

File: 2AM-WTP1830/D1, 3

February 15, 2021

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Subject: Design Report for IVR Attenuation Pond D-1 Dike; Type "A" Water Licence No: 2AM-WTP1830, Whale Tail Pit Project; Agnico Eagle Mines Limited

Dear Casandra DeForge and Jamie Quesnel:

The Nunavut Water Board (NWB or Board) received from Agnico Eagle Mines Limited (Agnico Eagle or Licensee) on December 23, 2020, the document entitled "Design Report for IVR Attenuation Pond D-1 Dike" (Report) as a requirement of Part D, Items 1 and 3 of Water Licence No: 2AM-WTP1830 (Licence). The Report was dated December 23, 2020.

The Report was distributed for interested parties' review with a deadline for submissions set for January 25, 2021, which later was extended to February 5, 2021 at the request of the Crown-Indigenous Relations and Northern Affairs (CIRNA) and the Kivalliq Inuit Association (KivIA). Comments were received¹ from the KivIA, Environment and Climate Change Canada (ECCC), and CIRNA.

The KivIA noted that it was "encouraged to see a spillway as part of the dam design. This will assist with minimizing the impact of higher water levels on the integrity of IVR D-1". ECCC indicated that it had no comments upon the review of the Report. CIRNA recommended that the Licensee:

• Clarify why the pond storage capacity is indicated in the Report as 400,000 m³ at the maximum operating level of 163.2 m while the Water Balance Update describes it as 534,819 m³ and

¹ Kivalliq Inuit Association, dated February 5, 2021; Environment and Climate Change Canada (ECCC), February 5, 2021; Crown-Indigenous Relations and Northern Affairs (CIRNA), dated February 5, 2021.

• Define operating water levels for both the summer and fall/winter and clarify how it is proposed to manage freshet meltwater if the pond is at maximum operating level over winter.

On February 9, 2021, the Licensee submitted its response to the inquiries:

- The Licensee acknowledged an error in the Whale Tail Project Water Management Plan and clarified that the maximum capacity of the pond is 534,819 m³ at the level of 163.9 m. The maximum operating capacity is to be 410,899 m³ at the level of 163.17 m. Agnico Eagle committed to addressing the error in the next revision of the Whale Tail Project Water Management Plan and
- "The maximum operating level for normal conditions is set at El. 163.2 at all time. The normal operating level will be set at a lower elevation based on operational strategy. Details on the operating level will be included in the next update of the Water Management Plan."

While, on February 12, 2021, CIRNA expressed its satisfaction with the commitment to address the error in capacities, it also noted in regards to the issue of operating levels the Licensee should "provide the requested information in a plan addendum or commit to updating the plan prior to the pond coming into service."

The Board acknowledges that the Report addresses the requirements of Part D, Items 1 and 3 of Licence No: 2AM-WTP1830 and has accepted the "Design Report for IVR Attenuation Pond D-1 Dike" as required by Part D, Item 1 of Licence.

The Board directs the Licensee to submit an update to the Water Management Plan addressing the error in pond capacity values and CIRNA's recommendation for more information on operating levels by March 31, 2021 or thirty (30) days prior to commissioning the pond, whichever comes first.

The Licensee is advised that the Board's review of the Report is a verification that the proposed activity is consistent with the existing terms and conditions of the Licence and more specifically with Part D, Item 1 and may proceed in accordance with the Report provided. It should be noted that the Board's acceptance is NOT intended or offered as any representation regarding the suitability of the plans nor third-party verification of the design, construction, planning or engineering discussed in the document.

Should you have any questions, please feel free to contact the undersigned at (867) 360-6338 or assol.kubeisinova@nwb-oen.ca at your earliest convenience.

Regards,

Assol Kubeisinova Technical Advisor Water Licence No: 2AM-WTP1830 Design Report for IVR Attenuation Pond D-1 Dike

cc: Distribution List - Meadowbank