



**NOTICE OF RELEASE FOR
EXCEPTION DETERMINATION REPORT
NIRB FILE NO.: 16MN056**

NWB File No.: 2AM-WTP----

October 11, 2017

To:

Tracey McCaie
Manager Land Administration
Indigenous and Northern Affairs Canada
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Sent via email: tracey.mccaie@aandc.gc.ca; landsmining@aandc.gc.ca;
karen.kharatyan@nwb-oen.ca; licensing@nwb-oen.ca and
dirlands@kivalliqinuit.ca

Re: Notice of Release for Agnico Eagle Mines Ltd.'s "Whale Tail Pit Project Type B Predevelopment Application", NIRB File No. 16MN056

Dear Madam and Sirs:

Enclosed is the Nunavut Impact Review Board's (NIRB) Determination Report to the Honourable Minister Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs and the Nunavut Water Board Chairperson, Lootie Toomasie for Agnico Eagle Mines Ltd.'s (Agnico Eagle or Proponent) "Whale Tail Pit Project Type B Predevelopment Application" in accordance with Section 12.10.2(b) of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada* (Nunavut Agreement) and s. 155 of the *Nunavut Planning and Project Assessment Act* (NuPPAA)¹.

¹ *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14.

The NIRB has assessed Agnico Eagle's "Whale Tail Pit Project Type B Predevelopment Application" for ecosystemic and socio-economic impacts taking into consideration the comments from relevant authorities and communities. Based on this assessment, the Board's decision is to approve the exception of only the following activities from the NIRB's ongoing Review of Agnico Eagle's Whale Tail Pit Project proposal:

- Pre-delivery of material, fuel, and equipment;
- Construction of concrete pads, including options for supplies laydown area (the future site of the camp), and water treatment plant foundation; and
- Upgrade/widen Whale Tail Pit haul road from 6.5 m wide to 9.5 m plus bypasses to ensure the safe pre-delivery of material and equipment (such as Vault Pit 777 haul trucks).

In finding that these activities can be approved to proceed to the licensing stage prior to the NIRB concluding the Review of the entire Whale Tail Pit Project proposal, the Board determined that these activities represent low potential for adverse impacts. Also as part of the Board's assessment of the Application, the NIRB has recommended terms and conditions that would mitigate the potential for adverse impacts to result from these three activities.

The NIRB is aware of the authority of each of the government departments and Inuit organization to regulate the terms and conditions attached to the enclosed Exception Determination Report. As such, the NIRB requests that those regulatory authorities responsible for issuing authorizations for the "Whale Tail Pit Project Type B Predevelopment Application" send a hardcopy of the permit or licence with the NIRB's file number referenced on the document to the NIRB's office in order to complete our files. In addition, the NIRB requests that copies of any subsequent inspection reports related to the project proposal be sent to the NIRB.

Please be advised that the enclosed determination applies only to the exploration and/or development activities as described within the "Whale Tail Pit Project Type B Predevelopment Application" and is subject to the implementation of the Board's recommendations as set out in more detail as described within the report.

The Board's Determination Report also provides detail regarding the basis for the Board's decision to reject Agnico Eagle's request to except the following activities from Review:

- Construction of temporary bridge crossing over the Mammoth Channel in March 2018;
- Construction of some service roads around the Whale Tail Pit site to undertake other predevelopment activities including:
 - Road between Quarry 2 and Waste Rock Storage Facility (WRSF);
 - Road between exploration area and new road between Quarry 2 and the WRSF;
 - Road and one culvert between exploration camp and proposed Nemo freshwater intake;
- Quarrying at Quarry 2 (for construction); and
- Construction of the waste rock berm.

As detailed in the NIRB's Determination Report, the Board has concluded that the potential for impacts associated with these proposed activities were not sufficiently understood to allow the

activities to proceed without further assessment. The Board also found that uncertainty created by current data gaps associated with the potential impacts of these specific activities could not be addressed adequately by the NIRB providing recommendations to minimize the potential for such impacts. The Board was also not convinced that these activities truly constituted exploration and predevelopment works and activities, but instead could more accurately be described as preliminary Whale Tail Pit Project construction activities. On this basis, the Board has determined that these specific activities should not be authorized to proceed in advance of the Board's conclusion of the Review of the main project, which is currently underway. As a result, the activities listed above will continue to be part of the Board's assessment of the entire Whale Tail Pit Project proposal and will be addressed in the upcoming NIRB Final Hearing Report and Recommendations.

Should you have any questions or require additional clarification, please contact the undersigned directly at sgranchinho@nirb.ca or by phone at (867) 857-4829.

Sincerely,



Sophia Granchinho, M.Sc.
Manager, Impact Assessment
Nunavut Impact Review Board

cc: Ryan Vanengen, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
Erika Voyer, Agnico Eagle Mines Ltd.

Enclosure: NIRB Exception Determination Report (NIRB File No.: 16MN056), released October 10, 2017