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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: **2BE-PTR1621**

March 4, 2016

David Frenette
Agnico-Eagle Mines Ltd.
C.P. 87, 765 Chemin de la mine Goldex
Val-d'Or, Quebec J9P 4N9

Email: david.frenette@agnicoeagle.com

RE: NWB Water Licence No. 2BE-PTR1621

Dear Mr. Frenette:

Please find attached Licence No. **2BE-PTR1621** issued to Agnico-Eagle Mines Ltd. by the Nunavut Water Board pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Land Claims Agreement or NLCA)*. The terms and conditions of the attached Licence related to Water use and Waste disposal are an integral part of this approval.

If the Licensee contemplates the renewal of this Licence, it is the responsibility of the Licensee to apply to the NWB for its renewal. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then Water use and Waste disposal must cease, or the Licensee will be in contravention of the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*. However, the expiry or cancellation of a Licence does not relieve the holder from any obligations imposed by the Licence. The NWB recommends that an application for the renewal of this Licence be filed at least **three (3) months** prior to the Licence expiry date.

If the Licensee contemplates or requires an Amendment to this Licence, the NWB may decide, in the public's interest, to hold a public hearing. The Licensee should submit applications for Amendment as soon as possible to give the NWB sufficient time to go through the Amendment process. The process and timing may vary depending on the scope of the Amendment; however, a minimum of sixty (60) days is required from time of acceptance by the NWB. It is the responsibility of the Licensee to ensure that all application materials have been received and acknowledged by the Manager of Licensing.

The NWB strongly recommends that the Licensee consult the comments received by interested persons on issues identified. This information is attached for your consideration.¹

Sincerely,

Lootie Toomasie
Nunavut Water Board
Vice Chair

LT/kk/ip

Enclosure: Licence No. **2BE-PTR1621**
Comments – INAC and ECCC

Cc: Kivalliq Distribution List

¹ Indigenous and Northern Affairs Canada (INAC), February 19, 2016; Environment and Climate Change Canada (ECCC), February 26, 2016.

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DECISION

LICENCE NUMBER: 2BE-PTR1621

This is the decision of the Nunavut Water Board (NWB) with respect to an application, dated September 30, 2015, for a new Water Licence made by:

AGNICO-EAGLE MINES LTD.

to allow for the use of Water and deposit of Waste during exploration activities including prospecting, geological mapping, rock sampling, ground and airborne geophysics, diamond drilling at Peter Lake and Fox Lake Project which is located within the Kivalliq Region, Nunavut at the following general geographical coordinates:

Project Extents:

NW:	Latitude: 63° 26' 00'' N	Longitude: 93° 37' 00'' W
NE:	Latitude: 63° 26' 00'' N	Longitude: 92° 53' 00'' W
SE:	Latitude: 63° 00' 00'' N	Longitude: 92° 45' 00'' W
SW:	Latitude: 63° 00' 00'' N	Longitude: 93° 37' 00'' W

DECISION

After having been satisfied that the application was in conformity with the Keewatin Regional Land Use Plan (KRLUP)¹ and subject to a Screening Decision by the Nunavut Impact Review Board² in accordance with section 88 and subsection 92(2)(a) of Nunavut Planning and Project Assessment Act (NuPPAA), the NWB decided that the application could proceed through the regulatory process. In accordance with S.55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)* and Article 13 of the *NLCA*, public notice of the application was given and interested persons were invited to make representations to the NWB.

After reviewing the submission of the Applicant and representations made by interested persons, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the *NLCA* and of the *NWNSRTA*, decided to waive the requirement to hold a public hearing and determined that:

Licence Number 2BE-PTR1621 be issued subject to the terms and conditions contained therein. (Motion #: 2015-B1-044).

1 Nunavut Planning Commission (NPC), Land Use Conformity Determination, dated October 21, 2015.

2 Nunavut Impact Review Board (NIRB), Screening Decision Report, dated January 18, 2016.

SIGNED this 4th day of March, 2016 at Gjoa Haven, NU.

Lootie Toomasie
Nunavut Water Board
Vice Chair

LT/kk,ip



NUNAVUT WATER BOARD WATER LICENCE

Water Licence No. 2BE-PTR1621

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

AGNICO-EAGLE MINES LTD.

(Licensee)

C.P. 87, 765 CHEMIN DE LA MINE GOLDEX
VAL-D'OR QUEBEC, J9P 4N9

(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water or dispose of waste for a period subject to restrictions and conditions contained within this Licence renewal:

Licence Number/Type: 2BE-PTR1621 TYPE "B"

Water Management Area: CHESTERFIELD INLET & WILSON WATERSHEDS – 10 & 13

Location: PETER LAKE AND FOX LAKE PROJECT
KIVALLIQ REGION, NUNAVUT

Classification: MINING UNDERTAKING

Purpose: DIRECT WATER USE AND DEPOSIT OF WASTE

Quantity of Water use not to Exceed: TWO HUNDRED NINTY NINE (299) CUBIC METRES PER DAY

Date of Licence Issuance: MARCH 4, 2016

Expiry of Licence: OCTOBER 30, 2021

This Licence issued and recorded at Gjoa Haven, Nunavut, includes and is subject to the annexed conditions.

Lootie Toomasie,
Nunavut Water Board
Vice Chair

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the use of Water and the deposit of Waste for a Mining undertaking classified as per Schedule 1 of the Regulations at the Peter Lake and Fox Lake Project, located between approximately 40km and 100km north-west of the Rankin Inlet within the Kivalliq Region, Nunavut.

- a. This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the depositing of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Whenever new Regulations are made or existing Regulations are amended by the Governor in Council under the Nunavut Waters and Nunavut Surface Rights Tribunal Act, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be subject to such requirements; and
- b. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

“Act” means the Nunavut Waters and Nunavut Surface Rights Tribunal Act;

“Addendum” means the supplemental text that is added to a full plan or report usually included at the end of the document and is not intended to require a full resubmission of the revised report;

“Amendment” means a change to original terms and conditions of this Licence requiring correction, addition or deletion of specific terms and conditions of the Licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;

“Applicant” means the Licensee;

“Appurtenant Undertaking” means an undertaking in relation to which a use of Water or a deposit of Waste is permitted by a Licence issued by the Board;

“Board” means the Nunavut Water Board established under the Nunavut Land Claims Agreement and the Nunavut Waters and Nunavut Surface Rights Tribunal Act;

“Engineer” means a professional engineer registered to practice in Nunavut in accordance with the Consolidation of Engineers and Geoscientists Act S. Nu 2008, c.2 and the Engineering and Geoscience Professions Act S.N.W.T. 2006, c.16 Amended by S.N.W.T. 2009, c.12;

“Hazardous Waste” means waste classified as “hazardous” by Nunavut Territorial or Federal legislation, or as “dangerous goods” under the *Transportation of Dangerous Goods Act*;

“High Water Mark” means the usual or average level to which a body of Water rises at its highest point and remains for sufficient time so as to change the characteristics of the land (ref. Department of Fisheries and Oceans Canada, Operational Statement: Mineral Exploration Activities);

“ICP Scan” means the laboratory method for determining trace metals in water through Emission Spectroscopy using inductively coupled plasma (including from approximately 22 to 32 elements, depending on the laboratory performing the analysis);

“Inspector” means an Inspector designated by the Minister under Section 85 (1) of the *Act*;

“Licensee” means the holder of this Licence; means the individual or organization to which this Licence Type “B” is issued or assigned;

“Modification” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion;

“Nunavut Land Claims Agreement (NLCA)” means the “*Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*”, including its preamble and schedules, and any Amendments to that agreement made pursuant to it;

“Regulations” means the Nunavut Waters Regulations SOR 2013/69 18th April, 2013;

“Spill Contingency Plan” means a Plan developed to deal with unforeseen petroleum and hazardous materials events that may occur during the operations conducted under the Licence;

“Sump” means a structure or depression that collects, controls, and filters liquid waste before it is released to the environment. This structure should be designed to prevent erosion while allowing percolation of liquid waste;

“Waste” or “Wastes” mean(s), as defined in section 4 of the *Act*, any substance that, by itself or in combination with other substances found in Water, would have the effect of altering the quality of any Water to which the substance is added to an extent that is

detrimental to its use by people or by any animal, fish or plant, or any Water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means.

“Water” or “Waters” mean(s), as defined in section 4 of the *Act*, inland waters, whether in a liquid or solid state, on or below the surface of land.

3. Enforcement

- a. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- b. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- c. For the purpose of enforcing this Licence and with respect to the use of Water and deposit or discharge of Waste by the Licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. The Water use fees, payable to the Receiver General for Canada, shall be sent to the Board annually for the right to the use of Water in accordance with Section 12 of the *Regulations*.
2. The Licensee shall file an Annual Report on the Appurtenant Undertaking with the Board no later than March 31st of the year following the calendar year being reported, which shall contain the following information:
 - a. A summary report of Water use and Waste disposal activities;
 - b. A list of unauthorized discharges and a summary of follow-up actions taken;
 - c. Report all artesian flow occurrences as required under Part F, Item 3;
 - d. A summary of all data and information generated under the Monitoring Program;
 - e. Any revisions to the Plans including the Spill Contingency Plan, as required by Part B, Item 7, submitted in the form of an Addendum;
 - f. A description of all progressive and or final reclamation work undertaken, including photographic records of site conditions before, during and after completion of operations;
 - g. A summary of public consultation/participation, describing consultation with local organizations and residents of the nearby communities, if any were conducted;
 - h. An executive summary in English and Inuktitut of all plans, reports, or studies conducted under this Licence; and

- i. A summary of any specific studies or reports requested by the Board, and a brief description of any future studies planned or proposed.
3. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.
4. The Licensee shall install flow meters or other such devices, or implement suitable methods required for the measuring of Water volumes as required under Part J, Item 1.
5. The Licensee shall, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection or alteration of the Plan.
6. The Licensee shall, for all Plans submitted under this Licence, implement the Plans as approved by the Board in writing.
7. The Licensee shall review the Plans referred to in this Licence, as required by changes in operation and/or technology, and modify the Plan accordingly. Revisions to the Plans shall be submitted in the form of an Addendum to be included with the Annual Report.
8. Every Plan to be carried out pursuant to the terms and conditions of this Licence shall become a part of this Licence, and any additional terms and conditions imposed upon approval of a Plan by the Board become part of this Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.
9. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times. Any communication with respect to this Licence shall be made in writing to the attention of:

(a) Manager of Licensing:
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369
Email: licensing@nwb-oen.ca

(b) Inspector Contact:
Manager of Field Operations, AANDC
Nunavut District, Nunavut Region
P.O. Box 100
Iqaluit, NU X0A 0H0
Telephone: (867) 975-4295
Fax: (867) 979-6445

10. The Licensee shall submit one (1) paper copy and one (1) electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.
11. The Licensee shall ensure that any document(s) or correspondence submitted by the Licensee to the NWB is received and acknowledged by the Manager of Licensing. T
12. This Licence is assignable as provided for in Section 44 of the *Act*.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain all Water for drilling and for miscellaneous industrial use from local Water source(s), proximal to the drilling targets as outlined in the application, and shall not exceed two hundred and ninety nine (299) cubic meters per day. The volume of Water used for all purposes shall not exceed two hundred and ninety nine (299) cubic meters per day.
2. Streams cannot be used as a Water source unless authorized and approved by the Board in writing.
3. If the Licensee requires Water in sufficient volume that the source Water body may be drawn down the Licensee shall, at least thirty (30) days prior to commencement of use of Water, submit to the Board for approval in writing, the following: volume required, hydrological overview of the Water body, details of impacts, and proposed mitigation measures.
4. The Licensee shall equip all Water intake hoses with a screen of an appropriate mesh size to ensure that fish are not entrained and shall withdraw Water at a rate such that fish do not become impinged on the screen.
5. The Licensee shall not remove any material from below the ordinary High Water Mark of any Water body unless otherwise approved by the Board in writing.
6. The Licensee shall not cause erosion to the banks of any body of Water and shall provide necessary controls to prevent such erosion.
7. Sediment and erosion control measures shall be implemented prior to and maintained during the undertaking, to prevent entry of sediment into Water.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Licensee shall locate areas designated for Waste disposal at a minimum distance of thirty one (31) metres from the ordinary High Water Mark of any Water body such that

the quality, quantity or flow of Water is not impaired, unless otherwise approved by the Board in writing.

2. The Licensee shall not practice on-site land filling of domestic Waste, unless otherwise approved by the Board in writing.
3. The Licensee shall not open burn plastics, wood treated with preservatives, electric wire, Styrofoam, asbestos or painted wood to prevent the deposition of Waste materials of incomplete combustion and/or leachate from contaminated ash residual, from impacting any surrounding Waters, unless otherwise approved by the Board in writing.
4. The Licensee shall provide to the Board documented authorization from all communities in Nunavut receiving Wastes from the Peter Lake and Fox Lake Project prior to any backhauling and disposal of Wastes to those communities.
5. The Licensee shall backhaul and dispose of all Hazardous Wastes, Waste oil and non-combustible Waste generated through the course of the operation at a licensed Waste disposal site.
6. The Licensee shall maintain records of all Waste backhauled and records of confirmation of proper disposal of backhauled Waste. These records shall be made available to an Inspector upon request.

PART E: CONDITIONS FOR CAMPS, ACCESS INFRASTRUCTURES AND OPERATIONS

1. No camp activities are authorized under the provisions of this Licence.
2. The Licensee shall conduct all activities in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake corrective measures in the event of any impacts on surface drainage.

PART F: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. Licensee shall not conduct any land based drilling within thirty one (31) metres of the ordinary High Water Mark of any Water body, unless otherwise approved by the Board in writing.
2. The Licensee shall dispose of all drill Wastes at a distance of at least thirty one (31) metres from the ordinary High Water Mark of any adjacent Water body, where direct flow into a Water body is not possible and no additional impacts are created.
3. If artesian flow is encountered, drill holes shall be immediately sealed and permanently capped to prevent induced contamination of groundwater or salinization of surface

Waters. The Licensee shall report all artesian flow occurrences within the Annual Report, including the location (GPS coordinates) and dates.

4. Drilling additives or mud shall not be used in connection with holes drilled through lake ice unless they are re-circulated or contained such that they do not enter the Water, or are demonstrated to be non-toxic.
5. For “on-ice” drilling where drill additives are not being used, return Water released must be nontoxic, and not result in an increase in total suspended solids in the immediate receiving Waters, above the Canadian Council of Ministers for the Environment Guidelines for the Protection of Freshwater Aquatic Life (i.e. 10 mg/L for lakes with background levels under 100 mg/L, or 10% for those above 100 mg/L).
6. The Licensee shall establish Water quality conditions prior to and upon completion of any drilling program through lake ice.

PART G: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may, without written approval from the Board, carry out Modifications to the Water Supply and Waste Disposal Facilities provided that such Modifications are consistent with the terms of this Licence and within the scope of the Water Licence application and the following requirements are met:
 - a. the Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications;
 - b. such Modifications do not place the Licensee in contravention of the Licence or the *Act*;
 - c. such Modifications are consistent with the NIRB Screening Decision;
 - d. the Board has not, during the sixty (60) days following notification of the proposed Modifications, informed the Licensee that review of the proposal will require more than sixty (60) days; and
 - e. the Board has not rejected the proposed Modifications.
2. Modifications for which all of the conditions referred to in Part G, Item 1 have not been met can be carried out only with written approval from the Board.
3. The Licensee shall provide as-built plans and drawings of the Modifications referred to in this Licence within ninety (90) days of completion of the Modification. These plans and drawings shall be stamped by an Engineer.

PART H: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Board has approved the Plan entitled “Peter, Fox and Parker Lakes Exploration Projects Spill Contingency Plan” dated October 2015, that was submitted as additional

information with the Application. The Licensee shall submit within the 2016 Annual Report, an Addendum to the Plan, in the format set out by the Consolidation of Spill Contingency Planning and Reporting Regulations R-068-93 addressing the comments received during the review of Application.

2. The Licensee shall prevent any chemicals, petroleum products or Wastes associated with the project from entering Water. All Sumps and fuel caches shall be located at a distance of at least thirty one (31) metres from the ordinary High Water Mark of any adjacent Water body and inspected on a regular basis.
3. The Licensee shall conduct any equipment maintenance and servicing in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other Waste and contain potential spills.
4. If during the term of this Licence, an unauthorized discharge of Waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - a. Employ the approved Spill Contingency Plan;
 - b. Report the spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4295; and
 - c. For each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site.

PART I: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION OR TEMPORARY CLOSING

1. The Licensee shall complete all restoration work prior to the expiry of this Licence.
2. The Licensee shall carry out progressive reclamation of any components of the project no longer required for the Licensee's operations related to Water use, deposition of Waste to Water and/or Appurtenant Undertakings, subject to the *Act* and *Regulations*.
3. The Licensee shall remove from the site, all infrastructure and site materials, including all fuel caches, drums, barrels, buildings and contents, docks, Water pumps and lines, material and equipment prior to the expiry of this Licence.
4. The Licensee shall remove any culverts and restore the drainage to match the natural channel. Measures shall be implemented to minimize erosion and sedimentation.
5. Areas that have been contaminated by hydrocarbons from normal fuel transfer procedures shall be reclaimed to meet objectives as outlined in the Government of Nunavut's Environmental Guideline for Site Remediation, 2010. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon

consultation and approval by the Government of Nunavut, Department of Environment and an Inspector.

6. The Licensee shall restore all drill holes, trenches and disturbed areas to natural conditions immediately upon completion of the drilling or trenching. The restoration of drill holes must include the removal of any drill casing materials and if having encountered artesian flow, the capping of holes with a permanent seal. Where drill casings cannot be removed the Licensee shall cut off the casings at ground level and identify with signage.
7. The Licensee may leave the casings on site, if it intends to continue drilling in existing casings, but shall add signaling to keep the area safe for the other territory users. The drill casings left cannot stay on the field for more than 2 years after the drilling.
8. The Licensee may store drill cores produced by the appurtenant undertaking at a distance of at least thirty one (31) metres from the ordinary High Water Mark of any adjacent Water body, where direct flow into a Water body is not possible and no additional impacts are created.
9. The Licensee shall contour and stabilize all disturbed areas to reduce erosion and sedimentation to water.

PART J: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall measure and record, in cubic metres, the daily quantities of Water utilized for drilling and other purposes.
2. The Licensee shall provide the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of Water are utilized for all purposes.
3. The Licensee shall determine the GPS co-ordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where Wastes associated with drilling operations and exploration activities are deposited.
4. The Licensee shall obtain representative samples of the Water column below any ice where required under Part F, Items 5 and 6. Monitoring shall include, at a minimum, the following:

pH
Total Suspended Solids
Electrical Conductivity,

Total Trace Metals as determined by a standard ICP Scan (to include at a minimum, the following elements: Al, Sb, Ba, Be, Cd, Cr, Co, Cu, Fe, Pb, Li, Mn, Mo, Ni, Se, Sn, Sr, Tl, Ti, U, V, Zn), and
Trace Arsenic and Mercury

5. All sampling, sample preservation and analyses shall be conducted in accordance with methods prescribed in the current edition of *Standard Methods for the Examination of Water and Wastewater*, or by such other methods approved by a laboratory certified by the Canadian Association for Laboratory Accreditation (CALA).
6. All analyses shall be performed in a laboratory accredited according to ISO/IEC Standard 17025. The accreditation shall be current and in good standing.
7. The Licensee shall include in the Annual Report required under Part B, Item 2 all data, monitoring results and information required by this Part.