicant) "Whale Tail Pit" project proposal required screening by the NIRB as follows:⁹

The NPC has determined that the above-noted project proposal is a significant modification to the project, as its purpose is to establish a mining operation in a previously unconsidered location, as well as an access road to this new site. The project proposal conforms to the Keewatin Regional Land Use Plan (KRLUP), subject to the attached conformity requirements from the KRLUP that are applicable to the project proposal.

The project proposal requires screening by the Nunavut Impact Review Board (NIRB) because it does not belong to a class of exempt works or activities set out in Schedule 12-1 of the Nunavut Land Claims Agreement. By this letter and additional enclosures, the NPC is forwarding the project proposal with this determination to the Nunavut Impact Review Board (NIRB) for screening

⁹ P. Scholz, Nunavut Planning Commission, Letter to Parties Re: NPC File #148297 Whale Tail Pit Project – Meadowbank Division. June 17, 2016.

In addition, the NPC directed that the Proponent must comply with various conformity requirements applicable to the project proposal, which was then referred to the NIRB for assessment.

3.2 Procedural History of the NIRB Assessment of the Project Proposal

The key procedural steps that have been taken by the NIRB during consideration of the EIS are set out in [Table 2](#) that follows. In particular, the NIRB wishes to highlight and provide more detail regarding important procedural developments leading up to the Technical Meeting, Community Roundtable and PHC.

The NIRB first became engaged in the process on June 17, 2016 when the NIRB received a referral to screen Agnico Eagle Mines Limited's (Agnico Eagle or the Proponent) "Whale Tail Pit" project proposal from the NPC, with an accompanying positive conformity determination under the Keewatin Regional Land Use Plan. The NIRB subsequently circulated the reconsideration request for a period of public comment, inviting interested parties to provide feedback and advice to the Board with respect to the appropriateness of assessing the proposal as a reconsideration of the Meadowbank Gold Mine Project Certificate terms and conditions, or as a standalone screening assessment, and whether the provisions of the NuPPAA¹⁰ were applicable to the proposal.

After considering submissions from parties and reviewing the project description, on July 21, 2016 the NIRB provided its determination that the proposed Whale Tail Pit proposal had not been assessed as part of the original Meadowbank Gold Mine project, and due to its location outside of the original Meadowbank Gold Mine project footprint, would require a separate screening assessment under the NuPPAA.

Pursuant to Article 12, Section 12.4.4 of the Nunavut Agreement and s. 86 of the NuPPAA, the NIRB screened this project proposal and on August 18, 2016 issued a Screening Decision Report with the determination that the proposed project required further assessment best facilitated through a full environmental review under Article 12, Part 5 or 6 of the Nunavut Agreement and Part 3 of the NuPPAA.

Following receipt of the responsible Ministers decision on September 2, 2016 supporting the NIRB's recommendation that a full environmental review be conducted, the NIRB commenced the review process on September 9, 2016 issuing the *Draft Scope* for review by parties.

By October 11, 2016 the NIRB was in receipt of comments on the *Draft Scope* of the assessment for the NIRB's Review of the project proposal. Following incorporation of the comments from parties and the scoping information session held by the NIRB in the Kivalliq region from October 17 to October 27, 2016, the NIRB released the *Final Scope* on November 10, 2016.

¹⁰ *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14.

On November 23 and 24, 2016 the Boards' staff and legal counsel convened a coordination workshop to further discuss project-specific coordination of the technical comment and review phases of the NIRB's assessment of the Project and the NWB's consideration of the Application and to develop an updated project-specific process map.

On November 25, 2016 the NIRB commenced its formal technical review of the EIS and invited interested parties to submit Information Requests (IRs) directed to the Proponent and/or other parties involved in the assessment of the Whale Tail Pit project proposal as a means to identify information gaps within the EIS that needs to be addressed so that parties can develop their respective technical review comments.

On January 27, 2017, in joint correspondence issued with the NWB, the NIRB invited interested persons to provide the NIRB with their technical review comments by March 28, 2017 in preparation for a Technical Meeting and PHC that the Boards directed the staff to hold in Baker Lake, tentatively in the weeks of April 24 and May 1, 2017.

As this summary is not exhaustive, parties wishing to develop a more complete understanding of the activities associated with the NIRB's assessment for this project proposal are encouraged to consult the complete listing of all associated documentation available from the NIRB's online public registry at www.nirb.ca by using any of the following search criteria:

- Project Name: Whale Tail Pit Project
- NIRB File No.: 16MN056
- Application No.: 124683

3.3 Procedural History of the NWB's Consideration of the Application

The key procedural steps that have been taken by the NWB during consideration of the Application are set out in [Table 2](#) that follows. In particular, the NWB wishes to highlight and provide more detail regarding important procedural developments leading up to the Technical Meeting, Community Roundtable and PHC.

The NWB first became engaged in the process on July 8, 2016, when the NWB received an application and supporting documentation from Agnico Eagle to amend Type "A" Water Licence No. 2AM-MEA0815 for the Meadowbank Gold Mine project. On October 3, 2016, the NWB acknowledged receipt of the Application and advised the Applicant and the parties that the NWB had determined that a separate Type "A" Water Licence would be required to govern the uses of water and deposits of waste taking place at the Whale Tail Pit site and that there may be consequential amendments to the existing Water Licence 2AM-MEA1525 that may be required to reflect the additional water use and waste deposit associated with the use of the Meadowbank Gold Mine infrastructure for processing the additional ore mined at the Whale Tail Pit. In addition, the NWB's Notice of Application correspondence on October 3, 2016 invited interested persons to review the scope and completeness of information provided, as well as to identify any deficiencies.

By November 3, 2016, the NWB was in receipt of comments on the completeness of the application from Environment and Climate Change Canada (ECCC), Fisheries and Oceans

Canada (DFO) and Indigenous and Northern Affairs Canada (INAC). The NWB did not receive any indication that the application should not proceed through the regulatory process.

On November 23 and 24 the Boards' staff and legal counsel convened a coordination workshop to further discuss project-specific coordination of the technical comment and review phases of the NIRB's assessment of the Project and the NWB's consideration of the Application and to develop an updated project-specific process map.

On December 7, 2016 and January 27, 2017, the Applicant provided responses to the comments of parties filed with the NWB during the completeness review of the Application.

On January 27, 2017, in joint correspondence issued with the NIRB, the NWB gave formal notice of the application in accordance with s. 55(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA), inviting interested persons to continue their technical review of the Application and provide the NWB with their technical review comments by March 28, 2017 in preparation for a Technical Meeting and PHC that the Board directed the staff to hold in Baker Lake, tentatively in the week of April 24th and May 1, 2017.

All direction issued by the NWB and submissions provided to date by the parties in respect of the Application and received by the NWB are available from the NWB's public registry from the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-WTP----%20Agnico/>

Table 2: Procedural History

| Assessment Steps | Party | Timeline | Process Steps | Notes ^a |
|------------------|---|---------------|--|--|
| Screening | Agnico Eagle Mines Limited (Agnico Eagle or Proponent or Application) | May 25, 2016 | The NIRB receives information in support of the Agnico Eagle's Whale Tail Pit project proposal | Proponent requested that the assessment of the Whale Tail Pit project proposal be by way of a reconsideration of the existing Meadowbank Gold Mine Project Certificate No. 004 rather than being screened as a separate project proposal. Proponent further requested the NIRB's consideration of the project proposal be conducted under either Article 12, Section 12.8.2 of the Nunavut Agreement alone or under Section 12.8.2 of the Nunavut Agreement and subsection 112(1) of the NuPPAA. Further, Proponent requested a fully coordinated NIRB/NWB regulatory process. |
| | NIRB | June 15, 2016 | Noted requirement of conformity determination prior to commencement of assessment | |
| | Nunavut Planning Commission | June 17, 2016 | Conformity determination issued with the Keewatin Regional Land Use Plan and screening referral | Correspondence noted the Whale Tail Pit project proposal involved the development of a mining undertaking in a location that was not previously included in the assessment of the Meadowbank Gold Mine project, as well as development of supporting infrastructure to service the new site. |
| | NIRB | June 20, 2016 | Public engagement and comment request on assessment process | Correspondence requested parties to provide comment regarding reconsideration of the Meadowbank Gold Mine Project Certificate for the "Whale Tail Pit" project proposal. |
| | Public/Parties | July 6, 2016 | Comments received on assessment process | Comments from: Kivalliq Inuit Association (KIA), Government of Nunavut (GN), Government of Canada – Northern Projects Management Office and Yellowknife Dene First Nations. |
| | NWB | July 8, 2016 | The NWB receives an application for Amendment to the Type "A" Water Licence 2AM-MEA1525 for Meadowbank Gold Mine | The Application is to include development of Whale Tail open pit. Agnico Eagle requested previously that NIRB coordinate its assessment of the Whale Tail Pit project proposal with the NWB's associated licensing process. |
| | NIRB | July 21, 2016 | Screening under section 86 of the NuPPAA required | |

Table 2: Procedural History

| Assessment Steps | Party | Timeline | Process Steps | Notes ^a |
|----------------------------------|---|--------------------|---|---|
| 1. Scoping & Completeness Review | NIRB | July 26, 2016 | Public engagement and comment request on project proposal | |
| | NIRB | July 29, 2016 | Ministerial extension request | Requested an extended timeline for the screening of the Project. |
| | Public/Parties | August 9, 2016 | Comments received on project proposal | Comments received from: KIA, GN, Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Indigenous and Northern Affairs Canada (INAC), Natural Resources Canada (NRCan) and Transport Canada (TC). |
| | NIRB | August 18, 2016 | Screening decision report to the responsible Minister | Project recommend for review under Article 12, Part 5 or 6 of the Nunavut Agreement and under Part 3 of the NuPPAA due to its location outside of the original Meadowbank Gold Mine project footprint. |
| | Responsible Ministers (INAC, DFO, NRCan and TC) | September 2, 2016 | Responsible Ministers issued decision supporting the NIRB's recommendation | Project referred to the NIRB for Review pursuant to subparagraph 94(1)(a)(iv) of the NuPPAA. The responsible Ministers addressed the issues of cumulative effects, process coordination and participant funding raised in the NIRB's screening decision report, and further identified matters for the NIRB to consider as part of its Review of the Whale Tail Pit project proposal. |
| | NIRB | September 9, 2016 | NIRB Review commences: Ministers' decision distributed and Draft Scope released for comments | Correspondence included request to Agnico Eagle to confirm that the submission received on July 6, 2016 would be considered as the Proponent's EIS for the NIRB's Review and whether supplemental information would be provided to support the submission. |
| | Agnico Eagle | September 30, 2016 | Confirmation provided to the NIRB noting the July submission sufficient to address EIS requirements | Correspondence included another request by Proponent for a full coordinated process by the NIRB and the NWB. |
| | NWB | October 3, 2016 | Comment request on the scope, completeness of information provided and identify the deficiencies. | Correspondence included request to Agnico Eagle to confirm that the Application could be considered by NWB as an application for a new Type "A" Water Licence. |

Table 2: Procedural History

| Assessment Steps | Party | Timeline | Process Steps | Notes ^a |
|--|----------------|--------------------------------|---|--|
| 2. Technical Review of EIS and Water Licence Application | Public/Parties | October 11, 2016 | Comments received on <i>Draft Scope</i> of assessment for the NIRB's Review of the Project | Comments received from: KIA, GN, ECCC, DFO, INAC, NRCan and TC. |
| | Agnico Eagle | October 15, 2016 | Confirmation to the NWB that the Application could be considered for a new Type "A" Water Licence. | |
| | NIRB | October 17 to October 27, 2016 | Public Scoping Meetings | Meetings held in the Kivalliq communities of Chesterfield Inlet, Coral Harbour, Nauyasat, Rankin Inlet, Whale Cove, Arviat, and Baker Lake. |
| | Public/Parties | November 3, 2016 | Comments received on completeness and initial assessment of the Application | Comments received from: ECCC, DFO, and INAC. |
| | NWB | November 7, 2016 | Request Proponent respond to parties' comments on the completeness of the water licence application | |
| | NIRB | November 10, 2016 | Final Scope released | Correspondence also noted that the July 6, 2016 submission from Agnico Eagle satisfies the minimum EIS requirements as per Section 12.5.2 of the Nunavut Agreement. |
| | NIRB & NWB | November 25, 2016 | Commencement of NIRB's technical review period and description on coordinated process | Correspondence included a process map that described the coordination process for the Whale Tail Pit project. Correspondence also included a reminder to the Proponent on the deadline for the Response to completeness of Application. NIRB's technical review period included 30-day information request period. |
| | NIRB | December 7, 2016 | Public scoping meeting summary report released | Report summarized community scoping sessions. |

Table 2: Procedural History

| Assessment Steps | Party | Timeline | Process Steps | Notes ^a |
|------------------|----------------|-------------------------------------|--|--|
| | Agnico Eagle | December 7, 2016 & January 25, 2017 | Responses to completeness/initial assessment review submitted to the NWB | |
| | Public/Parties | December 22, 2016 | Submission of Information Requests (IRs) by parties | IRs received from: KIA, GN, DFO, ECCC, Health Canada (HC), INAC, NRCan, and TC. |
| | NIRB | December 23, 2016 | IRs distributed to appropriate parties | IRs requested additional information from the Proponent. |
| | Agnico Eagle | January 20, 2017 | Responses to IRs submitted to the NIRB | |
| | NIRB & NWB | January 27, 2017 | NIRB commenced 60-day technical review period NWB gave Notice of Application and commenced 60-day technical review period | Technical review comments were requested from parties for the project proposal and the associated water licence application. In addition, the correspondence included scheduling of the Technical Meeting, Pre-hearing Conference (PHC) and Community Roundtable. The correspondence further included the NWB's notice of the Application in accordance with s. 55(1) of the <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> (NWNSRTA), advising the parties of the consequences of failing to identify issues of water user compensation to the NWB in accordance with s. 59 and s. 60(2) of the NWNSRTA. ¹¹ |
| | NIRB & NWB | March 13, 2017 | Circulation of <i>draft</i> agenda and request for comments | Correspondence provided information on the Technical Meeting and PHC protocol. |
| | Public/Parties | March 28, 2017 | Technical review comments on the EIS submitted to the NIRB | Comments received from: KIA, GN, ECCC, DFO, HC, INAC, NRCan, and TC. |

¹¹ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the NWB. Section 60(2) Subsection (I) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the NWB.

Table 2: Procedural History

| Assessment Steps | Party | Timeline | Process Steps | Notes ^a |
|---------------------------------|--|--------------------------------|---|--|
| 3. Joint Technical Meeting | | | Technical review comments on the Application submitted to the NWB | Comments received from: KIA, ECCC, DFO, and INAC. |
| | NIRB & NWB | March 30, 2017 | Technical comments distributed to the Proponent | |
| | Agnico Eagle | April 7, 2017 & April 25, 2017 | Responses to technical review comments submitted to the NIRB and the NWB | |
| | Canadian Northern Economic Development Agency (CanNor) | April 10, 2017 | Provided confirmation of Federal Agencies to attend Technical Meeting and PHC | Confirmed attendees: DFO, ECCC, INAC, NRCan, TC, CanNor and Department of Justice. |
| | Public/Parties | April 21 to April 25, 2017 | Presentations provided for joint NIRB/NWB Technical Meeting and PHC | |
| | NIRB & NWB | April 24, 2017 | Release of <i>Final Agenda</i> | |
| | NIRB & NWB | April 27, 2017 | Community Information Evening Session | |
| | NIRB & NWB | April 28 to April 29, 2017 | Technical meeting in Baker Lake | Parties in attendance included: Nunavut Tunngavik Inc. (NTI), KIA, GN, ECCC, DFO, INAC, NRCan, TC and Agnico Eagle. |
| | | | | |
| | | | | |
| 4. Joint Pre-hearing Conference | NIRB & NWB | May 1 to May 2, 2017 | Community Roundtable and PHC in Baker Lake | Parties in attendance included: NTI, KIA, GN, ECCC, DFO, INAC, NRCan, TC, Agnico Eagle as well as community representatives from seven (7) Nunavut communities in the Kivalliq region. |

NOTES: a = Abbreviations: Environment and Climate Change Canada (ECCC), Environmental Impact Statement (EIS), Fisheries and Oceans Canada (DFO), Government of Nunavut (GN), Health Canada (HC), Indigenous and Northern Affairs Canada (INAC), Information Request (IR), Kivalliq Inuit Association (KIA), Natural Resources Canada (NRCan), Canadian Northern Economic Development Agency (CanNor), Nunavut Impact Review Board (NIRB), *Nunavut Planning and Project Assessment Act* (NuPPAA), Nunavut Tunngavik Inc. (NTI), Nunavut Water Board (NWB), *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA), Pre-hearing Conference (PHC), Transport Canada (TC).

3.4 Procedures at the Joint Technical Meeting and Pre-hearing Conference

As set out in the Notice of Application issued jointly by both Boards on January 27, 2017, the NIRB and NWB planned for the Technical Meeting, Community Roundtable and Pre-hearing Conference (PHC) to be chaired jointly by both Boards. For the Technical Meeting, held April 28 and 29, 2017, Ryan Barry, the NIRB's Executive Director and David Hohnstein, the NWB's Director of Technical Services jointly chaired the Technical Meeting, with the NWB taking the lead during the discussion of the components of the project proposal that are included in the scope of the water licence application (see [Appendix A](#) for a copy of the Technical Meeting agenda).

The objectives of the joint Technical Meeting were as follows:

- Examine technical data and other materials submitted as part of the Environmental Impact Statement (EIS) and the water licence application, including interveners' technical review comments;
- Informally discuss and resolve, to the extent possible, any technical matters/issues raised between interveners and the Proponent particularly those matters that could affect the Boards' determination on any PHC issues, in advance of the PHC;
- Provide an opportunity for the Proponent and interveners to identify for the Boards the issues and concerns that have been resolved, and to discuss any unresolved or ongoing issues related to the EIS and/or water licence application and to identify whether any unresolved issues are such that the file should be prevented from proceeding to a Final/Public Hearing(s);
- Identify opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay;
- Document any commitments made by the various parties involved in the Technical Meeting, with the aim of carrying forward those commitments to the PHC; and
- Prepare the list of primary issues that are expected to be addressed, if and when the file proceeds to a Final/Public Hearing(s).

Following the Technical Meeting, the NIRB's Chairperson, Elizabeth Copland and the NWB's Executive Director, Stephanie Autut jointly chaired the Community Roundtable Session on May 1st (including a planned evening session) and part of May 2nd (see [Appendix B](#) for a copy of the PHC agenda). The Community Roundtable was structured so that delegated Community Representatives representing a variety of interests in the communities of Arviat, Baker Lake, Chesterfield Inlet, Coral Harbour, Naujaat, Rankin Inlet and Whale Cove were given the opportunity to hear from and ask questions to the Proponent regarding the project proposal and also hear from and ask questions to the parties with respect to their mandates and technical review comments about the project proposal and water licence application.

After the Community Roundtable session concluded, the NIRB and NWB hosted the PHC (which is described in detail in [Section 5.0](#)). As noted at the conclusion of the PHC, this was the first time that the Boards have conducted a fully coordinated Technical Meeting,

Community Roundtable and PHC. The Boards' coordination efforts benefitted greatly from the commitment of the NIRB and NWB staff to a cooperative and collaborative approach to making these new processes work, while ensuring the fulfillment of each Board's respective mandate. The Boards also wish to recognize the efforts of the Proponent, parties, Community Representatives and members of the public demonstrating their cooperation and flexibility as both Boards adjusted their existing processes to make these meetings a truly joint effort.

4.0 SUMMARY OF SUBMISSIONS FROM PARTIES

Prior to the Technical Meeting and Pre-hearing Conference (PHC), the Nunavut Impact Review Board (NIRB) and the Nunavut Water Board (NWB) provided interested parties with several opportunities to submit comments on the Whale Tail Pit Project Environmental Impact Statement (EIS) and the associated application for a Type "A" Water Licence No. 2AM-WTP---- and supporting documentation (the Application). On September 9, 2016 the NIRB requested parties to provide comments on the Draft Scope of the EIS with responses provided on October 11, 2016. On October 3, 2016 the NWB requested interested parties review the scope and completeness of information provided as well as to identify the deficiencies within the Application with responses provided on November 3, 2016. This first comment period by the NWB invited parties to consider whether the Application was complete and to identify any outstanding issues that should prevent the NWB from continuing to process the Application.

On November 25, 2016 the NIRB also invited interested parties to provide Information Requests (IRs) in respect of the EIS filed by the Proponent specifically, and the assessment of the Whale Tail Pit project proposal in general. On January 27, 2017, the NIRB and the NWB commenced the formal technical review period for the EIS and the Application. Following the submission of technical review comments from parties on March 28, 2017, Agnico Eagle provided responses to both the NIRB and the NWB on April 7, 2017 and April 25, 2017.

The following sections provide a summary of the submissions and comments on both the project proposal and the associated water licence application during the full technical review period, and reflect comments provided by all interested parties during the Technical Meeting and the PHC.

4.1 Nunavut Tunngavik Incorporated (NTI)

4.1.1 Project Proposal

Nunavut Tunngavik Incorporated (NTI) and the Kivalliq Inuit Association (KIA) conducted a joint technical review of the EIS and the Application for the Agnico Eagle "Whale Tail Pit Project" proposal. NTI attended the joint NIRB and NWB Technical Meeting and raised concern during the meeting that the challenge to date for organizations including the KIA, Hunters and Trappers Organizations and the Kivalliq Wildlife Management Board has been lack of training and capacity to fully participate in the process. NTI further noted that Agnico Eagle

would be leaving a legacy and needs to ensure that the site is remediated fully at the end of the mine life.

4.1.2 Water Licence Application

No comments specific to the Application was provided to the NWB by NTI, and the issues raised by NTI during the technical meetings were not directly related to the Application.

4.2 Kivalliq Inuit Association (KIA)

As noted above, the KIA and NTI conducted a joint technical review of the EIS and the Application for the Agnico Eagle “Whale Tail Pit Project” proposal. The KIA is a Designated Inuit Organization under the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement), representing the interests, rights, and values of Inuit in the Kivalliq region at the territorial and regional levels. As a Designated Inuit Organization, the KIA is mandated to oversee Inuit Owned Land management issues within the Kivalliq Region. The KIA supports sustainable economic development opportunities for Inuit beneficiaries.

The KIA has participated in the NIRB and the NWB’s assessment of the proposed Project since the initiation of the Review of the proposal and the Application, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, throughout the information request period, and providing comments to both the NIRB and the NWB through the technical review period. The KIA attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.2.1 Project Proposal

The purpose of the NTI/KIA’s technical review was to ensure that the potential impacts and benefits were comprehensively assessed through scientific and Inuit Qaujimajatuqangit impact assessment best practices. In particular, how these best practices were incorporated into impact determination, mitigation, project design, and monitoring programs. NTI/KIA noted that thirty (30) issues were outlined during the technical review of the project proposal of which thirteen (13) still required some form of action by the Proponent. The overall observations of NTI/KIA in their technical review comments were as follows:

- The final offsetting plan must strike a balance between the Fisheries and Oceans Canada (DFO) “like for like” offsetting approach and the wishes of local residents with the plan needing to be flexible enough to accommodate additional offsetting if unexpected water quality changes endanger the aquatic biota.
- The study of treatment options to reduce the concentration of arsenic being discharged into the environment during operation, and consequently minimizing the concentrations of arsenic in post closure.
- Temporal monitoring of fish mercury concentrations relative to flooding is recommended as to ensure that increased mercury concentration in fish are low.
- The close monitoring of phosphorus levels in water will be required so additional groundwater monitoring wells should be installed during operations and at closure.

- Model predictions of 1-hour NO₂ from explosives detonation are currently unknown as are the impacts of the revised model predictions on human health.
- Dust deposition predictions from the proposed Whale Tail haul road are uncertain and may be underestimated.
- The effectiveness of the proposed mitigation strategy (i.e., watering) for unpaved roads is unclear.
- Completion of adequate analysis of the caribou collar data to determine the extent of deflection or changes in movement and crossing rates by caribou from the existing All Weather Access Road (AWAR) between Baker Lake and Meadowbank.
- Assessment of the impact the frequent haul truck traffic on the Whale Tail haul road will have on caribou movements.
- The effects of indirect habitat loss may be underestimated.
- Assessment of the potential impacts on caribou forage (lichen) were not adequately addressed.
- Calculation of the caribou zone of influence in order to better assess the potential impacts of the Whale Tail Pit project.
- The Terrestrial Ecosystem Management Plan (TEMP) needs to be improved so that it adequately addresses monitoring at intermediate to near scales to the Project.
- Creation of a technical terrestrial advisory group to administer the TEMP by providing for ongoing cooperation, communication, reporting, review and consideration of environmental effects monitoring, mitigation measures and fulfillment of the Project Certificate Conditions relating to the interaction between the Whale Tail Pit project and the terrestrial environment.

Following the technical review period and at the Technical Meeting, Agnico Eagle made several commitments in respect of the technical issues raised by the KIA (see [Appendix E](#) and [Appendix F](#)). On this basis, the KIA confirmed at the PHC that it was satisfied with the responses and commitments provided by the Proponent and that there were no outstanding technical issues arising from the technical review comments that remained to be addressed. However, the KIA noted that it could not confirm that those issues that required additional information from Agnico Eagle have been resolved until such time the requested information has been provided and the KIA has had an opportunity to review the information prior to the Final Hearing. Further, the KIA noted during the PHC that many of the concerns related to the TEMP were addressed through side meetings with the KIA, the Government of Nunavut (GN) and Agnico Eagle, and commitments were made to address these items within additional information to be submitted prior to the Final Hearing.

4.2.2 Water Licence Application

The KIA's participation in the review of the Application was focused on ensuring that adequate protection of the environment occurs by requiring the Applicant to implement best practices in their mitigation and monitoring programs. Although the KIA stated that it completed the technical review of the EIS; however, in the review submission provided to the NWB, the KIA indicated a few "freshwater environment issues that still remain". The following issues relate to the Type "A" Water Licence Application (Application) along with the EIS:

- The water quality prediction modelling indicates that arsenic will exceed standards in many stages of the project, in particular 1) during operation the total dissolved solids and arsenic are expected to exceed standards, especially in the summer months due to loading, and 2) arsenic will exceed Canadian Environmental Quality Guidelines for Aquatic Life during pit flooding. The KIA recommended that Agnico Eagle study water treatment options to reduce the concentration of arsenic being discharged into the environment during operation, and consequently minimizing the concentrations of arsenic in post closure; and
- The KIA is of opinion that significant phosphorus enrichment will lead to the predicted average dissolved phosphorus being higher than the meso-eutrophic trigger value in Mammoth Lake. It was recommended that Agnico Eagle install additional monitoring wells for close monitoring of the phosphorous concentration in water during operations and closure at the following locations:
 - Close to Whale Tail Pit;
 - Downstream of the Mammoth Lake;
 - In proximity to the WSRF; and
 - Close to Nemo Lake.

At the Technical Meeting, the KIA reiterated its recommendations provided within the technical review submission:

- Additional groundwater monitoring wells should be installed during operations and closure to better monitor the concentrations of arsenic being discharged during operations. This would also ensure that arsenic concentrations are minimized during post-closure.

The KIA also indicated that the security deposit for the Whale Tail Pit project is currently being discussed by the KIA, Indigenous and Northern Affairs Canada (INAC) and the Proponent, and a final agreement on the security deposit will be completed with the Proponent, the KIA and INAC in the near future.

4.3 Government of Nunavut (GN)

While the federal government currently has authority over the management of mineral resources on Crown Land in Nunavut, the Government of Nunavut (GN) has retained jurisdictional responsibility and permitting authority over activities that affect wildlife and wildlife habitat, Commissioner's Lands, municipalities, education, health, social services, public safety, culture, community development, property rights, and the administration of the laws of Nunavut. With a particular focus on the government's guiding document, *Sivimut Abluqta*, or "Stepping Forward Together", the GN's participation in the NIRB' regulatory processes have been consistent with its overall goal that projects must be developed in a manner that reflects the priorities and values of the residents of Nunavut. In addition, the GN seeks to work with proponents and regulators to minimize adverse effects on the human and biophysical environment, while maximizing benefits to Nunavummiut by ensuring that people and communities will be self-reliant.

The GN has participated in the NIRB's assessment of the proposed Project since the initiation of the Review of the proposal, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, and throughout the information request period and the technical review period. The GN attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.3.1 Project Proposal

The GN noted in its submission of technical review comments that it had identified several key concerns with respect to the proposed "Whale Tail Pit Project" and had concluded that further details were lacking in some of the Proponent's conclusions. The technical comments submitted by the GN noted that the following issues were considered to be high-risk impacts throughout the project's lifespan:

- Disruption of caribou movements.
- Caribou group sizes for triggering adaptive management.
- Monitoring to support adaptive management.
- Adaptive management for caribou.
- Air traffic.
- Blasting and wildlife.
- Problem carnivores.
- Wildlife harvesting.
- Traffic monitoring and management.
- Muskox mitigation and management.
- Road design to facilitate caribou movement.
- Scope of assessment and size of the wildlife effects study areas.
- Sensory disturbance of caribou.
- Indirect habitat loss and cumulative effects.
- Food security.

The GN noted in its technical comments that many of the issues could be addressed with the incorporation of the recommendations provided by the GN, however the GN noted that the Project's impacts to caribou are of particular concern to the GN and asked the Proponent to revise its methodology for forecasting the Project's impacts to caribou and migration. Further, information and recommendations related to the socio-economic environment were provided to the Proponent to ensure the EIS and associated impact predictions are complete and provide for the practical management and operation of the project as proposed.

Agnico Eagle made several commitments in respect of the twenty-four (24) technical issues raised by the GN in advance of and at the Technical Meeting (see [Appendix E](#) and [Appendix F](#)). On this basis, the GN confirmed at the PHC that it was satisfied with the responses and commitments provided by the Proponent and that there were no outstanding technical issues arising from the technical review comments that remained to be addressed. However, the GN noted that additional discussions with Agnico Eagle following the Technical Meeting and PHC

regarding the size of the terrestrial wildlife effects study area, specifically for calculating the effects of the project to caribou, will need to take place before the GN would consider this issue to be completely resolved. The GN further noted during the PHC that many of the concerns related to the Terrestrial Ecosystem Management Plan were addressed through side meetings with the GN, the KIA and Agnico Eagle and commitments were made to address these items within additional information to be submitted prior to the Final Hearing. Finally, the GN noted that it could not confirm that those issues that required additional information from Agnico Eagle have been resolved until such time the requested information has been provided and the GN has had an opportunity to review the information prior to the Final Hearing.

4.3.2 Water Licence Application

The GN did not provide any technical review comments to the NWB, and its discussion during the Technical Meeting and PHC were not directly related to the water licence application.

4.4 Environment and Climate Change Canada (ECCC)

Environment and Climate Change Canada (ECCC) is responsible for leading the implementation of the Government of Canada's environmental agenda and is committed to contributing to the realization of sustainable development in Canada's North. ECCC's mandate covers the preservation and enhancement of the quality of the natural environment, including water, air, soil, flora and fauna, as well as species at risk and migratory birds. In addition to ECCC's mandate to conserve and enhance the quality of the natural environment, the Department administers s. 36(3) of the *Fisheries Act*, which prohibits the deposit of a deleterious substance into fish-bearing waters. ECCC also administers the permitting of disposal at sea and participates in the regulation of toxic chemicals pursuant to the pollution provisions of the *Fisheries Act*, and the development and implementation of environmental quality guidelines pursuant to the *Canadian Environmental Protection Act*, 1999. ECCC is responsible for protecting and conserving migratory bird populations and individuals under the *Migratory Birds Convention Act*, 1994, and administers the *Species at Risk Act* in cooperation with Fisheries and Oceans Canada and the Parks Canada Agency.

ECCC has participated in the NIRB and the NWB's assessment of the proposed Project and consideration of the water licence application since the initiation of the NIRB's Review of the proposal and the NWB's consideration of the Application, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, throughout the information request period and providing comments to both the NIRB and the NWB through the technical review period. The ECCC attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.4.1 Project Proposal

In ECCC's technical review of the EIS and the Application, ECCC found that the conclusions drawn in the document were generally supported by the analysis, however ECCC noted that there were a number of uncertainties and omissions within the EIS and Application. ECCC's comments and recommendations relate to ECCC's mandate in the context of the *Canadian Environmental Protection Act*, the pollution prevention provisions of the *Fisheries Act*, the

Migratory Birds Convention Act, and the *Species at Risk Act*, and were intended for consideration by the NIRB.

The overall observations of ECCC in their technical review comments were as follows:

- Concerns regarding air quality included the estimates provided for air contaminants, and the lack of mitigation for greenhouse gas emissions.
- Lack of information regarding the air/dust monitoring locations near the haul roads, how the results of this sampling would be incorporated into the annual air quality monitoring report and the potential relocation of sampling locations from Meadowbank to Whale Tail or additional sampling locations.
- Concerns regarding water and sediment quality included missing baseline monitoring data, using total versus dissolved values for phosphorus and metals, and reducing contaminant loadings at source to protect the receiving environment.
- Frequency of monitoring of the pit and Whale Tail Lake (North Basin), water use for dust control, and the proximity of reference lakes to the haul road were also noted as a concern with respect to water quality.
- ECCC also discussed the effects of climate change on the Project and acid rock drainage, and proposed contingency planning to address these concerns.
- Mitigation measures associated with the potential destruction of nests for migratory birds during flooding have not been proposed.
- Loons and diving ducks are vulnerable to fisheries by-catch and may get entangled in gill nets during the planned fish-out. A detailed waterbird mitigation plan should be developed for the Whale Tail fish-out describing existing mitigation measures used by the Proponent and this plan should be included in the Terrestrial Ecosystem Management Plan (TEMP).
- Conditions described at the Tailings Storage Facility may still be suitable for shorebirds during migration and for feeding, which could lead to exposure to contaminants (e.g. uncertainty on availability of invertebrate food sources and sandy shorelines). Therefore, shorebirds should be added as a focal bird group in daily monitoring surveys of infrastructure and Project facilities at water management areas. In addition, Semipalmated sandpiper should be added as a wildlife receptor of concern to the Wildlife Screening Level Risk Assessment Plan.
- Updates to the TEMP are necessary to ensure the TEMP has the most relevant and up-to-date information related to wildlife mitigation including recommendations provided on migratory birds.

Agnico Eagle responded to the IRs and technical review comments provided by ECCC in its response to the technical comments and at the Technical Meeting including the development of related commitments (see [Appendix E](#) and [Appendix F](#)). At the PHC, ECCC advised that the majority of its issues had been resolved by these responses and commitments made during the Technical Meeting and that there were no outstanding technical issues arising from the technical review comments that remained to be addressed. However, ECCC noted that resolution of certain issues that required additional information or further meetings would only be confirmed once Agnico Eagle provides the requested information as committed to and the ECCC has had an

opportunity to review the information prior to the Final Hearing. Specifically, the issues were related to defining the treatment options for arsenic that will allow meeting the site-specific water quality objectives for arsenic and a description of the mitigation and monitoring that would be implemented to reduce impacts to migratory bird nests during flooding.

4.4.2 Water Licence Application

The focus of ECCC's involvement in respect of the Application was based on its mandate under the *Canadian Environmental Protection Act*, and the pollution prevention provisions of the *Fisheries Act*. As noted above, ECCC was of the opinion that the conclusions presented in the EIS and the Application "...are in general, supported by the analysis." However, ECCC noted there were a "...number of uncertainties and omissions in the EIS/application."

ECCC identified concerns regarding water and sediment quality including "...missing baseline monitoring data, using total versus dissolved values for phosphorus and metals, and reducing contaminant loadings at source to protect the receiving environment." Other concerns relating to water quality aspects included the "...frequency of monitoring of the pit and North Whale Tail Lake, water use for dust control, and the proximity of reference lakes to the haul road." ECCC also discussed concerns with the effects of climate change on the Project and acid rock drainage, and proposed contingency planning to address these concerns.

Specifically, ECCC provided the NWB with comments and recommendations on the following issues:

Recommendations regarding Freshwater Environment in relation to the following specific issues:

- Summary statistics and relevant comparisons (including against baseline levels, appropriate guidelines/objectives and Meadowbank triggers and thresholds) should be tabulated for the entire dataset. The Proponent should also demonstrate whether and how the baseline dataset sufficiently characterizes the baseline conditions, such that potential Project effects on the aquatic receiving environment (water quality, sediment quality, aquatic biota) will be detectable.
- Any seepage or runoff from the waste rock storage facility (WRSF) should be actively treated until source control is demonstrated to have reduced contaminants in line with predictions (i.e. below the Portage Effluent Limits). Water licence criteria set by the NWB for seepage/runoff from the WRSF are recommended;
- Clarifying predictions for the pit lake and Whale Tail Lake water quality with respect to the influence of interactions with groundwater. The Proponent should provide mitigation measures to address concerns that may arise if water quality predictions are not accurate.
- The Proponent should amend Appendix 6-I (Water Quality Predictions Summary Tables) to ensure that total fractions of phosphorus and metals are provided for each prediction table (in addition to the current predictions provided). Appendix 6-H (Mine Site and Receiving Environment Water Quality Predictions) should also be reviewed to determine whether revisions are required as a result of amendments to Appendix 6-I.
- As Phosphorus discharges to Mammoth Lake will increase levels such that Mammoth Lake would be at the top of the meso-eutrophic category (noting that predictions are for

dissolved phosphorus, total phosphorus would likely be higher) the Proponent should identify means to reduce phosphorus loadings at source.

- Clarification is required as to whether using total arsenic concentrations in the modeled water quality of the receiving environment would materially change the predicted maximum arsenic concentrations. Feasibility of using a lower Site-Specific Water Quality Objectives (SSWQO) for total arsenic should be discussed.

ECCC reviewed and commented on the following management plans:

- Whale Tail Pit Water Management Plan;
- Whale Tail Pit Water Quality and Flow Monitoring Plan;
- Water Quality Monitoring and Management Plan for Dike Construction and Dewatering;
- Core Receiving Environment Monitoring Program (CREMP): 2015 Plan Update - Whale Tail Pit Addendum;
- Mine Waste Rock and Tailings Management Plan – Whale Tail Pit Addendum;
- Whale Tail Pit Haul Road Management Plan; and
- Whale Tail Pit Interim Closure and Reclamation Plan.

Recommendations were made regarding Monitoring, Mitigation and Management Plans in relation to the following specific issues:

- Providing a contingency plan to mitigate long-term effects of climate change on the Project during the post-closure phase.
- Developing a contingency plan to mitigate or control acid rock drainage should the onset of acid rock drainage occur earlier than projected.
- Clarifying what criteria will be used to trigger pumping during dike construction and dewatering in regards to construction of rock platform advances and in the trench. Confirmation is required on the collection of baseline measurements at the dike construction monitoring locations in Whale Tail and Mammoth Lakes prior to construction.
- Consideration on establishing water quality limits on the water that is used for dust control.
- Conducting monthly monitoring of the pit lake as it develops, when safe to do so. Once filled, monitoring should continue on a monthly basis to characterize mixing behavior of the pit and North Whale Tail Lake.
- Confirming that the license limits referenced would apply to effluent going into Mammoth Lake from discharge station ST-WT-2.
- Describing how road-related trends in the reference lakes will be tracked and if detected, how they will be managed. Monitoring dust downwind of the access/haul road during construction and operation of the road, and use this information to estimate deposition rates to the reference lakes.
- Establishing updated site-specific total suspended solids(TSS)/turbidity regression curves prior to in-water construction and used in conjunction with water quality monitoring during in-water (i.e. dike and bridge) construction.

- Collecting sediment cores in 2017 as per CREMP sampling design and Standard Operating Procedures, before construction and mining activities begin at Whale Tail Pit, for all future-exposure and reference lakes.

During the Technical Meeting, ECCC raised the following water licence application related issues:

- Post-closure treatment of WRSF Seepage/Runoff.
- Mitigation measures to address incomplete water quality predictions for pit lake and Whale Tail Lake.
- Water quality predictions: total and dissolved values for phosphorus and metals.
- Options for reducing phosphorus at source.
- Lower SSWQO for arsenic.
- Contingency plan/adaptive management to address Acid Rock Drainage.
- Monitoring of road-related contamination in reference lakes.
- Adaptive management and action levels for TSS/turbidity during construction.

ECCC also acknowledged that based on the Proponent's responses to the technical review comments, the Proponent has committed:

- To treat drainage from the WRSF during post-closure until it meets discharge criteria;
- To include total fractions of phosphorus and metals within the amended Appendix 6-I (Water Quality Predictions Summary Tables) and review Appendix 6-H (Mine Site and Receiving Environment Water Quality Predictions) accordingly; and
- To treat phosphorus via the sewage treatment plant and will provide details on treatment design and quality.

4.5 Fisheries and Oceans Canada (DFO)

Fisheries and Oceans Canada (DFO) is the federal department that exercises authority over sea, coastal, and inland fisheries within Canada's territorial boundaries. Under the *Fisheries Act*, DFO is responsible for the management, protection, and conservation of fish (which include marine mammals as defined by the *Fisheries Act*) and their habitats. The mandate of the Fisheries Protection Program of DFO is to maintain the sustainability and ongoing productivity of commercial, recreational and Aboriginal fisheries. Subsection 35 (1) of the fisheries protection provisions of the *Fisheries Act* states that "No person shall carry on any work, undertaking or activity that results in serious harm to fish that are part of a commercial, recreational, or Aboriginal fishery or to fish that support such a fishery".

The *Species at Risk Act* is intended to prevent Canadian indigenous species, subspecies and distinct populations of wildlife from being extirpated or becoming extinct; to provide for the recovery of wildlife species that are extirpated, endangered or threatened as a result of human activity; and to manage species of special concern to prevent them from becoming endangered or threatened. The Minister of Fisheries, Oceans and Canadian Coast Guard is the competent

minister for listed aquatic species that are fish (as defined in s. 2 of the *Fisheries Act*) or marine plants (as defined in s. 47 of the *Fisheries Act*).

DFO has participated in the NIRB and the NWB's assessment of the proposed Project since the initiation of the NIRB's Review of the proposal and the NWB's consideration of the Application, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, throughout the information request period and providing comments to both the NIRB and the NWB through the technical review period. The DFO attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.5.1 Project Proposal

DFO reviewed the EIS and Agnico Eagle's responses to IRs with respect to the aspects of the Project with the potential to impact fish, marine mammals and their habitat. DFO submitted technical comments outlining those areas where it sought clarification and further detail. These areas included:

- Uncertainty in the accounting for permanent loss to species such as Round Whitefish and Slimy Sculpin.
- Viability of the increased surface area of Whale Tail Lake as an offset of littoral habitat.
- Effective monitoring of the mixing (or not) in the pit lake with only one monitoring station with monitoring to be conducted only every three (3) years. The risk associated with the pit water quality from the pit could negatively affect the remainder of the lake and fish habitat.
- Lack of information on the identification of key habitat types, bathymetry and substrate data collection.
- Additional information required on the fishout program with respect to the estimate of the fish to be removed, the intentions of Agnico Eagle regarding what would be done with the fish, the anticipated rate of mortality, the fishout methodology and guidance documents that would be followed.
- Ensuring that all fish species are given importance and weighted equally in order to evaluate potential fishery losses and gains in the Proponent's offsetting plans.
- DFO noted disagreement with Agnico Eagle's assumption that the terrestrial habitat following flooding of the Whale Tail Lake's South Basin would be a fully productive aquatic habitat during the short period the south basin is proposed to be flooded. Further information was requested in the next version of the conceptual offsetting plan.
- A sudden change from an oligotrophic lake with the disruptions of habitat fragmentation and water quality changes will result in fishery losses and an understanding of the changes to lake ecosystem productivity when altering the lake's natural condition is important and these losses needs to be addressed in the offsetting plan.
- Monitoring plans should be specific to the Whale Tail Pit Project as it is in a different watershed from the Meadowbank Gold Mine project.
- Imagery of Mammoth Lake should be included to demonstrate the connectivity between waterbodies and high water levels.

- Agnico Eagle needs to adhere to the most recent scientific data and advice regarding marine mammal mitigation measures to ensure the safety of marine mammals.
- Additional monitoring stations should be considered to assess impacts to water quality during operations and post-closure in order to validate Agnico Eagles' assumptions in the environmental assessment.

Agnico Eagle made a number of commitments in respect of DFO's request for additional information in its response to IRs and respect of the 24 technical issues raised by the DFO in advance of and at the Technical Meeting (see [Appendix E](#) and [Appendix F](#)). On this basis, the DFO noted during the PHC that all but one (1) of the issues raised by DFO during the technical review period had been addressed through commitments made by Agnico Eagle. The DFO's outstanding concern is related to Agnico Eagle's consideration that short term flooding of the Whale Tail Lake south basin would be considered to be potential gains as described within the offsetting plans. DFO noted that the offsetting plans should not include gains associated with flooding activities due to the short duration (approximately 2 to 3 years) and that with the information presented within the EIS, the flooded areas would not become an aquatic habitat as there is insufficient baseline data. Further, DFO noted that productivity of the flooded areas needs to be sustained and productivity gains can take years to decades to achieve. However, DFO noted that if the Proponent is willing to design a rigorous monitoring program that is subject to peer review and published within a scientific journal to prove that short term gains can occur during flooding, then DFO would consider Agnico Eagle's proposal regarding gains in the offsetting plans as proposed for the Whale Tail Pit project proposal.

4.5.2 Water Licence Application

DFO provided the NWB with comments and recommendations on the following water licence application-related issues:

- Providing additional details outlining how the Proponent intends to evaluate the potential mixing or non-mixing situation in the pit portion of Whale Tail Lake as the information adopted from Meadowbank's Core Receiving Environment Monitoring Program (CREMP) and Water Quality Monitoring Plan would seem insufficient to do so.
- Providing additional and updated information on the evaluation of end pit lake scenarios, with references, to address concerns regarding the end pit lake scenario. Agnico Eagle concluded that there will be no mixing between the pit water and the overlying water, though no rationale for this key conclusion is provided (either based on other locations, wind impact analysis, or temperature induced mixing).
- Clarifying the duration of flooding as it is not clear whether it starts at dike construction (2019) and continues to closure (2022) or will be limited to two (2) years; and what number of years a stable eutrophic condition is expected, and when dewatering is to commence thus transitioning back to oligotrophic conditions.
- DFO is concerned that the sampling frequency as set out in the 2012 Meadowbank CREMP is insufficient for Whale Tail Pit; Agnico Eagle proposed to reduce the sampling frequency over time, which is particularly concerning in the post-closure scenario (e.g. if sampling is every 3 years, and only results in 1 or 2 sampling events post-closure).

- Considering the impacts proposed to Whale Tail Lake, Mammoth Lake and surrounding waterbodies, DFO disagreed that two (2) monitoring stations in year 4 and one (1) in year 11 are sufficient to accurately determine impacts to water quality. DFO requested Agnico Eagle place a monitoring station in Mammoth Lake, add a station in the pit portion of Whale Tail's North Basin as well as the South Basin, and have a least two (2) control lake monitoring stations identified.

At the Technical Meeting in Baker Lake, DFO, along with other potential issues related to its mandate reiterated their concerns in respect of Whale Tail Lake's (North Basin) water quality issues during post-closure phase of project development and highlighted the need for additional monitoring stations in Whale Tail Lake North Basin to make sure that there will be no mixing between the pit water and the overlying water. Agnico Eagle agreed with DFO's recommendation for additional monitoring and committed to include additional monitoring stations.

4.6 Health Canada (HC)

Health Canada (HC) is responsible to maintain and improve the health of Canadians. HC has no regulations or permits related to the Project, but provided the NIRB with technical advice relevant to HC's mandate for the NIRB's environmental assessment of this project. HC has participated in the NIRB's assessment of the proposed Project since the initiation of the Review of the proposal, providing comments, concerns and advice to the NIRB for consideration for the information request period and the technical review period. HC did not attend the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.6.1 Project Proposal

Within its technical review comment submission to the NIRB, HC's comments pertained to the assessment of project-related impacts to human health in the areas of country foods, air quality, and drinking water quality. The key concerns were related to:

- The potential increase of metals in fish that may be consumed (i.e. methylmercury), and HC expressed interest in seeing the Proponent's mercury monitoring plan referenced in the Proponent's response.
- There are continuing concerns in regards to dust generation during the operations of the mine, as well as dust emissions due to the use of the haul road. HC suggested the Proponent implement dust mitigation and monitoring plan.
- Drinking water should meet parameters in Guidelines for Canadian Drinking Water Quality.
- Spill response and mitigation/monitoring plans should be established given the Project's close proximity to multiple water bodies that may be used as sources of drinking water.

Agnico Eagle made several commitments in respect of the 19 IRs and technical issues submitted to the NIRB by HC in advance of the Technical Meeting (see [Appendix E](#)).

4.6.2 Water Licence Application

HC did not provide any technical review comments to the NWB.

4.7 Indigenous and Northern Affairs Canada (INAC)

Indigenous and Northern Affairs Canada (INAC) is the federal government department responsible for meeting the government's obligations and commitments to First Nations, Inuit and Métis, and fulfilling the federal government's constitutional responsibilities in the Canadian North. INAC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of the water licences. INAC has a broad mandate for the co-management of water resources and the management of Crown Land in Nunavut under the following applicable acts and regulations:

- *The Department of Indian Affairs and Northern Development Act (DIAND Act)*
- *The Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*
- *The Arctic Waters Pollution Prevention Act and Regulations*
- *The Nunavut Waters and Nunavut Surface Rights Tribunal Act and Regulations*
- *The Territorial Lands Act and Regulations*

INAC has participated in the NIRB's assessment of the proposed Project and the NWB's consideration of the Application since the initiation of the Review of the proposal and the Application, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, throughout the information request period and providing comments to both the NIRB and the NWB through the technical review period. INAC attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.7.1 Project Proposal

Within its technical review comment submission to the NIRB, INAC noted that in general the information, analysis and presentation of the submissions were sufficient. However, INAC indicated that many of the aspects of the proposed Project remained at a preliminary conceptual stage and that a variety of potentially significant uncertainties regarding the design and environmental performance of the Project remain. The overall observations of INAC in their technical review comments were as follows:

- Based on the information provided to date by the Proponent, there are concerns that predicted impacts may potentially be under-estimated and this would put into question whether facilities are adequately designed, whether mitigation measures identified are sufficient, and whether additional monitoring programs and/or contingencies need to be developed.
- The short operational life of the Project was of particular concern and concurrent closure of some components will significantly constrain the ability of the Proponent to resolve key uncertainties in a timely fashion.
- Failure to proactively address the uncertainties and/or provide for appropriate contingencies could result in unintended Project consequences.

- Uncertainties regarding the post-closure performance of the site could result in significant unintended and difficult to mitigate Project consequences.
- INAC placed an increased emphasis on potential concerns related to the post-closure phase of the Project and noted that by addressing these concerns at this stage, the Proponent will provide increased certainty regarding the potential for long-term Project impacts and the eventual relinquishment of the site.

Agnico Eagle made several commitments in respect of the sixteen (16) technical issues submitted to the NIRB by INAC in advance of and at the Technical Meeting (see [Appendix E](#) and [Appendix F](#)). On this basis, INAC confirmed at the PHC that it was satisfied with the responses and commitments provided by Agnico Eagle and that there were no outstanding technical issues arising from the technical review comments that remained to be addressed. However, INAC noted that resolution of certain issues that required additional information or further meetings would only be confirmed once Agnico Eagle provides the requested information as committed to and INAC has had an opportunity to review the information prior to the Final Hearing. Specifically, the issues for which additional information was expected were related to: long term water quality in the flooded pit; ammonia and nitrate levels from explosives use; post-closure surface water impacts; post-closure water quality uncertainty; adaptive management and reclamation research; nature and scope of socio-economic baseline data; socio-economic component of closure plan, and cumulative socio-economic effects assessment.

4.7.2 Water Licence Application

Reflecting INAC's responsibilities and jurisdiction, INAC provided the NWB with comment submissions on the completeness of the Application and full technical review comments. In its initial submission for completeness, INAC recommended the Applicant "...to provide a separate set of stand-alone management plans to the [NWB] exclusively for the Whale Tail Pit project in support of the new Type A water licence application."

In its March 28, 2017 technical review comments submission, INAC stated that "...in many respects, potential impacts associated with the operational phase are well understood, are of limited duration and/or are readily mitigated through active interventions. In contrast, uncertainties regarding the post-closure performance of the site could result in unintended and difficult to mitigate impacts. INAC has, therefore placed an increased emphasis on potential concerns related to the post-closure phase of the Project."

Along with other EIS documents, INAC reviewed and specifically commented on the following management plans:

- Water Management Plan;
- Water Quality and Flow Monitoring Plan;
- Mine Waste Rock and Tailings Management Plan; and
- Interim Whale Tail Pit Closure and Reclamation Plan.

Concerns related to the Application included:

- Design of the waste rock storage facility (WRSF) cover is deferred to the design phase and Agnico Eagle bases the design on experience gained from other projects, particularly the Meadowbank Gold Mine. No thermal modelling of the WRSF had been completed to assess long-term performance. Three key issues associated with this approach were identified:
 - The availability of suitable quantities of cover material to assure an adequate cover depth can be provided (the final quantity of cover material is unknown and the availability is limited);
 - The maximum thaw depth remains unknown; and
 - The time available to revise the cover design is insufficient given the short mine-life of project (to be completed by 2021).
- Ore will be processed and the incremental tailings will be managed in the previously licensed Meadowbank Gold Mine's Tailings Storage Facility (TSF) where some environmental concerns have occurred based on past performance. While these concerns appear to be effectively mitigated, the situation highlights the need to confirm that:
 - The TSF is capable of handling increased tailings deposition from the Whale Tail Pit project; and
 - The security requirements under the Water Licence 2AM-MEA1525 are appropriate.
- A water quality model was well developed which uses data from the geochemical testing program to estimate the loadings of arsenic and other metals that could leach from the WRSF. However, two issues need still to be addressed:
 - The predictions incorrectly assume no metal leaching waste will be included in the cover; and
 - The Mine life may be too short to assess long-term seepage quality as little (if any) seepage may develop during the early years.
- The predictions for post-closure water quality are based on three key assumptions: 1) groundwater from mineralized zones will not enter the pit; 2) the pit walls will not contribute loadings post closure; and 3) waste rock runoff is clean and will not contribute unacceptable metals loadings to surface water receivers post-closure. While these assumptions may eventually be proven to be accurate, INAC considered them to be optimistic and not well supported in the available documentation.
- During the post-closure phase, seepage from the WRSF will be passively discharged to the aquatic environment (via the WRSF pond). Until sufficient mixing has occurred within the surface water receivers, metal concentrations from the seepage will remain above levels that are considered fully protective of the environment. There has been insufficient analysis to determine the spatial extent of this mixing zone, and ambiguity regarding the scale of the impact and the locations where regulatory criteria would be applied. In addition, potential ecological impacts within the mixing zone have not been evaluated.
- There will be uncertainty regarding water quality for an extended period after closure has occurred (potentially for decades). If post-closure monitoring determines that water

quality impacts are worse than anticipated, options to mitigate the situation may be limited to complex, costly and long-term solutions (e.g., active water treatment). Assurances are required to confirm that the Project will perform as intended through additional modelling and/or by applying a greater degree of conservatism in designs.

- Emphasis is placed on Adaptive Management and Reclamation Research to address uncertainties regarding the environmental performance of the Project. While this is consistent with best practice, given the short duration of the Project's operational phase and closure of some Project components, there will be limited options to make design adjustments. As a consequence, INAC has concluded there is an increased need for the Applicant to:
 - Eliminate/reduce uncertainties prior to Project initiation; and/or
 - Utilize the precautionary principle to mitigate any uncertainties with potentially significant adverse consequences.
- The Applicant has provided a reclamation security estimate of approximately \$19 Million. Following a site visit in 2016 and using INAC's Mine Site Reclamation Policy a preliminary detailed reclamation security estimate was produced by ARCADIS (INAC Consultant) with an approximate amount of \$27,000,000. Further discussions between Applicant, INAC and Kivalliq Inuit Association (KIA) will inform the closure costs estimate to be presented to the NWB at the Public Hearing.

At the Technical Meeting, INAC stated that *"...in general, the information, analysis and presentation of the EIS and water licence application submissions were good, however, many aspects of the proposed project are still at a preliminary conceptual stage and, as a result, significant uncertainties remain."*

The following topics were discussed by INAC during the Technical Meeting:

- Reliance on adaptive management and reclamation research to address uncertainties regarding environmental performance of the project given the short operational phase of the project.
- Design and depth of WRSF's cover, including thermal modelling to confirm thaw depths and incorporating the effects of climate change, and the availability cover material.
- Capability of the Meadowbank TSF of handling increased tailings deposition from the Whale Tail Pit Project, and possible reassessment of Closure Cost Estimate for the tailings facility under Water Licence 2AM-MEA1525 (Meadowbank Mine).
- Predicted arsenic levels in WRSF Seepage/Runoff during post-closure, assessment of the impact of metals leaching and acid generating waste rock in the cover materials, cover design to mitigate potential seepage should water quality modelling suggest that long-term treatment is required, and if necessary, extended post-closure monitoring period.
- Spatial extent of the mixing zone resulting from seepage from the WRSF into Mammoth Lake, and evaluation of ecological impacts in areas where proposed water quality criteria are expected to be exceeded.
- Long-term water quality in the flooded pit, sensitivity analysis to assess implications of groundwater inputs from mineralized zones around the pit as well as the pit walls, and confirmation that stable, meromictic conditions will occur within the flooded pit.

- Annual estimation of ammonia and nitrate concentrations for Whale Tail Pit Project, using loading data from Meadowbank, including annual losses in mine and pit water per tonne of rock blasted and rock placed in pile.
- Uncertainty regarding water quality for an extended period after closure (potentially for decades).

INAC also stated that further discussions between the Agnico Eagle, INAC and the KIA should take place before a Public Hearing in order to reach agreement on a reclamation closure cost estimate.

4.8 Natural Resources Canada (NRCan)

Natural Resources Canada (NRCan) regulates the manufacturing and storage of explosives through the federal *Explosives Act*. Beyond its regulatory role, NRCan is the Government of Canada's principal earth sciences agency, providing Canadians with reliable geomatics and geoscience advice and knowledge. NRCan is also a source of scientific research and advice on mining and mineral technology for the mining and minerals industries as well as territorial and federal government departments that promote or regulate these industries.

NRCan has participated in the NIRB's assessment of the proposed Project since the initiation of the Review of the proposal, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, and throughout the information request and the technical review period. NRCan attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.8.1 Project Proposal

NRCan conducted a review of the information presented within the EIS and responses to information requests that provided the necessary clarification required to conduct the technical review, and proposed recommendations related to permafrost, hydrogeology and explosives.

Recommendations related to permafrost were provided as follows:

- Adequate knowledge of permafrost and terrain conditions would be required to ensure that project facilities including the waste rock storage facility (WRSF), water management structures, the haul road and other infrastructure, are designed appropriately to ensure impacts of the Project on the environment and impacts of the environment on the Project are minimized.
- Limited analysis has been conducted at the Whale Tail Pit project and NRCan noted that the Proponent relied on analysis conducted to support the Meadowbank Gold Mine project and experience gained from construction and operation at the site; however it was noted that the approach is reasonable for this stage of the project design.
- NRCan noted that permafrost occurs throughout the project area and frozen ground will provide a foundation for project infrastructure. Further, NRCan noted that alterations to the ground temperature can result in permafrost warming and thawing, and result in ground instability.

- The scale of the terrain mapping conducted by the Proponent was too small to assess permafrost conditions and NRCan recommended that further site investigations be conducted to better characterize the ground ice conditions.
- NRCan noted that potentially acid generating waste rock will be stored in the WRSF and as a result the Proponent will be taking advantage of cold conditions and freezing of the pile to limit potential oxidation and water movement in the pile and will be using a cap of two (2) to four (4) meters. NRCan agreed that low temperature conditions can be utilized for the cover for the WRSF and to minimize impacts on water quality. However, due to the limited information on climate warming in the area, NRCan recommended that thermal modelling incorporate climate change to support the final design of the WRSF and the cover thickness at closure.
- Additional information would be required to better understand the distribution and depth of the open talik under Whale Tail Pit and NRCan recommended the Proponent to consider thermal modelling of the deeper portions of Whale Tail Lake to determine configuration of the talik area.

Recommendations related to hydrogeology were provided as follows:

- Availability of data related to groundwater was limited for the Whale Tail Pit project as the Proponent relied heavily on analysis conducted to support the Meadowbank Gold Mine project groundwater model and Water Management Plan.
- NRCan recommended the Proponent continue to monitor the mine site contact water flow volume and quality for the post-closure phase to ensure the prediction that water in the Whale Tail pit will develop layers, which will not mix.
- Noted a gap in the hydrogeological characterization and recommended assessing the hydrogeological characterization from site specific samples.
- The groundwater model should be validated and adjusted on the basis of knowledge and additional data acquired during mining operations.

Recommendations related to explosives were provided as follows:

- NRCan noted that sufficient information has been provided for the environmental assessment phase with respect to the storage of explosives in the EIS.

Agnico Eagle made several commitments in respect of the eight (8) technical issues submitted to the NIRB by NRCan in advance of and at the Technical Meeting (see [Appendix E](#) and Appendix F). On this basis, the NRCan confirmed at the PHC that it was satisfied with the responses and commitments provided by Agnico Eagle and that there were no outstanding technical issues arising from the technical review comments that remained to be addressed.

4.8.2 Water Licence Application

Although NRCan did not provide any technical review comments to NWB related to the water licence application, however, during the Technical Meeting, NRCan made recommendations that relate to the Application along with the EIS such as:

- Incorporating climate change within thermal modelling to support the final design of the waste rock storage facility (WRSF) and the cover thickness at closure.
- Considering thermal modelling of the deeper portions of Whale Tail Lake for a better characterization of talik configuration (distribution and depth) under Whale Tail Lake.
- Continuing to verify that the pit acts as a recharge area, using continuous monitoring throughout the life of the mine.
- Validating and adjusting groundwater model based on the knowledge and additional data acquired during mining operations.

4.9 Transport Canada (TC)

Transport Canada (TC) is responsible for the development and administration of federal transportation policies and programs for Canada. It promotes an integrated transportation system that is safe, secure, efficient and environmentally responsible. TC also has a responsibility to regulate associated transportation infrastructure, equipment, and personnel in accordance with key relevant pieces of legislation, including the *Navigation Protection Act (NPA)*, *Aeronautics Act*, *Canada Shipping Act, 2001*, *Arctic Waters Pollution Prevention Act*, *Marine Liability Act*, *Marine Transportation Security Act*, and the *Transportation of Dangerous Goods Act*.

TC has participated in the NIRB's assessment of the proposed Project since the initiation of the Review of the proposal, providing comments, concerns and advice to the NIRB for consideration regarding the scope of the project and assessment, and throughout the information request and the technical review period. TC attended the joint NIRB and NWB Technical Meeting, Community Roundtable and PHC.

4.9.1 Project Proposal

TC noted within its technical review comments that the proposed Whale Tail Pit Project contained no major information gaps in relation to TC's legislation, policies and conventions. Further, TC noted that it would conduct a navigability assessment of Mammoth Lake and Whale Tail Lake, to determine the applicability of ss. 21 to 23 of the NPA and whether an exemption by the Governor in Council under s. 24 of the NPA would be required. TC noted that it would be participating in the Community Roundtable and the PHC to further engage with surrounding communities and help determine the navigability of Mammoth and Whale Tail Lake. As part of its technical review comments, TC recommended that Agnico Eagle undertake a full assessment on impacts to navigation for the in-water works on non-Scheduled waterways. TC noted that the responsibility to assess and address potential impacts to navigational access and safety resulting from these works rests with Agnico Eagle.

TC confirmed at the PHC that it was satisfied with the responses provided by Agnico Eagle and that there were no outstanding technical issues arising from the technical review comments.

4.9.2 Water Licence Application

TC did not provide any technical review comments to the NWB, and its discussions during the Technical Meeting were not directly related to the water licence application.

4.10 Agnico Eagle Mines Limited (Agnico Eagle or Proponent or Applicant)

In its April 7, 2017 submission filed with the NIRB and the NWB, Agnico Eagle provided clarifications and made a number of commitments to address the concerns or issues raised by the parties in their technical comments filed with both Boards. In its responses to the Technical Review Comments, Agnico Eagle made 109 commitments regarding the NIRB's Review and NWB's Consideration of Agnico Eagle's Whale Tail Pit project proposal and the associated Water License Application, respectively (see [Appendix E](#)). Agnico Eagle also noted that they have *"...continued to work with the interveners to address technical comments and recommendations prior to the technical meetings, and have been encouraged by the partnership shown by interveners. More specifically, recent meetings with the [Kivalliq Inuit Association (KIA)] (February 21, 2017 in Ottawa), [Environment and Climate Change Canada (ECCC)] (March 1 – 3, 2017 at Meadowbank), [Fisheries and Oceans Canada (DFO)] and KIA (March 23, 2017 in Winnipeg) and Terrestrial Ecosystem Monitoring Plan (TEMP) review and caribou monitoring workshops with the [Hunters and Trappers Organization (HTO)], KIA and [Government of Nunavut (GN)] (November 18, 2016 & February 22 – 23, 2017) have been highly productive and collaborative."*

During the Technical Meeting, Agnico Eagle made an additional 44 commitments (see [Appendix F](#)) which, as the Boards heard during the PHC, resolved many of the issues that had been raised by parties during the technical review of the EIS and the Application. The Commitments List was reviewed and agreed to by Agnico Eagle and parties in attendance at the Technical Meeting. The NIRB and the NWB expect the Proponent or Party, where applicable, to comply with the commitments that have been provided. During the PHC, Agnico Eagle also responded and directly addressed many questions posed by community representatives and local residents.

The following sections provide a summary of the general clarifications provided by Agnico Eagle in its response to parties' technical review comments.

4.10.1 Project Proposal

Agnico Eagle provided the following general comments related to the EIS:

- Greenhouse gas (GHG) emissions from the project are dominated by emissions from off-road vehicles operating at the Whale Tail pit and an updated GHG emissions table was provided.
- The dustfall monitoring proposed for the three locations along the Whale Tail Haul Road (kilometers 18, 36, and 54) will employ the same methods as used to assess dustfall along the existing All-Weather Access Road between the Meadowbank Gold Mine and Baker Lake (kilometers 18, 76, and 78).
- Eleven eskers were sampled for use as road surface material and the size distribution of their granular material analyzed. The analysis indicated that the highest silt contents were material classified as "natural sands", rather than "natural gravels", and are considered unsuitable for use as road surface material.

- Agnico Eagle will continue making efforts to avoid disturbance to migratory bird nests. Clearing vegetation during the migratory bird nesting period (mid-May to mid-August) will be used as a last resort, and will only be initiated after consultation with ECCC.
- Baseline water quality conditions in lakes in the Project area were similar to water quality conditions in reference lakes used to support the Meadowbank Core Receiving Environment Monitoring Program (CREMP) and the future Whale Tail CREMP. Parameter concentrations measured in tributary streams were similar to those reported for lakes. These findings indicate that the variability among lakes in the region is likely low, and that conditions in one lake are likely to be representative of surrounding lakes. This low rate of regional variability has been observed in datasets compiled for other baseline sampling programs in Nunavut.
- The effects of climate change on the Project are likely greatest for permafrost. The analysis indicates that the gradual increase in the active layer due to climate change could impact Project infrastructure remaining after closure and decommissioning (e.g., the waste rock pile). The foundations of the waste rock pile are expected to remain frozen under a long-term warming trend. However, potential deepening of the active layer will be considered in the design and closure planning for the waste rock pile and other mine infrastructure.
- Best practices used at the Meadowbank Gold Mine will continue to be implemented which require that the quality of the water to be used for dust suppression will be confirmed during monthly monitoring to ensure the application to roadways minimizes the potential introduction of deleterious substances into the environment.
- Sediment coring under the Meadowbank CREMP is conducted on a three-year cycle, timed to match the environmental effects monitoring, with an event scheduled for 2017.
- Water surface statistics for the Whale Tail Lake (South Basin) noted that at 154.50 metres above sea level (masl, baseline conditions), the water surface elevation of Whale Tail Lake (South Basin) will have increased by 546,262 m² from baseline conditions. At 156.00 masl, the water surface elevation of the Whale Tail Lake (South Basin) will have increased by 3,008,450 m², from baseline conditions.
- If meromictic conditions prevail at post-closure, the top mixo-limnion layer of the flooded pit is expected to provide water quality conditions similar to shallow waters of unaltered areas of Whale Tail Lake, and provide additional depth for overwintering and refugia habitat for adult, large-bodied fish species (e.g., salmonids). This is consistent with other studies that have demonstrated that populations of fish can persist within end pit lakes.
- The annual shipping requirements for the Whale Tail Pit project are six dry cargo vessels during July through October and fuel deliveries limited to the months of July (13 trips) and October (5 trips). The proposed frequency of shipping for the extension of the Meadowbank Gold Mine through development of the Whale Tail Pit will remain the same as that for Meadowbank (no net increase in shipping activity).
- To date, no vessel strikes on marine mammals have been recorded since the start of the Meadowbank Gold Mine (monitored through the current Marine Mammal and Seabird Observer program since 2010).

- The Whale Tail Pit Haul Road is not expected to enhance access to the area because it will be closed to the public, and will have controlled access at the mine site and will only be available to Agnico Eagle staff and contractors. As a result, the Whale Tail Pit Haul Road does not connect with any communities in Kivalliq or beyond. Access to the area for traditional land use is currently via existing trails used by all-terrain vehicles (ATV's) in the summer and snowmobiles in the winter, some of which intersect with the Whale Tail Pit Haul Road.
- Although the Project location overlaps with the periphery of the annual ranges of three caribou herds, the Project location does not interact with a relatively high proportion of caribou herds during key migratory periods. Agnico Eagle's experience to date at the Meadowbank Gold Mine, knowledge from the Baker Lake HTO, and the distribution of collared caribou indicate that caribou presence near the Project is predictable, and occurs primarily during the fall and late winter. Caribou ranges provided by the GN indicate that the Project is not located near a calving ground, and is on the periphery of the range of three caribou herds (the Lorillard, Wager Bay and Ahlak herds).
- More recent analysis of caribou behaviour at the Ekati Diamond Mine found that caribou group behaviour was not significantly influenced by the distance from mine but was influenced by the season. Further, caribou group behaviour did not appear to be dependent upon the group size and analysis of caribou road crossings at the Ekati Diamond Mine Misery Road did not indicate any significant relationship between the number of caribou road crossing/deflection events, and the road features that were examined (including slope, height, hypotenuse, and rock grain size).
- Agnico Eagle will continue the socio-economic monitoring program in place for the Meadowbank Gold Mine during Project construction and operations, which includes monitoring of migration, community population, housing stock and condition, and use of physical infrastructure and services. Should adverse changes in these areas arise, Agnico Eagle will continue to collaborate with the GN and communities to develop issue specific mitigation.
- Agnico Eagle will continue to consult and work collaboratively with the HTO and KIA, to identify trails or safe crossing locations that intersect the Haul Road, and to ensure that safe crossing structures are installed where operationally feasible.
- Mercury-related monitoring will be integrated into the Whale Tail Pit – Fisheries and Offsetting Monitoring Plan and will include monitoring temporal trends in methylmercury concentrations key components of the food chain (zooplankton and benthic invertebrates) and water.
- Roughly three quarters (approximately 700 workers) of the Project's workforce demand is expected to be met by the existing Meadowbank Gold Mine workforce. The remaining labour demand of the Project is around 200, of which 50% (100 workers) are expected to be drawn from outside of Nunavut and the other 50% are expected to be drawn from Nunavut and Kivalliq communities.
- Agnico Eagle will continue to work with communities to identify local labour and strategies to remove barriers to employment.
- The value of any analysis showing the relationship or overlap between height-of-land survey results, road survey results and collared caribou movements is limited with the

information currently available to Agnico Eagle (i.e., daily caribou locations only), as caribou move too far in a day to distinguish such detail in their interactions with the road, and Agnico Eagle is willing to undertake such multi-year analysis in partnership with the GN.

4.10.2 Water Licence Application

Agnico Eagle provided the following general clarifications related to the water licence application:

- An effective mixing zone (EMZ) of 100 m around the diffuser in Mammoth Lake was included in the water quality model. Predictions were developed for the mixing zone and the entirety of Mammoth Lake. The EMZ and discharge location for the assessment are preliminary; detailed designs on the diffuser and location will be required before construction. The water quality predictions suggest that water within the EMZ will be above the Site-Specific Water Quality Objective (SSWQO) for arsenic, but water within the basin of Mammoth Lake will be below the SSWQO for arsenic;
- All possible proactive measures will be identified through monitoring and a management response, which will be sufficient to reduce future uncertainties and risk around water quality during operations and into closure/post-closure. In the water quality model, treatment for arsenic and total suspended solids (TSS) were assumed; phosphorous concentrations from grey water outflow was assumed to be equal to that at Meadowbank and treatment for other metals (e.g., aluminum and iron) was not assumed;
- Options for treatment of arsenic and phosphorus are being evaluated with factors being considered including: discharge quality that will minimize downstream effects; technology for northern environments; and cost;
- To protect the receiving environment, if routine monitoring at respective stations exceeds a TSS-turbidity trigger level, the use of pumps in the trenches is proposed as mitigation. Regular routine monitoring of turbidity at receiving water monitoring stations will continue to determine when a management response is required and the general steps to be followed. The triggers for managing TSS concentrations during in-water construction will be based on allowable maximum monthly mean concentrations and short-term maximum TSS concentrations;
- Three main surface water quality monitoring programs are designed for the monitoring and protection of the receiving environment: the Water Quality Monitoring and Management Plan for Dike Construction Dewatering; the Water Quality and Flow Monitoring Plan; and the Core Receiving Environment Monitoring Program (CREMP). Through these combined programs, water quality will be monitored at various locations (including two reference lakes), annually, and during all phases of the Project. During closure, pit portions of the Whale Tail (North Basin) will be monitored as well as the South Basin. In addition, as part of the annual report, monitored data will be compared to the water quality predictions and water quality criteria;
- Agnico Eagle will adapt closure monitoring to align with annual CREMP monitoring. While being filled, the pit lake and Whale Tail Lake (North Basin) will be monitored monthly during the open-water period and when safe to do so. If possible, samples will

be collected at various depths through the water column to confirm establishment of a chemocline between the top of the pit and the bottom of Whale Tail Lake (North Basin);

- Agnico Eagle will perform thermal modelling which will incorporate climate change and acquired information from the Meadowbank Waste Rock Storage Facility (WRSF) monitoring program, and will use the results of the model to support final design of the Whale Tail Pit WRSF. Modelling results, the revised design, if any, and proposed locations of thermistors for long-term monitoring will be submitted to interested parties prior to the NWB's Public Hearing;
- Environmental performance of the WRSF will be verified through operational monitoring to assess the impact of including metals leaching waste rock in the cover materials. Monitoring results will be used to validate model input parameters and model results to guide waste rock and water management practices, implement corrective actions and/or contingency plans to ensure that mitigation and closure activities remain adequate;
- Agnico Eagle under general monitoring requirements will continue to undertake thermal monitoring and report annually. Thermistor strings will be installed in the Whale Tail WRSF and the development of the active layer in the non-potentially acid generating/non-metal leaching cover will be monitored;
- In post-closure, runoff/seep from Whale Tail WRSF will be discharged to Mammoth Lake, if it meets the discharge criteria recommended by ECCC during operation, closure and post-closure;
- The use of average measured concentrations of ammonia and nitrate at the Meadowbank Gold Mine as surrogates to source terms for mine contact water at the Whale Tail Pit Project is considered a reasonable proxy as Agnico Eagle will follow the same explosives management practices for Whale Tail Pit operations that are currently in place for Meadowbank; and
- As the closure concept has not changed, Agnico Eagle does not anticipate a need to increase 2AM-MEA1525 security due to the addition of Whale Tail tailings; however, Agnico Eagle will work with Indigenous and Northern Affairs Canada (INAC), KIA, and the NWB to re-assess the security held under 2AM-MEA1525 if necessary.

4.11 Comment Summaries from the Community Session and Community Roundtable

4.11.1 Key Issues as Raised by Community during the Community Session

Prior to the Technical Meeting, the NIRB and the NWB hosted an evening Community Session on April 27, 2017 in Baker Lake as outlined in [Appendix A](#). Approximately six (6) members of the public attended the session along with regulators that were there to attend the Technical Meeting and Pre-hearing Conference (PHC). The session commenced with an overview of the NIRB and the NWB processes by the Boards' technical staff, followed by an overview presentation by Agnico Eagle Mines Limited (Agnico Eagle) of the Whale Tail Pit Project proposal and water licence application. Community members posed questions to the NIRB and the NWB on the Boards' processes and posed questions to Agnico Eagle on the proposed project, mitigation measures that would be put in place and clarification on the association with the Meadowbank Gold Mine project and the additional use of the all-weather access road.

4.11.2 Key Issues as Raised by Community Representatives and Members during the Community Roundtable

To facilitate its Community Roundtable portion of the PHC, the NIRB invited representatives from the Kivalliq communities of Arviat, Baker Lake, Chesterfield Inlet, Coral Harbour, Nauyasat, Rankin Inlet, and Whale Cove. The NIRB invited three (3) representatives from each of the Nunavut communities: one representative appointed by each community's Hamlet, Hunters and Trappers Organization (HTO), and the Kivalliq Inuit Association's Community Liaison Officer. Between one (1) and three (3) representatives was present from each of the Kivalliq communities during the PHC and Community Roundtable.

The oral format of the PHC allowed the community representatives to observe the technical presentations delivered by Agnico Eagle and parties, and the resulting discussions that occurred over the two (2) days of proceedings held May 1 and May 2, 2017 (see [Appendix B](#)). During the Community Roundtable, community representatives from each Kivalliq community were invited to sit at the table with the Boards to hear focused presentations by Agnico Eagle and parties explaining the Project components in detail and the water licence application. Community representatives were then invited to pose questions to Agnico Eagle and parties, and to address comments to the NIRB and the NWB. In addition, community members from Baker Lake attended as an audience to the PHC and were invited to pose questions to the Proponent and parties. The Community Roundtable concluded with each community providing a summary of their views in respect of the Project in the form of a closing statement.

During the question and answer component of the Community Roundtable, a variety of questions were asked by community representatives and members of the public. [Table 3](#) provides a general summary of the comments, issues and concerns expressed by Community representatives and members of the public throughout the Technical Meeting, Community Roundtable and PHC.

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|----------------------------------|---|
| ECOSYSTEMIC EFFECTS | |
| Attenuation Pond | How deep will the attenuation pond be? |
| Ballast Water | Do the ships servicing Meadowbank dump ballast water into Hudson's Bay? |
| Blasting | Will there be continuous blasting associated with the mining at the Whale Tail Pit? |
| Blasting | Who is responsible for monitoring (and preventing) impacts to birds and other wildlife resulting from blasting? |
| Blasting | How far does Agnico Eagle have to be from fish bearing waters to blast? |
| Bridges over Fish-bearing waters | Who regulates how the construction of bridges over fish bearing waters is undertaken? |
| Bridges over Fish-bearing waters | What is the potential for effects arising from the construction and use of bridges over fish-bearing waters (e.g. noise during construction and on-going noise during use of the bridge)? |

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|----------------------------|---|
| Climate Change | Has climate change been considered in the development of this project? |
| Dust Control | <p>Would Agnico Eagle be willing to provide the HTO with funding to gather data/observations regarding the observed effects of dustfall along the existing All Weather Access Road?</p> <p>After last summer noticed some test trips along the road but really don't know what is being studied and/or done to resolve this issue.</p> |
| Dust Control | Would Agnico Eagle be willing to provide the HTO with funding to gather data/observations regarding the observed effects of dustfall along the existing All Weather Access Road? |
| Dust Control | After last summer noticed some testing of dust control and other testing along the road, but the community doesn't know what is being studied and/or done to resolve this issue |
| Dust Emissions | Does the Government of Nunavut (Department of Health) have any information regarding the potential for health effects associated with road dust? |
| Dust Suppression Chemicals | <p>There is a lot of dust along the AWAR and dust is affecting several communities in Nunavut (including Rankin Inlet Itivia site and Meliadine site).</p> <p>Calcium chloride when used as a dust suppressant also has effects (e.g., it has destroyed the leather in my mitts); what are the effects of calcium chloride and if Agnico Eagle is not using calcium chloride, what is Agnico Eagle using? And also how much dust suppressant is currently being used?</p> |
| Dust Suppression Chemicals | <p>When does Agnico Eagle use dust control (what are the triggers)?</p> <p>When Agnico Eagle uses dust control measures, what is used, how much and over what time?</p> |
| Dust Suppression Chemicals | How does Agnico Eagle manage and monitor the dust (and dust suppression chemicals) to make sure there is no harm to the fish and to the wildlife in the area. |
| Explosives | How does Agnico Eagle plan to transport its explosives to the Whale Tail Pit? |
| Fish | The water quality and the quality of the food sources for the fish really vary – what are the best conditions for healthy fish? |
| Fish | What are the studies/research telling us about the marine channel and whether the channel will need to be dredged as the ships travel in Hudson's Bay? |
| Fish Out | The elders were not happy with the fish out that happened for Meadowbank—there were more fish that died than people expected. How will Agnico Eagle do better for any fish outs for this Project? |

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|----------------------|--|
| Fish Return | Will the fish be returned to the lakes that have been fished out and the pits that have been reflooded, or will it be just an empty reflooded pit? |
| Fuel Storage Areas | When Agnico Eagle is constructing tank farms, what standards must be followed—is it the same as the local government? |
| Fuel Storage Areas | Is Agnico Eagle following the Government of Nunavut storage tank farm requirements (in terms of setbacks and containment)? |
| Haul Road | Will Agnico Eagle be putting ramps in the parts of the road where wildlife and people need to pass and where the road is steep? |
| Helicopters & Planes | Are there regulations that restrict how close helicopters and planes are allowed to fly to wildlife (caribou) and who enforces these regulations? |
| Marine Mammals | There have been effects on the abundance of marine mammals, seals and whales in the area of Chesterfield Inlet; who is responsible for providing compensation for these effects, who can help the residents out? |
| Marine Shipping | Is there currently and will there be future monitoring of the marine mammals (belugas, bearded seals, etc.) along the shipping route? |
| Marine Shipping | Very concerned about the impacts on marine mammals in Chesterfield Inlet and our community has not received benefits from the Meadowbank mine. |
| Marine Shipping | How many more ships will be added to the number of ships servicing Meadowbank when development of Whale Tail Pit begins? |
| Marine Shipping | There were 8 ships last year anchored just outside Chesterfield Inlet, it would be better if they had a wharf in Chesterfield Inlet where they could dock to deliver materials. |
| Marine Shipping | What is the situation with respect to discharging ballast water into Hudson's Bay? Where does the ballast water come from? |
| Marine Shipping | Are there any studies of the effects of the noise from marine shipping on marine mammals? |
| Marine Shipping | When there was a spill from the ships anchored off the shore of Chesterfield Inlet, the community was not advised; as a community Chesterfield Inlet was not informed about these issues and do not know who is responsible for monitoring these issues. |
| Marine Shipping | The shipping for Meadowbank appears to be disturbing sea mammals more all along the shipping route compared to the shipping that is being done for community resupply. Would like to see Agnico Eagle using quieter, more energy efficient ships. |
| Marine Shipping | Fewer seals have been noticed in the area between Baker Lake and Chesterfield Inlet, is there anyone from the Government agencies monitoring the shipping by barge? |
| Marine Shipping | Are there any regulations regarding how many ships can be anchored in an area (such as offshore near Chesterfield Inlet) at one time? |
| Marine Shipping | How can concerns about shipping routes near the communities be brought forward to Transport Canada (e.g. Concerns of Coral Harbor that route should be changed from north of Coates Island to south of Coates Island)? |

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|--|--|
| Migratory Birds | Have there been studies done to show whether or not migratory birds are landing or would be attracted to the tailings storage facilities? |
| Migratory Birds | Are there any indications that the birds might ingest water from the tailings ponds and suffer harm as a result? |
| Noisemakers Under the Water | Who is responsible for enforcement if someone puts noisemakers under the water? |
| Operations | What is taking place during the 20+ days of “interruption” in your operations and do these include down time to reflect? |
| Pits | How deep will the pits be? |
| Tailings | How will the tailings from the ore in the Whale Tail Pit be dealt with? |
| Tailings Storage Facilities | What kind of contaminants would be in the tailings? |
| Tailings Storage Facilities | Who is responsible for reviewing and approving the design and for monitoring the operation of the tailings storage facilities at mines in Nunavut? |
| Terrestrial Wildlife and Habitat (Caribou) | April – June female caribou are calving, do any parties (Agnico Eagle, Government of Nunavut, etc.) know if there are calving grounds in the surrounding area around the project area? |
| Terrestrial Wildlife and Habitat (Caribou) | How can you be sure that there are no caribou calving in the area surrounding the mine site? |
| Terrestrial Wildlife and Habitat (Caribou) | Since 2008 and the construction of the Meadowbank mine there have been changes in where we have seen caribou (we are seeing the same thing in Baffin Island since the mine has started up). The caribou appear to have been affected by the mines. Could it be that the explosives used at the mine sites are scaring them away? |
| Terrestrial Wildlife and Habitat (Caribou) | What does Agnico Eagle consider to be a “herd” of caribou (for the purposes of monitoring and suspension of operations and activities such as hauling along the road)? |
| Terrestrial Wildlife and Habitat (Caribou) | We were hunting near the road and when the fuel truck drivers were driving on the road past the caribou they were driving very fast and they used their horn so that the caribou were frightened away from the area. How will Agnico Eagle make sure that these drivers do not speed and frighten the animals? |
| Terrestrial Wildlife and Habitat (Caribou) | Will there be caribou monitors near Baker Lake during the development and construction of the mine? |
| Terrestrial Wildlife and Habitat (Caribou) | Who works together to monitor the health of caribou in this region and in Nunavut in general? |

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|----------------------------------|--|
| Terrestrial Wildlife and Habitat | Agnico Eagle should listen to their Inuit employees in terms of what they have to say about their observations and experiences involving wildlife and use that information as constructive criticism to make their wildlife monitoring programs better. |
| Transportation of Ore | If the ore being transported via the Haul Road is asbestos containing material, who is responsible for ensuring the trucks are covered and that asbestos dust doesn't end up being released along the road? |
| Water Quality | What is the current water quality like in the Whale Tail and Mammoth Lake? Does Agnico Eagle draw water for camp use at the nearby lakes—is it currently safe to drink? |
| Water Quality | Exploration camps around Josephine Lake appear to have impacted the water quality in that Lake and it does not appear that anyone in the communities have been contacted to be informed about these activities. |
| Water Quality | Are contaminants in the vicinity of Josephine Lake, left behind by exploration companies getting into the water? |
| Wildlife Monitoring | Hunters have used the AWAR during the fall caribou migration and noticed that 2-3 years ago the traffic was not halted along the road during the migration for several days. How will Agnico Eagle do better in future to ensure that caribou are not harmed on the roads during migration? |
| Wildlife Monitoring | Are samples taken of the meat of wildlife that live in proximity to the mine site? If not, how can we be sure that these animals are safe to eat and can continue to be our staple source of food? |
| Socio-economic Issues | |
| Archaeological Sites | Is Agnico Eagle finding archaeological sites along the haul road, the project areas, the pit, etc.? |
| Consent to Development | How will the Federal Government ensure that the Whale Tail Pit project is considered and consented to by the affected communities? |
| Contractors | Has Agnico Eagle reprimanded their fuel-shipping contractors for travelling too fast on the All Weather Access Road to the Meadowbank mine site? |
| Elders | Amaruq is not just about young people, employable people, benefits must also flow to elders whose lands have been changed forever; are there things that Agnico Eagle Mines and the Governments of Canada and Nunavut can do/will do to help elders out with a healing process? |
| Employment | When people apply for jobs, who does the hiring (who is the hiring committee) contractors/Agnico Eagle Mines HR Department? What are the hiring practices? I know some people in Chesterfield Inlet have applied but not been selected to work at the mine—is this because of skills and education or something else? Also who decides on who gets promoted? |
| Employment | Is there something more that educational institutions and communities can do to work with Agnico Eagle to ensure that local hires can be prepared and be successful (e.g. apprenticeship training, etc.)? |

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|-----------------------------|---|
| Employment | What will happen to the Meadowbank work force when the Whale Tail Pit has been mined? Will you be flying the Meadowbank workers to the mines in Quebec just like you have done by flying Quebec mine workers to work in the Meadowbank mine? |
| Employment | Are your mine workers in other Agnico Eagle Mines unionized? |
| Employment | Why are work opportunities in the mines in Nunavut being promoted and advertised in Montreal? |
| Employment | There are omissions in the socio-economic analysis discussion of barriers to employment – —only general barriers have been discussed and there is a failure to acknowledge and provide in-depth discussion of barriers to employment and proposals regarding the development of comprehensive plans to work on these issues. For example, inter-generational trauma has not been identified as a significant barrier to employment. Agnico Eagle should include this acknowledgement into their socio-economic baseline and analysis. |
| Employment | How can Agnico Eagle increase their hiring practices at the high school student level? Are there plans to increase hiring at the high school level across this Kivalliq? |
| Employment | What are the employment levels for Inuit at the current mine? |
| Employment | At Meadowbank, at the Leadership level the personnel appear to be almost all from Val D'or and French speaking. |
| Employment | How many Inuit will be working at the Whale Tail Pit? |
| Employment | Before the Meadowbank mine came to Baker Lake it was difficult times and now things have changed; our youth have hope for a better future; we need to ensure that as the Meadowbank Mine shuts down, the mining at the Whale Tail Pit will be up and running for a smooth transition. |
| Employment | Inuit often learn by example better than in the classroom; does the Inuit Impact Benefit Agreement (IIBA) and Agnico Eagle's hiring plans more fully reflect that the Inuit work force may learn better from example than from traditional approaches to education? |
| Food Security | How is caribou as a food source and caribou harvesting valued in the Kivalliq Region? |
| Health and Well-being | Has the Government of Nunavut monitored and identified increases in Health Centre visits and increases in terms of mental health care needs since the mine has opened? |
| Health and Well-being | Is the Government of Nunavut going to commit more resources and make mental health and family supports a priority for the communities most affected by social issues arising from expanded mining? |
| Infrastructure Improvements | The community of Baker Lake is suffering from an infrastructure deficit (no paved roads, trucked water and no utilidor system) and it seems that Baker Lake has not benefitted from the mine to date. |

Table 3: Key Issues as Raised by Community Representatives and Community Members

| SUBJECT | ISSUES/CONCERNS/COMMENTS |
|--------------------------------|---|
| Inuit Impact Benefit Agreement | Can socio-economic factors such as inter-generational trauma be incorporated into the background and monitoring measures for socio-economic reporting under the IIBA? |
| Inuit Impact Benefit Agreement | How can greater community involvement be built into the management of Inuit Owned Lands through the mechanisms of the Inuit Impact Benefit Agreement? |
| Inuit Impact Benefit Agreement | Will the Kivalliq Inuit Association put the Whale Tail Pit IIBA to a vote in Baker Lake? |
| Inuit Impact Benefit Agreement | How will economic benefits under the IIBA be fairly distributed throughout the region in communities such as Chesterfield Inlet? |
| Youth | The future of our youth and their self-esteem are improved by having the hope of working in the mines and we are grateful for this opportunity. We want to ensure that these opportunities continue, but that each community is included and that more communication regarding these benefits is available. |

5.0 PROCEDURAL ISSUES DECIDED IN THE PRE-HEARING CONFERENCE

On May 2, 2017 following the conclusion of the Community Roundtable, the Pre-hearing Conference (PHC) was conducted. The PHC was chaired jointly by the Nunavut Impact Review Board's (NIRB) Chairperson, Elizabeth Copland and the Nunavut Water Board's (NWB) Executive Director, Stephanie Autut. As is the standard practice of both Boards, the Board Members who will be the decision-makers in respect of the Project and the water licence application were not in attendance at the PHC. In addition to the designated Community Representatives from Arviat, Baker Lake, Chesterfield Inlet, Coral Harbour, Nauyasat, Rankin Inlet and Whale Cove in attendance at the Community Roundtable session, the participants at the PHC included Agnico Eagle Mines Limited (Agnico Eagle, Proponent or Applicant), as well as all the parties who participated in the Technical Meeting.

In keeping with the NIRB and NWB procedures for the conduct of a PHC (*Rule 21* of the NIRB's Rules of Procedure¹ and *Rule 14* of the NWB's Rules of Procedure²), the following matters were discussed at the PHC with a view to preparing for the next stage in the NIRB's review of the project proposal and the NWB's consideration of the water licence application:

- Identification of any issues that would prevent the project proposal and water licence application to a Final/Public Hearing(s);
- Any changes to the project proposal or water licence application required for the purposes of clarification;
- Assuming that the project proposal and the water licence application proceeds to a Final/Public Hearing(s), a discussion of the procedures to be followed at a NIRB Final Hearing and NWB Public Hearing (including NIRB/NWB coordination opportunities):
 - NIRB/NWB coordination procedures at the Final/Public Hearing(s);
 - Anticipated date, time, form and location of a Final/Public Hearing(s);
 - Timetable for the exchange of documents and information requests prior to the Final/Public Hearing(s);
 - Finalization of issues to be addressed at the Final/Public Hearing(s);
 - Equipment, language, interpretation, translation and transcript requirements;
 - Identification of interested parties to attend the Final/Public Hearing(s); and
 - Any other matters that may aid in the simplification of the Final/Public Hearing(s).

5.1 Identification of Any Issues Preventing the Proposal or Application from Proceeding to a Final/Public Hearing(s)

All the parties confirmed during the PHC that, on the assumption that the commitments made by Agnico Eagle during the technical review period as set out in [Appendix E](#) and at the Technical Meeting, as set out in [Appendix F](#) attached to this report are met in accordance with any timelines that involve submission deadlines before a Final/Public Hearing(s), there were no outstanding issues that would prevent the project proposal and water licence application from

proceeding to the next step, which would be some form of public hearing. Accordingly, the PHC proceeded to a discussion of process and procedures to be followed for the public hearing stages of the NIRB review of the project proposal and the NWB's consideration of the water licence application.

5.1.1 List of Issues associated with the Water Licence Application

The day after the conclusion of the Technical Meeting, the NWB circulated a draft list of issues associated with the water licence for the consideration of the parties (see [Appendix G](#)). Parties in attendance at the Technical Meeting/PHC reviewed the draft and confirmed that none of the issues for discussion associated with the water licence application and the related information requirements should prevent the NWB from proceeding with the Public Hearing.

The parties also agreed that, subject to additional issues that may be identified following the review of information that may be exchanged in advance of the Public Hearing, the draft (see [Appendix G](#)), adequately captures the list of issues the NWB anticipates will remain to be addressed at the NWB Public Hearing.

5.2 Changes to the Project Proposal or Application Required for the Purposes of Clarification

The Boards note that the Proponent is expected to meet the additional information requirements identified as preceding the Final/Public Hearing(s) in the attached Lists of Commitments (see [Appendix E](#) and [Appendix F](#)). Failing to provide this information in accordance with the timelines may result in delays to the timelines set out for a possible Final/Public Hearing(s) that the Boards have approved in [Section 5.4.2](#) that follows. Both Boards reserve the right to suspend or adjourn the Final/Public Hearing(s), if considered necessary in order to ensure that the Boards have adequate information in advance of the Final/Public Hearing(s).

In addition to the provision of the additional information included in [Appendix E](#) and [Appendix F](#), List of Commitments, the NWB also led a discussion at the PHC regarding Agnico Eagle supplementing the existing water licence application documentation to more clearly define the scope of:

- The new Type "A" Water Licence No. 2AM-WTP---- that would include the Whale Tail Pit and haul road components of the project proposal;
- Any consequential amendments to the existing Type "A" Water Licence No. 2AM-MEA1525 that would be necessary to accommodate the addition of the Whale Tail Pit project proposal to Agnico Eagle's existing and already approved operations at the Meadowbank mine; and
- Information identifying any amendments to the scope of the Applicant's existing Type "B" Water Licences governing advanced exploration in the area of the Whale Tail Pit project proposal and the haul road that may be required if the scope of these activities are expected to be included under the new Type "A" Water Licence No. 2AM-WTP----.

At the PHC, the Applicant committed to providing this supplemental documentation by May 23, 2017 and the NWB notes that the Applicant has supplemented the existing application documentation as requested.

Similarly, the NIRB requested that if the Proponent anticipates that it would necessitate changes to the terms and conditions in the existing NIRB Project Certificate File No. 03MN107–Meadowbank Gold Mine Project Certificate 004 that the Proponent would provide the NIRB with additional information that clearly identifies the changes to existing terms and conditions required to accommodate the Whale Tail Pit project proposal, if it were approved to proceed.

5.3 Timetable for Pre-Hearing Exchange of Information and the Final/Public Hearing

As required by s. 102 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (NuPPAA) and Rule 20.1(c) of the NIRB Rules of Procedure¹ and s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA), the Boards must give the public and parties a minimum of sixty (60) days' notice in advance of a public hearing.

As noted above, Agnico Eagle and the parties in attendance were polled regarding any outstanding information requirements that must be supplied in advance of a Final/Public Hearing(s) and indicated, that as outlined in the List of Commitments provided in [Appendix F](#) and the associated documentation the preparation and submission of additional information is not expected to delay a potential Final/Public Hearing(s).

On this basis, the Boards have established a proposed timetable for the pre-hearing exchange of information as set below. However, the Boards reserve the right to revisit the timing set out below in the event that parties are unable to meet the deadlines in the commitments, in response to the requests of the parties, the community, or as may subsequently be considered necessary by the Boards. In establishing the following schedule, the Boards were mindful that the parties and the Boards indicated that the most feasible timing for an in person Public Hearing is likely, at the earliest mid-September. Unless modified as outlined above, the Boards require the participants to observe the following timetable:

- On or before **Friday, July 14, 2017** the NIRB and the NWB will issue Notice of the Public Hearing, including an invitation to any parties who are not already interveners in the process but who wish to be granted intervener status at the NIRB Final Hearing and/or NWB Public Hearing to apply to the Boards;
- On or before **Friday, July 21, 2017** any parties who are not already interveners in the process but who wish to be granted intervener status at the NIRB Final Hearing and/or NWB Public Hearing must apply to the Boards to be granted intervener status;
- On or before **Friday, July 28, 2017** the Boards shall issue decisions regarding any intervention applications received by the Boards;
- All further and final written submissions to be provided by Intervenors must be filed with the Boards on or before **Monday, August 14, 2017**;

- All further and final responses from Agnico Eagle to the information filed to date must be filed with the Boards on or before **Monday, August 28, 2017**;
- Any presentations (e.g. PowerPoint Presentations, etc.) upon which anyone intends to rely at the Final/Public Hearing(s) must be filed with the Boards on or before **Tuesday, September 5, 2017**;
- If the Interveners and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, they are also required to provide an **Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final responses in English and Inuktitut at the same time as they file the full submission**; and
- The Board requires any party requesting **special equipment** at the Final/Public Hearing(s) and/or **French translation** of the Executive Summary materials, presentation materials and/or requesting the Board to provide **simultaneous French interpretation** at the Public Hearing should make such requests to the Board in writing **on or before Monday, August 14, 2017**.

All submissions filed with the NIRB or the NWB will be posted on that Board's public registry upon receipt. A copy of the public registry as it relates to the project proposal or water licence application will be available for review at the Final/Public Hearing(s).

5.4 Procedures to be followed at the Final/Public Hearing(s)

5.4.1 NIRB and NWB Options for Public Hearing Coordination

At the PHC, the Boards proposed the following four options, with varying degrees of coordination, as the file progresses to the public hearing stage:

1. Separate NIRB Final Hearing and NWB Public Hearing (*Normal Timing of NWB Public Hearing*)
 - a. Normal timing, form and rule for each Board
 - b. NWB Public Hearing would only be conducted if and when the NIRB and Responsible Minister(s) approve the project proposal to proceed and the NIRB Project Certificate is issued
2. Separate NIRB Final Hearing and NWB Public Hearing (*Modified Timing of NWB Public Hearing*)
 - a. Timing of NWB Public Hearing modified to follow immediately after conclusion of NIRB Final Hearing
 - b. NWB Public Hearing Record to remain open after NWB Public Hearing to allow for further submissions in response to NIRB Final Hearing
 - c. Application not remitted to NWB Panel for decision-making and to issue a decision until after NIRB and Responsible Minister(s) approve project proposal to proceed
3. Separate NIRB Final Hearing and NWB Conducts Written Public Hearing
 - a. NWB Panel attends Community Roundtable portion of NIRB Final Hearing
 - b. NWB Panel conducts technical aspects of Public Hearing in writing only if the NIRB Final Hearing Report recommends that the project proposal be allowed to

proceed and the Responsible Minister(s) approves the project proposal being allowed to proceed

4. Joint NIRB and NWB Final/Public Hearing
 - a. Chairing of Hearing shared by both Boards' Chairpersons
 - b. The NWB Public Hearing Record would remain open and the NWB decision-making Panel would not convene until the NIRB review is completed
 - c. NWB would issue a licensing decision only when and if the NIRB Final Hearing Report recommends the project proposal proceed to the licensing phase and Responsible Minister(s) agree

The Kivalliq Inuit Association indicated a preference for Option #3 or 4 but indicated that if Option #3 were chosen (NWB written Public Hearing) that due to public interest in the topic, they would request that the discussion of issues about reclamation security required to be posted under the water licence should take place in the community.

Agnico Eagle indicated that recognizing the critical timing associated with the project proposal, their preference would be Option #2, with the NWB Public Hearing scheduled to immediately follow the NIRB Final Hearing. The Government of Nunavut (GN) indicated that they would defer to the Boards' discretion as to the option chosen, but recognizing the critical nature of the timing, the GN indicated that Options #2 to #4 were preferable. The Government of Canada also indicated that they would defer to the Boards' direction, but indicated support for the Proponent's preference for Option #2.

The Community Representatives did not express a preference for any of the options proposed.

On the basis of the submissions of the parties, recognizing the success of the Boards' coordination to date and the readiness of the project proposal and the water licence application to proceed to Final/Public Hearing(s), the Boards have determined that Option #2, namely separate but consecutive in person public hearings are appropriate in these circumstances. As discussed at the PHC, the NWB wishes to highlight that although the Public Hearing will be conducted immediately following the NIRB Final Hearing, the NWB's Public Hearing Record will remain open until after the NIRB has concluded its review of the project proposal and issued a Final Hearing Report and the NWB to allow for the Applicant and the parties to supplement the NWB's Public Hearing Record as they consider to be necessary. In addition, the parties are advised that if the NIRB recommends to the Responsible Minister(s) that the project proposal not be allowed to proceed and the Minister(s) accepts the NIRB's recommendation, the application would not be remitted to the NWB Panel for decision-making and the NWB would not issue a written decision in respect of the application.

5.4.2 Anticipated Date, Timing and Location of the Final/Public Hearing(s)

The Boards polled the Proponent, parties, the Community Representatives and members of the public in attendance at the PHC to identify appropriate dates and location for the NIRB Final Hearing and the NWB Public Hearing. Given document exchange timelines in [Appendix F](#), the List of Commitments and the willingness of all parties to proceed to hearings as expeditiously as

possible, it was identified that dates in mid-September were preferable. All parties indicated that the location for the Final/Public Hearing(s) should be Baker Lake.

Reflecting these discussions and in consultation with the Hamlet of Baker Lake in terms of potential scheduling conflicts, the Boards have determined the following:

- The NIRB Final Hearing associated with the NIRB's review of the Whale Tail Pit project proposal is tentatively scheduled for the week of September 18, 2017; and
- The NWB Public Hearing associated with the NWB's consideration of the application for Type "A" Water Licence No. 2AM-WTP---- and for consequential amendments to Type "A" Water Licence No. 2AM-MEA1525 is tentatively scheduled for the week of September 25, 2017.

5.4.3 Equipment, language, interpretation, translation and transcript requirements

The Boards polled all attendees at the PHC and all participants indicated that they did not anticipate any special requests in respect of these items beyond the Boards normal practices. Specifically, the parties agreed that the Boards' supply of normal sound and audio visual equipment, simultaneous interpretation (English/Inuktitut), translation (English/Inuktitut) and transcript requirements (final transcript of the Final/Public Hearing(s) produced in English and posted on the Boards' public registries within four weeks from the close of the hearing) would all be sufficient.

5.4.4 Identification of Interested Parties to Attend the Final/Public Hearing(s)

During the PHC, the following parties confirmed their participation and attendance at the Final/Public Hearing(s):

- The Applicant, Agnico Eagle Mines Limited;
- Nunavut Tunngavik Incorporated;
- Kivalliq Inuit Association;
- Delegated Community Representatives from Arviat, Baker Lake, Chesterfield Inlet, Coral Harbour, Nauyasat, Rankin Inlet and Whale Cove;
- Government of Nunavut;
- Environment and Climate Change Canada;
- Fisheries and Oceans Canada;
- Indigenous and Northern Affairs Canada;
- Natural Resources Canada; and
- Canadian Northern Economic Development Agency.

Transport Canada indicated that the Department would be reviewing their involvement with the file and confirm their attendance in advance of the Final/Public Hearing(s). Recognizing that there were several questions by Community Representatives about the potential for ballast Water to be withdrawn and discharged during project shipping activities during the Community Roundtable component of the Pre-hearing Conference, the NIRB strongly encourages Transport

Canada to consider sending a representative to the NIRB's Public Hearing to not only present information to the NIRB, but also respond to these and other community concerns associated with project shipping and within Transport Canada's jurisdiction. It was also identified that the Kivalliq Wildlife Management Board intends to apply to the NIRB seeking intervenor status at the NIRB's Final Hearing.

5.4.5 Measures to Simplify the Disposition of the Review/Application

The parties confirmed that they do not anticipate that any deviations from each Boards' *Rules of Procedure and Practice*, will be required, and as such, the Boards directs all parties that the NIRB Final Hearing and the NWB Public Hearing will be conducted in accordance with each Boards' respective Rules of Practice unless otherwise directed by the Boards.

5.5 Steps following the Final/Public Hearing(s)

5.5.1 Steps following the NIRB Final Hearing

As required by s. 104 of the NuPPAA, within forty-five (45) days of the close of the NIRB Final Hearing Record, the NIRB shall submit the Board's Final Hearing Report to the Responsible Minister(s) for the Minister's consideration. Although the Responsible Minister(s) have several options upon receipt of the NIRB's Final Hearing Report, for the purposes of the PHC Decision Report, the section that follows focuses on the most typical processes.

If the NIRB recommends that the project proposal be allowed to proceed, the NIRB's Final Hearing Report will include project-specific recommended terms and conditions. If the Responsible Minister(s) accepts the NIRB's recommendation that the project proposal should be allowed to proceed, the NIRB shall, within thirty (30) days of the Minister's decision prepare and issue a NIRB Project Certificate containing the project-specific terms and conditions.

If the NIRB recommends that the project proposal should not be allowed to proceed and the Minister(s) accepts the NIRB recommendation, the matter does not proceed to the licensing phase.

5.5.2 Steps following the NWB's Public Hearing

As noted [Section 5.4.1](#) above, although the NWB's in person Public Hearing will be conducted in Baker Lake immediately following the NIRB Final Hearing, the NWB's Public Hearing Record will remain open until after the NIRB has issued the Board's Final Hearing Report and the Applicant and the parties have been given the opportunity to file materials to supplement the NWB's Public Hearing Record as they may consider to be necessary.

Further, if the NIRB recommends to the Responsible Minister(s) that the project proposal not be allowed to proceed and the Minister(s) accepts the NIRB's recommendation, the application would not be remitted to the NWB Panel for decision-making and the NWB would not issue a written decision in respect of the application.

If the NIRB's Final Hearing Report recommends that the project proposal be allowed to proceed to licensing and the Responsible Minister(s) accept the NIRB's recommendation, the NWB will remit the application to the Panel for decision-making. When the Panel has reached a decision, which is typically within thirty (30) to forty-five (45) days after the close of the Public Hearing Record, the NWB will issue its Record of Proceedings and Decision to the Minister of Indigenous and Northern Affairs. If the Panel recommends the issuance of a new Type "A" Water Licence and consequential amendments to the existing Type "A" Water Licence No. 2AM-MEA1525, a draft of a new Licence and a draft or recommended amendments would also be provided for the Minister's consideration with respect to her decision.

Appendix A: Technical Meeting Agenda for the Whale Tail Pit Project



FINAL TECHNICAL MEETING AGENDA FOR THE WHALE TAIL PIT PROJECT

Evening Sessions: 6:30 pm – 9:00 pm

Thursday, April 27, 2017 – Community Information Evening Session

General Opening

- A-1

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 (*45 minutes*)
 - iii. Public Participation and Engagement (*30 minutes*)
 - iv. Atmospheric Environment (*15 minutes*)
 - v. Terrestrial Environment (*45 minutes*)
 - vi. Marine Environment (*15 minutes*)
 - vii. Socio-Economics (*30 minutes*)
 - viii. Human Health (*15 minutes*)
 - ix. Freshwater Environment (including water use aspects of the Application) (*45 minutes*) *including*
 - i. Contact and Non-contact Water Management
 - ii. Groundwater Management and Talik within Whale Tail Pit
 - iii. Designs of Water Management Infrastructure
 - iv. Adaptive Management
 - x. Waste Management (including waste management aspects of the Application) (*45 minutes*) *including*
 - i. Waste Rock and Tailings Management including Designs of Whale Tail Waste Rock Storage Facility and Meadowbank Gold Mine's Tailing Storage Facility (including thermal instrumentation)
 - 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) (*30 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 (*15 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: Pre-hearing Conference Agenda for the Whale Tail Pit Project



FINAL 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:
 - a) Procedures to be followed in the hearing (including coordination opportunities)
 - b) Anticipated date, time, form and location of Final/Public Hearing
 - c) Timetable for the exchange of documents and information requests prior to the Final/Public Hearing
 - d) Finalization of issues for the Final/Public Hearing
 - e) Equipment, language, interpretation, translation and transcript requirements
 - f) Any changes to the water licence application for the purposes of clarification
 - g) Identification of interested parties to attend the Final/Public Hearing

h) 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

Appendix C: Summary Listings of Attendees at Community Session, Technical Meeting and Pre-hearing Conference

| | | |
|--|--------------------|--------------------|
| Agnico Eagle Mines Limited/Golder Assoc. | Craig Simailak | Nancy Kingilik |
| Nunavut Tunngavik Incorporated | Mike Ukpaticu | Paula Navkyagik |
| Kivalliq Inuit Association | Philip I. | Au Alooq |
| Government of Nunavut | John Ibili | Alex R. |
| Environment and Climate Change Canada | Diane Quinangnaq | Minnie Niego |
| Fisheries and Oceans Canada | Matt Quinangnaq | Lena Tapatai |
| Indigenous and Northern Affairs Canada | Malita Kalluk | Susan Auoiokumath |
| Natural Resources Canada | Peter Innalcatsik | Caroline Oman |
| Transport Canada | Alice Mannik | Nathanie Tutamik |
| Cdn Nthn Economic Development Agency | Susan Ukpaticu | Mark Kingilik |
| Baker Lake HTO | Mark nD'Agniar | Samantha Pattuqaqa |
| Baker Lake Hamlet | Eva Elytook | Bryan Boyer |
| Whale Cove HTO | Harold Putayingtaq | Lucas Kingilik |
| John Tatty | Dorthy | Josie Atatuua |
| Richard Angotiaruk | Ellie Kanalokote | Dean Killulak |
| Michael Angutetuar | S. Shotek | Sandra Kalmunik |
| Simonie Sammurtok | Thomas Aliikasuk | Michael Angutatuur |
| Elie Kimmaliardjuk | David Simailak | Paula Hughson |
| Richard Aksawnee | Simon Tulluqtaq | L. Kreuger |
| Nick Arnalukjuak | Annie Anautalik | J. Kreuger |
| Thomas Alikaswa | Leon Nukik | Fanny Kingad |
| Noah Kataluk | Thomas Aukaswa | John Iqqalut |
| Bazil Kayavinik | Sean Amasun | Jennifer Tisher |
| Rebecca Walker | Anez Are | Hope Tookoome |
| Samson Okkiga | Quinten Lahare | Nancy Ukpasa |
| Batii Paradis | William Lahare | Norman Ukpasa |
| Uluadluak Kablutsiak | Stephen Anaataq | John Tagoona |
| Tony Cambelle | Alison Andy | Johnny Andy |
| Gabriel Nagyugalik | Nancy Naqyaugalik | Hillary Niutuq |
| Jonathan Tootoo | Annie Iqulik | Joe Dzz |
| Daniel Ukpaticu | Judy Nungik | Vivian Joedee |
| Bernie Haqpi | Belinda Utatuaq | Molly Akica |
| Nancy Mahak | Lucy Kingilik | |

Appendix D: List of Environmental Impact Statement and Water Licence Application Submissions

DOCUMENTS SUBMITTED TO THE NIRB AS PART OF THE ENVIRONMENTAL IMPACT STATEMENT AND WHALE TAIL PIT PROJECT PROPOSAL

The following documents pertain to the Whale Tail Pit project proposal Environmental Impact Statement:

- NIRB's Online Application Form (formerly the NIRB Part 1 form in English);
- NIRB Part 1 Summary Form in Inuktitut;
- Non-technical Project Proposal summary in English and Inuktitut;
- Volume 1 – Project Description;
- Volume 2 – Environmental Overview and Type A Water Licence document; and
- Volume 3 through Volume 8 – series of complementary documents to provide a full understanding of the technical and scientific aspects of the Project, which includes:
 - Volume 3 – Assessment Methods
 - Volume 4 – Atmospheric Environment
 - Volume 5 – Terrestrial Environment
 - Volume 6 – Freshwater Environment
 - Volume 7 – Human Environment
 - Volume 8 – Monitoring, Mitigation, and Management Plans

The following documents were included within Volume 8 – Monitoring. Mitigation and Management Plans:

- Mine Waste Rock and Tailings Management Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Water Quality Monitoring and Management Plan for Dike Construction Dewatering Addendum, Version WT, June 2016;
- Landfill Design and Waste Management Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Water Management Plan Addendum, Version WT, June 2016;
- Water Quality and Flow Monitoring Plan, Version WT, June 2016;
- Whale Tail Pit Haul Road Management Plan, Version WT, June 2016;
- Ammonia Management Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Meadowbank and Whale Tail Bulk Fuel Storage Facilities: Environmental Performance Monitoring Plan, Version 3, June 2016;
- Emergency Response Plan Addendum, Version WT, June 2016;
- Hazardous Materials Management Plan Addendum Meadowbank Mine Site, Whale Tail Pit Site, Baker Lake Facilities, Version WT, June 2016;
- Shipping Management Plan Whale Tail Pit, Version 1, June 2016;
- Spill Contingency Plan Meadowbank Mine Site, All Weather Access Road (AWAR), Whale Tail Open Pit, Whale Tail Haul Road, and Baker Lake Marshalling Facilities, Version WT, June 2016;
- Air Quality and Dustfall Monitoring Plan Addendum, Version WT, June 2016;

- Core Receiving Environment Monitoring Program (CREMP): 2015 Plan Update – Whale Tail Pit Addendum, May 2016;
- Groundwater Monitoring Plan Addendum, Version WT, June 2016;
- Conceptual Fish Habitat Offsetting Plan: Whale Tail Pit, June 2016;
- Operational ARD/ML (*acid rock drainage/metal leaching*) Sampling and Testing Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Socio Economic Management and Monitoring Plan for the Whale Tail Pit, Version 1, June 2016;
- Terrestrial Ecosystem Management Plan Addendum, Version 2, June 2016;
- Archaeological Management Plan Agnico Eagle Mines: Meadowbank Division – Whale Tail Pit and Haul Road, March 2016; and
- Interim Whale Tail Pit Closure and Reclamation Plan, Version WT, June 2016.

The following additional information was provided by Agnico Eagle on January 20, 2017 subsequent to the Information Request period:

- Whale Tail Pit Final Information Request Responses, January 2017
- Figures associated with the Whale Tail Pit Final Information Request Responses, January 2017

The following additional information was provided by Agnico Eagle on January 28, 2017 in follow-up to the January 20, 2017 correspondence to address the comments and recommendations noted in the aforementioned correspondence:

- Whale Tail Pit Project: Predicted Changes in Fish Mercury Concentrations in the flooded area of Whale Tail Lake (South Basin);
- Meadowbank Gold Project – Habitat Compensation Monitoring plan (Version 4); and
- Conceptual Whale Tail Lake (North Basin) Fishout work plan.

The following additional information was included within the technical review comment responses to the NIRB from Agnico Eagle on April 7, 2017 with additional submissions provided on April 25, 2017:

- Whale Tail Pit Final Technical Comment Responses, April 2017
- Agnico Eagle's Responses in response to Health Canada's Technical Comments, April 2017
- Figures associated with Agnico Eagle's Responses in response to Health Canada's Technical Comments, April 2017

The following supplemental information was provided to the NIRB and the NWB by Agnico Eagle on April 19, 2017:

- Caribou workshop meeting minutes from workshop held on February 22 -23rd, 2017; and
- A short technical memo with a "Viewshed Analysis" in support of the TEMP.

DOCUMENTS SUBMITTED TO THE NWB AS PART OF THE WATER LICENCE APPLICATION

The following documents pertaining to the water licence application were included within EIS Volume 2 – Environmental Overview and Type “A” Water Licence:

- Cover Letter;
- Appendix 2-C Regulatory History;
- Appendix 2-H Completed Application form for Water Licence Amendment;
- Appendix 2-I Nunavut Water Board Conformity;
- Appendix 2-J Project Design Considerations;
- Appendix 2-K Record of Compliance to Water Licence;
- \$30 application fee.

The following documents were included within EIS Volume 8 – Monitoring. Mitigation and Management Plans:

- Mine Waste Rock and Tailings Management Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Water Quality Monitoring and Management Plan for Dike Construction Dewatering Addendum, Version WT, June 2016;
- Landfill Design and Waste Management Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Water Management Plan Addendum, Version WT, June 2016;
- Water Quality and Flow Monitoring Plan, Version WT, June 2016;
- Whale Tail Pit Haul Road Management Plan, Version WT, June 2016;
- Ammonia Management Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Meadowbank and Whale Tail Bulk Fuel Storage Facilities: Environmental Performance Monitoring Plan, Version 3, June 2016;
- Emergency Response Plan Addendum, Version WT, June 2016;
- Hazardous Materials Management Plan Addendum Meadowbank Mine Site, Whale Tail Pit Site, Baker Lake Facilities, Version WT, June 2016;
- Shipping Management Plan Whale Tail Pit, Version 1, June 2016;
- Spill Contingency Plan Meadowbank Mine Site, All Weather Access Road (AWAR), Whale Tail Open Pit, Whale Tail Haul Road, and Baker Lake Marshalling Facilities, Version WT, June 2016;
- Air Quality and Dustfall Monitoring Plan Addendum, Version WT, June 2016;
- Core Receiving Environment Monitoring Program (CREMP): 2015 Plan Update – Whale Tail Pit Addendum, May 2016;
- Groundwater Monitoring Plan Addendum, Version WT, June 2016;
- Conceptual Fish Habitat Offsetting Plan: Whale Tail Pit, June 2016;
- Operational ARD/ML Sampling and Testing Plan – Whale Tail Pit Addendum, Version WT, June 2016;
- Socio Economic Management and Monitoring Plan for the Whale Tail Pit, Version 1, June 2016;
- Terrestrial Ecosystem Management Plan Addendum, Version 2, June 2016;
- Archaeological Management Plan Agnico Eagle Mines: Meadowbank Division – Whale Tail Pit and Haul Road, March 2016; and
- Interim Whale Tail Pit Closure and Reclamation Plan, Version WT, June 2016.

The following additional information was included within Applicant responses to the comments pertaining the completeness of Application on December 7, 2016 and January 27, 2017:

- Technical Memorandum: Groundwater Quality Investigation Amaruq, Nunavut, November 15, 2016;
- Appendix 8-A1: Whale Tail Pit – Waste Rock Management Plan (Version 1), January 2017;
- Appendix 8-A.2 – Whale Tail Pit Water Quality Monitoring and Management Plan for Dike Construction and Dewatering (Version 1), January 2017;
- Appendix 8-B1: Whale Tail Pit – Landfill Design and Management Plan (Version 1), January 2017;
- Appendix 8-B2: Whale Tail Pit – Water Management Plan (Version 1), January 2017;
- Appendix 8-B3: Whale Tail Pit – Water Quality and Flow Monitoring Plan (Version 1), January 2017; and
- Appendix WT: Meadowbank Tailings Storage Facility Management Plan for Whale Tail Pit (Version 1), January 2017.

The following information was included within the technical review comment responses to the NWB from Agnico Eagle on April 7, 2017:

- Whale Tail Pit Final Technical Comment Responses, April 2017.

Appendix E: List of Commitments Generated during the Technical Review Period of the Environmental Impact Statement and the Water Licence Application

**COMMITMENTS FROM TECHNICAL COMMENTS Received from Parties during the Technical Review Period
(April 7, 2017)**

NOTES:

- 1) Commitments made below are from the Technical Comment submission and should be read in full for complete context of the commitment
- 2) Where it is requested that data be provided, it is expected a related discussion will also be included within the submission.
- 3) Where no timelines are indicated, Agnico Eagle Mines Ltd. (Agnico Eagle) is to provide as per requests of the party putting the commitment forth.
- 4) List of acronyms to be provided at a later date
- 5) Agnico Eagle recommends that all commitments related to specific topics (i.e., water quality, TEMP, CREMP, etc.) should be consolidated and streamlined.

Color Code

Commitment completed prior to or at the PHC

| Commitment # | Concerned Party | TC Reference - NIRB | TC Reference - NWB | Commitment in Tech Comment Response | Timeline | Additional Notes | NIRB/NWB Review Process |
|--------------|-----------------|---------------------|--------------------|--|--|--|-------------------------|
| 1 | ECCC | ECCC #2 | n/a | The dustfall monitoring proposed for the three locations along the Whale Tail Haul Road (kilometers 18, 36, and 54) will employ the same methods as used to assess dustfall along the existing All-Weather Access Road between the Meadowbank Mine and Baker Lake (kilometers 18, 76, and 78). | Annual Report | | |
| | | | | Results of the dustfall monitoring along the haul road (and at the Whale Tail Pit) will be summarized in the annual report under the Air Quality and Dustfall Monitoring section of the annual report | | | |
| 2 | ECCC | ECCC #5 | n/a | Agnico Eagle will prepare a stand-alone mitigation and monitoring plan for diving waterbirds, specific to the Whale Tail fish-out operations. The document will include a summary of the lessons learned and the mitigation and monitoring employed at other fish-out operations, the proposed mitigation used to reduce waterbird mortality at Whale Tail, and reporting of the effectiveness of the mitigation and reporting procedures for any mortalities that may occur. The plan will be included as an appendix to the Fish-out work plan, and will be reviewed with ECCC prior to initiating the fish-out. | Prior to initiating fish-out | | |
| 3 | ECCC | ECCC #6 | n/a | Agnico Eagle does not currently include upland birds in the current pit and mine site surveys, but will discuss this or other means of monitoring upland birds with ECCC. | n/a | | |
| 4 | ECCC | ECCC #7 | n/a | Agnico Eagle agrees with the recommendation and will provide the shipping contractors with a map of identified resources at risk along the shipping route, including key marine habitat sites for migratory birds. This will be incorporated into the Shipping Management Plan prior to the start of the Project. | Prior prior to commencement of the shipping season for Amaruq | | |
| 5 | ECCC | | | The Shipping Management Plan will be updated prior to commencement of the shipping season to incorporate ECCC's Eastern Canada Seabirds at Sea (ECSAS) standardized protocols developed for moving and stationary platforms into the MMSO program | | | |
| 6 | ECCC | ECCC #8 | n/a | ECCC concerns will be addressed by existing mitigation in the next iteration of the TEMP which will be submitted to NIRB prior to the Final Hearing. The TEMP will include global mitigation of restriction activities to the mine footprint, prohibiting harassment of wildlife, providing wildlife with the right-of-way and providing environmental awareness training to site staff. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 7 | ECCC | | | The list of species at risk in the Project area will be updated in the next version of the TEMP, and Agnico Eagle will include a summary of species at risk in the Shipping Management Plan, when it is revised prior to commencement of the shipping season. | (TEMP- July 14, 2017; and Shipping Management Plan prior to commencement of the shipping season) | All TEMP related commitments should be consolidated. | |
| 8 | ECCC | | | Changes to species at risk for the Project will be reviewed in the annual Wildlife Monitoring Summary Report, and in any updated versions of the TEMP, when relevant. | Annual Report | | |
| 9 | ECCC | ECCC #9 | n/a | The TEMP will be updated to include the mitigation recommended by ECCC that can be practically implemented. To adhere with the <i>Migratory Birds Convention Act</i> , Agnico Eagle has committed to preparing a mitigation plan for the protection of diving waterbirds prior to any fish-out. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| | | | | Agnico Eagle will make efforts to avoid clearing vegetation during the migratory bird nesting period (mid-May to mid-August), and will consult with ECCC prior to any clearing of vegetation during this season. | | | |
| 10 | ECCC | | | Agnico Eagle agrees and will incorporate the recommendations into the next revision of the TEMP. Results of the surveys will be summarized in the annual wildlife monitoring summary report. | July 14, 2017; and Annual Report | All TEMP related commitments should be consolidated. | |

| Commitment # | Concerned Party | TC Reference - NIRB | TC Reference - NWB | Commitment in Tech Comment Response | Timeline | Additional Notes | NIRB/NWB Review Process |
|--------------|-----------------|---------------------|--------------------|---|--------------------------------------|---|-------------------------|
| 11 | ECCC | ECCC #10 | n/a | Agnico Eagle will describe mitigation to reduce impacts to migratory bird nests during flooding as an appendix to the TEMP. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 12 | ECCC | ECCC #11 | ECCC #1 | A comprehensive baseline report, including KivIA and ECCC sampling recommendations will be provided prior to construction and operation of the Whale Tail Pit dike; this will be used to support the CREMP study design required for operations | Prior to construction and operations | | |
| 13 | ECCC | ECCC #12 | ECCC #2 | Agnico Eagle agrees to the treatment of WRSF seepage / runoff during post-closure, if it is needed. If treatment is required, treatment will occur until the water quality meets the direct discharge criteria that will be defined in a Water Licence, following which the treatment system will be decommissioned. | n/a | | |
| 14 | ECCC | ECCC #13 | ECCC #3 | Additional hydrogeological modelling will be undertaken during operations to inform final closure and post-closure water quality predictions. | During operations | | |
| 15 | ECCC | ECCC #14 | ECCC #4 | Information on treatment specifications and predictions (end-of-pipe and receiving environment) will be provided prior to the Final Hearing. | July 14, 2017 | All SSWQO related commitments should be consolidated. | |
| 16 | ECCC | | | At this time, Agnico Eagle is evaluating various mitigations options (including, but not limited to water treatment design, grouting). Once the mitigations have been determined and evaluated, the model will be rerun and an addendum to Appendix 6-H will be issued presenting updated results. This will be issued prior to the Final Hearing. | July 14, 2017 | | |
| 17 | ECCC | ECCC #15 | ECCC #5 | Details on the treatment design and treatment quality will be provided prior to the Final Hearing. | July 14, 2017 | | |
| 18 | ECCC | ECCC #20 | ECCC #10 | Agnico Eagle agrees and will collect baseline measurements (i.e., TSS and turbidity) according to the locations identified in the Water Quality and Flow Monitoring Plan (FEIS, Volume 8, Appendix 8-B.3, Figure 2-6 and Table 3-1) and in the CREMP prior to construction. | Prior to construction | Linked to commitment in ECCC #25 | |
| 19 | ECCC | | | Agnico Eagle agrees with the ECCC recommendation. Section 4.3 of the Water Quality Monitoring and Management Plan for Dike Construction Dewatering will be updated prior to construction as follows: (see full response) | Prior to construction | | |
| 20 | ECCC | ECCC #21 | ECCC #11 | Best practices used at the Meadowbank Mine will continue to be implemented which requires that the quality of the water to be used for dust suppression will be confirmed during monthly monitoring to ensure the application to roadways to minimize the potential introduction of deleterious substances into the environment. Agnico Eagle will continue to use contact water to water roads within the site footprint (i.e., in areas where all runoff can be captured) and to use non-contact water (from approved sources) to water roads outside of the site footprint (i.e., in areas where runoff cannot be captured). | Confirmed during monthly monitoring | | |
| 21 | ECCC | ECCC #22 | ECCC #12 | Agnico Eagle agrees to ECCC's recommendation and will adapt closure monitoring to align with annual CREMP monitoring. | Monthly and Annual Report | | |
| 22 | ECCC | ECCC #24 | ECCC #14 | Water quality monitoring will be conducted at these CREMP stations during both construction and operations of the road to verify the situation. | During construction and operations | Complete, commitment has been addressed in the Plan | |
| 23 | ECCC | ECCC #25 | ECCC #15 | Prior to commencement of construction activities, water samples will be collected from areas representing a range of baseline TSS concentrations and analyzed for both TSS and turbidity. Paired concentration data will be used to either update the existing Meadowbank TSS-Turbidity regression or a Whale Tail specific regression equation will be developed. During in-water construction, weekly water samples will be collected concurrently with in situ turbidity measurements and submitted for laboratory determination of TSS concentrations. Comparisons of measured TSS and estimated TSS (based on turbidity) will be completed to confirm the turbidity data are representative of TSS concentrations. | prior to construction | Complete, commitment has been addressed in the Plan | |
| 24 | ECCC | ECCC #26 | ECCC #16 | sediment core sampling at whale tail in 2017 | n/a | | |

| Commitment # | Concerned Party | TC Reference - NIRB | TC Reference - NWB | Commitment in Tech Comment Response | Timeline | Additional Notes | NIRB/NWB Review Process |
|--------------|------------------|---------------------|--------------------|---|---------------------|---|-------------------------|
| 25 | Health Canada | HC01 | n/a | Similar to current methods dustfall will be collected in open vessels containing a purified liquid matrix over one month periods (approximately). Particles will be deposited and retained in the liquid, which will be analyzed for total and fixed (non-combustible) dustfall. Calculated dustfall rates will be normalized to 30 days (mg/cm2/30 days). Dustfall canisters will be provided by and analyzed by an accredited laboratory. A section of the annual report will include a description of the results of the dustfall monitoring program and the results will be compared to industrial/commercial area guidelines. Any significant trends, will also be reported. In addition, improvements to best practices are expected over time and will continue to be informed by Agnico Eagle's Air Quality and Dustfall Monitoring Program | Annual Report | Linked to commitment in ECCC #2 | |
| 26 | Health Canada | HC05 | n/a | Eleven eskers were sampled for use as road surface material and the size distribution of their granular material analyzed (Table HC05-1). The arithmetic mean silt content is 6.1% and was the value used in the assessment. Three samples had very high silt contents (27.3%, 17%, and 10.6%). The two highest silt contents were from material classified as "natural sands", rather than "natural gravels", and are considered unsuitable for use as road surface material (i.e., they would need to be blended with other material to meet the required road surface specifications). The geometric average and median silt contents are 2.7% and 2.0% (all other silt contents are <3.2%). Therefore, the use of a 6.1% silt content is considered sufficiently conservative. Agnico Eagle does not believe that the silt content will be higher; however, Agnico Eagle conducts a screening level risk assessment every 3 years and will continue to monitor dust and report on it on an annual basis. Results of annual dust monitoring and the screening level risk assessment will continue to inform adaptive management on-site. | Annual Report | | |
| 27 | Health Canada | HC15 | n/a | Health Canada's concern is duly noted and Agnico Eagle is committed to monitoring temporal trends in fish mercury concentrations in relation to the flooding of Whale Tail Lake (South Basin). Mercury-related monitoring will be integrated into the Whale Tail Pit – Fisheries and Offsetting Monitoring Plan which will be prepared prior to the Final Hearing and provided to Health Canada for review. Agnico Eagle is committed to developing this plan to include collaborations with academics, DFO, DFO Science, and the KivA. The mercury monitoring plan will not only include lake trout (i.e., the top predatory fish in the lake), but will include monitoring temporal trends in methylmercury concentrations key components of the food chain (zooplankton and benthic invertebrates) and water. This approach will provide meaningful data to not only manage the flooding-related changes to fish mercury concentrations, but also to better understand the mercury-issue in a northern context. | July 14, 2017 | Links to commitment made in KivA-TC-Freshwater Environment 02 | |
| 28 | Health Canada | HC19 | n/a | Agnico Eagle is committed to informing communities of any major spills as soon as practical to do so. | n/a | | |
| 29 | Transport Canada | TC 1 | n/a | Agnico Eagle looks forward to further discussions with Transport Canada at the Pre-hearing Conference and Community Roundtable to determine the navigability of Mammoth and Whale Tail lakes. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 30 | Transport Canada | TC 2 | n/a | Agnico Eagle will work with Transport Canada to ensure compliance with the NPA, and looks forward to further discussions with Transport Canada at the Pre-hearing Conference and Community Roundtable. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 31 | NRCan | NRCan 3 | n/a | Agnico Eagle will perform thermal modelling of the WRSF, incorporating climate change and acquired information from the Meadowbank WRSF monitoring program, and will use the result of the model to support final design of the WRSF including that of the proposed cover. Modelling results and revised design, if any, will be submitted to interested parties prior to operations. | Prior to operations | | |
| 32 | NRCan | NRCan 6 | n/a | Agnico Eagle acknowledges NRCan's comment and will continue verifying the hypothesis that the pit acts as a recharge area using continuous monitoring throughout the mine's life. | n/a | | |
| 33 | NRCan | NRCan 7 | n/a | Agnico Eagle will continue to monitor the groundwater conditions and hydrogeological characterization of the Whale Tail Pit site according to the FEIS Volume 8, Appendix 8-E.3. | n/a | | |

| Commitment # | Concerned Party | TC Reference - NIRB | TC Reference - NWB | Commitment in Tech Comment Response | Timeline | Additional Notes | NIRB/NWB Review Process |
|--------------|-----------------|---------------------|--------------------|--|-----------------------------------|-----------------------------|-------------------------|
| 34 | INAC | INAC-TRC #1 | INAC-TRC#1 | Agnico Eagle will perform thermal modelling which will incorporate climate change and acquired information from the Meadowbank Waste Rock Storage Facility (WRSF) monitoring program, and will use the results of the model to support final design of the WRSF. Modelling results, revised design, if any, and proposed locations of thermistors for long-term monitoring will be submitted to interested parties prior to the Final Hearing. | July 14, 2017 | | |
| 35 | INAC | | | This contingency will be outlined in an updated Waste Rock Storage Facility Management Plan due to the NWB prior to construction. | Prior to Construction | | |
| 36 | INAC | INAC-TRC #2 | n/a | Agnico Eagle is committed to on-going research program with the Université du Québec en Abitibi-Témiscamingue (UQAT), geotechnical and water quality monitoring at the tailings storage facility (TSF) to validate its performance or implement the necessary corrective actions to meet TSF performance criteria | n/a | | |
| 37 | INAC | n/a | INAC-TRC#2 | Agnico Eagle will work with INAC, KivIA, and the NWB to re-assess the security held under 2AM-MEA1525. | n/a | | |
| 38 | INAC | INAC-TRC #3 | INAC-TRC #3 | Additional geochemistry data continues to be collected to validate model inputs, and modelled predictions will be updated using new geochemical data and/or operation monitoring data. | n/a | | |
| 39 | INAC | INAC-TRC #6 | INAC-TRC #6 | Agnico Eagle has committed to treating water from the WRSF pond or implement a long-term passive solution until it meets acceptable direct discharge criteria | n/a | | |
| 40 | INAC | | | the effective mixing zone (EMZ) and discharge location for the assessment are preliminary detailed designs on the diffuser and location will be required before construction. | Prior to construction | | |
| 41 | INAC | INAC-TRC #8 | n/a | Agnico Eagle is committed to initiate the design and implementation of re-vegetation studies to better define re-vegetation strategies that are applicable to the reclamation of comparable northern developments. | n/a | | |
| 42 | INAC | | | Agnico Eagle is active in region and will continue researching to determine best practices and re-vegetation strategies which may be applicable to Whale Tail Pit Project. Agnico Eagle looks forward to further discussion on this topic at the Technical Meeting | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 43 | INAC | n/a | INAC-TRC #8 | Agnico Eagle continues to work with academic institutions and the Meadowbank Dike Review Board to ensure post-closure goals are met | n/a | | |
| 44 | INAC | n/a | | Agnico Eagle will review the thermal behavior of the WRSF cover at Meadowbank and perform thermal modelling and reported in Annual Reports. | Annual Report | | |
| 45 | INAC | n/a | | Ongoing geochemical testing will confirm water quality model inputs and results, with a commitment by Agnico Eagle to use these results to validate inputs and update the model and predictions, where warranted. | n/a | | |
| 46 | INAC | n/a | INAC-TRC #9 | Agnico Eagle is committed to work with INAC and the KivIA to come to an agreement on a reclamation closure cost estimate prior to the Final Hearing. | Prior to Final Hearing | | |
| 47 | INAC | INAC-TRC #10 | n/a | Agnico Eagle is committed to continuing to work with communities through community liaisons to identify potential local labour sources for Project operations, and address barriers to local labour force participation. | n/a | | |
| 48 | INAC | INAC-TRC #11 | n/a | Specific assumptions used in the modelling of the Project's economic and employment effect will be provided prior to the Final Hearing. | July 14, 2017 | | |
| 49 | INAC | INAC-TRC #12 | n/a | Agnico Eagle is open to discussing the comprehensiveness of the socio-economic baseline data presented in the FEIS during the Technical Meeting. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 50 | INAC | INAC-TRC #13 | n/a | Agnico Eagle is open to further discussion regarding the Party's comments on Project-induced population change at the Technical Meeting. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 51 | INAC | | | Agnico Eagle will continue to work and consult with communities throughout Project development and operations, and will continue their involvement with the Socio-Economic Monitoring Committee and other community liaison initiatives. | During development and operations | | |
| 52 | INAC | INAC-TRC #15 | n/a | Agnico Eagle will continue to work and consult with communities throughout Project development and operations, and will continue their involvement with the SEMC in the collaborative monitoring of socio-economic conditions in communities, and in the region. | During development and operations | | |

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| 53 | INAC | INAC-TRC #16 | n/a | Agnico Eagle will continue to work with the Kivalliq SEMC to monitor socio-economic conditions in the region, and to identify areas where its operations are interacting cumulatively to have adverse effects. Agnico Eagle will also continue to engage with communities to determine their perception of cumulative socio-economic effects of development in the region, and to work with the GN, the KivIa, and other relevant parties (e.g., Elders, the Hunter and Trappers Association) in the management of cumulative socio-economic effects. | n/a | | |
| 54 | DFO | DFO 1 | n/a | Agnico Eagle agrees and included bottom dwellers (i.e., burbot) in the conceptual fisheries offsetting calculations and will do so in the Final Offsetting Plan | n/a | | |
| 55 | DFO | | | will adapt CREMP closure monitoring and fisheries and offsetting monitoring of the pit portion of Whale Tail Lake to ensure the ability to demonstrate suitable water quality in closure. If deemed unsuitable, Agnico Eagle will consider contingency fisheries offsetting options located outside the Whale Tail Lake basin that are acceptable to DFO, KivIa and local stakeholders. | n/a | | |
| 56 | DFO | DFO 1 | n/a | Agnico Eagle is committed to work with DFO, KivIa, and relevant stakeholders to submit a Fisheries and Offsetting Monitoring Plan in support of the authorization phase of the project prior to the Final Hearing. Within that plan, Agnico Eagle will commit to conducting research, in partnership with academic institutions, KivIa, and DFO, to evaluate conditions in the re-flooded area and Whale Tail Pit at closure and post-closure. | Prior to Final Hearing | Based on discussions with DFO, all Fisheries Offsetting Plans will be submitted as per DFO's schedule. | |
| 57 | DFO | | | Agnico Eagle will work with the DFO and clarify any discrepancies regarding depth criteria in the Final Offsetting Plan. | n/a | | |
| 58 | DFO | | | Agnico Eagle will work with the DFO and KivIa to evaluate the gains and appropriate losses due to flooding in the Final Offsetting Plan prior to the Final Hearing. Furthermore, in the Fisheries and Offsetting Monitoring Plan, Agnico Eagle will commit to conducting research, in partnership with academic institutions, KivIa, and DFO, to evaluate the effects of flooding on the fish community | Prior to Final Hearing | Commitment is to continue to work with DFO and KivIa to evaluate gains and losses | |
| 59 | DFO | DFO 2 | n/a | Agnico Eagle will utilize the Excel form provided by DFO for the Phaser Lake fish-out to report results of the Whale Tail Lake (North Basin) fish-out program | n/a | | |
| 60 | DFO | | | Population estimates will also be made during the CPUE phase of the fish-out using both the Leslie and DeLury methods, and this information will be communicated with DFO. | n/a | | |
| 61 | DFO | DFO 4 | n/a | Agnico Eagle will provide information outlining all habitat gains and losses in the next version of the Final Offsetting Plan. | n/a | | |
| 62 | DFO | | | Agnico Eagle will work with the DFO, KivIa, and relevant stakeholders to submit a Fisheries and Offsetting Monitoring Plan in support of the authorization phase of the project prior to the Final Hearings. Within that plan, Agnico Eagle will commit to conducting research, in partnership with academic institutions, KivIa, and DFO, to evaluate the effects of flooding on the fish community, including the effect on tissue mercury concentrations. | Prior to Final Hearing | Based on discussions with DFO, all Fisheries Offsetting Plans will be submitted as per DFO's schedule. | |
| 63 | DFO | DFO 5 | n/a | Agnico Eagle will include the outline of a study to investigate the effects on productivity that may occur when altering downstream lake conditions in the forthcoming Fisheries and Offsetting Monitoring Plan. | Prior to Final Hearing | Linked to commitment in ECCC #15 | |
| 64 | DFO | | | Agnico Eagle will work with DFO, academic researchers, and consultants to design an effective program. | n/a | | |
| 65 | DFO | | | Depending on operations, water quality predictions, and to ensure the protection of the fish population transferred to the Whale Tail Lake (South Basin), Agnico Eagle will refine the closure reflooding sequence accordingly. | n/a | | |
| 66 | DFO | | | Agnico Eagle supports investigating fish use of the flooded area as a component of the studies of productivity changes that will be undertaken as part of the offsetting for the project and will seek opportunities to do so. | n/a | | |
| 67 | DFO | | | Agnico Eagle will consider DFO 2016/038 during the development of the research program to evaluate the effects of flooding on the fish community (refer to response to DFO 4) and seek opportunities to address questions that have arisen as part of the review. | n/a | | |
| 68 | DFO | DFO 6 | n/a | Agnico Eagle agrees to provide a separate Fisheries and Offsetting Monitoring Plan for the Whale Tail Pit project. | Prior to Final Hearing | Based on discussions with DFO, all Fisheries Offsetting Plans will be submitted as per DFO's schedule. | |

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| 69 | DFO | | | Agnico Eagle will ensure that they are adhering to the most recent advice regarding blasting in further revisions to the Blast Management Plans | n/a | | |
| 70 | DFO | DFO 7 | n/a | Imagery is available for Mammoth Lake for July 21, 2011, and will be used to estimate the elevation of Mammoth Lake for the habitat area calculations. | n/a | | |
| 71 | DFO | DFO 8 | n/a | mitigation measures will be incorporated into Agnico Eagle's relevant management plans 2) Since 2010, the Meadowbank Division has implemented a vessel-based MMSO program which will continue to be implemented during all routine Whale Tail Project shipping activities in the Regional Study Area. This program will be executed by trained local observers stationed on-board Project vessel(s). The intent of the MMSO program is to collect data on the location, behaviour, relative abundance, and species observed, as well as any interactions with Project vessels during shipping activities in the Regional Study Area and report on the compliance of the shipping contractor with the mitigation measures | prior to start of the Project | Linked to commitment in ECCC #7 | |
| 72 | DFO | | | Agnico Eagle will continue to report the observations annually to the NIRB. Additional details regarding the MMSO data collection protocols will be provided in the Shipping Management Plan as requested by ECCC | Annual to NIRB | | |
| 73 | DFO | DFO 9 | n/a | will ensure that all Agnico Eagle staff are aware that occurrences affecting fish and fish habitat are to be reported immediately and directly to DFO | operational no timeline | | |
| 74 | DFO | | | Agnico Eagle agrees with DFO place a monitoring station in Mammoth Lake, to add a station in the pit portion of Whale Tail's North Basin as well as the South Basin, and have a least 2 control lake monitoring stations identified. | n/a | Superseded by the commitments made during the Technical Meeting (General #2) | |
| 75 | GN | GN-01 | n/a | Agnico Eagle agrees with the GN recommendations and will post the above mentioned signs on the Whale Tail Haul Road. | n/a | | |
| 76 | GN | GN-02 | n/a | Use crossing areas (for use by ATV or snowmobiles) along the Whale Tail Pit Haul Road, and will include signage for operations vehicles to ensure safety for traditional land users. Agnico Eagle will continue to consult and work collaboratively with the HTO and KivIA, to identify trails or safe crossing locations that intersect the Haul Road, and to ensure that safe crossing structures are installed where operationally feasible. | n/a | | |
| 77 | GN | GN-03 | n/a | Agnico Eagle will continue to work and consult with communities throughout Project development and operations, and will continue their involvement with the SEMC in the collaborative monitoring of socio-economic conditions in communities, and in the region. | Annual report | | |
| 78 | GN | GN-04 | n/a | Agnico Eagle will further investigate Project-driven revenue to the GN, and the forecasting of fuel and payroll tax. An updated response will be provided prior to the Final Hearing. | July 14, 2017 | | |
| 79 | GN | GN-05 | n/a | In addition, preliminary investigations into potential caribou movement areas along the Whale Tail haul road have been identified, and will be further investigated in 2017, and the height-of-land survey locations have been placed in close proximity to these movement areas. This information will be contained within the TEMP to determine monitoring locations and monitoring frequency. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 80 | GN | | | Agnico Eagle agrees that an analysis of the movements of collared caribou in relation to the existing Meadowbank AWAR to examine the speed and direction of caribou movements in relation to the road would be of added value, and will continue to work with the GN prior to the operation of Whale Tail Pit to ensure monitoring and mitigation continue to protect caribou. | Prior to operations | | |
| 81 | GN | GN-06 | n/a | Agnico Eagle will work with the GN, KivIA, and HTO to finalize thresholds in the final TEMP. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 82 | GN | GN-07 | n/a | A viewshed analysis of the height of land survey locations and the Whale Tail haul road is currently being completed. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 83 | GN | GN-08 | n/a | The revised TEMP will also consider group size (as discussed in GN-06), and will extend the mitigation thresholds to last for one week minimum regardless of subsequent caribou observations after the threshold is triggered; this will be adjusted based on seasonality to ensure maximum protection of caribou. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 84 | GN | GN-09 | n/a | Although the flight safety of employees and the aircraft will be paramount, the updated TEMP will suggest that aircraft pilots will receive the site-wide notifications of caribou movements, and include a recommended minimum distance from all caribou of 300 m vertically and 1 km horizontally. | July 14, 2017 | All TEMP related commitments should be consolidated. | |

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|--------------|-----------------|---------------------------------|---------------------------------|---|------------------------|--|-------------------------|
| 85 | GN | GN-10 | n/a | Regarding updates to the TEMP, Agnico Eagle agrees with the GN's recommendations and will update the procedures to reduce sensory disturbance to caribou as a result of blasting. Consistent with other mine site activities, Agnico Eagle has developed trigger levels to account for blasting noise and have selected HOL locations that will allow caribou detection 3 to 5 km away. Agnico Eagle is investigating the viewshed from nearby height-of-land (see GN-07) and will work with the GN to define a "minimum no blasting buffer". | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 86 | GN | GN-12 | n/a | Agnico Eagle will continue to have conversations with the Baker Lake HTO about the no shooting zone, will continue to implement a check-in/check-out procedure that discusses the no shooting zone at the security gate at KM 0. Furthermore, Agnico Eagle agrees with the GN recommendation and will post 1 km markers out on the land for spatial reference to hunters. | n/a | | |
| 87 | GN | GN-14 | n/a | Agnico Eagle agrees with the GN and will continue to monitor muskox presence as part of the TEMP (consistent with Meadowbank operations). | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 88 | GN | GN-15 | n/a | The specifics of the haul road design will be provided in the next version of the TEMP and corresponding monitoring and mitigation will also be provided in this revision as per the outcome of discussions between Agnico Eagle, the KivIA and the GN at our last two workshops. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 89 | GN | GN-18 | n/a | Agnico Eagle is committed to continuing the HHS, and will consider revising the survey to include a measure of catch per unit effort, recognizing that the HHS is undertaken in partnership with the KivIA, HTO, and GN. | n/a | | |
| 90 | GN | GN-19 | n/a | Agnico Eagle will continue to work with the Department of Family Services and other relevant stakeholders to promote skills, training, and career advancement of current and future Inuit | n/a | | |
| 91 | GN | GN-20 | n/a | The Department of Family Services will be consulted throughout all phases of the project and Agnico Eagle will submit a detailed staff schedule six months in advance of construction and will include: <ul style="list-style-type: none"> Title of positions required by department and division; Quantity of positions available by Project phase and year; and The National Occupational Classification (NOC) code for each individual position. | All phases of Project | | |
| 92 | GN | | | Agnico Eagle agrees with the GN and will continue to extend the Meadowbank apprenticeship program while operating the Whale Tail Pit, which requires apprenticeship registration. | During operations | | |
| 93 | GN | GN-21 | n/a | Agnico Eagle will continue to work with stakeholders and employees to ensure that wellbeing information is integrated into employee orientation programming to increase awareness of STIs and safe sexual practices to employees and their sexual partners. | n/a | | |
| 94 | GN | GN-23 | n/a | While respecting the privacy of our employees, Agnico Eagle will work with the GN to ensure appropriate data is made available; however, Agnico Eagle will not collect information that steps into the private lives of our employees. | n/a | | |
| 95 | GN | GN-24 | n/a | Agnico Eagle will continue to work with communities to identify local labour and strategies to remove barriers to employment. | n/a | | |
| 96 | GN | | | While the development of housing is outside the purview of a mining developer, Agnico Eagle will continue to engage with communities regarding changing socio-economic conditions. Agnico Eagle will continue the socio-economic monitoring program in place for the Meadowbank Mine during Project construction and operations, which includes monitoring of migration, community population, housing stock and condition, and use of physical infrastructure and services. | n/a | | |
| 97 | GN | | | Agnico Eagle is open to further discussion on the perceived potential for Project-driven population changes in Kivalliq communities during the Technical Meeting | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 98 | KivIA | KivIA-TC-Aquatic Ecology 01 | KivIA-TC-Aquatic Ecology 01 | Agnico Eagle is committed to ensuring that KivIA remains involved in the plan development process and will take concerns of the residents into account in the final offsetting plan. | n/a | | |
| 99 | KivIA | KivIA-TC-Freshwater Environment | KivIA-TC-Freshwater Environment | Details on the treatment design and treatment quality will be provided prior to the Final Hearing. | July 14, 2017 | | |
| 100 | KivIA | KivIA-TC-Freshwater Environment | KivIA-TC-Freshwater Environment | Agnico Eagle looks forward to discussing the need for additional groundwater monitoring wells at the Technical Meeting. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 101 | KivIA | KivIA-TC-Freshwater Environment | KivIA-TC-Freshwater Environment | Agnico Eagle agrees with this comment and is committed to temporal monitoring fish mercury concentrations in relation to the flooding of Whale Tail Lake (South Basin). Mercury-related monitoring will be integrated into the Fisheries and Offsetting Monitoring Plan prior to the Final Hearing. | Prior to Final Hearing | Links to commitment in HC15 | |

| Commitment # | Concerned Party | TC Reference - NIRB | TC Reference - NWB | Commitment in Tech Comment Response | Timeline | Additional Notes | NIRB/NWB Review Process |
|--------------|-----------------|------------------------------------|------------------------------------|---|------------------|---|-------------------------|
| 102 | KivIA | 02 | 02 | Agnico Eagle is committed to developing this plan to include collaborations with academics, DFO, DFO Science, and the KivIA. | n/a | | |
| 103 | KivIA | KivIA-TC-Freshwater Environment 03 | KivIA-TC-Freshwater Environment 03 | Agnico Eagle looks forward to discussing this further at the Technical Meeting and in particular how the installation of these wells are related to the Subject: Significant phosphorus enrichment will lead to the predicted average dissolved phosphorus being higher than the meso-eutrophic trigger value in Mammoth Lake. | May 1 to 2, 2017 | Complete (May 1 to 2, 2017) | |
| 104 | KivIA | KivIA-TC-Air-05 | KivIA-TC-Air-05 | Agnico Eagle will continue to apply suppressants at the locations previously treated. Consistent with the approach along the AWAR, Whale Tail Pit Haul Road watering and/or the application of chemical suppressants will also be employed in sensitive areas identified by local stakeholders or Agnico Eagle (e.g., adjacent to traditional land use areas). Improvements to best practices are expected over time and will continue to be informed by Agnico Eagle's Air Quality and Dustfall Monitoring Program. | n/a | | |
| 105 | KivIA | KivIA-TC-Terrestrial 01 | KivIA-TC-Terrestrial 01 | Agnico Eagle is aware that initial analysis of the data has been completed by the GN and suggests that if any direction is to be provided by NIRB this undertaking would be best suited with the GN to provide the requested analysis. Agnico Eagle will continue to work with the GN and will provide any support required to undertake the analysis. | n/a | Complete (May 1 to 2, 2017) | |
| 106 | KivIA | KivIA-TC-Terrestrial 03 | KivIA-TC-Terrestrial 03 | updated TEMP will include monitoring thresholds based on collar movements and the visibility of caribou from the height-of-land survey points and revised TEMP will provide updated thresholds for caribou sensory disturbance mitigation, and updated mitigation. | July 14, 2017 | All TEMP related commitments should be consolidated. | |
| 107 | KivIA | KivIA-TC-Terrestrial 04 | KivIA-TC-Terrestrial 04 | Agnico Eagle agrees that there is value to forming a Terrestrial Advisory Group with a specific mandate and meeting schedule and would also be based on an agreed to Terms of Reference between Agnico Eagle and key participants. | n/a | | |
| 108 | KivIA | KivIA-TC-Terrestrial 05 | KivIA-TC-Terrestrial 05 | The trials indicated that TETRA Flake is likely the most effective method of reducing dust; where fugitive dust problems persist, road watering will be applied or if deemed necessary, TETRA Flake will also be applied to control problem areas along the Whale Tail Pit haul road. | n/a | While Tetraflake is an option, Agnico Eagle will use GN approved guidance document. | |
| 109 | KivIA | KivIA-TC-Terrestrial 06 | KivIA-TC-Terrestrial 06 | Agnico Eagle agrees to investigate whether there is sufficient data to reliably calculate a Zone of Influence (ZOI) around the existing Meadowbank Mine and AWAR, assuming that the entire collar data set can be made available. | July 14, 2017 | All TEMP related commitments should be consolidated. | |

Appendix F: List of Commitments Generated during the Technical Meeting/Pre-hearing Conference for the Whale Tail Pit Project Proposal and the Water Licence Application No. 2AM-WTP----

COMMITMENTS FROM TECHNICAL MEETING
(Baker Lake, April 28 to April 29, 2017)

NOTES:

- 1) Where it is requested that data be provided, it is expected a related discussion will also be included within the submission.
- 2) Where no timelines are indicated, Agnico Eagle Mines Ltd. (Agnico Eagle) is to provide as per requests of the party putting the commitment forth.
- 3) List of acronyms to be provided at a later date

Color Code

Commitment to be completed by party other than Agnico Eagle

Commitment completed prior to the PHC

| Commitment # | Concerned Party | Reference (previous IR or TRC) | Draft Commitment | Timeline | Additional Notes | NIRB/NWB Review Process |
|--|-----------------|--------------------------------|--|-----------------------------|--|-------------------------|
| DAY 1 and DAY 2 | | | | | | |
| GENERAL | | | | | | |
| 1 | KivIA | | Agnico Eagle to update the figure as presented on slide 15, presentation i to show an outline of the Whale Tail Pit. Will be provided as figure | Prior to PHC | Complete, submitted to NIRB May 1, 2017 | NIRB |
| 2 | DFO | TRC-9 | Agnico Eagle to adapt its Water Quality and Flow monitoring program to include 2 stations in Whale Tail Lake North Basin during post closure; one in the pit and one in the attenuation pond area. | July 2017 | | NIRB/NWB |
| 3 | KivIA | | Agnico Eagle commits to referencing only the Whale Tail Project (not Amaruq) in all documents and discussions related to the Whale Tail Project going forward. | N/A | | |
| Atmospheric Environment including Climate, Air Quality, Noise and Vibration | | | | | | |
| 4 | ECCC | ECCC-2 | Agnico Eagle commits to work with ECCC to select a feasible location of the active sampling location for particulate matter and emissions at the Whale Tail Pit to monitor for the air quality impacts of the Project and provided in an updated Air Quality and Dustfall Monitoring Plan | July 2017 | | NIRB |
| 5 | KivIA | KivIA-TC-Air-04 | Agnico Eagle has committed to continue dustfall monitoring along the AWAR and to use the results of this dustfall monitoring to validate the predictions in the FEIS and to include results in the Annual Air Quality Monitoring Report. | Current reporting schedule. | | |
| 6 | KivIA | KivIA-TC-Air-05 | Agnico Eagle has committed to include adaptive management and mitigation for haul road dust along the Whale Tail Pit and Haul Road as outlined in KivIA-TC-Air-05. | n/a | Prior to construction | |
| 7 | KivIA | | Agnico Eagle commits to use the dustfall monitoring stations on the Vault Pit Haul Road to validate and improve modelling of the Whale Tail haul road dust and provide results in the form of a technical memo. | July 2017 | | |
| Terrestrial Environment | | | | | | |
| 8 | KivIA (GN)+B34 | GN-6 / KivIA-TC Terrestrial-06 | Agnico Eagle commits to conduct analyses to determine the potential extent of the caribou zone of influence (abundance and distribution) around the existing Meadowbank mine, Vault Pit and haul road and the AWAR in the form of technical memo. | July 2017 | Analysis to be completed following receipt of data from the Government of Nunavut (GN) as per the Memorandum of Understanding. Following review of data received from the GN, the Proponent will consult with the GN and KivIA regarding appropriate methods of analysis | NIRB |
| 9 | GN | GN-16 and 17 | Agnico Eagle commits to conducting supplementary analyses of collar data by herd and season to characterize the rates and duration of caribou encounters as well as conduct a cumulative effects analysis that includes all Project features. | July 2017 | The study area for these analyses will be a 14 km radius around all Project sites including the Whale Tail pit and haul road, the Meadowbank mine and AWAR, the Vault Pit and haul road. Calculated metrics will include the proportion of collared individuals that enter the study area and the duration of their residency within this area. Includes the Meadowbank mine, AWAR, Vault pit and Vault haul road. | |
| 10 | GN / KivIA | GN-6 / KivIA-TC Terrestrial-02 | Agnico Eagle commits to updating the caribou cumulative effects assessment (in the form of a technical memo) to include analysis of the rates and duration of caribou encounters with the Whale Tail Project and other past, present and reasonably foreseeable projects within the spring and fall migration corridors of herds. | July 2017 | Metrics for encounter rates and duration of encounter. For the purpose of calculating these metrics a zone-of-influence will be delineated around each project included in the cumulative effects analysis. | NIRB |
| 11 | KivIA/GN | | Agnico Eagle commits to provide the next iteration of the draft-Terrestrial Ecosystem Management Plan (TEMP) to workshop participants (KivIA, HTO, GN) in May, with a final TEMP to be completed and submitted after the workshop, to be held in June. The next TEMP will take into account recommendations made by the GN and KivIA in technical comments | July 2017 | | NIRB |
| 12 | GN | | Agnico Eagle commits to work with the GN to revise caribou group size thresholds for triggering adaptive management for inclusion in the TEMP. | July 2017 | | NIRB |
| 13 | GN | | Agnico Eagle commits to provide the GN with data for the Meadowbank AWAR to facilitate the analysis of road effects on caribou movements. | 5-May-17 | Requested data are listed in GN IR-8 | NIRB |

| Commitment # | Concerned Party | Reference (previous IR or TRC) | Draft Commitment | Timeline | Additional Notes | NIRB/NWB Review Process |
|--|-----------------|--------------------------------|--|---|---|-------------------------|
| 14 | ECCC | ECCC-6 | Agnico Eagle commits to continue to monitor upland breeding birds as part of the bird monitoring program at the Tailings Storage Facility. | Current reporting schedule. | | NIRB |
| 15 | ECCC | ECCC-6 | Agnico Eagle commits to add semipalmated sandpipers as a wildlife receptor as part of the Wildlife Screening Level Risk Assessment. | Current reporting schedule. | | |
| 16 | ECCC | ECCC-6 | Agnico Eagle commits to have the Wildlife Screening Level Risk Assessment Plan include risk assessments for potential ingestion of water/sediment at the tailings storage facility for all wildlife receptors of concern. | Current reporting schedule. | | |
| 17 | ECCC | ECCC-10 | Agnico Eagle commits to provide in the next iteration of the TEMP an appendix that will describe mitigation and monitoring to reduce impacts to migratory bird nests during flooding | July 2017 | | |
| 18 | KivIA | KivA-TC-Terrestrial-04 | Agnico Eagle commits to establish a Terrestrial Advisory Group ("TAG") which will act as an advisory group related to management, monitoring and mitigation measures for the protection of the terrestrial environment but will not duplicate regulatory authority by appropriate government agencies and departments. The TAG should address the terrestrial environment for all aspects of the Whale Tail project, including the All Weather Access Road (AWAR) and the Meadowbank mine site. Membership in the TAG should include Agnico Eagle, GN, ECCC, KivIA, and the Qamani'tuaq HTO. | Draft Terms of Reference should be provided to NIRB within six (6) months of issuance of the project certificate. | | |
| 19 | KivIA | KivA-TC-Terrestrial-01 | GN commits to ensure an analysis is completed (currently being conducted by the GN) of caribou collar data to determine the extent of deflection or change in movements and crossing timing or rates for the existing All Weather Access Road (AWAR). | July 2017 | Commitment for the GN not AEM | |
| 20 | KivIA | KivA-TC-Terrestrial-03 | Agnico Eagle commits to providing a revised Terrestrial Ecosystem Management Plan (TEMP) to workshop participants, which shall include but not be limited to the following: a. Details of the methods and rationale for monitoring at intermediate to near distances (<5 km) from the mine infrastructure; b. Details of clear and effective monitoring thresholds/triggers for intensifying mitigation and management to reduce/eliminate potential sensory disturbance to caribou; and c. Clarity methods of mitigation. | Revised draft TEMP by mid-May; workshop to follow in late June; final draft TEMP in July 2017 | | |
| 21 | KivIA | New | Agnico Eagle commits to report annually on its terrestrial environment monitoring program. Agnico Eagle commits to developing an agreed terms of reference for the TAG that will consider the following items: a. Description of all updates to terrestrial ecosystem baseline data; b. An explanation of the annual results relative to the scale of natural variability; c. A detailed presentation and analysis of caribou and other terrestrial mammal distribution relative to mine structures and activities; d. Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn; e. A summary of the chronology and level of mine activities (such as vehicle frequency and type); f. An assessment and presentation of annual environmental conditions including timing of snowmelt and green-up, as well as standard weather summaries; and g. A discussion of any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program. | Draft Terms of Reference should be provided to NIRB within six (6) months of issuance of the project certificate. | | |
| Marine Environment | | | | | | |
| 22 | KivIA | | Agnico Eagle to provide consultation records regarding shipping routes and concerns raised by Coral Harbour and how the concerns were included within the EIS | Prior to PHC | Complete, submitted to NIRB May 1, 2017 | NIRB |
| Human Environment and Socio-Economics | | | | | | |
| 23 | NTI | | Agnico Eagle to provide a summary of the discussions that have occurred between Agnico Eagle and the HTO regarding ramps including the heights, numbers of ramps for the Whale Tail pit haul road including consultation regarding improvements at km 12. | Prior to PHC | Complete, submitted to NIRB May 1, 2017 | NIRB |
| 24 | INAC | INAC-11 | AEM committed to provide an updated rationale (in the form of an addendum) for no-linkage pathways, residual impact classification and cumulative pathway analysis that provides rationale for the conclusions in the FEIS, using literature review and other existing evidence prior to final hearing. | July 2017 | | NIRB |
| 25 | INAC/TC | INAC-13 | Agnico Eagle to provide TK workshop minutes to confirm that the socio-economics issues have been addressed | Prior to PHC | Complete, submitted to NIRB May 1, 2017 | NIRB |
| 26 | INAC | | AEM commits to provide a Labour Force Analysis to INAC prior to final hearing. | July 2017 | | |
| 27 | INAC | | AEM committed to sharing TK and IQ detailed meeting notes and other meeting notes where concerns were raised regarding the Whale Tail Pit project up to April 2017. In addition, AEM will provide information on how the concerns were addressed and where information appears in the EIS. Information will be provided to INAC prior to the final hearing in the form of meeting notes and summary table. | July 2017 | | |
| 28 | INAC | | AEM committed to provide procedure and information on community liaison committee, their selection process and AEM's justification on how this committee represents community perspective, prior to final hearing | July 2017 | | |
| Freshwater Environment | | | | | | |
| 29 | ECCC | | Agnico Eagle to provide cross section schematic of Whale Tail pit, and overlying north basin water, including lake bathymetry, and schematic of groundwater flow. | July 2017 | | NWB |
| 30 | ECCC/INAC | | Agnico Eagle to complete a sensitivity analysis of the flooded open pit in water quality modelling, to represent the scenario where the contingency of removing a portion of the ultramafic rock in the north wall would be executed to decrease the transfer of arsenic to the flooded open pit. This will be done together with the update of the downstream water quality model where the new treatment levels for arsenic and phosphorous are applied at the mine effluent discharge into Mammoth lake as per commitment no. 37 | July 2017 | | NIRB/NWB |

| Commitment # | Concerned Party | Reference (previous IR or TRC) | Draft Commitment | Timeline | Additional Notes | NIRB/NWB Review Process |
|-------------------------|-----------------|---|---|---|-------------------------------------|-------------------------|
| 31 | DFO | | Agnico Eagle consider all fish in the study area, and assign equal value to all species when planning for conceptual offsetting plan | n/a | | NIRB |
| 32 | NIRB | | Agnico Eagle to collect water samples for analysis of arsenic III and arsenic V; samples to be collected in July and data will be included in the baseline report to be provided before construction | n/a | | NIRB/NWB |
| 33 | NWB | | Agnico Eagle commits to have the independent dike review board in place with an annual review to be conducted of the dike performance as per the licence requirements | n/a | | NWB |
| 34 | NWB | | Agnico Eagle to provide water balance data for Nemo Lake to the NWB and parties for review | July 2017 | | NWB |
| 35 | KivIA | KivIA-TC-Freshwater Environment 03 and 04 | Agnico Eagle commits to establishing additional water monitoring wells at locations to be agreed upon between Agnico Eagle and KivIA, to better monitor water quality, in particular, the concentrations of arsenic, mercury and phosphorous that are discharged during operations and post-closure. | Two years after production start-up of the Whale Tail open pit | | |
| Waste Management | | | | | | |
| 36 | ECCC | | Agnico Eagle commits to defining the treatment options for arsenic and phosphorous that will allow meeting the site specific water quality objectives for arsenic and the oligotrophic level for phosphorous, as a minimum. Water quality predictions will be updated using these arsenic and phosphorous treatment targets, as stated in commitment no.30, and reporting the results per commitment no. 37 | Prior to Final Hearing | Related to slide 25 | NIRB/NWB |
| 37 | ECCC | | Agnico Eagle commit to update Appendix 6H with the results of modelling specified in commitments no. 30 and 36. | July 2017 | | NIRB/NWB |
| 38 | INAC | INAC-TRC #3 | Agnico Eagle commit to recommend, in consultation with ECCC, and in the form of a technical memo, discharge criteria for water from the Whale Tail waste rock storage facility pond that would be discharged to Mammoth Lake post closure | Criteria to be provided in the final closure plan | | NWB |
| 39 | NWB | NRCan #3; INAC-TRC#1 | Agnico Eagle commit to provide information in the form of a technical memo regarding the thermal modelling of the WRSF, incorporating climate change and acquired information from the Meadowbank WRSF monitoring program, and will use the result of the model to support final design of the WRSF including that of the proposed cover and revised designs prior to the final hearing. | July 2017 | | NWB |
| 40 | ECCC | | Agnico Eagle commit to adding monitoring for temporal trends in sediments at reference and depositional areas for mercury in addition to the water and fish tissue monitoring. | To be provided in the baseline conditions report (due before construction) and as part of the annual CREMP reports as new sediment data are collected | | NIRB/NWB |
| 41 | NWB | | Agnico Eagle will provide a table that describes the water source, location and phase of the project (construction, operation, closure) | July 2017 or with an updated amended/new water licence application. | Likely to be determined in the PHC. | NWB |
| 42 | INAC | INAC-TRC#3 | Agnico Eagle commits to provide the sensitivity analysis discussed in INAC-TRC3 relating to the composition of the cover of the Whale Tail Waste rock storage facility. | July, 2017 | | NWB |
| 43 | INAC | INAC-TRC#2 | Agnico Eagle to provide technical memo to outline the control of arsenic leaching in the tailings facility. | July 2017 | | NIRB/NWB |
| 44 | ECCC | | Agnico Eagle commits to evaluating options for managing treatment sludges at closure and will consider encapsulation of sludge. This will be updated in the interim closure plan. | After licencing issuance | | |

Appendix G: List of Issues (NWB Application) Carried Forward into the Public Hearing

- Integration between Existing Licences and Proposed Licence
 - Scope of consequential amendments/modifications to existing Water Licences 2AM-MEA1525 and 8BC-AEA1525
 - Term of the Licence
- Water Management
 - Scope of new Type “A” Water Licence applicable to the mining undertaking at Whale Tail Pit
 - Water Balance for all withdrawal sources (Nemo Lake)
- Water Use
 - Annual water use amounts from each source (including changes to allocations of existing licenced water uses)
- Updated Water Quality Predictions and Updates to Water Quality Models
- Water Quality and Flow Monitoring
 - Speciation of arsenic in Monitoring
 - Water Quality Modelling
 - Adaptive Management
- Wastewater and Effluent Discharge Criteria
- Water Treatment
 - Water Treatment Methods Selected for the Undertaking (e.g., arsenic and phosphorous)
- Waste Rocks and Tailings Management
 - Design Changes at the Tailings Storage Facility at Meadowbank Site
 - Waste Rock Non-Potentially Acid Generating and Potentially Acid Generating Characterization
 - Thermal Modeling for Waste Rock Storage Facility design
- Mitigation Measures
- Management Plans and Reports
 - Content of plans
 - Updates to plans
 - Approval of plans
- Closure and Reclamation Planning
 - Pit and Whale Tail Lake (North Basin) Water Quality
 - Tailing Impoundment Area Water Quality
 - Tailing Storage and Waste Rock Storage Facility Cover
 - Updates to the Interim Closure and Reclamation Plan
 - Security Cost Estimate
- Water User Compensation
 - Confirmation from the Kivalliq Inuit Association (KIA) and Agnico Eagle that there are no outstanding issues of water user compensation