



Water Resources Division
Resource Management Directorate
Nunavut Regional Office
P.O. Box 100
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Your file - Votre référence
2AM-WTP1830
Our file - Notre référence
GCDOCS# 95500332

June 17, 2021

Richard Dwyer
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0
E-mail: licensing@nwb-oen.ca

Re: Crown-Indigenous Relations and Northern Affairs Canada Review of the Response to Comments regarding the Adaptive Management Plan for the Whale Tail Project, Type A Water Licence No. 2AM-WTP1830

Dear Mr. Dwyer,

Thank you for the June 11, 2021 invitation to review the response to intervener comments regarding the Adaptive Management Plan for the Whale Tail Project for Type A Water Licence No. 2AM-WTP1830, provided by Agnico Eagle Mines Ltd. (AEM) on June 6, 2021.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) CIRNAC appreciates AEM's efforts in responding to our comments. The response was reviewed pursuant to CIRNAC's mandated responsibilities under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Department of Crown-Indigenous Relations and Northern Affairs Act*.

In their response, AEM states that the depth of the thermal active layer is highly variable and depends on multiple factors including future climate conditions and the geometry of the waste rock storage facility. Significant uncertainties are expected in the prediction of future climate conditions. Consequently, in order to make sure that all potential arsenic-leaching waste rocks are placed permanently below the thermal active layer, both the predicted depth of the thermal active layer and the predicted thermal trend below the thermal active layer need to be validated with monitoring data.

The Adaptive Management Plan (AMP) states that "The primary objective of the Adaptive Management Plan is to document specific mitigation measures and associated management actions to be taken when specified thresholds are exceeded." Therefore, CIRNAC recommends that thresholds be established for both parameters (i.e., depth of thermal active layer and thermal trend below the thermal active layer), and that adaptive



measures be specified in the AMP for a situation in which monitoring results fall outside of the predicted values or pre-established threshold.

CIRNAC agrees with AEM on the importance of monitoring and validating the predicted thermal trend below the predicted thermal active layer (i.e. at 7 m) and AEM's approach to achieving this in the AMP. CIRNAC recommends that AEM also integrate an approach within the AMP to validate the predicted depth of the thermal active layer at the waste rock storage facility (i.e., 4.2 m) through thermal monitoring to establish the threshold and plan adaptive measures.

If there are any questions or concerns, please contact me at bridget.campbell@canada.ca, or David Zhong at david.zhong@canada.ca.

Sincerely,

Bridget Campbell,
Water Resources Coordinator