



**NIRB File No.: 11MN034**

October 20, 2011

Meliadine Distribution List

*Sent via Email*

**Re: Acknowledgement of Agnico-Eagle Mines Ltd's Application for NLCA 12.10.2(b) Exception and Request for Public Comment**

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Dear Parties,

On September 29, 2011 the Nunavut Impact Review Board (NIRB or Board) received an application package from Agnico-Eagle Mines Ltd. (AEM or Proponent) in support of its Meliadine Gold Mine project proposal (NIRB File No. 11MN034). Specifically, this application package consists of AEM's "Phase 1 Meliadine All-weather Access Road Project Description and Environmental Assessment" for the proposed construction and operation of an all-weather road from Rankin Inlet to the Meliadine site in support of the Proponent's continued exploration and bulk sampling program.

The Phase 1 Meliadine All-weather Road Access Road proposal was previously screened by the NIRB (NIRB File No. 11RN017) and returned to the Proponent by the Minister of Aboriginal Affairs and Northern Development pursuant to Section 12.4.8 of the Nunavut Land Claims Agreement (NLCA), for clarification and resubmission to the NIRB. The current application package has been modified and re-submitted to the NIRB for consideration of the proposed activities to be allowed as an exception to the NIRB's review of the Meliadine Gold Mine project, pursuant to Section 12.10.2(b) of the NLCA.

On October 5, 2011 AEM submitted an application to the Nunavut Water Board (NWB) for a new Type B water license in support of the proposed Phase 1 Meliadine All-weather Access Road project proposal. Additionally, the cover letter to this application indicated that AEM would further be applying for an amendment to its existing Type B water license (2BB-MEL0914) that would allow for an expansion of AEM's fuel tank farm at the Meliadine west site; increasing the currently permitted storage of 1.8 million litres (ML) by 1.6 ML to a total of 3.4 ML. AEM has indicated that this amendment application would be submitted for consideration as an alternative to AEM's preferred option of constructing of an all-weather access road pursuant to 12.10.2(b). On October 20, 2011 the NWB issued correspondence to AEM which indicated that it would require further information to be submitted in support of the Type B water licence application before proceeding with the next steps in the NWB process.

In its original submission of the Meliadine Gold Mine project proposal to the NIRB for Screening in April 2011, the Proponent requested that the NIRB and the NWB implement a coordinated approach to the processes for the NIRB's potential Review and the NWB's consideration of the Type A Water Licence application for the proposed project. The NIRB and NWB are unable to coordinate a joint process moving forth in the assessment and licencing for the current Phase 1 Meliadine All-weather Access Road and associated Type B water licence application packages. However, the NIRB and NWB remain prepared to implement a coordinated approach to the NIRB's review of the Meliadine Gold project and the associated NWB Type A water licencing process.

Parties are advised that AEM's complete 12.10.2(b) application submission can be accessed from the NIRB's online public registry by using the following link:

<ftp://ftp.nirb.ca/02-REVIEWS/ACTIVE%20REVIEWS/11MN034-AEM%20MELIADINE/2-REVIEW/15-12.10.2%20EXCEPTIONS/01-APPLICATION/>

#### REQUEST FOR COMMENTS

Prior to determining whether the activities proposed within AEM's 12.10.2(b) application package can be excepted from the NIRB's review of the Meliadine Gold Mine project and permitted to proceed, the NIRB invites comments from interested parties regarding:

- A determination of whether Parties agree/disagree with the conclusions in the 12.10.2(b) application package regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and reasons to support the determination;
- A determination of whether or not conclusions in the 12.10.2(b) application package are supported by the analysis – and reasons to support the determination;
- A determination of whether appropriate methodology was utilized in the 12.10.2(b) application package to develop conclusions – and reasons to support the determination, along with any proposed alternative methodologies which may be more appropriate (if applicable);
- An assessment of the quality and presentation of the information in the 12.10.2(b) application package; and
- Any further comments regarding the expressed need for and required timing of the proposed exceptions as presented within the 12.10.2(b) application package – and reasons to support any comments made.

The NIRB also invites comments regarding the following: the permanence of proposed infrastructure, the reversibility of potential impacts, the need for proposed security bonding, and whether an approval of the proposed activities would have the effect or appearance of fettering any further or final decision by the Board relating to the larger mining and milling project under review.

The NIRB is committed to respecting its obligation to fairly consider AEM's application in a timely manner, consistent with the requirements of the NLCA and, as such, the NIRB requests

that comments to the current 12.10.2(b) proposal as outlined above be submitted to the NIRB on or before **November 21, 2011**.

#### NEXT STEPS

The NIRB proposes the following steps and associated timeline for consideration of AEM's 12.10.2(b) application package:

1. Parties to submit comments pertaining to the 12.10.2(b) exception application package by **November 21, 2011**.
2. The NIRB will endeavour to provide relevant authorizing agencies with its determination regarding AEM's 12.10.2(b) exception application concurrently with the release of its revised *draft* EIS Guidelines and Final Scope, December 15, 2011.
3. If an exception approval for the proposed activities is recommended by the NIRB, authorizing agencies would proceed to process the respective licences and permits at their discretion.

Please note that a process map outlining the NIRB's consideration of the current 12.10.2(b) application in terms of the NIRB's on-going review of the Meliadine project has been enclosed for the information of parties.

The NIRB appreciates the efforts made by all parties to ensure a timely and efficient review of AEM's current 12.10.2(b) exception application package.

All interested parties should submit their comments to the NIRB at [info@nirb.ca](mailto:info@nirb.ca) or by fax at (867) 983-2594, on or before **November 21, 2011**.

If you have any questions or require further clarification, please contact Kelli Gillard, Technical Advisor, at (867) 983-4619 or [kgillard@nirb.ca](mailto:kgillard@nirb.ca).

Sincerely,



Amanda Hanson  
Director, Technical Services  
Nunavut Impact Review Board

cc: Larry Connell, Agnico-Eagle Mines Ltd.  
John Witteman, Agnico-Eagle Mines Ltd.  
Luis Manzo, Kivalliq Inuit Association  
Margaux Brisco, Aboriginal Affairs and Northern Development Canada  
Derrick Moggy, Fisheries and Oceans Canada  
Ryan Barry, Nunavut Impact Review Board  
Dionne Filiatrault, Nunavut Water Board

Enclosure: NIRB 12.10.2 Process Map (*dated October 20, 2011*)