

Agnico Eagle Mine's (Agnico Eagle) Response Package dated January 30, 2020 enclosed revised recommended drafts of Water Licenses 2AM-WTP1826 (now 2043), 2AM-MEA1526(2033), and 2BB-MEA1828, which included additional revisions to the drafts filed on December 20, 2019.

The Kivalliq Inuit Association (KIA) provided comments on Agnico Eagle's December 20, 2019 drafts to the Nunavut Water Board. KIA has not comprehensively reviewed Agnico Eagle's January 30, 2020 draft licenses and relies on the Nunavut Water Board to prepare its licenses. KIA makes the following additional comments regarding Agnico Eagle's January 30, 2020 draft licenses:

1. *Any reference to the Amaruq Exploration property should not be included in the Type A licenses:*

The licenses before the Board are for the Whale Tail Expansion Project, not the larger Amaruq Exploration property. The Scope of the Project and the Project Footprint must be confined to the approved Whale Tail Project and current Agnico Eagle Whale Tail Expansion application. References to the Amaruq Exploration property, including in the definition of "Open Pit" and "Underground", should not be included in the licenses.

2. *The Board's decision making and timelines should not be constrained:*

KIA does not agree with the proposed short timelines for Board decisions and "deemed approval" in Agnico Eagle's January 30, 2020 drafts (See Agnico Eagle recommended draft Water License 2AM-WTP1826 at Part B(12) and (15)). In particular, the KIA does not agree with Agnico Eagle's suggestion that further review by intervenors should not be required following submission of a revised plan. Intervenors including KIA must have an opportunity to provide comments, confirm their original comments have been adequately addressed, and/or identify any further potential deficiencies in the revisions. The Board has an obligation to consult with the community.

3. *The standard license language that "the expiry or cancellation of the license does not relieve the licensee from any obligation imposed by the license or any other regulatory requirements" should be included in the licenses:*

Agnico Eagle's January 30, 2020 drafts propose the opposite for cancellation – that cancellation of the License relieves the licensee from all obligations under the license. KIA does not support Agnico Eagle's revisions and submits that the licenses must include the standard language.

4. *Agnico Eagle's proposed provision allowing it to "at any time" submit to the Board a request for change in the amount of security should not be included in the license (see Agnico Eagle's January 30, 2020 draft license Part C(9)):*

This additional provision is not necessary as the process in the existing Part C is sufficiently flexible. The proposed Agnico Eagle provision imposes an additional unnecessary review burden on KIA.

5. *The license should require Agnico Eagle to remove culverts and restore the drainage in the manner described in the approved final closure plan:*

Agnico Eagle has proposed adding language to the provision regarding removing culverts under Part J to match the natural channel "to the extent practicable". KIA maintains that this phrase sets too low a bar and is unclear.

6. *References to Adaptive Management in the licenses should be limited to the Board approved Adaptive Management Plan:*

The intent of the Adaptive Management Plan is to reduce uncertainty and risk associated with the current approved Project as outlined in the FEIS – it is not intended to expand the scope of the Project. The intent of Adaptive Management as defined in the Adaptive Management Plan is to minimize environmental impacts associated with project activities and ensure the project is able to meet closure objectives.

The general references to “Adaptive Management” in the Agnico Eagle January 30, 2020 draft licenses (including in Part A(1)(a), Part B(9), Part D(27)), however, have too broad a meaning and could encompass activities outside of those approved by the Board.

7. *KIA does not support Agnico Eagle’s proposed process for New Adaptive Management Actions (Part D(27))*

Agnico Eagle’s proposed process in its draft licenses does not provide for any review, community consultation, or Board approval. In any event, the benefits of the New Adaptive Management Actions are not clear to KIA in the face of an approved Adaptive Management Plan and available emergency procedures.

8. *Definitions:*

- a. Adaptive Management: KIA has concerns with the proposed broad definition.
- b. Amendment/Modification: The definitions should not include a carve out for Adaptive Management or New Adaptive Management Action, particularly given the broad proposed definition of Adaptive Management. Some Adaptive Management action may require an Amendment.

KIA would be content with language to the following effect: “Proceeding with an action in the Adaptive Management Plan as approved by the Board shall not require an Amendment”

- c. See above comments regarding definition of “Open Pit” and “Underground”