

NUNAVUT WATER BOARD

AGNICO EAGLE MINES LIMITED WHALE TAIL EXPANSION PROJECT  
APPLICATIONS TO AMEND WATER LICENCES NOS.: 2AM-WTP1826,  
2AM-MEA1526, 2BB-MEA1828

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HEARING

VOLUME 1

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Baker Lake, Nunavut

February 13, 2020

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1 Proceedings taken at Baker Lake Community Hall, Baker  
 2 Lake, Nunavut

3

4 February 13, 2020

5

6 NUNAVUT WATER BOARD

7 L. Toomasie Chair of Hearing

8 R. Mrazek Board Member

9 M. Nartok Board Member

10

11 NUNAVUT WATER BOARD STAFF

12 K. Kharatyan Director of Technical Services

13 B. Kogvik Director of Board Administration  
 14 and Communications

15 R. Dwyer Manager of Licencing

16 A. Kubeisinova Technical Advisor

17 T. Meadows Legal Counsel to the Board

18

19 INTERVENORS

20

21 AGNICO EAGLE MINES LIMITED

22 J. Quesnel Regional Manager Permitting  
 23 and Regulatory Affairs

24 M. Groleau General Supervisor Permitting

25 M. Turmel Permitting Lead

26 E. Parent Permitting Specialist

1	S. Leclair	Lead Indigenous and
2		Stakeholder Relations Nunavut
3	C. Kennedy	Technical Specialist
4	N. Duquet-Harvey	Environmental Superintendent
5		Meadowbank
6	C. Paradis St. Onge	Nunavut Communication
7		Coordinator
8	M. Plante	General Manager Meadowbank
9		Complex
10	J. Faithful	Senior Water Quality
11		Specialist, Golder Associates
12	N. Lower	Principal Consultant
13		Environmental Impact
14		Assessment and Permitting,
15		Environmental Resources
16		Management
17	C. Stevens	Senior Fish Biologist, Golder
18		Associates
19	G. Allen	Senior Geoenvironmental
20		Engineer, Okane Consultants
21	G. Lawrence	Associate and Senior
22		Environmental Scientist,
23		Golder Associates
24	C. Kowbel	Legal Counsel for Agnico Eagle
25		Mines, Lawson Lundell
26		

1 KIVALLIQ INUIT ASSOCIATION

2 L. Manzo Director of Lands

3 J. Tulugak Inspector

4 A. Aupaluktuq-Burton Lands Administrative

5 Coordinator

6 A. Sexton VP Project Management,

7 GeoVector Management

8 R. Nesbitt Senior Aquatic Scientist,

9 Hutchinson Environment

10 J. Kataluk Senior Environmental

11 Technician

12 J. King Legal Counsel for Kivalliq

13 Inuit Association

14

15 CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CANADA

16 S. Dewar Director of Resources

17 Management

18 G. Okonkwo Manager of Water Resources

19 D. Zhong Regulatory and Science Advisor

20

21 FISHERIES AND OCEANS CANADA

22 A. Beattie Team lead with the Mining,

23 Oil, and Gas Division

24 E. Ratajczyk Fish and Fish Habitat

25 Protection Biologist

26 J. Audet-Lecouffe Fish and Fish Habitat



1 Protection Biologist

2

3 ENVIRONMENT AND CLIMATE CHANGE CANADA

4 A. Wilson Senior Water Quality

5 Specialist

6 E. Walker Environmental Assessment

7 (Via Teleconference) Coordinator

8

9 INTERPRETERS/TRANSLATORS

10 B. Kogvik Language Translator

11 A. Aloog Language Translator

12

13 C. Longacre, RPR, CSR(A) Official Court Reporter

14

15 R. Dempster Sound Technician

16

17 (PROCEEDINGS COMMENCED AT 4:01 PM)

18 Opening Remarks

19 THE CHAIR: Are we settled? We might as  
20 well start now because we are day and a half behind now  
21 from our original schedule. Not our fault; the  
22 weather's fault.

23 Okay. Thank you. Good afternoon and welcome to  
24 the public hearing associated with applications filed  
25 by Agnico Eagle Mines Limited to amend their existing  
26 Type "A" water licence and a Type "B" water licence to

1 authorize changes to the use of -- of water and deposit  
2 of waste associated with the expansion of the Whale  
3 Tail Pit gold mining undertaking.

4 My name is Lootie Toomasie. I am the chairman of  
5 the Nunavut Water Board and -- and the NWB's hearing  
6 chair for this public hearing.

7 Before we proceed with the hearing, please let us  
8 begin with a prayer. Let us stand and pray.

9 Opening Prayer

10 THE CHAIR: On behalf of the Nunavut Water  
11 Board, I welcome you to the hamlet of Baker Lake.

12 Now to provide some background and set the stage  
13 for the hearing, the Nunavut Water Board, which I shall  
14 refer to as "the Board" or "the NWB", is an institution  
15 of public government created under Article 13 of  
16 Nunavut Agreement and the Nunavut Waters and Nunavut  
17 Surface Right Tribunal Act. The NWB is responsible for  
18 the use, management, and regulation of freshwater in  
19 Nunavut settlement area.

20 The purpose of this public hearing is to review  
21 applications filed by Agnico Eagle Mines Limited -- I  
22 may refer to the company as "Agnico" or "the  
23 Applicant" -- to make changes to two existing Type "A"  
24 water licences and a Type "B" water licence that  
25 currently authorize the uses of water and deposits of  
26 waste associated with gold mining and gold processing

1 activities at the Whale Tail Pit gold mine and  
2 Meadowbank gold mine projects. The Whale Tail Pit gold  
3 mine is located approximately 150 kilometres north of  
4 hamlet of Baker Lake and approximately 50 kilometres  
5 northwest of the Meadowbank gold mine site. The Whale  
6 Tail Pit gold mine is connected to the Meadowbank gold  
7 mine by the Whale Tail Pit haul road, which is  
8 approximately 64 kilometres long.

9 Agnico Eagle's application for changes to their  
10 water licences are related to their proposal to expand  
11 mining activities at the Whale Tail Pit gold mine under  
12 the Whale Tail Pit Expansion Proposal. In the  
13 expansion proposal, Agnico Eagle proposes to enlarge  
14 the existing Whale Tail open pit and create a new IVR  
15 open pit and an underground pit that would increase  
16 production to 23.5 million tons of ore every year.  
17 Under the expansion proposal, ore will continue to be  
18 transported to the ore processing facilities at the  
19 Meadowbank gold mine site along the widened Whale Tail  
20 Pit haul road.

21 As set out in Section 13.13.6 [sic] of the Nunavut  
22 Agreement and Section 29 of the Nunavut Waters and  
23 Nunavut Surface Rights Tribunal Act, the Board has  
24 delegated its power to dispose of all matters related  
25 to the processing of the application to amend Type "A"  
26 Licence Number 2AM-WTP1826 and 2AM-MEA1526 and Type "B"

1 Water Licence Number 2BB-MEA1828, including the conduct  
2 of this public hearing to a Panel of the Board, which  
3 is referred to as the "Whale Tail Pit" [sic] or "P17  
4 Panel".

5 I will be chairing this Panel and with me today as  
6 members of the Panel are board members: Ross -- Ross  
7 Mrazek on my right, and to my left is Makabe Nartok.

8 Several staff members who have contributed to the  
9 NWB's administration and technical review of the  
10 application are present with legal counsel to the NWB,  
11 and I will introduce the individuals in attendance.  
12 Karén Kharatyan -- sorry about that; I never learned  
13 how to pronounce it properly; sorry about that -- is  
14 the director of technical services; Ben Kogvik,  
15 director of board administration and communications is  
16 at the back; Richard Dwyer, manager of licencing, is  
17 also at the front entrance; Assol Kubeisinova,  
18 technical advisor; and Teresa Meadows from Meadows Law,  
19 legal counsel to the Board.

20 In addition, we have two interpreters available  
21 for simultaneous interpretation: Ben Kogvik, in-house  
22 interpreter to the Board, and Alexander Alooq, who is  
23 from Baker Lake.

24 For audio support, we have Ryan Dempster from PIDO  
25 Productions. If you experience any difficulties with  
26 your headsets, Ryan -- Ryan is able to provide

1 assistance.

2 I need -- I need a water. Is there water here?  
3 My throat is getting itchy -- getting dry. I will just  
4 wait for the water. Thank you.

5 To ensure we have an accurate record of the  
6 proceedings, we have with us a court reporter, Christy  
7 Longacre, from Dicta Court Reporting Incorporated.

8 Before I move on to an overview of this  
9 application and to what to expect today during --  
10 during this public hearing, there are some important  
11 housekeeping items for everyone here.

12 As many of you know, due to the weather conditions  
13 and the flight cancellations, many of the participants  
14 in this public hearing were unable to get to Baker Lake  
15 on Tuesday and Wednesday. We appreciate the patience  
16 of the community members and the willingness of our  
17 hosts in Baker Lake to be flexible in accommodating  
18 when our schedule had to be changed with little notice.

19 Some of us, including the Applicant, Agnico Eagle,  
20 myself, and some of the Board staff and representatives  
21 from Crown-Indigenous Relations and Northern Affairs  
22 were held over in Rankin Inlet for the last two days.  
23 Unfortunately, with all the flight cancellations and  
24 rebooking of flights, if the Board and CIRNA had -- had  
25 to wait for a commercial flight to get into Baker Lake,  
26 we would not have made it into Baker Lake until much

1 later this afternoon. Rather than delay the public  
2 hearing further, Agnico Eagle was able to make some  
3 space available to those of us in Rankin Inlet on their  
4 charter into Baker Lake. This enabled us to arrive  
5 early this afternoon.

6 I want to assure everyone here that the Board and  
7 CIRNA would not normally travel on the Applicant's  
8 charter, but there -- but there really was no other way  
9 we could join you at this time in Baker Lake. The  
10 Board and CIRNA will be reimbursing Agnico Eagle for  
11 the costs of our flights. We want to make sure it's  
12 clear that no discussion of the matters that will  
13 be the substance of this public hearing were discussed  
14 in any way before or during the flight. The Board  
15 appreciates everyone's professionalism, understanding,  
16 and respect for ensuring that there is transparency and  
17 objectivity in the Board's decision-making process,  
18 even through some challenging travel conditions.  
19 Anyone with questions or comments regarding these  
20 events, please come and speak with the Board's legal  
21 counsel, Teresa, during the break.

22 First, as indicated earlier, there is  
23 interpretation available throughout the hearing in  
24 English and Inuktitut. Earpieces can be obtained from  
25 the table located just by the door as you come into the  
26 room. Channel 1's floor; Channel 2, English; and

1 Channel 3, Inuktitut.

2 Second, the Board appreciates everyone, including  
3 the Applicant, intervenors, and members of the public  
4 sign in on the sheets located at the table as you come  
5 in. This is an important record of the hearing, and we  
6 appreciate your help in making sure it is complete.

7 Thirdly, the agendas for the public hearing and  
8 the community session are available at the back.  
9 Please pick one up and follow along with us as we  
10 proceed.

11 The washrooms are located in the entrance to the  
12 hall, and the exits are in the front and back of the  
13 hall -- exits. Sorry. Doors at the -- around here at  
14 the entrance to the hall.

15 There will be coffee, tea, and snacks brought in  
16 during the breaks throughout the hearing, and you are  
17 welcome to help yourself throughout the day.

18 I would also like to remind everyone to please  
19 turn off your cell phones or put them on silent before  
20 we begin. I already turned off my cell because I don't  
21 want to embarrass anybody.

22 Finally, to assist both our court reporter and our  
23 interpreters, please wait to have a microphone before  
24 you speak, then state your name, speak clearly and  
25 slowly, and avoid the use of abbreviations. We  
26 appreciate your assistance in making sure your comments

1 are recorded and the Board's record of proceedings is  
2 accurate and complete.

3 I would like to notify participants that the --  
4 there's media here in this meeting. While we are happy  
5 that the media -- that the media are here, I would like  
6 to -- I would ask on behalf of the Board that the  
7 parties not make any comments regarding the Board's  
8 potential conclusions on the matter in any way. This  
9 will be unfair, as the Board cannot and does not  
10 comment on any matter before it reaches a decision.

11 I would like to advise parties that this -- the  
12 CBC reporters here -- Teresa. Okay. There's -- go  
13 ahead.

14 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
15 Meadows, legal counsel for the Nunavut Impact -- or  
16 Nunavut Water Board. Sorry, Mr. Chair.

17 The media has not advised us that they will be  
18 present, but they may -- they are always invited to  
19 attend these public hearings. And so in the event that  
20 the media were to tap into our sound system, we will  
21 advise the parties. Thank you, Mr. Chair.

22 THE CHAIR: Thank you, Teresa. So skip  
23 that on my notes here.

24 Since the Board cannot comment on pending matters  
25 either by confirming or denying accuracy of statements  
26 by others to the media, the Board asks all parties to



1   refrain from -- from making any comment that may imply  
2   a certain action or decision by the Board.

3           Following the close of the record for this public  
4   hearing, the Board decision and recommendations with  
5   respect to the amendment applications will be  
6   communicated in a publicly available decision report.  
7   Until that -- that time, the Board reminds everyone  
8   that the Panel members and Board staff will not discuss  
9   the substance of the hearing or the matters before the  
10   Board with any of the parties or the media. If you  
11   have questions regarding the Board and its practices or  
12   procedures, please speak with the director of technical  
13   service, and he will assist you.

14           Prior to identifying and introducing all the  
15   parties in attendance today, I will provide a brief  
16   history of the applications which are before the Board.

17           As mentioned earlier, the applications which are  
18   currently before the Board are for amendments requested  
19   by Agnico Eagle Mines Limited to Type "A" Water  
20   Licences Number 2AM-WTP1826 and 2AM-MEA1526 and Type  
21   "B" Water Licence Number 2BB-MEA1828.

22           The scope of the proposed amendment to the  
23   existing licence for the Whale Tail Pit, which is Water  
24   Licence Number 2AM-WTP1826, include the following:  
25   Extending the terms of the licence by 17 years from  
26   2026 to December 2043; the additional water use during

1 operations for both drilling purposes and purposes  
2 other than drilling from various water bodies on-site,  
3 including Nemo Lake, Mammoth Lake, Whale Tail Lake  
4 South Basin, and various small lakes close to drilling  
5 sites; significant increases to water use during  
6 closure to allow for the reflooding of mined-out pits;  
7 expansion of the Whale Tail Pit, mining of an  
8 additional open IVR Pit, underground mining below Whale  
9 Tail and IVR Pits; increases to ore and waste rock  
10 storage capacity; the addition of surface water  
11 control -- controls and to -- to control the flows of  
12 surface water into IVR Pit; removal of the northeast  
13 dike once development of the IVR Pit is initiated;  
14 dewatering the -- of surface lakes to construct the IVR  
15 Pit and IVR attenuation pond; construction and  
16 operation of IVR -- I mentioned that; construction and  
17 operation of three underground management ponds at  
18 surface to support underground mine operation;  
19 installation of additional discharge point into Whale  
20 Tail Lake South Basin; widening the Whale Tail Pit haul  
21 road from 9 to 15 metres; expansion of on-site  
22 facilities at Whale Tail Pit to accommodate  
23 approximately 540 people; installation of a larger  
24 maintenance shop -- shop -- sorry -- core shack, and  
25 additional wings to the main camp to support additional  
26 personnel; installation of an incinerator, composter,

1 and land farm to support waste management activities;  
2 the operation of additional diesel generators to power  
3 underground infrastructure and expanded camp  
4 facilities; and increasing bulk fuel storage capacity  
5 to 3.325 -- -- is this "ML" million -- yeah -- million.

6 The scope of the proposed amendments to the  
7 Meadowbank Type "A" Water Licence Number 2AM-MEA1526  
8 include the following: Extending the water licence  
9 term to December 2033.

10 The scope of the proposed amendments to the  
11 existing Water Licence Number 2BB-MEA1828 include the  
12 following: Moving -- moving the following activities  
13 from the scope of the existing Type "B" licence to the  
14 scope of the water -- Whale Tail Type "A" water  
15 licence: Bulk sampling; underground development and  
16 underground exploration drilling, including the portal,  
17 ramp, and two ventilation raises; operation of  
18 stormwater management pond (A-P5) which will be  
19 converted into groundwater storage pond for the  
20 expansion project; construction of service and  
21 operation pads; handling and storage of waste rock and  
22 ore on pond [sic]; and quarrying a  
23 laydown/garage/warehouse area for the ramp.

24 I will now provide a summary of main documents  
25 that Agnico Eagle provided to the Board in support of  
26 their application to amend the three water licences. A

1 water licence amendment application and various  
2 attachments for the Licence Number 2AM-WTP1826; a water  
3 licence amendment application and various attachments  
4 for Water Licence Number 2AM-MEA1526; a water licence  
5 amendment application and various attachments for the  
6 Water Licence Number 2BB-MEA1828.

7       These applications included: main application  
8 documents; executive summary in English and Inuktitut;  
9 letter to NWB; for the Type "A" water licences,  
10 supplemental information guide table; NPC conformity  
11 determination; compliance assessment; certificate of  
12 incorporation; list of permits and licences for the  
13 project; record of consultations.

14       In addition, Agnico Eagle provided various new and  
15 updated monitoring and management plans for the Board  
16 and parties to review.

17       Agnico Eagle also provided updated information  
18 regarding expansion plans for the sites including:  
19 site layout; predevelopment layout; planned site  
20 layouts for 2019 through 2025 and 2042 post-closure;  
21 operation IVR attenuation pond dikes longitudinal  
22 profiles and sections; IVR WRSF cross-section drawing;  
23 typical section and road widening; and Appendix K,  
24 project design considerations.

25       Agnico Eagle also filed a number of documents in  
26 response to technical comment submissions from the

1 intervenors and the Board. Additional information was  
2 also submitted to the Board by Agnico Eagle to -- to  
3 fulfill commitments made by the Applicant during the  
4 NWB's technical meeting and pre-hearing conference held  
5 for the file on December [sic] 29 and 30, 2019.

6 Copies -- copies of all the materials filed by  
7 Agnico Eagle in support of their amendment applications  
8 as well as documents related to the existing licences  
9 is available on NWB's public registry and the FTP site.

10 In addition, our licencing manager, Richard Dwyer,  
11 can make available for public viewing at this hearing  
12 the electronic copies of the public registry for these  
13 applications and the key documents for the applications  
14 received to date. If you are interested in reviewing  
15 any of the documentation, please ask Richard.

16 Now I am going to provide you with a very brief  
17 overview of key steps in the procedural history of this  
18 application that outlines how we got -- how we got to  
19 this public hearing stage.

20 On October 19, 2018, Nunavut Impact Review  
21 Board -- I will call them "NIRB" for short --  
22 determined that the Whale Tail Pit Expansion Proposal  
23 involved a component or activity that was not  
24 previously assessed as part of the original Whale Tail  
25 Pit proposal. As a result, further assessment of the  
26 expansion proposal was commenced by the NIRB under the

1 Nunavut Agreement and Nunavut Planning and Project  
2 Assessment Act.

3 On May 16, 2019, the Nunavut Water Board received  
4 the application and supporting documentation from  
5 Agnico Eagle to amend the existing Type "A" and B water  
6 licences associated with the Whale Tail Pit gold mine  
7 site and Meadowbank gold mine site to reflect the  
8 changes to the original project in the Whale Tail Pit  
9 Expansion Proposal. Agnico Eagle requested that NIRB  
10 coordinate its assessment of the Whale Tail Pit  
11 Expansion Project proposal with the NWB's associated  
12 licencing process.

13 On June 4, 2019, the NWB acknowledged receipt of  
14 the amendment applications and asked the interested  
15 persons to review the scope and completeness of  
16 information provided, as well as to identify any  
17 deficiencies and information requests. By July 18,  
18 2019, the -- the Board received comments on the  
19 completeness of the application from the Kivalliq Inuit  
20 Association, Crown-Indigenous Relations, Environment  
21 and Climate Change Canada, and Fisheries and Oceans  
22 Canada.

23 Based on additional information provided by Agnico  
24 Eagle, the comments provided by parties, and the  
25 Board's review, on August 14, 2019, the Board  
26 determined the applications were complete and issued

1 notice of the amendment application. The -- the notice  
2 invited intervenors and any interested parties to  
3 commence any technical review of the amendment  
4 applications and provide the Board with their comments  
5 by mid-September and also provide notice that the Board  
6 proposed to hold an in-person technical meeting and  
7 pre-hearing conference for the amendment applications  
8 in Baker Lake during the week of October 28 to  
9 November -- November 1. Sorry.

10 Kivalliq Inuit Association, Crown-Indigenous  
11 Relations and Northern Affairs, Climate -- Environment  
12 and Climate Change Canada, and Fisheries and Oceans  
13 Canada provided technical review comments on the  
14 amendment applications by September 16, 2019. Agnico  
15 Eagle Mines filed a response to the technical comments  
16 of these parties and the NWB on October 7, 2019.

17 On October 18, 2019, the Nunavut Impact Review  
18 Board completed its assessment of the Whale Tail  
19 expansion proposal and issued a report and  
20 recommendations to the Minister of Crown-Indigenous  
21 Relations and Northern Affairs. The NIRB recommended  
22 various changes to the existing project certificate for  
23 the Whale Tail Pit project and indicated that the  
24 expansion proposal should be allowed to proceed to the  
25 permitting stage.

26 On October 28, 2019, the Board, Agnico Eagle, and

1 all the intervenors were travelling to Baker Lake for  
2 an in-person technical meeting and pre-hearing  
3 conference scheduled to start the next day on  
4 October 29. Unfortunately, in Yellowknife, the Board  
5 was advised that due to weather conditions, all flights  
6 into and out of Rankin Inlet and Baker Lake were  
7 cancelled for both October 28 and 29. As most parties  
8 were travelling and indicated that they could revise  
9 their travel arrangements to get to Yellowknife, the  
10 Board revised the location and schedule of the meeting.  
11 The Board made arrangements to move the meeting to  
12 Yellowknife and delay the start of the technical  
13 meeting on October 29 so that the technical meeting and  
14 the pre-hearing conference could start -- could still  
15 proceed as scheduled on October 29 and October 30. The  
16 Board regrets that we could not get to Baker Lake for  
17 this meeting, but the Board made a teleconference and  
18 line available to any community members who wished to  
19 participate throughout the meetings and also had  
20 simultaneous interpretation available during the  
21 teleconference should anyone require it.

22 On November 29, 2019, the Board released the  
23 pre-hearing conference decision that summarized the  
24 outcome of the technical meeting and pre-hearing  
25 conference held by the board in October. At -- at the  
26 same time, the Board also released the notice of this



1 public hearing and the list of commitments to be  
2 fulfilled by the Applicant.

3 On December 20, 2019, Agnico Eagle filed  
4 submissions required to be filed prior to the public  
5 hearing to meet commitments they made at the technical  
6 meeting.

7 On January 20, 2020, the Minister of Northern  
8 Affairs issued his decision accepting the NIRB's report  
9 and recommendations and authorizing the Whale Tail Pit  
10 expansion proposal to proceed to the licencing and  
11 permitting stage.

12 Between January 23, 2020, and February 6, 2020,  
13 the Board has received final written submissions and  
14 presentations about the amendment application from the  
15 Kivalliq Inuit Association, Crown-Indigenous Relations  
16 and Northern Affairs, Environment and Climate Change  
17 Canada, and Fisheries and Oceans Canada. Agnico Eagle  
18 has also provided its final written submission and  
19 presentation materials to the Board as well.

20 On February 7, 2020, the NWB circulated the final  
21 agenda for this public hearing. As I mentioned  
22 earlier, the final agenda, including translated copies,  
23 are available from the table as you enter the hall if  
24 you wish to pick one up and follow along.

25 Complete details on all procedural steps and all  
26 submissions received in relation to the amendment

1 applications are available on the NWB's FT -- 'F' --  
2 FTP site. If you have any -- have questions or  
3 comments -- or would like to see any material, please  
4 see Richard at the table as you enter the building --  
5 the hall.

6 I will now move on to read a list of issues that  
7 will be discussed at this hearing. This list was  
8 prepared during the technical meeting and pre-hearing  
9 conference: amendments to the terms of existing  
10 licences; requested extension to the terms of the Whale  
11 Tail Pit and haul road project water licence number --  
12 water licence from 2026 to 2043 -- sorry -- and the  
13 Meadowbank gold mine water licence from 2026 to 2033.  
14 Changes to the scope of the existing licences:  
15 amendments to Water Licence Number 2AM-WTP1826;  
16 amendments to Water Licence Number 2AM-MEA1526;  
17 amendments to Water Licence Number 2BB-MEA1828. Water  
18 use and management: annual water use amounts from each  
19 source, including changes to allocations of existing  
20 licenced water use, from Nemo Lake, Mammoth Lake, Whale  
21 Tail South Basin, and small ponds/lakes close to  
22 drilling site; pit flooding water sources; management  
23 of expected volume of water during 2020 freshet; water  
24 management during wet -- wet years; groundwater  
25 management; additional or alternative water bodies as  
26 locations for discharge of treated effluent. Water

1 balance and water quality models and predictions.  
2 Waste disposal and management: new and expanded  
3 infrastructure for disposal of different types of  
4 waste; waste rock management; characterization of  
5 non-potentially acid generating and potential acid  
6 generating waste rocks; thermal modelling for waste  
7 rock storage facility design. Monitoring: water  
8 quality monitoring during closure. Adaptive  
9 management/operation flexibility: definitions;  
10 thresholds and triggers and options for adaptive  
11 management action; adaptive management decision tree;  
12 integration into management plans. Abandonment,  
13 closure, and reclamation and update to interim closure  
14 and reclamation plan; final closure and reclamation  
15 plan; water quality of flooded pit lake; site-specific  
16 water quality objective and potential threshold for  
17 treatment, reconnection of pit lakes and GSP ponds.  
18 Security: updates to reclamation cost estimate and  
19 security management agreement. Water compensation:  
20 confirmation of Kivalliq Inuit Association and Agnico  
21 Eagle regarding finalized water compensation agreement.  
22 Revisions to management and monitoring plans: timing  
23 of submission and review timelines.

24 If there are no concerns, I would like to move  
25 forward to a roll call. I will begin the roll call  
26 with the Applicant.

1           Agnico Eagle Mines Limited, can you please  
2   introduce your participants.

3   Roll Call

4   MR. QUESNEL:                   Thank you, Mr. Chair. I am  
5   Jamie Quesnel, regional manager permitting and  
6   regulatory affairs with Agnico Eagle. I just wanted to  
7   thank -- thank everyone for being here and meeting here  
8   in Baker Lake under the circumstances. It's good to  
9   see everyone made it here safely, which is paramount to  
10  everyone here and primarily to Agnico Eagle.

11           As we're starting late, I will keep my opening  
12  remarks very brief and introduce you to our Agnico  
13  Eagle team in attendance at this hearing and also the  
14  third-party experts that are supporting us. I will ask  
15  each person to just raise their hand when I say their  
16  name. With Agnico Eagle, Michel Groleau, general  
17  supervisor permitting; Manon Turmel, permitting lead;  
18  Etienne Parent, permitting specialist; Suzanne Leclair,  
19  lead indigenous and stakeholder relations; Chris  
20  Kennedy, technical specialist, geochemistry and mine  
21  closure; Nancy Duquet-Harvey, environmental  
22  superintendent Meadowbank; Casey Paradis St. Onge,  
23  Nunavut communication coordinator; and Martin Plante,  
24  general manager Meadowbank complex.

25           And also with our consultant team, John Faithful,  
26  senior water quality specialist, Golder Associates;

1 Dr. Nicola Lower, principal consultant environmental  
2 impact assessment and permitting with Environmental  
3 Resources Management; Dr. Cam Stevens, senior fish  
4 biologist with Golder Associates; Gillian Allen, senior  
5 geoenvironmental engineer, Okane Consultants; Gary  
6 Lawrence, associate and senior environmental scientist,  
7 Golder Associates; and Christine Kowbel with Lawson  
8 Lundell, our legal counsel. Thank you.

9 THE CHAIR: Now I will now move to local  
10 association and representatives and intervening  
11 parties.

12 Kivalliq Inuit Association.

13 MR. MANZO: Thank you, Mr. Chairman. Luis  
14 Manzo on behalf of Kivalliq Inuit Association. With  
15 me, our legal counsel Jennifer King; our staff, Jeff  
16 Tulugak, Jamie Kataluk; our consultants, Richard  
17 Nesbitt, Alan Sexton, and -- and Ashley Aupaluktuq.  
18 Thank you, Mr. Chairman.

19 THE CHAIR: Thank you.

20 Then Crown-Indigenous Relations and Northern  
21 Affairs.

22 MR. DEWAR: Matna. Mr. Chair, my name is  
23 Spencer Dewar with Crown-Indigenous Relations and  
24 Northern Affairs Canada. With me today I have Godwin  
25 Okonkwo; he's the manager of water resources. And I  
26 have David Zhong, who's the science and regulatory

1     advisor.

2     THE CHAIR:                     Thank you.

3             Then Environment and Climate Change Canada.

4     MS. WILSON:                    Thank you. My name is Anne  
5     Wilson. I work with Environment and Climate Change  
6     Canada on water quality, and I want to check if we have  
7     Eva Walker on the telephone with us.

8     MS. WALKER:                    [INAUDIBLE]

9     MS. WILSON:                    Thank you.

10    THE CHAIR:                     Thank you.

11            Then Fisheries and Oceans Canada. Please go to  
12    the mic -- microphone.

13    MR. BEATTIE:                    Thank you. This is Alasdair  
14    Beattie. I am the team lead with the mining, oil, and  
15    gas division of the fish and fish habitat of DFO.  
16    Today with me I have Edyta Ratajczyk and José  
17    Audet-Lecouffe.

18    THE CHAIR:                     Thank you.

19            If there are any intervenors that I have not  
20    mentioned who would like to speak, please identify  
21    yourself.

22            I see there's no -- no hands rise up.

23            It is our tradition to give respect to our Elders;  
24    therefore, at any -- any time during the proceedings an  
25    Elder may speak to the applications that are before the  
26    Board. All that we ask is that when the Elder wish to

1 speak, they may -- that they let me or our staff know;  
2 then we get a microphone to you before you speak so we  
3 can ensure your comments are recorded in the  
4 transcript.

5 Are there any representatives from agencies,  
6 association, et cetera, who have not submitted  
7 interventions but would like to make a presentation or  
8 share their views about the amendment applications?

9 Are there any members of the general public who  
10 would like to make a formal request to make  
11 presentation or speak to the Board during the -- during  
12 this public hearing?

13 I also want to mention that the Board will also  
14 give opportunities to any member of the public who may  
15 have questions for Agnico Eagle or the intervenors  
16 throughout the hearing to ask their questions or make  
17 comments at the end of the technical -- technical  
18 presentations of each party and during the community  
19 session that will be taking -- it will take place  
20 tonight.

21 I will now turn to the identification of any  
22 motion or any objection to the amendment applications  
23 that are before the Board.

24 I think that there's none.

25 Okay. Teresa.

26 MS. MEADOWS: Thank you, Mr. Chair. Teresa

1 Meadows, legal counsel for the Nunavut Water Board.

2 Mr. Chair, we have not received any motions or  
3 objections to the Panel proceeding with these -- this  
4 public hearing. Thank you, Mr. Chair.

5 THE CHAIR: Okay. We will now proceed  
6 with Item 8 in the agenda, the presentation by the  
7 Applicant.

8 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
9 Meadows, legal counsel for the Nunavut Water Board.

10 Mr. Chair, if I can have the witnesses state and  
11 spell their name for the record, please.

12 MR. QUESNEL: Thank you. Jamie Quesnel,  
13 J-A-M-I-E Q-U-E-S-N-E-L.

14 MR. GROLEAU: Michel Groleau, M-I-C-H-E-L  
15 G-R-O-L-E-A-U.

16 MR. FAITHFUL: John Faithful, J-O-H-N  
17 F-A-I-T-H-F-U-L.

18 MR. KENNEDY: Chris Kennedy, C-H-R-I-S  
19 K-E-N-N-E-D-Y,

20 MR. LAWRENCE: Gary Lawrence, G-A-R-Y  
21 L-A-W-R-E-N-C-E.

22 MS. LOWER: Nicola Lower, N-I-C-O-L-A  
23 L-O-W-E-R.

24 MR. PARENT: Etienne Parent, E-T-I-E-N-N-E  
25 P-A-R-E-N-T.

26 MS. TURMEL: Manon Turmel, M-A-N-O-N



1 T-U-R-M-E-L.

2 MS. ALLEN: Gillian Allen, G-I-L-L-I-A-N  
3 A-L-L-E-N.

4 MR. STEVENS: Cam Stevens, C-A-M  
5 S-T-E-V-E-N-S.

6 JAMIE QUESNEL, MICHEL GROLEAU, JOHN FAITHFUL, CHRIS  
7 KENNEDY, GARY LAWRENCE, NICOLA LOWER, ETIENNE PARENT,  
8 MANON TURMEL, GILLIAN ALLEN, CAM STEVENS, Affirmed

9 MS. MEADOWS: Mr. Chair, I have before me  
10 three exhibits that are the presentation materials  
11 about to be presented by Agnico Eagle in English, in  
12 Inuktitut, and in French, and I propose to mark those  
13 as the first three exhibits in the public hearing. Are  
14 there any additional exhibits that need to be marked at  
15 this point?

16 MS. KOWBEL: Thank you, Mr. Chair,  
17 Christine Kowbel for Agnico Eagle.

18 No further exhibits at this time. Thank you.

19 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
20 Meadows, legal counsel for the Nunavut Water Board.  
21 Those are my procedural matters, Mr. Chair.

22 EXHIBIT 1 - Hard Copy PowerPoint Presentation  
23 Whale Tail Pit Expansion Project NWB Public  
24 Hearing February 12-13, 2020 (English)

25 EXHIBIT 2 - Hard Copy PowerPoint Presentation  
26 Whale Tail Pit Expansion Project NWB Public

1           Hearing February 12-13, 2020 (Inuktitut)  
2           EXHIBIT 3 - Hard Copy PowerPoint Presentation  
3           Whale Tail Pit Expansion Project NWB Public  
4           Hearing February 12-13, 2020 (French)

5   THE CHAIR:                           Thank you.

6           Parties are reminded to state their name prior to  
7   speaking to assist the stenographer in keeping an  
8   accurate record of the proceeding. Thank you.

9   Presentation by Agnico Eagle Mines Limited

10   MR. GROLEAU:                       Michel Groleau, Agnico Eagle.

11   Thank you, Mr. Chair.

12           Before starting the presentation, I would like to  
13   point to the poster and 3D model at the back of the  
14   community hall which present the project. During  
15   breaks, we will have someone from Agnico Eagle at the  
16   3D model to explain the model and the project. Don't  
17   hesitate to pass by and ask your question if you got  
18   any.

19           During this presentation, I will provide an  
20   overview of the proposed Whale Tail Expansion Project.  
21   I will also present a summary of the Nunavut Water  
22   Board review process to date, as well, a summary of our  
23   responses to technical comments received.

24           Go with the overview of the Whale Tail Expansion  
25   Project. This slide present the history of Agnico  
26   Eagle. Not go through that in detail. Briefly, the

1 expansion project will add another four years of  
2 operation to the Whale Tail Project. And end of  
3 production is planned in 2026.

4       There's currently two approved project for the  
5 Meadowbank complex: First, the Meadowbank project  
6 where we got the mill and the tailings storage  
7 facility; and, second, the Whale Tail Project, which is  
8 simply a pit, waste rock storage facility, and haul  
9 road. In this presentation, we refer to the Whale Tail  
10 Project as the "approved project". Approval for this  
11 project were received in March 15, 2018, and on -- for  
12 the -- from the Nunavut Impact Review Board with the  
13 Project Certificate Number 008, and on July 11, 2018,  
14 with the water -- Nunavut Water Board Water Licence  
15 2AM-WTP1826.

16       As a satellite operation, the Whale Tail Pit  
17 Project is approved to operate and will continue to  
18 feed the Meadowbank mill and tailings storage facility  
19 and use associated Meadowbank mine infrastructure under  
20 Project Certificate Number 004 and a Type "A" Water  
21 Licence 2AM-MEA1526. So ore is mined at the Whale Tail  
22 Pit and hauled back at Meadowbank for processing.

23       We are currently seeking approval to expand and  
24 extend the Whale Tail Pit Project through a  
25 reconsideration of NIRB project certificate and the  
26 Water Licence 2AM-WTP1826 amendment to include the

1 expansion of the Whale Tail Pit, the IVR Pit, and an  
2 underground mine. Similar to the approved project, the  
3 deposit will be mined, and ore will be stockpile, then  
4 hauled to the approved infrastructure at the Meadowbank  
5 mine for milling.

6 This slide show the proposed schedule of the Whale  
7 Tail Expansion Project. So since the last two year,  
8 we're operating the Whale Tail Pit as per the approved  
9 project. Beginning of next -- beginning of 2020, we  
10 begin the -- the operation and expansion of the Whale  
11 Tail Pit, IVR Pit, and the stripping and building of  
12 the infrastructure if the water licence is deemed  
13 approved. From 2020 to 2025, we will operate the Whale  
14 Tail Pit Expansion Project. And from 2026 to 2042,  
15 this is a closure phase of the pit where the pit  
16 flooding occurs. The closure phase timeline is linked  
17 to keeping a withdrawal rate for flooding that is  
18 protective of the water bodies, and post-closure will  
19 commence in 2043.

20 This slide present a layout of infrastructure for  
21 the approved and expansion project. Approved project  
22 infrastructures are shows [sic] in grey; proposed  
23 infrastructure related to surface mining activities are  
24 outlined in the red; and proposed, as said, related to  
25 the underground activities are in purple.

26 This figure present both approved and expansion

1 project infrastructure at the end of mine life, so just  
2 before initiating the closure phase. The approved  
3 project include the Whale Tail Pit located in the  
4 middle, the Whale Tail waste rock storage facility on  
5 the left, and the camp and facilities at the bottom  
6 here. To this, we will be adding as part of the  
7 expansion project the expanded Whale Tail Pit, same  
8 location, mining it deeper, and the Whale Tail waste  
9 rock storage facility that is expanded on the east  
10 side; the IVR Pit, north of the Whale Tail Pit; the IVR  
11 waste rock storage facility located at the east -- oh,  
12 sorry; and IVR attenuation pond south to the IVR waste  
13 rock pipe; the underground mine -- we can see the  
14 portal right here; underground waste rock pile north of  
15 the portal; and the three groundwater storage pond in  
16 blue on this figure. Those pond will be used for  
17 management of the water coming from the underground  
18 mine.

19 During a community mapping session held in Baker  
20 Lake on December 17, 2019, with David Kritterdlik, the  
21 land user, and Elders have come up with the Inuktitut  
22 name for this site knows [sic] as "Whale Tail".  
23 "Piquganiq" refer to the group of small hills, part of  
24 the north end of the group of eskers surrounding the  
25 project. We would like to thanks the community of  
26 Baker for their input, and we are currently in the

1 process to change the nomenclature of the project with  
2 this new name. However, this process will take some  
3 time, and we will continue to refer as the "Whale Tail  
4 Project" as part of the licence amendment process. We  
5 are looking forward to continue working with the Baker  
6 Lake community to improve the use of Inuktitut in the  
7 project nomenclature.

8 To summarize the project, we would like to show  
9 you a 3D rendering video of the proposed  
10 infrastructure. So the -- thank you, Manon.

11 (VIDEO PLAYED)

12 MR. GROLEAU: So here we can see the  
13 location of Baker Lake and the Meadowbank complex. So  
14 we got the Meadowbank mine and the haul road going to  
15 the Whale Tail Project. See the esker along the road  
16 and the location of the Whale Tail Project. So here  
17 it's the baseline where we can see the land before the  
18 creation of the mine. So we got the Whale Tail Lake in  
19 the middle. Future location of the Whale Tail Pit will  
20 be in this area.

21 Here we got the Mammoth Lake, and we'll just go  
22 above the crossing here between the two lakes.

23 This part of the video is presenting the Whale  
24 Tail Pit operation, so the approved project. We got  
25 the Whale Tail dike, the Whale Tail attenuation pond  
26 right behind it. Got the Whale Tail Pit and the Whale

1 Tail WRSF, the waste rock storage facility, which is  
2 interesting; we can see the size of a haul truck and A  
3 pickup truck and the ramp going down the pit. Give you  
4 an idea of the proportion. Got the camp right here and  
5 the ore stockpile right in this location.

6 Next part of the video will present the Whale Tail  
7 Pit Expansion Project. So we got expanded Whale Tail  
8 waste rock storage facility and the two dikes we just  
9 seen on the previous part of the video with the Whale  
10 Tail attenuation pond and -- and the Whale -- the Whale  
11 Tail Pit. The IVR Pit is right behind, and we got the  
12 IVR waste rock pile. Here, the camp and the new IVR  
13 attenuation pond and future ore stockpile. Got the IVR  
14 waste rock storage facility.

15 And then we'll go underground to see the  
16 underground mine deposit and the main ramps. Accessing  
17 the ore body. So we see here connection with the  
18 surface through the portal and the ramp going through  
19 the Whale Tail deposit, and you got the IVR deposit  
20 here on the right side of the screen. So you can see  
21 the ramp that turns down that allows to reach out the  
22 different section of the ore body.

23 So this final part of the video show the closure.  
24 This is really the state of the project at  
25 post-closure, so after pit reflooding is completed. So  
26 at that moment in time, we reconnect the Whale Tail

1 South Basin with the pits. So here the dike is  
2 breached, and water can -- can flow and reach out the  
3 previous location of the Whale Tail Pit and IVR Pit.  
4 You can see the pit wall through the surface of the  
5 water. And then the pit lake will reconnect with the  
6 Mammoth Lake through a spillway. So water will flow  
7 above the spillway toward this -- this location toward  
8 the west.

9 So we'll go back to the presentation.

10 Thank you, Manon.

11 We'll discuss of the water use and the management.  
12 So this slide present the different infrastructure  
13 related to surface water management and underground  
14 contact water management. So I'll not go through that  
15 again. I think we -- we present that through the video  
16 in detail.

17 This next slide is presenting an estimate of how  
18 water use will be broken down during the construction  
19 and operation phase for the approved and expansion  
20 project. The number in this table were extracted from  
21 the Part E, Item 1 from the draft water licence that  
22 have been submitted. The line at the bottom is  
23 presenting the global number, and this is how we think  
24 at this time that this will be split. As an overall  
25 amount under the licence, we are requesting  
26 700,859 cubic metre from all sources.



1           This table present an estimate of how water use  
2 will be broken down during the closure phase for the  
3 approved and expansion project. The numbers in the  
4 table -- in this table were extracted from the Part E,  
5 Item 2 from the draft water licence. The line at the  
6 bottom is presenting the global number, and this is how  
7 we think at this time that it will be split. The  
8 overall amount under the licence we are requesting is  
9 14,855,606 cubic metre from all sources.

10           Following comments from Environment and Climate  
11 Change Canada, the Kivalliq Inuit Association, and the  
12 Kivalliq Inuit Association [sic], Agnico Eagle  
13 developed a strategy to management potential exceedance  
14 volume for different wet year scenario in 2020. To  
15 manage water at freshet 2020, two main storage  
16 infrastructure, our Quarry 1 and the Groundwater  
17 Storage Pond 1, operational flexibility will dictate  
18 the order in which water will be managed. Freshet 2020  
19 water management strategy is aligned with the adaptive  
20 management plan.

21           It should also be noted that if water quality  
22 meets water licence effluent discharge criteria, direct  
23 discharge to the receiver could be completed to  
24 increase water storage capacity and reduce pressure on  
25 the water treatment plants.

26           This slide is presenting the conceptual

1 hydrogeological system for the Whale Tail Expansion  
2 Project. During the operation, Whale Tail Pit and the  
3 underground mine are groundwater recharge system, and  
4 no groundwater is planned to report to the IVR Pit, as  
5 this pit is located in continuous permafrost.

6 During the closure phase, Whale Tail Pit, IVR Pit,  
7 and the underground mine will slowly become groundwater  
8 discharge system, and volume from 0 to 5 cubic metre  
9 per day are forecasted to flow out of the system and  
10 reach the deep talik system.

11 This slide is presenting the three discharge  
12 location of the project. So we got the approved  
13 discharge in Mammoth Lake and the two discharge that  
14 was added as part of this application, one from the  
15 Whale Tail South Basin effluent discharge location, and  
16 the Number 3, Whale Tail dike seepage collection pond  
17 discharge location.

18 To process the trigger -- the use of the  
19 alternative location for discharge of treated effluent  
20 is defined by the Nunavut Impact Review Board  
21 Certificate 004 -- 008, Terms and Condition Number 67.  
22 The new project certificate was reviewed last week with  
23 the parties and the Nunavut Water Board. The  
24 authorization to proceed with the potential discharge  
25 to Lake D1 or D5 will be granted by the Nunavut Water  
26 Board based on their -- the Nunavut Impact Review Board

1 recommendation.

2 The decommissioning of the infrastructure required  
3 for the alternative discharge location was included in  
4 the security management agreement.

5 This slide is presenting the water balance and  
6 water quality forecasts works completed as part of this  
7 application. The modelling completed as part of the  
8 final environmental impact statement and subsequently  
9 with the Nunavut Water Board water quality model update  
10 provided an understanding of the project -- the  
11 projected water quality conditions during each phase of  
12 the project. Moreover, several sensitivity analysis  
13 were completed based on the comment from the parties as  
14 listed on this slide. We consider that the uncertainty  
15 related to water quality has been addressed through all  
16 the different iteration of the water balance and water  
17 quality modelling exercise. These different iterations  
18 of the model were used to define the adaptive  
19 management plan triggers and mitigation strategies.

20 Following the completion of the flooding of the  
21 pit at the end of the closure phase, water chemistry of  
22 the Whale Tail Pit and IVR Pit will be slightly  
23 different to the receiving environment prior to the  
24 reconnection but will meet closure objective. There  
25 will be minor change in water quality in the receiver  
26 once the pit is reconnected, but the water quality

1 condition of the receiver will also remain within  
2 closure objective.

3 The water quality condition of the Whale Tail and  
4 IVR Pits will be evaluated on an ongoing basis as the  
5 pit is flooded. The closure objective may be achieved  
6 in advance of the pit being filled, which could allow  
7 for revision of the post-closure monitoring effort.

8 The closure objective for the pit will be defined  
9 in the final closure and reclamation plan and are  
10 expected to align with environment guidelines and  
11 relevant site-specific water quality objective.

12 Agnico Eagle has developed a comprehensive closure  
13 and post-closure monitoring program based on the  
14 flooding sequence and the relative pit flooding extent  
15 and the 17 years required to flood the Whale Tail Pit.  
16 This outcome provides the benefit of reducing  
17 uncertainty in the final flooded water quality  
18 conditions because it is -- it is expected that  
19 throughout the flooding process the pit lake will  
20 already begin to demonstrate water quality conditions  
21 that would be expected in the full pit state.

22 THE CHAIR: We shall -- excuse me. We  
23 shall take a break now, come back here at 7:00 for our  
24 community session, and continuation of technical  
25 session. We'll take a -- yeah, we need to go back,  
26 have -- have supper, and then come back here at 7:00.

1

2 PROCEEDINGS ADJOURNED UNTIL 7:00 PM

3

4 (PROCEEDINGS RECOMMENCED AT 7:03 PM)

5 Community Session

6 THE CHAIR: Good afternoon. Welcome back  
7 to the hall. Before we start the proceeding, I'd like  
8 to recognize the mayor of Baker Lake to come over and  
9 have welcoming remarks and so on.

10 Opening Remarks by the Mayor of Baker Lake (Community  
11 Session)

12 MR. AKSAWNEE: Test, test, test.

13 Good evening, everybody. My name's Richard  
14 Aksawnee. I'm the -- I'm the newly elected mayor for  
15 the community of Baker Lake. I would like to take a  
16 few minutes as the mayor for Baker Lake, the  
17 geographical centre of Canada, to extend a very warm  
18 welcome, each and every individual visiting our  
19 community today.

20 You are visiting our community to attend and  
21 participate in a very important meeting of the Nunavut  
22 Water Board. Lootie, as the chairman of the Board, you  
23 and your fellow members are always welcome to Baker  
24 Lake. The functions and responsibilities you and your  
25 Board have are very important to the community of Baker  
26 Lake and, indeed, all of Nunavut. I trust you all have

1 a very productive meeting, and, again, please enjoy the  
2 hospitality of our community. Have a great evening.  
3 Thank you.

4 Opening Remarks (Community Session)

5 THE CHAIR: Thank you. Thank you very  
6 much.

7 So we will proceed with this community session  
8 tonight. Good evening once again, and welcome to a  
9 community session for Nunavut Water Board's public  
10 hearing in relation to the amendment applications  
11 submitted by Agnico Eagle Mines Limited -- that I will  
12 refer to as "Agnico Eagle" or "Applicant" -- with the  
13 Nunavut Water Board for Water Licences 2AM-WTP1826,  
14 2AM-MEA1526, and 2BB-MEA1828.

15 My name is Lootie Toomasie, and I'm the chair of  
16 Nunavut Water Board. I'll be chairing tonight's  
17 session.

18 Tonight's session is the part of Nunavut Water  
19 Board's public hearing to consider the amendments to  
20 the existing water licences, which authorize the use of  
21 water and deposit of waste associated with the water  
22 and waste management infrastructure at Agnico Eagle  
23 Mines -- Agnico Eagle's Whale Tail Pit and Meadowbank  
24 gold mining undertakings. The changes to these water  
25 licences have been requested by Agnico Eagle to reflect  
26 an expansion to Agnico Eagle's mining activities at the

1 Whale Tail Pit under what Agnico Eagle has proposed in  
2 the Whale Tail Pit -- Whale Tail Pit Expansion Proposal  
3 that was assessed by the Nunavut Water -- Impact Review  
4 Board last year.

5 This public hearing marks the final opportunity  
6 for the Applicant, the intervenors, and the members of  
7 the community to present their comments, issues, and  
8 questions about the amendment applications to the  
9 Nunavut Water Board before the Board makes its decision  
10 about the amendments. The Nunavut Water Board  
11 appreciates you all turning out to participate in this  
12 important meeting.

13 Before we proceed with tonight's session, please  
14 let us begin with prayer. Let us stand and pray.  
15 Opening Prayer

16 THE CHAIR: For those of you who were not  
17 here this afternoon when we started the public hearing,  
18 I have a few brief housekeeping introduction remarks,  
19 and then, as outlined in the agenda, I will turn the  
20 microphone over to the following parties: Firstly, as  
21 outlined in Item 3 of tonight's agenda, the staff of  
22 the Nunavut Water Board will provide everyone with a  
23 summary of the Water Board's process in general and in  
24 relation to these amendment applications specifically.  
25 After presentation by the Board staff, community  
26 members will have an opportunity to question the Board

1 staff about our process.

2 Then as set out under Item 5 of the agenda, the  
3 Applicant, Agnico Eagle Mines Limited, will provide  
4 their presentation explaining the changes they are  
5 requesting in the amendment applications, and you  
6 will -- and you will have an opportunity to ask them  
7 questions and provide your comments.

8 And we will then move to Items 7 and 8 on the  
9 agenda when the intervenors in this application, the  
10 Kivalliq Inuit Association, Crown-Indigenous Relations  
11 and Northern Affairs, Environment and Climate Change  
12 Canada, and Fisheries and Oceans Canada, will outline  
13 their mandates and roles in respect of these water  
14 licences and will present summaries about their  
15 comments/submissions provided to the Board to date.  
16 Their presentations will be followed by opportunity for  
17 you to ask questions of the intervenors and provide the  
18 Board with your comments.

19 Now, on to a few brief housekeeping items.  
20 Firstly, there will be interpretation available  
21 throughout the hearing, and earpieces are available  
22 from the table located just as you come into the hall.  
23 The floor is -- Channel 1 is floor; Channel 2 is  
24 English; Channel 3, Inuktitut.

25 Secondly, the Board asks everyone, including the  
26 Applicant, intervenors, and members of the public to



1 sign in on the sheets provided at the table as you came  
2 in. This is an important record of the hearing, and we  
3 appreciate your help in making sure it is complete.

4 The washrooms are located in the lobby as -- the  
5 members know all this more than I do; I just came in  
6 today. And the coffee will be available, tea -- tea  
7 and snacks are located on the table at the side there.  
8 During break, please help yourself. Make yourself to  
9 the food and the refreshments provided.

10 There are agendas for this community session and  
11 the public hearing at the table as you came in. Please  
12 pick one up and follow along.

13 Now I would like to introduce all the Board and  
14 the staff before we proceed to the presentation in the  
15 agenda. I'll be chairing this Panel, and with me today  
16 as members of the Panel are Board members Ross Mrazek  
17 on my right, and Makabe Nartok on my -- on my left.

18 I would also like to introduce several staff  
19 members and our legal counsel who have come to the  
20 NWB's administration and technical review of the  
21 amendment applications. When I say your name, please  
22 wave so that the people know who you are. Karén  
23 Kharatyan, director of technical services; Ben Kogvik,  
24 director of board administration and communications, at  
25 the back at the interpreter booth; Richard Dwyer,  
26 manager of licencing at the entrance area; Assol

1 Kubeisinova, technical advisor; and Teresa Meadows from  
2 Meadows Law, legal counsel to the Board.

3 We have two interpreters helping us this evening.  
4 In addition to Ben Kogvik, director of administration  
5 and communications, we have Alexander Alooq, who is  
6 from Baker Lake.

7 For audio support, we have Ryan Dempster from PIDO  
8 Productions with us. If you experience any  
9 difficulties with your headsets, he will be able to  
10 provide you assistance.

11 To ensure an accurate record of this proceeding is  
12 kept, we have with us a court reporter, Christy  
13 Longacre, from Dicta Court Reporting Incorporated. To  
14 assist Christy, I ask that all parties please state  
15 their name prior to speaking.

16 As I said earlier, tonight's session will involve  
17 a presentation by the Nunavut Water Board technical  
18 staff; a presentation by the Applicant, Agnico Eagle  
19 Mines Limited; and presentations by the intervenors,  
20 the Kivalliq Inuit Association, Crown-Indigenous  
21 Relations and Northern Affairs, Environment and Climate  
22 Change Canada, and Fisheries and Oceans Canada.

23 Following each presentation, I will invite anyone  
24 who wishes to ask questions or provide the Panel with  
25 their comments to step up to the microphone and speak  
26 on the record. I encourage everyone with questions to

1 please step up and ask. But to make sure our public  
2 hearing is accurate and to assist our court reporter  
3 and interpreters, before speaking, please wait until  
4 you have a microphone to speak, then state your name  
5 and speak directly, clearly, and slowly into the  
6 microphone. Please be mindful of the interpreters as  
7 you go, and avoid the use of abbreviations if you can.  
8 We appreciate your participation and assistance in  
9 making sure we are all heard and understood in this --  
10 in this hearing.

11 I will now turn the microphone to the Board's  
12 technical staff to walk you through how these  
13 applications have been progressed to this point.

14 Karén and Assol.

15 EXHIBIT 4 - Hard Copy PowerPoint Presentation

16 Nunavut Water Board Community Session

17 Presentation Type "A" Water Licences

18 2AM-WTP1826 Whale Tail Pit Project

19 2AM-MEA1526 (English/Inuktitut)

20 Presentation by Nunavut Water Board Staff (Community  
21 Session)

22 MR. KHARATYAN: Thank you, Mr. Chair. My name  
23 is Karén Kharatyan. I am director of technical  
24 services with Nunavut Water Board. So the Board will  
25 start tonight's session with a presentation by Nunavut  
26 Water Board, which will be followed by a presentation

1 by the Applicant, Agnico Eagle Mines Limited.  
2 Following that, we will have presentations by  
3 intervenors. So as Mr. Chair stated, after each  
4 presentation, we will invite anyone to -- anyone to ask  
5 questions or provide the Panel with their comments to  
6 step up to the microphone and speak on the record. If  
7 you are an Elder, you can speak at any time throughout  
8 these proceedings. We just ask that you raise your  
9 hand to be recognized by the chairperson and wait to  
10 speak until one of our staff members can get a  
11 microphone for you.

12 For anyone here tonight, I encourage to ask  
13 questions or share your comments with the Board by  
14 stepping up to the microphone, or you can direct your  
15 questions to the staff of Nunavut Water Board, the  
16 Applicant, or intervenors present today.

17 As Mr. Chair indicated at the start -- at the  
18 start of the public hearing, it is very important to  
19 the Nunavut Water Board that we have an accurate record  
20 of the information, questions, and comments that we  
21 hear during this public hearing. So we ask that  
22 parties or any persons -- any members speaking to --  
23 sorry -- to -- to assist our interpreters and the court  
24 reporter, please wait until you have a microphone  
25 before you to speak, then state your name, and speak  
26 directly, clearly, and slowly into the microphone.

1 Please be mindful of the interpreters as you go, and  
2 avoid the use of abbreviation if you can.

3 So we appreciate your participation and assistance  
4 in making sure we are all heard and understood in this  
5 public hearing and this hearing is conducted in a  
6 productive and respectful manner.

7 So I will now turn the microphone over to the  
8 Board technical advisor working on this file, Assol  
9 Kubeisinova, and she will walk you through how this  
10 amendment application has progressed to this point.

11 Assol, please start with your presentation.

12 MS. KUBEISINOVA: Good evening. So we are here  
13 today to discuss Agnico Eagle's applications. There  
14 are three applications to amend water licences. The  
15 main one is for the amendment of the Whale Tail Pit  
16 licence and the two consequential ones for the  
17 Meadowbank mine site.

18 So the NWB is an institution of public government,  
19 an IPG, established under Article 13 of the Nunavut  
20 Agreement. The Board has responsibilities and powers  
21 over the regulation, use, and management of freshwater  
22 in the Nunavut settlement area.

23 The objects of the NWB are to provide for the  
24 conservation and utilization of waters in Nunavut  
25 except in the national park in a manner that will  
26 provide the optimum -- optimum benefit from those

1 waters for Nunavut's residents in particular and  
2 Canadians in general.

3         So there are three types of authorizations that  
4 the Board can issue for the use of waters and deposit  
5 of waste. The first one is an authorization without  
6 the licence that is for water use of less than 50 cubes  
7 of water -- 50 cubic metres of water per day. Another  
8 one is a Type "B" water licence that is for water use  
9 of between 50 and 300 cubic metres of water per day.  
10 And, finally, a Type "A" water licence that is for the  
11 use of water -- oops -- for the use of water of over  
12 300 cubic metres per day. So this week's public  
13 hearing is for the type -- for a Type "A" water licence  
14 applications based on the criteria set out in Schedules  
15 2 and 3 of the regulations.

16         So here is just an overview of the Board's  
17 licencing process. To start, the Board receives an  
18 application for a Type "A" water licence and conducts a  
19 concordance review. As a result of that concordance  
20 review, we may ask the Applicant to provide more  
21 information, and that will go out -- all of that  
22 information will go out for technical review and  
23 submission of comments by intervenors, by outside  
24 parties.

25         So the parties -- parties submit written  
26 representations, their written comments. If required,

1 an Applicant provides more information in response to  
2 those comments. The Water Board holds -- holds a  
3 technical meeting and a pre-hearing conference and then  
4 issues a pre-hearing -- pre-hearing conference  
5 decision. In that -- in that pre-hearing conference  
6 decision, there may be commitments outlined for the  
7 Applicant to fulfill. The Board also issues a notice  
8 of the public -- of a public hearing that's coming at  
9 least 60 days prior to the start of the public hearing,  
10 and parties exchange written interventions and prepare  
11 for the public hearing.

12 So, today, we are at the stage where the Board  
13 holds a public hearing. You can see it's circled in  
14 red. And as an outcome -- there are two outcomes for  
15 the public hearing. The Board can issue a decision to  
16 approve the application and -- and provide the draft  
17 water licence to the Minister, or it issues a decision  
18 to not approve the applications and explain the reasons  
19 to the Minister.

20 So in case the application is recommended to be  
21 approved, the Minister may approve or may not approve  
22 the licence. And in -- this is the same way with  
23 the -- the Board's decision to not approve the  
24 application; the Minister can approve the decision or  
25 cannot.

26 So these three applications that are before the

1 Board are by Agnico Eagle Mines Limited, Agnico Eagle,  
2 related to further development of the Whale Tail Pit  
3 Project. And I won't go into detail what kind of --  
4 what kind of changes to the project and how to expand  
5 it -- Agnico Eagle is requesting, as we will have a  
6 presentation later by the Applicant that will explain  
7 in more detail on what is requested.

8 So this is -- this is just a brief timeline of the  
9 process. On October 19th, 2018, the NIRB determined  
10 that the Whale Tail Pit expansion proposal is a change  
11 to the original Whale Tail Pit mine site and will  
12 require an assessment by the NIRB.

13 On May 16th, 2019, the Water Board received from  
14 Agnico Eagle applications for the amendments. And,  
15 also, that included a request to -- to coordinate its  
16 process with the NIRB process.

17 On June 4th, the -- the Water Board publicly  
18 distributed the applications for a completeness check  
19 by intervenors, and we received comments on that  
20 completeness on July 18th.

21 On August 1st, the NWB received Agnico Eagle's  
22 responses to the comments, and on August 14th, the  
23 Board publicly distributed the water licence  
24 applications -- applications, this time for a full  
25 technical review.

26 On September 16th, we received the technical



1 review comments from the Kivalliq Inuit Association,  
2 Crown-Indigenous Relations and Northern Affairs,  
3 Fisheries and Oceans Canada, and Environment and  
4 Climate Change Canada, and on October 7th, Agnico Eagle  
5 responded to those comments.

6 On October 18th, the Water Board received the  
7 proponent's and intervenors' presentations for the  
8 technical meeting. On October 18th as well, the NIRB  
9 issued its report and recommendations for the proposed  
10 Whale Tail Expansion Project.

11 On October 23rd, we released the final agenda for  
12 the technical meeting and for the pre-hearing  
13 conference, and although the technical meeting and the  
14 pre-hearing conference were scheduled to happen here in  
15 Baker Lake in October, we had to hold them in  
16 Yellowknife on October 29th and 30th because the  
17 weather prevented flights landing in both Baker Lake  
18 and Rankin Inlet.

19 November 29th, the -- the Water Board released its  
20 pre-hearing decision, including the notice of the  
21 public hearing and the list of commitments for the  
22 Applicant. And on October 20th, we received the  
23 submissions according to the commitment list from  
24 Agnico Eagle.

25 On January 20th, the Minister accepted the NIRB's  
26 report and recommendations and authorized the expansion

1 project to proceed. And on October 23rd, the parties  
2 provided their final submissions to the Board.

3 January 30th, Agnico Eagle filed its final  
4 submissions in preparation for the public hearing, and  
5 on February -- February 4th, the Water Board  
6 distributed the draft agenda for the public hearing.

7 On February 6th, we received the copies of the  
8 public hearing presentations from the parties and from  
9 the Applicant and on the -- on February 7th, circulated  
10 the final agenda for -- for the public hearing.

11 The Applicant, Kivalliq Inuit Association, CIRNA,  
12 DFO, and ECCC have all contributed to the review  
13 process for the applications, participated in formal  
14 and informal discussions aimed at resolving relevant  
15 issues, and provided the Board and the proponent with  
16 valuable technical information, questions, and concerns  
17 on relevant issues.

18 Everyone is encouraged to participate in this  
19 public hearing and this community session. Interested  
20 persons can also contact the Water Board staff if you  
21 would like to provide written submissions, written  
22 comments, or to review the documents filed for the  
23 applications. And all documents can be accessed at the  
24 Water Board's FTP website.

25 The public hearing of this week is chaired by the  
26 Board Panel and led by the Board's chair. The Water

1 Board Panel is here to consider the evidence provided  
2 during the hearing before issuing a decision in about  
3 30 to 45 days. The Water Board will inform the public  
4 of the Board's decision once rendered. And this is the  
5 list of the staff that you can contact and our contact  
6 information.

7 Any questions or comments?

8 MR. KHARATYAN: Thank you, Assol, for  
9 presentation.

10 Now I will open the floor for questions, and I  
11 will start with community members just asking anyone  
12 having question raise their hands, and our staff member  
13 will bring the -- will bring the microphone. So,  
14 please, any question from public? The "questions", I  
15 mean questions to Water Board staff regarding our  
16 process, our licencing process.

17 If no questions from public, I will ask Agnico  
18 Eagle whether they have any questions for Nunavut Water  
19 Board.

20 MR. GROLEAU: Michel Groleau, Agnico Eagle.

21 We do not have any question. Thank you.

22 MR. KHARATYAN: Thank you.

23 Going to intervenors and starting with the  
24 Kivalliq Inuit Association, whether any questions for  
25 Board.

26 MR. MANZO: Thank you, Mr. Chairman. Luis

1 Manzo, Kivalliq Inuit Association.

2 No questions at this time.

3 MR. KHARATYAN: Thank you.

4 Any question from Crown-Indigenous Relation and  
5 Northern Affairs?

6 MR. DEWAR: Matna, Mr. Chair.

7 No questions.

8 MR. KHARATYAN: Thank you.

9 Now asking Environment and Climate Change Canada.

10 MS. WILSON: Anne Wilson, ECCC.

11 No questions. Thank you.

12 MR. KHARATYAN: Thank you.

13 And Fisheries and Oceans Canada.

14 MR. BEATTIE: Alasdair Beattie from DFO.

15 We have no questions. Thank you.

16 MR. KHARATYAN: Thank you.

17 Now we will ask proponent, Agnico Eagle Mines  
18 Limited, to make their brief presentation. This is --  
19 this is just community presentation, not the technical  
20 session presentation.

21 MS. MEADOWS: Mr. Chair. Thank you,  
22 Mr. Chair. Teresa Meadows, legal counsel for the  
23 Nunavut Water Board.

24 Mr. Chair, the community session presentation that  
25 Agnico Eagle is about to present -- we will be marking  
26 the English, Inuktitut, and French copies of that

1     PowerPoint presentation as the next exhibits in this  
2     public hearing, and those are my procedural matters,  
3     Mr. Chair.

4             EXHIBIT 5 - Hard Copy PowerPoint Presentation  
5             Whale Tail Pit Expansion Project NWB Public  
6             Hearing - Community Session February 12-13,  
7             2020 (English)

8             EXHIBIT 6 - Hard Copy PowerPoint Presentation  
9             Whale Tail Pit Expansion Project NWB Public  
10            Hearing - Community Session February 12-13,  
11            2020 (Inuktitut)

12            EXHIBIT 7 - Hard Copy PowerPoint Presentation  
13            Whale Tail Pit Expansion Project NWB Public  
14            Hearing - Community Session February 12-13,  
15            2020 (French)

16   THE CHAIR:                    Thank you.  
17   Presentation by Agnico Eagle Mines Limited (Community  
18   Session)

19   MR. GROLEAU:                  Thank you, Mr. Chair. Michel  
20   Groleau, Agnico Eagle.

21            We're quite happy to be in Baker Lake this week to  
22   participate to the Whale Tail Pit Expansion Project  
23   Nunavut Water Board public hearing. This is an  
24   important milestone for us, and we would like to thanks  
25   [sic] the community member and the parties to attend  
26   this event. This is meaningful for us. Thank you.

1           Before starting this presentation, I would like to  
2 point out -- to the poster and 3D model at the back of  
3 the room. During the breaks, we will have someone from  
4 our team at the 3D model to explain the model and the  
5 project. So don't hesitate to pass by and ask your  
6 question if you got any. It will be a pleasure to  
7 answer them.

8           During this presentation, we'll do an overview of  
9 the proposed Whale Tail Expansion Project, and I will  
10 also present a summary of the Nunavut Water Board  
11 review process to date, as well as a summary of our  
12 responses to technical comments received.

13           So this slide present the history of Agnico Eagle  
14 in Nunavut. We're in Nunavut since 2007, and at the  
15 Meadowbank project we started production in 2010. And  
16 production will cease later this year at the site.  
17 We're hoping to start the construction of the Whale  
18 Tail Expansion Project in 2020 and end production in  
19 2026. The expansion project will add another four  
20 years of operation to the Whale Tail Project.

21           The Whale Tail Pit approved project was permitted  
22 in March 15, 2018, when we receive from the Nunavut  
23 Impact Review Board the Project Certificate Number 008,  
24 and we receive approval of our water licence by the  
25 Minister on July 18, 2018 -- would mark the beginning  
26 of the construction and the operation of the Whale Tail

1 Pit approved project as a satellite operation of the  
2 Whale -- the Whale Tail Pit Project is approved to  
3 operate and will continue to feed the Meadowbank mill  
4 and tailings storage facility.

5 Agnico Eagle is seeking approval to expand and  
6 extend the Whale Tail Pit Project through a  
7 reconsideration of the Nunavut Impact Review Board  
8 Project Certificate 008 and a Type "A" water licence  
9 amendment to include the expansion of the Whale Tail  
10 Pit, the IVR Pit, and an underground mine. So the ore  
11 will be stockpiled at Whale Tail then haul to  
12 Meadowbank to be then mill. And we receive a positive  
13 ministerial decision for the Nunavut Impact Review  
14 Board reconsideration process on January 22, 2020.

15 So this slide's presenting the time frame of the  
16 Whale Tail Expansion Project. So as I mention,  
17 we'll -- the mining will start from 2019 to 2025th  
18 [sic]. Milling will stop somewhere in 2026 based on  
19 our current mine plan. We're expecting a closure phase  
20 beginning in 2026. That will mark the beginning of the  
21 pit-flooding process that will be completed in 2042,  
22 and then post-closure will happen in 2043 when the lake  
23 will be reconnected with the pits.

24 So this slide present a layout of the  
25 infrastructure of the approved project and expansion  
26 project. The approved project infrastructure are in

1    grey, and we include also the lakes impacted by the  
2    project. In red, we can see the inspection  
3    infrastructure related to the surface mining. So we  
4    got an extension of the waste rock pile, the Whale Tail  
5    waste rock pile, the new IVR waste rock pile, and the  
6    IVR Pit. To manage the water on-site, we're planning  
7    operating the IVR attenuation pond. All the  
8    infrastructure in purple are associated to the  
9    underground mining. So we got a series of groundwater  
10   storage pond in here, a waste rock pile, and the  
11   portal. So every water that will get in contact with  
12   our waste rock from the underground will report to  
13   those ponds. So we don't expect having any interaction  
14   with the surface activities and the underground  
15   activities.

16        This site layout is showing up the project at the  
17   end of mining. So it's with the full extent of each  
18   infrastructure. So I'll go through the site  
19   infrastructure quickly starting with the Whale Tail Pit  
20   and the IVR Pit. The two waste rock pile. We got the  
21   series of groundwater storage pond and the portal right  
22   there. There's a couple of ore stockpile for the  
23   project in here and in there. And we got the waste  
24   rock pile for the underground.

25        During a community mapping session held in Baker  
26   Lake on December 17, 2019, the land user and Elders



1 have come up with an Inuktitut name for the site as  
2 known as "Whale Tail". The name that have been  
3 selected is Piquganiq. This is referring to a group of  
4 small hills, part of the north end of a group of esker  
5 that surround the project. We would like to thanks the  
6 community of Baker Lake for their input. We are  
7 currently in the process to change the nomenclature of  
8 the project with this new name; however, this process  
9 will take some time, and we will continue to refer to  
10 the "Whale Tail" as part of the licence amendment  
11 process and this public hearing. We are looking  
12 forward to continue working with the Baker Lake  
13 community to improve the use of Inuktitut name in the  
14 nomenclature of the project.

15 So we'll present a short video that give a better  
16 understanding of the project infrastructure through the  
17 different phase of the project.

18 (VIDEO PLAYED)

19 MR. GROLEAU: So we can see here the  
20 municipality -- the community of Baker Lake and the  
21 Meadowbank project and then the road going to Whale  
22 Tail. So surrounding the different lake, we got a  
23 couple of bridge all around the -- the road, and it's  
24 going around an esker that we can see here on the  
25 screen. And then we reach the Whale Tail Project  
26 location.

1           Here, it's a 3D rendering of the site before the  
2   construction of the Whale Tail Project. We can see  
3   here the Whale Tail Lake and the future location of the  
4   pit, which would be at the north end of the lake. On  
5   the left, we can see the connection between the Whale  
6   Tail Lake and Mammoth Lake. Future location of the  
7   Mammoth dike.

8           Next part of the video will present the  
9   infrastructure as per the Whale Tail Pit operation or  
10  the approved project. So we can see the Whale Tail  
11  dike and the Whale Tail attenuation pond. This is used  
12  to manage contact water from the open pits in the Whale  
13  Tail Pit waste rock storage facility.

14          Resting to see the size of the pit and compare it  
15  to the truck on the ramp. So we got a pickup truck and  
16  a haul road -- haul truck. The camp over here with the  
17  ore stockpile. So we can see the ore stockpile here on  
18  the left. Future part of the video will present the  
19  Whale Tail Expansion Project at the end of mine life.

20          So, again, we can see the Whale Tail dike, the  
21  Whale Tail waste rock storage facility, the Mammoth  
22  dike, Whale Tail attenuation pond. We got the two  
23  pits, so here the Whale Tail pits and the IVR pits at  
24  the back. And here is the IVR waste rock pile. So the  
25  underground portal is starting in that location. We'll  
26  have a better view on it in a minute. We got the haul

1 road and the new IVR attenuation pond and the camp. So  
2 we can see a stockpile on the right of the Whale -- IVR  
3 waste rock pile and another stockpile over here. The  
4 groundwater storage pond that I was discussing that  
5 will be used to manage contact water from the  
6 underground ore located here.

7 So from the portal, we're accessing the  
8 underground mine. So we can see the ramp going down to  
9 the ore deposit, and this is the ramp going to the ore  
10 deposit underneath the IVR Pit. So we got a -- a 3D  
11 rendering at the back also for people that are  
12 interested to look at it a bit more closely. So with  
13 those ramp, we can access the ore body underneath both  
14 pits.

15 So this part of the video's showing the site at  
16 the end of the closure, so we're starting the  
17 post-closure at that time. Here we -- we got the Whale  
18 Tail dike that is breached. So we got the two lake --  
19 the three connect together. So this is the former  
20 Whale Tail Lake, and the pit is located in this area as  
21 the IVR Pit. So we can see the pit wall through the --  
22 the water surface.

23 And the water will flow back naturally to the  
24 Mammoth Lake through a spillway. So water will flow  
25 above the spillway toward the Mammoth Lake, which is  
26 located outside of the screen at the left.

1           Thank you, Manon.

2           So public engagement is an important aspect of  
3   our -- of our values at Agnico Eagle. So we -- we will  
4   and we are working in partnership with Indigenous  
5   people to establish a mutually beneficial, cooperative,  
6   and productive relationship. So this diagram show the  
7   way we -- we include the participation, so it's the  
8   participation framework. So we act, we plan, we do,  
9   and we check. So this is driven by our responsible  
10   mining management system.

11          So this slide is summarizing what do we mean by  
12   plan, doing, acting, and checking. So this is not only  
13   part of our public engagement process, but it's also  
14   applied to many aspect of operation. So this is the  
15   way we -- we like to operate and include people  
16   through -- through different process in our operation.

17          This slide's summarizing the different public  
18   participation meeting we got. So we got above  
19   60 related to the Meadowbank complex through project  
20   consultation and engagement from 2016 to '19, more than  
21   20 for the Whale Tail approved project, and about 8 for  
22   the Whale Tail Expansion Project since July 2018.

23          Next couple of slide will present the water  
24   management and the waste management. So we go through  
25   all those infrastructure during the previous slide, so  
26   I'll not discuss of that again.

1           This table summarizing our water use during  
2 operation and the construction phase. So this table  
3 are extracted from the Part E, Item 1 for -- from our  
4 draft water licence. Main thing is the total volume  
5 that is presented at the bottom of the table. So for  
6 the expansion project, we're requesting 700,859 cubic  
7 metre of water from all sources. And for the closure  
8 phase on that table summarizing, again, the volume  
9 we -- we want to -- to get per year from the different  
10 sources. So volume presented in the last table were  
11 also annual volume to be consumed during operation and  
12 construction phase. And for the closure, we're seeking  
13 for a volume of 14 million point 8 cubic metre of water  
14 per year to flood the pit at the end of operation.

15           So during operation, we have to manage contact  
16 water on-site. So once water meet effluent discharge  
17 criteria, we're looking to discharge this water in --  
18 in three different areas on-site. So for the approved  
19 project, we got this Discharge Location 1 within the  
20 Mammoth Lake that we're currently using. We're looking  
21 to add two station as part of this application in the  
22 Whale Tail South Basin. So the Number 2 will be for  
23 our effluent coming out from the treatment plant. And  
24 the Number 3 is related to the Whale Tail dike seepage.  
25 So it's water that flow through the dike, so water from  
26 the lake that we collect at the -- at the bottom of the

1 dike on the outer side, and we want to pump back in the  
2 lake before it's getting in contact with the mine  
3 infrastructure.

4 Also as part of this project, we worked with the  
5 parties to define an adaptive management strategy. One  
6 of them is related to the water quality of the  
7 receiver, so the receiver are the lake where we're  
8 discharging the effluent from the -- the water  
9 treatment plant. In the situation where we need to  
10 move to another location, we identify lakes that can be  
11 used to do so. This was part of the reconsideration of  
12 our project certificate. We got a condition within our  
13 project certificate that gave us guideline how to  
14 initiate discharge in those location. Those two lake  
15 are the Lake D1 located here -- it's about 10  
16 kilometres from the site -- and the Lake D5.

17 So following completion of the condition of that  
18 terms and condition, the Nunavut Water Board will be  
19 able to give direction to -- to Agnico Eagle in the  
20 eventuality we want to discharge in those lake.

21 The waste management on-site is pretty similar  
22 from the approved project. So we're looking to store  
23 the waste rock in the existing Whale Tail and the new  
24 IVR waste rock storage facility. Within those waste  
25 rock storage facility, we'll also store overburden  
26 materials, and there will be a cover of non-potential

1 acid generating material that will cover the -- those  
2 waste rock pile and overburden.

3 We'll operate also a landfill, and we're looking  
4 forward to the construction and operation of a new  
5 incinerator and a composter and a land farm. And all  
6 disposal of hazardous material will be completed in  
7 approved off-site facilities. Most likely we're  
8 shipping that material to the south and get rid of the  
9 hazardous material that way.

10 The Whale Tail expansion rock management is  
11 consistent of the approved project waste management  
12 strategy. We're speaking of around 167.8 million tons  
13 of waste rock. That waste rock will be tested and  
14 sampled to verify acid rock drainage and metal leeching  
15 in support of our waste segregation plan. So we're  
16 speaking of more than 40,000 sample per year. So it's  
17 a lot of sample to get -- to make sure that the waste  
18 rock is well segregated.

19 The underground waste rock will be store, as I was  
20 mentioning, in another facility. During the operation,  
21 we're planning reclaiming that waste rock and bringing  
22 it back in the underground mine as backfilling. So at  
23 end of -- of the operation, there's no more residual  
24 waste rock from the underground at the surface. It's  
25 all used as backfilling material in the underground  
26 mine.

1           So the next two slide are about the closure and  
2   reclamation and security plan. So the way the -- the  
3   closure and reclamation is structure is through two  
4   different plans. So we got an interim closure and  
5   reclamation plan that was filed as part of this  
6   application, and we have to complete a final closure  
7   plan at the one year prior to the closure of the site  
8   where we get more detail about how we going to close  
9   the site. So all the concept and the objective are  
10   defined within the interim closure plan, and the final  
11   closure plan is providing us the detail to how we  
12   execute that work.

13           Most of the discussion related to the closure  
14   through that -- through that licence amendment was  
15   related to the water quality and the reconnection of  
16   the flooded pit lake, and we consider that those  
17   discussion point are resolved now as part of these  
18   amendment process with the parties.

19           That's bring us to review our reclamation cost  
20   estimate. So for the approved project, we were having  
21   an estimate of 26 million. With the approved and  
22   expansion project, the new reclaimed cost estimate is  
23   now at 50.6 million, and the Type "B" water licence is  
24   at 1.2 million. So the security management agreement  
25   was reviewed by the Kivalliq Inuit Association and  
26   Crown-Indigenous and Northern Affair Canada [sic], and



1 we got agreement on those number.

2 Through that process, we also completed a revision  
3 of our management and monitoring plan. So the main  
4 plan that have been created for this expansion project  
5 are the adaptive management plan, the conceptual Whale  
6 Tail expansion offsetting plan, the land farm design  
7 and management plan, and the incinerator and composter  
8 waste management plan. All other plan submitted with  
9 the water licence amendment were updated of the  
10 existing plan to capture the expansion project  
11 activities, and we recommend to the Nunavut Water Board  
12 to look at the list of plan as described in our draft  
13 water licence closely as it's provide the most  
14 up-to-date version of the approved plan.

15 So here, it's a list of the plan we're planning to  
16 update following -- 60 day following issuance of the  
17 amended water licence if the project is deemed  
18 approved. So we're looking at the waste rock  
19 management plan, the water management plan, interim  
20 closure plan, interim closure and reclamation plan,  
21 spill contingency plan, the hazardous material  
22 management plan, and the emergency response plan.

23 So we'll conclude this presentation. So as part  
24 of the Nunavut Water Board review process, we have  
25 received 31 final written submission comments from  
26 Environment Climate Change Canada, Crown-Indigenous

1 Relation Northern Affair Canada, the Kivalliq Inuit  
2 Association, and the Department of Fishery and Ocean  
3 Canada [sic]. At this point, Agnico Eagle understand  
4 that we have resolved all items, and we would like to  
5 thank the community members and the parties for their  
6 comments, recommendations, and involvement on the  
7 review of this file and to make this project better.  
8 Matna.

9 MR. KHARATYAN: Thank you, Agnico Eagle. This  
10 is Karén Kharatyan, Water Board.

11 I will now open the floor for questions from  
12 public, and I should clarify that because we are in  
13 community session, we are not necessarily looking for  
14 question from parties and we're just looking for  
15 question from public community members. Are there any  
16 question from community members, please?

17 If you do not have any questions, I will ask the  
18 next presenter, which will be Kivalliq Inuit  
19 Association, to make their brief presentation, please.

20 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
21 Meadows, legal counsel for the Nunavut Water Board.

22 Mr. Chair, I will complete some of the procedural  
23 matters for the witnesses and also note that the  
24 Kivalliq Inuit Association has advised us that this  
25 presentation is the same or -- as their -- the  
26 community presentation is the same as their technical

1 presentation, and so I will file that presentation  
2 material as the next exhibits in this public hearing.

3 EXHIBIT 8 - Hard Copy PowerPoint Presentation  
4 Whale Tail Expansion Project Water Licence  
5 Amendment Application KIA-NTI Technical  
6 Review of the Water Licence  
7 (English-Inuktitut)

8 MS. MEADOWS: If I can have the witnesses  
9 state and spell their name for the record, please.

10 MR. MANZO: Thank you, Mr. Chairman. My  
11 name is Luis Manzo, L-U-I-S M-A-N-Z-O.

12 MS. KING: Mr. Chair, my name is Jennifer  
13 King. I'm legal counsel for Kivalliq Inuit  
14 Association. Oh. King, K-I-N-G; Jennifer,  
15 J-E-N-N-I-F-E-R.

16 MR. NESBITT: Thank you, Mr. Chair. My name  
17 is Richard Nesbitt, freshwater specialist on behalf of  
18 Kivalliq Inuit Association, R-I-C-H-A-R-D  
19 N-E-S-B-I-T-T.

20 MR. SEXTON: It's Alan Sexton, consultant  
21 for the Kivalliq Inuit Association. First name's Alan,  
22 A-L-A-N; last name, Sexton, S-E-X-T-O-N.

23 LUIS MANZO, JENNIFER KING, RICHARD NESBITT, ALAN  
24 SEXTON, Affirmed

25 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
26 Meadows with the Nunavut Water Board.

1           Those are my procedural matters, Mr. Chair.

2   THE CHAIR:                   Thank you.

3   Presentation by Kivalliq Inuit Association (Community  
4   Session)

5   MR. MANZO:                   Thank you, Mr. Chairman.   Luis  
6   Manzo, Kivalliq Inuit Association.

7           KIA represent Inuit -- represent Inuit in Kivalliq  
8   region, administer and monitor certain provisions of  
9   the Nunavut Final Agreement.   KIA mission is to  
10   represent Inuit in a fair and democratic manner in the  
11   development, protection, administration, and  
12   advancement of the rights and benefits and to promote  
13   economic, social, political, and cultural well-being.  
14   The aim of Inuit -- Inuit-owned lands management is to  
15   administer IOLs so as to promote self-reliance and the  
16   cultural and social well-being of Inuit now and in the  
17   future.   Inuit-owned lands must be managed in such a  
18   way as to sustain and enhance the values of the land.

19          The purpose of our technical review was to ensure  
20   the protection -- I'm sorry -- was ensure -- to ensure  
21   the project can operate in line with the potential  
22   impacts and benefits described through the concurrent  
23   impact assessment and to ensure Inuit Qaujimajatuqangit  
24   values and traditional knowledge were incorporated into  
25   the impact determination, mitigation, project design,  
26   and monitoring.

1           A technical review of the water licence amendment  
2 application was submitted to NWB, Nunavut Water Board,  
3 on September 16, 2019. Our review highlighted 21  
4 technical concerns, the majority of which follow  
5 directly from our completeness review submitted in --  
6 in July 2019. We raised several concerns with respect  
7 to understanding potential impacts to water quality and  
8 quantity from expansion project. We also raised  
9 several concerns pertaining to water management and  
10 mitigation.

11           History and current status. Agnico Eagle  
12 and the -- and the KIA have worked to resolve all our  
13 technical concerns with the project. As of the  
14 technical hearings in October 2019, 9 of the 21 issues  
15 were resolved.

16           Agnico Eagle made -- made new commitments during  
17 those hearings which have resolved most of our  
18 outstanding issues. Additional evidence was provided  
19 on January 30, 2020, in response to the KIA's final  
20 submission. All KIA's previous technical issues have  
21 been resolved, and for the record, I will go over those  
22 resolved issues.

23           Technical Issue Number 1, mercury concentration in  
24 fish has been resolved.

25           KIA Technical Number 5, thermal modelling of  
26 permafrost has been resolved.

1 KIA Technical Issue Number 8, addressing a  
2 changing climate in project design has been resolved.

3 KIA Technical Number 10, implication of rock  
4 fracturing on groundwater values has been resolved.

5 KIA Technical Issue Number 11, alternative  
6 effluent discharge locations has been resolved.

7 KIA Technical Issue Number 12, early warning  
8 trigger development has been resolved.

9 KIA Technical Issue Number 13, IVR high pit walls  
10 as mitigation has been resolved.

11 KIA Technical Issue Number 14, fate of equipment  
12 has been resolved.

13 KIA Technical Issue Number 15, Inuit input into  
14 closure objectives has been resolved.

15 KIA Technical Issue 17, overburden for closure has  
16 been resolved.

17 KIA Technical Issue 19, testing of use of oil  
18 waste and fuel has been resolved.

19 Technical Issue Number 20, conceptual fish habitat  
20 offsetting plan has been resolved.

21 KIA Technical Issue Number 21, waste rock storage  
22 facility design has been resolved.

23 During the final hearings, there are still  
24 submissions pending, and after the proponent make the  
25 final submission, we have some water balance -- water  
26 balance concerns: KIA Technical Issue Number 4,

1     uncertainty in waste rock seepage estimated; KIA  
2     Number 7, climate change and project timelines. Agnico  
3     Eagle provided additional evidence to support the water  
4     balance model during the final submission. Agnico  
5     Eagle has also demonstrated that Quarry 1 and  
6     groundwater storage pond can provide the requirement  
7     capacity to manage excess contact water in the first  
8     year of the expansion project.

9             KIA Technical 2, removal of pit wall from water  
10    quality model predictions has been resolved.

11            KIA Number 3, cryo-concentration in water quality  
12    model assumptions has been resolved.

13            KIA Technical Number 6, climatic inputs for water  
14    quality model has been resolved.

15            KIA Number 9, arsenic and ARD mitigation on Whale  
16    Tail Pit wall has been resolved.

17            KIA Technical Number 18, water quality  
18    contingencies has been resolved.

19            The recently resolved issues. Agnico Eagle  
20    provide evidence to partially resolve these issues in  
21    response to the KIA's technical submission in September  
22    2019. However, it became evident that a structured  
23    adaptive management approach was required based on  
24    uncertainties in the outputs of the water quality and  
25    water balance models as well as the potential for both  
26    arsenic and acid rock drainage. Agnico Eagle has

1 developed an adaptive management plan outlining a  
2 specific monitoring, management, and mitigation  
3 measures to resolve those issues.

4 Adaptive management strategies were proposed for  
5 waste rock and water management, specifically:  
6 permafrost aggradation, surface water balance and  
7 active layer development, receiving environment and  
8 water quality, surface water quantity, underground  
9 water management. The proposed measures are intended  
10 to minimize potential project-related environmental  
11 impacts and ensure the site will be able to meet its  
12 closure objectives.

13 KIA have reviewed the final iteration of the plan  
14 to confirm it has been updated to incorporate KIA input  
15 provided in December '19 and -- and January 2020. KIA  
16 are satisfied that the plan address their previous  
17 technical concerns. KIA wishes to provide one  
18 additional technical comment on the adaptive management  
19 plan.

20 Adaptive management plan measure for surface water  
21 quantity -- Table Number 4 in the adaptive management  
22 plan -- should be implemented prior to reaching the  
23 maximum operation capacity of the water storage  
24 infrastructure. This concerns [sic] apply both to a  
25 Level 1 and a Level 2 of the surface water quantity  
26 adaptive management strategy. We recommend Agnico



1 Eagle begin implementing management strategies at the  
2 90 percent storage capacity between the noted water  
3 management infrastructure.

4 Security and compensation. The KIA has worked  
5 with Agnico Eagle and Crown-Indigenous Relations and  
6 Northern Affairs Canada to update the security estimate  
7 for Whale Tail Expansion Project. The total security  
8 currently estimated by -- by KIA and the rest -- and  
9 the intervenors and Agnico Eagle is 50,663,508.

10 Compensation. The KIA and Agnico Eagle have  
11 productive discussions to determine appropriate  
12 compensation for changes to the water quality,  
13 quantity, and flow as per Article 20 in the Nunavut  
14 Agreement. We are -- we bring a statement, and I will  
15 pass that to our legal counsel to elaborate in -- in  
16 that.

17 MS. KING: Mr. Chair, I'd like to  
18 confirm -- this is Jennifer King, legal counsel for the  
19 Kivalliq Inuit Association.

20 The Kivalliq Inuit Association confirms that it  
21 has entered into an existing Whale Tail water  
22 compensation agreement with Agnico Eagle and that there  
23 is sufficient consensus on any consequential amendments  
24 thereto in relation to the Whale Tail Expansion Project  
25 that the Kivalliq Inuit Association agrees and supports  
26 that the Board may proceed and issue the Whale Tail

1 Expansion Type "A" water licence amendment in  
2 accordance with Section 63(1)(a) of the Nunavut  
3 Water -- I've just got the -- sorry. One second.  
4 Apologies, Mr. Chair -- the Nunavut Water Nunavut  
5 Surface Tribunal Act [sic]. Further, Kivalliq Inuit  
6 Association and Agnico Eagle confirm and agree that  
7 they will not be filing a request for the Board to make  
8 a determination on water compensation under Section  
9 63(1)(b).

10 MR. MANZO: Thank you, Mr. Chairman, and  
11 this is the end of my presentation.

12 MR. KHARATYAN: Thank you, Kivalliq Inuit  
13 Association.

14 I am opening the floor for question from public  
15 members to Kivalliq Inuit Association and Agnico Eagle  
16 Mines Limited. At any time, if there are question for  
17 Applicant, you can ask question to Applicant as well.  
18 Please, are there any question for KIA and Agnico  
19 Eagle?

20 If there are not any questions, I will suggest to  
21 have a very short break, maybe ten minutes, and come  
22 back at the 8:30. Thank you. And we will start with  
23 the presentation by Crown-Indigenous Relation and  
24 Northern Affair.

25 (ADJOURNMENT)

26 MR. KHARATYAN: CIRNA, please go ahead with

1 your presentation.

2 MR. DEWAR: Matna, Mr. Chair.

3 THE CHAIR: Go ahead, Teresa.

4 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
5 Meadows, legal counsel for the Nunavut Water Board.

6 If I can have the witnesses state and spell their  
7 name for the record, please.

8 MR. DEWAR: Spencer Dewar, S-P-E-N-C-E-R  
9 D-E-W-A-R.

10 MR. OKONKWO: Godwin Okonkwo, G-O-D-W-I-N  
11 O-K-O-N-K-W-O.

12 MR. ZHONG: David Zhong, D-A-V-I-D  
13 Z-H-O-N-G.

14 SPENCER DEWAR, GODWIN OKONKWO, DAVID ZHONG, Sworn

15 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
16 Meadows, legal counsel for the Nunavut Water Board.

17 Mr. Chair, although their microphones were off, I  
18 heard them -- all of the witnesses say that, "I so  
19 swear".

20 Mr. Chair, I will be marking the PowerPoint  
21 presentation hard copies as -- of this presentation as  
22 the next two exhibits in the public hearing, being the  
23 English and Inuktitut versions and the French and  
24 Inuktitut versions of the PowerPoint presentation. And  
25 those are my procedural matters, Mr. Chair.

26 EXHIBIT 9 - Hard Copy PowerPoint Presentation

1 Crown-Indigenous Relations and Northern  
2 Affairs Canada Water Licence Amendment  
3 Application for Agnico Eagle Ltd. (AEM),  
4 Whale Tail Expansion Project Nunavut Water  
5 Board Public Hearing, February 12 and 13,  
6 2020 (English/Inuktitut)  
7 EXHIBIT 10 - Hard Copy PowerPoint  
8 Presentation Crown-Indigenous Relations and  
9 Northern Affairs Canada Water Licence  
10 Amendment Application for Agnico Eagle Ltd.  
11 (AEM), Whale Tail Expansion Project Nunavut  
12 Water Board Public Hearing, February 12 and  
13 13, 2020 (French/Inuktitut)

14 THE CHAIR: Thank you.

15 All right. You may go ahead with your  
16 presentation.

17 Presentation by Crown-Indigenous Relations and Northern  
18 Affairs Canada (Community Session)

19 MR. DEWAR: Matna, Mr. Chair.

20 Good evening. I'm Spencer Dewar, the director of  
21 resource management with Crown-Indigenous Relations and  
22 Northern Affairs Canada. I would like to thank the  
23 Nunavut Water Board for the opportunity to present at  
24 the public hearing for Agnico Eagle's water licence  
25 amendment for the Whale Tail Pit Expansion Project.

26 I am joined today by Godwin Okonkwo, manager of

1 water resources; and David Zhong, science and  
2 regulatory advisor.

3 On behalf of Crown-Indigenous Relations and  
4 Northern Affairs Canada, I would like to thank the  
5 hamlet of Baker Lake for hosting, the fellow  
6 intervenors, and the Nunavut Water Board for  
7 facilitating the water licence application review  
8 process, and I'd also like to thank Agnico Eagle for  
9 responding to our questions and concerns throughout  
10 this review.

11 Here's an outline of the topics that  
12 Crown-Indigenous Relations and Northern Affairs Canada  
13 will be speaking to. We'll provide a brief overview of  
14 Crown-Indigenous Relations and Northern Affairs  
15 Canada's responsibility with respect to the licence  
16 amendment application, and, as well, we'll go through  
17 the chronology of contributions that have been made  
18 during the water licencing process so far. Then we'll  
19 address our concerns in the following areas around the  
20 following topics: 1, interflow seepage from the waste  
21 rock storage facility into Mammoth Lake; 2, waste rock  
22 storage facility design; 3, adaptive management.

23 Crown-Indigenous Relations and Northern Affairs  
24 Canada has a broad mandate for comanagement of  
25 freshwater resources and the management of Crown land  
26 in Nunavut. This mandate comes from the Nunavut

1 Agreement and the listed acts and regulations. We  
2 participate in the water licence processes administered  
3 by the Nunavut Water Board along with other interested  
4 parties providing technical advice and expertise for  
5 the Nunavut Water Board's consideration. Once the  
6 Nunavut Water Board makes a determination, the water  
7 licence is provided to the Ministers of Northern  
8 Affairs for approval. Further, Crown-Indigenous  
9 Relations and Northern Affairs Canada conducts  
10 inspections and enforces the terms and conditions of  
11 approved water licences.

12 Crown-Indigenous Relations and Northern Affairs  
13 Canada has participated in this proposed project from  
14 the beginning of May 2019 from providing information  
15 requests on July 2019 'til the final public hearing  
16 this week in Baker Lake.

17 Our first topic we'd like to discuss is the  
18 delayed waste rock storage facility interflow seepage.  
19 This is considered Crown-Indigenous Relations and  
20 Northern Affairs Canada primary concern as it  
21 represents long-term -- potential long-term  
22 environmental risk.

23 Agnico Eagle's conceptual model predicted seepage  
24 from the waste rock storage facility in approximately  
25 80 years. Our concern was that this could lead to  
26 elevated concentrations of arsenic into Mammoth Lake.

1 Agnico Eagle recognized CIRNAC's concerns and is  
2 confident that their model has incorporated enough  
3 conservatism that when validated with field data Agnico  
4 Eagle will be able to demonstrate that interflow  
5 seepage will not likely occur, or if it was to occur,  
6 it would not affect water quality.

7 CIRNAC's recommendations were: 1, first for a  
8 longer post-closure monitoring program originally  
9 recommending up to 25 years, or until Agnico Eagle can  
10 demonstrate with operational data that the long-term  
11 site stability can be achieved. Agnico Eagle should  
12 monitor and collect field data during the mine  
13 operations and incorporate it into their final closure  
14 and reclamation plan before mine closure.

15 In addition, Agnico Eagle should also conduct  
16 geochemical assessment of the placed waste rock storage  
17 facility cover prior to the final closure to confirm  
18 that the coverment -- the cover contains less than  
19 1 percent weight of waste rock types with elevated  
20 arsenic leaching potential. At this time,  
21 Crown-Indigenous Relations and Northern Affairs Canada  
22 considers this comment resolved.

23 Our next concern was with the waste rock storage  
24 facilities closure cover design and its long-term  
25 performance. Our uncertainty was around the rock to be  
26 used for the cover and the depth -- the depth of cover.

1 The rocks to be used. Crown-Indigenous Relations and  
2 Northern Affairs Canada's concern was that there was  
3 little margin of error, and the rock had to contain  
4 less than 1 percent weight of waste rock with elevated  
5 arsenic leaching potential. Agnico Eagle has developed  
6 a waste rock management plan aimed at achieving this  
7 objective.

8 In regards to the depth of cover, Crown-Indigenous  
9 Relations and Northern Affairs Canada's concern was that  
10 the cover should effectively shield the active layer.  
11 Agnico Eagle has put forward a 4.7 metre cover, which  
12 is above the predictions for the current climate change  
13 scenario.

14 We recommend that the current waste rock storage  
15 facility cover's design be approved on the  
16 understanding that all monitoring data generated prior  
17 to the full closure of the site will be used to inform  
18 the final waste rock storage facility cover designs.  
19 Additional thermal monitoring and seepage modelling  
20 should be performed prior to the finalizing cover  
21 designs to ensure adequacy of the cover.

22 In addition, the geochemical assessments of the  
23 placed waste rock storage facility covers be  
24 required -- a requirement of the currently proposed  
25 licenced amendments. The scope of the assessment  
26 should be developed to ensure the program is



1 statistically representative of field conditions, by  
2 example, sampling of frequency, depth, distribution,  
3 test protocols, et cetera. At this time,  
4 Crown-Indigenous Relations and Northern Affairs Canada  
5 considers this comment resolved.

6       The next topic is adaptive management. Adaptive  
7 management was a proposed solution for many scenarios,  
8 but it was not collectively understood by all  
9 stakeholders. We want to thank Agnico Eagle for  
10 working with Crown-Indigenous Relations and Northern  
11 Affairs Canada, the Kivalliq Inuit Association,  
12 Environment and Climate Change Canada to develop and  
13 clarify adaptive management for this project. The  
14 proposed adaptive management plan for this project  
15 provides thresholds, triggers, and actions to address  
16 issues that go beyond monitoring. This document goes a  
17 long way to satisfy uncertainty and provides Agnico  
18 Eagle flexibility in operations. Crown-Indigenous  
19 Relations and Northern Affairs Canada recommends that  
20 this plan be incorporated into all aspects of Agnico  
21 Eagle's operations and that adaptive management be  
22 approved insofar as adaptive management activity does  
23 not include significant modifications or other -- or --  
24 or require other regulatory approvals under the Nunavut  
25 Planning and Project Assessment Act or the Nunavut  
26 Waters and Nunavut Rights Surface Tribunal Act.

1 Crown-Indigenous Relations and Northern Affairs Canada  
2 considers this comment resolved.

3       So I would just like to point out that  
4 Crown-Indigenous Relations and Northern Affairs Canada  
5 has worked with Agnico Eagle and the Kivalliq Inuit  
6 Association on a new security estimate, and we're in  
7 agreement that the estimate of security to be held for  
8 this project would be \$50,663,508, and it's the  
9 intention that this would be held under a security  
10 management arrangement held 50 percent by the Kivalliq  
11 Inuit Association and 50 percent by Crown-Indigenous  
12 Relations and Northern Affairs Canada.

13       In conclusion, we will continue to work through  
14 the water licence application review process with the  
15 aim of protecting Nunavut's inland water resources  
16 while promoting sustainable development. Matna.  
17 (OTHER LANGUAGE SPOKEN). Thank you. Merci.

18 MR. KHARATYAN:               Thank you, CIRNAC.

19       Are there any questions from community members to  
20 CIRNAC or Agnico Eagle?

21       I will now invite Environment and Climate Change  
22 Canada to make their presentation.

23       Thank you, CIRNAC.

24 MS. MEADOWS:                Thank you, Mr. Chair. Teresa  
25 Meadows, legal counsel for the Nunavut Water Board.

26       If I can have the witness state and spell your

1 name for the record, please.

2 MS. WILSON: Thank you. Anne Wilson,  
3 A-N-N-E W-I-L-S-O-N.

4 And do you want Eva to do so as well? She's on  
5 the phone but won't necessarily be speaking.

6 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
7 Meadows, legal counsel for the Nunavut Water Board.

8 If Ms. Walker will be speaking, perhaps answering  
9 questions, or that sort of thing, perhaps we can get  
10 her to affirm while she's on the phone. And,  
11 Ms. Wilson, do you need to be sworn or affirmed?

12 ANNE WILSON, Sworn

13 EVA WALKER, Affirmed Via Teleconference

14 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
15 Meadows, legal counsel for the Nunavut Water Board.

16 Mr. Chair, I have presentation materials from  
17 Environment and Climate Change Canada in English and  
18 Inuktitut and also a version in French and Inuktitut,  
19 and I will be filing those as the next two exhibits in  
20 this public hearing. Thank you, Mr. Chair. Those are  
21 my procedural matters.

22 EXHIBIT 11 - Hard Copy PowerPoint

23 Presentation Whale Tail Pit Expansion Project

24 Presentation to the Nunavut Water Board by

25 Environment and Climate Change Canada

26 (Community Session) (English/Inuktitut)

1 THE CHAIR: Thank you.

2 So go ahead, Anne.

3 Presentation by Environment and Climate Change Canada  
4 (Community Session)

5 MS. WILSON: Thank you. It's Anne Wilson  
6 with ECCC.

7 Good evening, Mr. Chair, Board members, Elders,  
8 and other community members, Board staff, and parties  
9 that have joined us here today. My name is Anne  
10 Wilson, and I work as a water quality analyst with  
11 Environment and Climate Change Canada. On the phone, I  
12 also have Eva Walker, who is an environmental  
13 assessment coordinator.

14 In this presentation, we will briefly summarize  
15 the department's final written submission, along with  
16 any relevant discussions with the proponent since the  
17 submission was provided to the Nunavut Water Board  
18 on -- materials on December 20th, 2019.

19 On the second slide, to start off with, I'll go  
20 through ECCC's mandate and then briefly touch upon the  
21 relevant acts and legislation.

22 For each topic, atmospheric, terrestrial, and  
23 aquatic environments, we will have a slide on the  
24 status of each of the department's concerns from the  
25 technical review submission with outstanding concerns  
26 and associated recommendations outlined in our final

1 written submission which you can reference for the  
2 details.

3 Under the Department of the Environment Act, the  
4 powers, duties, and functions of the Minister of  
5 Environment and Climate Change extend to such matters  
6 as the preservation and enhancement of the quality of  
7 the natural environment, including water, air, and soil  
8 quality, and the coordination of the relevant policies  
9 and programs of the Government of Canada for renewable  
10 resources, including migratory birds and other  
11 nondomestic flora and fauna, for meteorology, and the  
12 enforcement of rules and regulations.

13 There are a number of relevant acts and  
14 regulations that govern our mandate. These include the  
15 Department of the Environment Act, the Canadian  
16 Environmental Protection Act, the pollution prevention  
17 provisions of the Fisheries Act, the Migratory Birds  
18 Convention Act, and the Species at Risk Act.

19 Environment and Climate Change Canada has  
20 participated in the review, and prior to the technical  
21 sessions had identified a number of technical concerns.  
22 These have substantially been resolved in the responses  
23 from the proponent as well as subsequent discussions,  
24 so I won't actually read through all of these in the  
25 interests of time here.

26 We developed our final comments to submit with our

1 intervention for this process on December 20th, 2019.  
2 We received additional information and documents from  
3 Agnico Eagle related to the technical meeting  
4 commitment list, and given the short time to review  
5 those items, we have included our comments on them in  
6 our technical intervention. And I'm not going to go  
7 through every detail of those in the community  
8 presentation, but if anyone wants further information,  
9 it is in our technical submission, or I'm happy to  
10 answer any questions on it.

11 Okay. Now I'm going to give you the Reader's  
12 Digest version of our concerns raised and what is still  
13 up for discussion here.

14 So Environment and Climate Change Canada and  
15 Agnico Eagle have been working through the technical  
16 issues that have been identified by ECCC. Our final  
17 comments FC1 to FC11 related specifically to the  
18 interim closure and reclamation plan. FC1 specifically  
19 discussed setting the closure objectives for water  
20 quality so that the pits can be reconnected to surface  
21 waters and will be acceptable for aquatic life. We  
22 have clarified the path for water quality objectives  
23 and reached agreement on that. The other aspects  
24 raised in respect of the interim closure and  
25 reclamation plan have substantially been resolved with  
26 only one area partly outstanding, and that is the

1     wording for the closure monitoring period of three  
2     years. The rest of the final comments are fully  
3     resolved up to Final Comment 14.

4             Final Comment 12 was addressed by the response on  
5     the technical memorandum on wet-year scenarios and  
6     having enough capacity for water management in wet  
7     years.

8             Final Comment 13 related to the technical  
9     memorandum mixing zone boundaries in Mammoth Lake and  
10    Whale Tail Lake, and that has been resolved.

11            Number 14 related to the licence term for the  
12    Whale Tail expansion licence. That was satisfactorily  
13    answered.

14            And our remaining items fall under the Technical  
15    Comment 15, which was our review of the draft water  
16    licence. We have some questions still on the  
17    regulation of TDS at Meadowbank that warrant further  
18    consideration, also on the approval of plans as  
19    proposed in the draft water licence frameworks for both  
20    the Whale Tail and the Meadowbank licences and some  
21    concern with the extension of the Meadowbank licence  
22    term to 2023. I think we'll just have to leave it that  
23    those will be issues for the Nunavut Water Board to  
24    decide.

25            That brings me to the end of this presentation.  
26    Thank you. And if there are any questions, I would be

1 happy to try and answer them.

2 MR. KHARATYAN: Thank you, ECCC.

3 Are there any question from community members to  
4 ECCC or Agnico Eagle?

5 Thank you, ECCC.

6 I am going to invite Fisheries and Oceans Canada  
7 to take their seats and make their presentation,  
8 please.

9 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
10 Meadows, legal counsel for the Nunavut Water Board.

11 If I can have the witnesses state and spell their  
12 name for the record, please.

13 MR. BEATTIE: Thank you, Mr. Chair.

14 My name is Alasdair Beattie, A-L-A-S-D -- as in  
15 "David" -- A-I-R, Beattie, 'B' as in "Bob" --  
16 E-A-T-T-I-E.

17 MS. RATAJCZYK: Edyta, E-D-Y-T-A, Ratajczyk  
18 R-A-T-A-J-C-Z-Y-K.

19 MR. AUDET-LECOUFFE: José Audet-Lecouffe, J-O-S-E  
20 A-U-D-E-T dash L-E-C-O-U-F-F-E. Thank you.

21 ALASDAIR BEATTIE, EDYTA RATAJCZYK, JOSE AUDET-LECOUFFE,  
22 Affirmed

23 MS. MEADOWS: Thank you. Teresa Meadows,  
24 legal counsel for the Nunavut Water Board.

25 Mr. Chair, it's my understanding that the  
26 presentation that Fisheries and Oceans Canada intends



1 to present during this community session has been  
2 received by the Board in electronic form, and the  
3 manager of licencing has circulated it on the public  
4 registry, and the Board will be receiving that and  
5 marking that as the next exhibit in this public  
6 hearing.

7 And, Mr. Chair, I wish to correct the filing by  
8 Environment and Climate Change Canada. I misspoke and  
9 said that there was a second presentation that involved  
10 a translation into French, and there's actually only  
11 one hard copy presentation material of Environment and  
12 Climate Change Canada's community presentation that was  
13 English and Inuktitut on the same presentation. So a  
14 correction there. There was only one exhibit filed by  
15 Environment and Climate Change Canada.

16 So, Mr. Chair, with that, those are my procedural  
17 matters.

18 EXHIBIT 12 - Electronic Copy Only PowerPoint  
19 Presentation DFO's Fish and Fish Habitat  
20 Protection Program Community Meeting Baker  
21 Lake, NU - February 2020 (English)

22 THE CHAIR: Thank you.

23 Go ahead, DFO.

24 Presentation by Fisheries and Oceans Canada (Community  
25 Session)

26 MR. BEATTIE: Thank you, Mr. Chair.

1           Again, this is DFO, and we're with DFO's Fish and  
2   Fish Habitat Protection Program. I'd like to thank you  
3   for hosting us here tonight in the community of Baker  
4   Lake.

5           Quick overview of what we'll be talking about.  
6   We'll go a little bit into DFO's mandate and  
7   legislation, DFO's role in the -- in the Nunavut Water  
8   Board process, and the overview of the findings and  
9   leave room for questions should anyone have some.

10          We have a brand-new amended Fisheries Act that  
11   came into force just last summer in August of 2019. It  
12   restored some of the lost provisions of the fish  
13   protection and fish habitat protection provisions  
14   that -- in the old act that had changed in 2012, I  
15   believe. And it also brought in to being the brand-new  
16   program called the "Fish and Fish Habitat Protection  
17   Program", whose mandate is to conserve and to protect  
18   fish and fish habitat in -- in Canadian fish-bearing  
19   waters.

20          Just because there's often some confusion, when  
21   DFO -- and under the Act, fish is -- is not simply just  
22   the fish that we see swimming around there like this  
23   beautiful sculpin up here, but it's also other kinds of  
24   fish and marine invertebrates like clams and marine  
25   mammals like whales. And habitat is -- is a very broad  
26   thing. It's not just the water that fish live in, but

1 everything that fish need to survive and -- and carry  
2 out their life processes, spawning, breeding, feeding,  
3 eating, living. Thank you.

4 Two of the key provisions of the -- the Fisheries  
5 Act that were restored were -- were the -- the -- the  
6 prohibitions against the death of fish or causing the  
7 death of fish by means any other than fishing and also  
8 prevention of the harmful alteration, disruption, or  
9 destruction of fish habitat. We also call that a  
10 "HADD" for short. I know that Mr. Chair had asked us  
11 not to use too many acronyms, but the "HADD" is a  
12 pretty nice way to talk about that in the future  
13 "harmful alteration, disruption, or destruction" is a  
14 pretty big mouthful. It also allows the Minister of  
15 DFO at the time to allow to -- for those impacts to  
16 actually be authorized should they be considered  
17 justified or necessary. And we can also make some  
18 amendments to those authorizations now under the Act,  
19 which was something we couldn't do before.

20 Our key roles in the fish habitat protection  
21 program are to -- it's a regulatory role in a lot of  
22 ways. We act as regulatory officers, so we do a lot of  
23 project review proposals, especially in the Northwest  
24 Territories and Nunavut, which my office is responsible  
25 for and my team. We review the project proposals for  
26 the potential to impact fish and fish habitat, and if

1 we find that they do, we ask them to -- we will  
2 authorize those if it's considered justified and in  
3 agreement with the overseeing boards. And then we also  
4 ask for what we call an "offsetting plan" and  
5 monitoring reports. The offsetting plan is a way that  
6 we ask for any harmful -- any of the HADDs, the harmful  
7 alteration or destruction or disruption -- or  
8 disruption of fish habitat to be replaced in some  
9 fashion, preferably like for like. So if you harm a  
10 section of the river that's got some particular  
11 spawning area in it, we would ask, for instance, for  
12 that spawning area to be rehabilitated and more  
13 spawning area to be created as well within that lake.

14 We also have continuously engaged with proponents  
15 and consult with Indigenous communities. We provide  
16 proponents with Fisheries Act authorizations as we  
17 already said. And we will intervene when conditions of  
18 those authorizations aren't met. There are -- we also  
19 have a -- an -- enforcement clauses that we can use.

20 Within the Nunavut Water Board process, we do take  
21 part in the hearings and the discussions that -- that  
22 are part of the Water Board process, and from time to  
23 time we'll provide expert advice to the Boards in the  
24 form of written submissions, and -- or if they ask us  
25 to provide advice on a particular topic, we may also  
26 make recommendations to the Board, the information that

1 we think the Board may need or potentially conditions  
2 for the water licence that we think may be important.

3 For this particular review of the Whale Tail  
4 expansion, we've -- we're going to focus for this  
5 presentation on the following three areas: One was  
6 fish passage, which was related to the impacts of the  
7 road widening -- the haul road widening for -- for  
8 water crossings along that road. The second one would  
9 be water use, and that's how much water is used from  
10 the lakes and -- and the source lakes for the mine  
11 operation and closure. And then the downstream  
12 environment as well, so trying to account for  
13 changes -- potentially changes to fish habitat and  
14 downstream environments.

15 Fish passage. The mine's haul road is -- is one  
16 that may impact stream crossings at -- fish passage at  
17 some stream crossings, and that can be maintained,  
18 however, with proper construction methods. Agnico has  
19 provided -- the proponent has provided DFO with the  
20 information about their crossings, and at this point I  
21 would say that DFO has no further concerns, but we will  
22 be working -- continue to work with the -- the  
23 proponent to ensure that all watercourse crossings in  
24 the future will allow for proper fish passage.

25 Water use. It's pretty well understood that  
26 taking too much water from lakes and streams,

1 especially in winter, can harm or kill fish. Taking  
2 water, however, can be done safely following guidance,  
3 and DFO has provided some advice to the Board and the  
4 proponent as on how to be as safe as possible when  
5 taking water in winter from lakes under ice and from  
6 streams under ice, including monitoring to make sure  
7 everything is done -- everything is working and is  
8 working how it's expected to.

9 Agnico has provided DFO with additional  
10 information since some of our technical comments were  
11 provided, and DFO will continue to discuss this with  
12 the proponent regarding fish habitats and data  
13 requirements in the future, but at this time DFO has no  
14 further concerns.

15 The downstream environment is one that -- is  
16 something that is often overlooked; however, we think  
17 it's important to measure changes in water levels to  
18 downstream water bodies from the mine to determine that  
19 the potential impacts to fish and fish habitat are --  
20 are as predicted by the modelling work that the  
21 proponent has done, and we think that monitoring can  
22 help determine if these changes to the downstream  
23 environments are -- the predicted changes are correct.

24 And that's it. Thank you. Matna.

25 MR. KHARATYAN: Thank you, DFO.

26 Are there any questions from community members to

1 DFO or Agnico Eagle?

2 Thank you, DFO.

3 This takes us to the end of our -- tonight's  
4 community session; however, looking at the time, we  
5 still have time to continue maybe technical session. I  
6 am suggesting to have five, ten minutes' break, and we  
7 can continue with Agnico Eagle presentation --  
8 technical session presentation. Thank you.

9 (ADJOURNMENT)

10 THE CHAIR: We might as well start again.  
11 Get back to the seat, please.

12 Okay. Thank you. Thank you again. So we might  
13 as well start again with the presentation from  
14 Applicant before supper.

15 So you may go ahead with your -- reconvene from  
16 your -- from your presentation this -- late this  
17 afternoon.

18 Presentation by Agnico Eagle Mines Limited

19 MR. GROLEAU: Thank you, Mr. Chair. Michel  
20 Groleau from Agnico Eagle.

21 So we'll restart the presentation at where we were  
22 this afternoon. We were at the section on the waste  
23 disposal and management. The Whale Tail Expansion  
24 Project waste management consists of storage of waste  
25 rock in existing Whale Tail and a new IVR and waste  
26 rock storage facility; the storage of overburden

1 material within the waste rock storage facility; the  
2 operation of the landfill, the new incinerator,  
3 composter, and land farm; and the disposal of hazardous  
4 material in approved off-site facilities.

5 Just as a reminder, we do not have a tailings  
6 storage facility at the Whale Tail site. The ore is  
7 processed at the Meadowbank site and tailing produced  
8 will be store at this location.

9 So through the public consultation meeting -- we  
10 just went through that slide, so I will go briefly. So  
11 waste rock management are consistent between the  
12 approved and expansion project. So as I was  
13 mentioning, we got around 167.8 million tons of waste  
14 rock, more than 40,000 sample per year to do the  
15 segregation to make sure that the thermal cover that  
16 will be built on the waste rock pile is -- is meeting  
17 the criteria, and no additional acid rock drainage and  
18 metal leeching will come from that thermal cover and  
19 will meet water quality objective. And the underground  
20 waste rock which would be -- we store at the surface  
21 will be return in the underground mine as backfill  
22 material, so with rock fill and cemented rock fill, for  
23 stability purposes of the underground mine.

24 So we did issue a final design of the Whale Tail  
25 and IVR waste rock storage facility as part of this  
26 application. This was based on an iterative process



1 from conceptual to detail engineering. This include  
2 numerous modelling such as a numerical thermal air  
3 hydrogeologic modelling, many sensitivity analysis on  
4 the geochemical properties of the cover, the grade  
5 size, the slope aspect, the bench height, the  
6 climate -- we use different climate scenarios based on  
7 the recommendation from the parties. We look at --  
8 also at the geotechnical stability and the erosion  
9 potential of our waste rock pile and to the surface  
10 water management through different modelling and  
11 design, so which bring us having a pile that have been  
12 design at a final level of engineering, and we submit  
13 that detail design as part of the submission -- as part  
14 of our final written submission.

15 So this slide is presenting the thermal model. So  
16 it's -- we can see different waste rock that are placed  
17 during winter and summer. So we took all that into --  
18 into consideration into the design of our waste rock  
19 pile.

20 The monitoring is also a big part of the -- of the  
21 waste rock management practices. So on one side, we  
22 got the operational acid rock drainage and metal  
23 leeching sampling plan and the waste rock storage  
24 facility monitoring plan. These two plan have been  
25 designed to comprehensively capture the geochemical and  
26 physical characteristic of the rock material and

1 freeze-back progression.

2 So the metal leeching and acid rock drainage  
3 sampling during operation for this project is industry  
4 leading with this 40,000 drill cutting sample per year.  
5 This will answer that the thermal cover perform as  
6 design and is protective of Nunavut land and water.

7 Direct measurements in the waste rock storage  
8 facility will constrain and confirm the variability  
9 already assess by sensitivity modelling within the  
10 numerical modelling estimate. To our knowledge, the  
11 Whale Tail and IVR waste rock storage facilities are  
12 the most intensely instrumented in the Nunavut and will  
13 not only provide a basis to ensure they are -- they are  
14 performing within design expectation, provide  
15 monitoring redundancy, and will also provide valuable  
16 knowledge for future waste rock storage facility design  
17 at other location in Nunavut.

18 So the next couple of slide discuss of adaptive  
19 management. The adaptive management requires -- sorry.  
20 The adaptive management plan is specific potential  
21 adaptive management actions and potential facility  
22 waste water management changes that have been  
23 collaboratively developed, reviewed, and discussed with  
24 intervenors. As with other action described in  
25 approved plan, should the threshold specified in the  
26 adaptive management plan be triggered, Agnico Eagle

1 will be permitted to proceed with this action without  
2 amendment or modification to the water licence upon  
3 notice of the Board.

4 For clarity, we would consider every action  
5 describe in the adaptive management plan as included in  
6 the scope of the water licence. This allow flexibility  
7 within our footprint to implement change to protect  
8 Nunavut lands and water and provide certainty to  
9 regulators, agencies, and to the Board.

10 So this is an example of the table included in the  
11 adaptive management plan that set up adaptive  
12 management action -- so we got those on the right -- to  
13 be implemented depending on the level identify. So we  
14 got the level on the left with the different threshold.  
15 So this table is for the receiver water quality  
16 adaptive management strategy.

17 Generally, the proposed actions start with  
18 administrative control and, if needed, engineering  
19 controls. It is a hierarchy, a process. First, we  
20 need to understand why, and then we can implement  
21 processes that best address any issues identify.

22 We want to thank the Kivalliq Inuit Association,  
23 Crown-Indigenous and Relations Northern Affair Canada  
24 [sic], Environment and Climate Change Canada, and the  
25 Nunavut Water Board in the discussion to achieve this  
26 plan. We believe this is the first time a proponent

1 have been able to achieve a detail adaptive management  
2 plan at the licencing phase, and we are pleased with  
3 the high level of consensus we achieve on this plan.

4 So I'll pass the microphone to my colleague Jamie  
5 Quesnel to continue the presentation.

6 MR. QUESNEL: Thank you, Michel. Thank you,  
7 Mr. Chair. Jamie Quesnel, Agnico Eagle.

8 I'll just go quickly through the closure,  
9 reclamation, and security slides.

10 So as we discussed just earlier, the approved  
11 Whale Tail Project for the Water Licence A, we have an  
12 existing letter of credit that is split 50 percent  
13 between Kivalliq Inuit Association and Crown-Indigenous  
14 Relations and Northern Affairs for \$26,286,000. Now,  
15 with the expansion project, we have agreement on the  
16 security for the Water Licence A for \$50,663,508, and  
17 related to the changes in the Type "B" licence that we  
18 referenced earlier, the security would be \$1,200,650.  
19 And based on the 50 percent split between Kivalliq  
20 Inuit Association and Crown-Indigenous Relations  
21 Northern Affairs, that's all part of the security  
22 management agreement.

23 Closure and reclamation. We have the updates for  
24 the interim closure and reclamation plan. The final  
25 closure and reclamation plan, as was mentioned earlier,  
26 would be defined one year prior to closure of the

1 operation. This would include water quality and  
2 reconnection of the flooded pit lake, as Michel  
3 referenced earlier in the presentation.

4 In addition, we would have site-specific water  
5 quality objectives as part of that final plan and also  
6 the adaptive management plan for closure, which has  
7 been discussed with a few of the intervenors.

8 And also I just wanted to elaborate on the  
9 security dealing with a lot of the monitoring. We have  
10 18 years of monitoring during the closure window, which  
11 is part of the re-flood sequence to develop the pit  
12 lake and also part of the agreed security that I just  
13 mentioned for the Licence A includes three years of  
14 post-closure monitoring, and that is defined once the  
15 water quality meets the objectives during the closure  
16 window and we reconnect the regional watershed to the  
17 pit lake. At that time, when the dikes are breached,  
18 the reconnection does occur, that is classified as  
19 "post-closure".

20 Water compensation. As heard earlier today and  
21 confirmed by the Kivalliq Inuit Association, Agnico  
22 Eagle and the Kivalliq Inuit Association has entered  
23 into a compensation agreement for the Whale Tail  
24 Expansion Project, and that's -- that's about all we  
25 have to say regarding -- regarding the water  
26 compensation.

1           And I'll pass it back to Michel. Thank you.

2       MR. GROLEAU:                   Thank you, Mr. Chair. I'm  
3       Michel Groleau, Agnico Eagle.

4           So we'll get to the section on the revision to  
5       management and monitoring plan.

6           So this slide present a new plan created to  
7       address expansion project activities. Mentioned that  
8       earlier. So we got the adaptive management plan,  
9       conceptual Whale Tail Pit expansion offsetting plan,  
10      the land farm design and management plan, and the  
11      incinerator and composter waste management plan.

12          That slide present the lists of management plan  
13      we'll -- we're planning to update following the  
14      issuance of the amended water licence, so waste rock  
15      management plan, water management plan, the interim  
16      closure and reclamation plan, spill contingency plan,  
17      hazardous material management plan, and the emergency  
18      response plan.

19          Next slide is related to the overview of the  
20      proposed licence amendment. The suggested amendment  
21      licence submitted to the Nunavut Water Board was  
22      completed on December 20, 2019. Recommendation was  
23      received by the intervenor on January 23rd. A revised  
24      draft amended licence was submitted to the Nunavut  
25      Water Board on January 30 taking in account the final  
26      written submission of the parties. In the interest of

1 time, Agnico Eagle will not go through the detail of  
2 the licence but encourage the Board to look at it  
3 closely. Agnico Eagle recommend its draft to the  
4 Boards for approval.

5 Next slide's presenting the site preparation. As  
6 part of the draft water licence, there are certain  
7 facilities and site preparation activities that Agnico  
8 Eagle wishes to commence with immediately upon the  
9 issuance of the amended water licence such as the  
10 mining of the IVR Pit and the construction of the IVR  
11 waste rock storage facility. Agnico Eagle issued a  
12 memo as part of the technical comment responses which  
13 was listing the water infrastructure required --  
14 requiring a faster approval to 20-day notice approval.  
15 These infrastructure consists of water collection  
16 system, lake dewatering access and conveyance system,  
17 effluent discharge, dikes, and pad extension. Agnico  
18 Eagle suggests a 20-day notice for these facilities as  
19 approved -- as proposed in the draft water licence.

20 So this is the final section of the presentation  
21 related to the response to final written submission.  
22 This slide present a summary of Nunavut Water Board  
23 water licence amendment status, and the additional  
24 meeting were facilitated with each intervenor to  
25 collectively review the technical comments submitted.  
26 The objective was to validate our understanding of the

1 requests, review Agnico Eagle position and intent to  
2 respond, and have an open discussion with the parties.

3 As such, meeting were held in September with  
4 Environment and Climate Change Canada, the Kivalliq  
5 Inuit Association, Crown-Indigenous Relation and  
6 Northern Affairs Canada, and the Department of  
7 Fisheries and Oceans Canada. We continue to have those  
8 meeting from November to February to resolve the  
9 outstanding items for this amendment of the water  
10 licence.

11 As part of the Nunavut Water Board review process,  
12 we have received 75 information requests, 37 technical  
13 comments from Environment and Climate Change Canada,  
14 Crown-Indigenous Relation Northern Affair Canada, the  
15 Kivalliq Inuit Association, and the Department of  
16 Fisheries and Ocean Canada.

17 As part of the Nunavut Water Board review process,  
18 we have received 31 final written submission comments  
19 from the parties. Agnico Eagle has made commitments  
20 related to the updating -- related to updating the  
21 interim closure reclamation plan and to update the  
22 adaptive management plan that will be part of the final  
23 closure and reclamation plan. We believe this resolve  
24 Environment Climate Change Canada's recommendations.

25 We have reached agreement with Crown-Indigenous  
26 Relations Northern Affair Canada, the Kivalliq Inuit



1 Association, and Environment Climate Change Canada on  
2 the duration of the three-year post-closure monitoring  
3 period based on the extensive monitoring effort  
4 implemented during the 18 years of the closure phase.

5 Agnico Eagle receive three final written  
6 submission from Fisheries and Ocean Canada which  
7 discuss impact to water crossing of the widening of the  
8 Whale Tail road, water use, and downstream impacts on  
9 fish and fish habitat at closure. Overall, there is no  
10 potential for harmful alteration, disruption, or  
11 destruction to fish and fish habitat related to the  
12 widening of the haul road, the water use, and the  
13 downstream impact. Nonetheless, Agnico Eagle has  
14 committed to complete water level monitoring at closure  
15 in the downstream lakes to validate predictions. Based  
16 on this, Agnico Eagle understand that we have resolved  
17 all items.

18 We would like to thank each of the parties for  
19 their comments, recommendation, and involvement on the  
20 review of this file. All this make the project better.  
21 Thank you. Matna.

22 THE CHAIR: Thank you, Applicant, for your  
23 presentation.

24 We are done for now, but questioning will be  
25 happening first thing in the morning. Yeah.  
26 Questioning will start first thing in the morning at

1 8:30. 8:30. We'll come back here before 8:30. We  
2 will reconvene at 8:30 in the morning, and the  
3 questioning will take place. Kivalliq Inuit  
4 Association will be the first to ask questions.

5 All right. Okay. Thank you. Have a good night.

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7 PROCEEDINGS ADJOURNED UNTIL 8:30 AM, FEBRUARY 14, 2020

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## 1 CERTIFICATE OF TRANSCRIPT:

2

3 I, Christy Longacre, certify that the foregoing  
4 pages are a complete and accurate transcript of the  
5 proceedings, taken down by me in shorthand and  
6 transcribed from my shorthand notes to the best of my  
7 skill and ability.

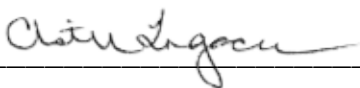
8 Dated at the City of Calgary, Province of Alberta,  
9 this 23rd day of February 2020.

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14 Christy Longacre, RPR, CSR(A)

15 Official Court Reporter

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