



Water Resources Division
Resource Management Directorate
Nunavut Regional Office
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Your file - Votre référence
2AM-WTP1830
Our file - Notre référence
GCDOCS#116051970

July 26, 2023

Richard Dwyer
Manager of Licensing
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0
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Re: Crown-Indigenous Relations and Northern Affairs Canada's (CIRNAC's) Reply to Agnico Eagle Mines' (AEM's) Response on the Review of 2023 Modification Application for IVR and Whale Tail open pit mines, Type A Water License No. 2AM-WTP1830.

Dear Mr. Dwyer,

Thank you for your July 19, 2023, invitation to review Agnico Eagle Mines' (AEM's) response to CIRNAC's comments on the 2023 Modification Application for IVR and Whale Tail open pit mines for Type A Water License No 2AM-WTP1830. CIRNAC reviewed the response pursuant to its mandated responsibilities under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Department of Crown-Indigenous Relations and Northern Affairs Act*.

Comments/Response:

Under R-01, CIRNAC recommended that AEM:

- a) Continue using GSPs per the approved Adaptive Management Plan V1.5 for managing groundwater.*
- b) Clarify if they have identified any situation that requires implementing Adaptive Management Levels 2 and 3 as per the approved Adaptive Management Plan V1.5.*
- c) Update the current Adaptive Management Plan if required and submit to the NWB for approval.*

Page 5 of AEM's response letter, dated July 19, 2023, AEM stated that using the IVR pit for groundwater storage is environmentally and economically sound.

However, AEM did not provide any supporting analysis and/or data to prove the statement. AEM also stated, "Finally, the approved Adaptive Management Plan V1.5 already includes storing water into a mined out/exhausted pit."



CIRNAC's interpretation of the Adaptive Management Plan V1.5 indicates that the use of the IVR Pit to store groundwater is ONLY allowed under level 3 scenarios (i.e., high-risk situations and once all three GSP are full) and with proper assessment.

Therefore, CIRNAC is of the opinion that AEM did not adequately address the comments and stands by its initial recommendations.

Under R-02, CIRNAC recommended that AEM:

- a) *Provide evidence that groundwater storage in the IVR Pit is an environmentally equal or better alternative to the currently approved water management strategies.*
- b) *Describe the specific circumstances that would trigger the option to store groundwater in the IVR Pit.*
- c) *Provide an assessment of potential environmental interactions and impacts associated with storing groundwater in the IVR Pit. At a minimum, interactions and impacts should be assessed quantitatively for high amounts of contaminant in the IVR Pit.*

Page 6 of AEM's response letter, dated July 19, 2023, stated: "Agnico Eagle considers that the management strategies presented in Table 5 of the Adaptive Management Plan V1.5 summarize well the circumstances that would trigger the option to store groundwater in IVR Pit."

CIRNAC agrees with this statement and reiterates that Table 5 of the Adaptive Management Plan V1.5 only permits storing water in the IVR pit under level 3 scenarios (i.e., high-risk situations and once all three GSP are full) and with proper assessment.

AEM's response does not address how groundwater storage in the IVR Pit is an environmentally equal or better alternative to the currently approved water management strategies. Moreover, it did not address the CIRNAC's concern regarding the high contaminant concentration, such as arsenic in the IVR pit and its possible implication and mitigation.

Therefore, CIRNAC is of the opinion that AEM did not adequately address the comments and stands by its initial recommendations.

Under R-03, CIRNAC recommends that AEM update the Water Management Plan V11 to reflect the current Adaptive Management Plan, which indicates that the storage of groundwater in the IVR Pit is an alternative option, only to be considered when level 3 (e.g. high-risk) thresholds are met.

As mentioned above and in the written submission dated July 10, 2023, CIRNAC does not agree with AEM's interpretation that the Adaptive Management Plan V1.5 allows flexibility to use the IVR pit to store groundwater under normal circumstances. As such, CIRNAC does not recommend approving the submitted Water managements Plan V11, mentioning groundwater storage in the IVR pit as an approved strategy under normal circumstances.



Not updating the submitted water management plan could be interpreted as if the storage of groundwater in the IVR pit has been reviewed and approved. Moreover, in CIRNAC's opinion, an annual report is not an appropriate time to modify any management plan to include strategies such as in-pit storage.

Therefore, CIRNAC is of the opinion that AEM did not adequately address the comments and stands by its initial recommendations.

CIRNAC understands that the decision on whether to grant AEM's request rests solely with the Nunavut Water Board (NWB).

CIRNAC appreciates the opportunity to participate in this review. If there are any questions or concerns, please contact me at Aminul.Haque@rcaanc-cirnac.gc.ca or (867) 975-4555 or Andrew Keim at (867) 975-4550 or Andrew.Keim@rcaanc-cirnac.gc.ca.

Sincerely,

Aminul Haque
Regional Water Management Coordinator