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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**NIRB File No.: 16MN056**  
**NWB File Nos: 2AM-WTP----; and**  
**2AM-MEA1525/**

October 10, 2017

Ryan Vanengen  
Environment Superintendent, Nunavut  
Agnico Eagle Mines Ltd.  
Baker Lake, NU X0C 0A0, Canada

Email: [ryan.vanengen@agnicoeagle.com](mailto:ryan.vanengen@agnicoeagle.com)

**Subject: Next Steps in the Nunavut Water Board's Consideration of Agnico Eagle Mines Ltd.'s Applications for Type "A" Water Licence 2AM-WTP---- and Consequential Amendments to Water Licence 2AM-MEA1525**

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Dear Mr. Vanengen,

As indicated at the recent Nunavut Water Board (NWB or Board) Public Hearings held in Baker Lake on September 26 and 27, 2017 in relation to the water licence applications identified above, the Board is providing this correspondence to Agnico Eagle Mines Ltd. (the Applicant or Agnico Eagle), the Minister of Crown-Indigenous Relations and Northern Affairs, representatives of the Interveners who appeared at the Public Hearing (the Kivalliq Inuit Association, Environment and Climate Change Canada, Fisheries and Oceans Canada and Indigenous and Northern Affairs Canada) and the NWB's distribution lists for the Meadowbank and Whale Tail Pit applications.

All submissions in respect of these applications have been placed in the Board's Public Registry and is available from our ftp site using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-WTP----%20Agnico/2%20ADMIN/4%20HEARINGS/2%20HEARING/>

### **Background Regarding the Coordination of the Processes of the Nunavut Impact Review Board and the Nunavut Water Board**

The NWB's consideration of these water licence applications has been coordinated with the Nunavut Impact Review Board's (NIRB) assessment of the Whale Tail Pit Project proposal (NIRB No.: 16MN056). As discussed, and agreed upon by the parties at the joint NIRB/NWB Technical Meeting and Pre-Hearing Conference conducted in late April and early May, 2017, the NWB conducted the water licence application(s) Public Hearing on September 26 and 27, 2017

immediately following the NIRB’s Final Hearings (September 19-22, 2017) in Baker Lake. However, as required by Articles 12 and 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and the *Nunavut Planning and Project Assessment Act*, S.C. 2014, c. 14, s. 2 (NuPPAA), the NWB will not be closing the Public Hearing Record or remitting the file to the NWB Panel for decision-making until after the NIRB has issued their Final Hearing Report and recommendations about whether the Whale Tail Pit Project Proposal can be allowed to proceed to the Minister of Crown-Indigenous Relations and Northern Affairs (the Minister) and the Minister has made her decision to accept or reject the NIRB’s recommendations.

If the NIRB recommends and the Minister accepts that the Whale Tail Pit Project proposal be allowed to proceed, the NWB would then give all parties one final opportunity to provide written comments and updated information regarding the water licence applications. Once the NWB has determined that all relevant information has been received, the NWB would then close the Public Hearing Record and the NWB would remit the file to the Public Hearing Panel for decision-making.

However, if the NIRB recommends and the Minister accepts that the Whale Tail Pit Project proposal not be allowed to proceed, the NWB would not consider the applications further and the Panel would not issue a decision in respect of the applications.

### **Additional Information Requirements Identified at the Nunavut Water Board Public Hearing**

During the NWB Public Hearing, Agnico Eagle Mines Ltd. and the Interveners indicated that the following additional submissions would be provided while the Public Hearing Record remains open, in accordance with the following timelines:

- On or before **October 17, 2017**, the Interveners will file with the Board their comments, concerns and suggested revisions with respect to:
  - the document filed by Agnico Eagle at the NWB Public Hearing as Exhibit 9, namely the Proposed Whale Tail Pit Project Type “A” Water Licence Framework for Water Licence No. 2AM-WTP----;
  - the document filed by Agnico Eagle at the NWB Public Hearing as Exhibit 29, namely the Water Monitoring Reduction Framework in a Memorandum from C. Prather and D. Filiatrault to J. Quesnel; and
  - a document that provides, in summary form, a listing of issues raised by the Intervener, the responses by Agnico Eagle and a description of the means by which the issues have been resolved to the Intervener’s satisfaction;
- On or before **October 24, 2017**, Agnico Eagle will file with the Board their additional responses or clarifications to the Intervener submissions received by the Board on or before October 17, 2017, including, but not limited to any updates to Exhibits 9 and 29 as described above and filed with the Board during the Public Hearing.

All of these submissions should be provided to the Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) in accordance with the timelines agreed upon at the Public Hearing.

**October 10, 2017**

## **Next Steps**

Following the NWB’s receipt of the additional information as outlined above, the NWB will await the issuance of the NIRB’s Final Hearing Report and Recommendations, and the Minister’s Decision before continuation of the NWB’s consideration of the water licence applications.

If you have any questions or require clarification on the above, please contact David Hohnstein, Director of Technical Services at 780-443-4406 or by email to [david.hohnstein@nwb-oen.ca](mailto:david.hohnstein@nwb-oen.ca), or, Karén Kharatyan, Senior Technical advisor and A/Manager of Licensing at 867-360-6338 or by email [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) for any technical and procedural inquiries.

Sincerely,

Lootie Toomasie  
Nunavut Water Board, Chairperson

LT/rd

Cc: The Honourable Carolyn Bennett, P.C., Minister of Crown-Indigenous Relations and Northern Affairs

Intervenors in the NWB Public Hearing:

- Kivalliq Inuit Association, Luis Manzo
- Fisheries and Oceans Canada, Mark Di Aguiar
- Environment and Climate Change Canada, Melissa Pinto
- Indigenous and Northern Affairs Canada, Ian Parsons

Meadowbank and Whale Tail Pit Project Distribution Lists