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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No:** 2AM-MEL1631  
**To:** Meliadine Distribution List  
**Date:** February 26, 2021  
**Subject:** Pre-Hearing Conference Decision Regarding an Application for Amendment to the existing Type “A” Water Licence No: 2AM-MEL1631

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This Pre-Hearing Conference Decision Report is in relation to an application filed by Agnico Eagle Mines Limited (Agnico Eagle or Applicant) for an amendment to the existing Type “A” Water Licence No: 2AM-MEL1631 for the Meliadine Gold Project (the Application). On February 26, 2021, the Members of the Meliadine Panel (the Panel or P15), duly appointed by the Nunavut Water Board (NWB or Board) as the decision-makers for the file met by teleconference to consider the next steps in the NWB’s processing of the Application. By Motion #2020-23-P15-04, the Panel approved the release of this Pre-Hearing Conference Decision Report. In addition, by Motion #2020-23-P15-05, the Panel authorized the issuance of the procedural direction in this Report that will be associated with the Board holding an in-person Public Hearing in Rankin Inlet, (with audio and video links being provided to parties unable to travel to Rankin Inlet and members of the public unable to attend the venue for the Public Hearing due to capacity limits or other public health measures) to support the Panel in their decision-making for the file.

The NWB has tentatively set the date for the Public Hearing for the file to take place sometime in the week of March 29 – April 2, 2021. The Notice of Public Hearing was published on January 25, 2021. Please note that despite issuing the Notice of Public Hearing, the Board may modify the schedule and format of the Public Hearing on short notice if circumstances warrant, including:

- If there are changes to travel or other Public Hearing logistics;
- If parties fail to supply the documentation required to be supplied in advance of the Public Hearing in accordance with the timelines set out in this Report; or
- If there are changes to public health guidance required to prevent the spread of COVID-19, such as the imposition of more stringent limits on indoor public gatherings or limits on non-essential travel within Nunavut.

By way of background, the Application was submitted by Agnico Eagle to the NWB on August 27, 2020. On August 28, 2020, the NWB acknowledged receipt of the Application and began the NWB’s formal processing of the Application. Following a completeness check, technical review



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and public comment period in respect of the Application, on October 7, 2020, the NWB provided correspondence confirming that the Application could proceed to the Technical Meeting (TM) and Pre-Hearing Conference (PHC) stage and advising that the TM, a Community Session, and PHC were scheduled for November 30 and December 1, 2020 and would be conducted in-person in the closest community of Rankin Inlet. On November 13, 2020, when a COVID-19 outbreak was confirmed in Nunavut and public health restrictions to prevent the spread of COVID-19 were imposed that eliminated indoor public gatherings, the Board advised all parties that the form and timelines of the TM were modified to be conducted via video and audio conference and that the Community Session and PHC were postponed until further notice. On December 10, 2020, the NWB issued correspondence informing the parties that the rescheduled PHC would be conducted via videoconference during the day on January 19, 2021 and that the rescheduled Community Session would follow the PHC on the evening of January 19, 2021.

In accordance with Rule 14 of the NWB’s *Rules of Practice and Procedure* (the *Rules*), and the previous direction and delegation of the Panel to the staff of the NWB, the NWB’s staff held a Technical Meeting (TM) video and audio conference to discuss technical issues on November 30, 2021.

### **As set out in Rule 14.1 of the *Rules* and discussed in detail in this Report in [6.0 Pre-Hearing Conference \(PHC\)](#)5.0 Community Session**

During the Board’s processing of this Application the in-person community session originally planned for November 30, 2020, had to be postponed when all indoor public gatherings were banned in response to the confirmation of COVID-19 cases in Rankin Inlet. The restrictions on indoor public gatherings in Rankin Inlet were relaxed on January 11, 2021. When it became possible for community members to gather in-person in the hubs, the Board was unable to make arrangements to have NWB staff, including the Board’s interpreter, travel into the community, but was able to work with Agnico Eagle for them to provide access to the public to two in-person hubs that were used on January 19, 2021. In addition, the Board was not aware that the first COVID-19 vaccination clinic were occurring in Rankin Inlet on January 19, 2021 until the morning of January 19<sup>th</sup> when the representative from Nunavut Tunngavik Incorporated advised the NWB of this development during the Pre-Hearing Conference for the file. While the Board understands the vaccination clinic may have limited the attendance of some community members, the Board did not wish to cancel the community session at the last minute, and is appreciative of the community members who were able to come out and participate in the Community Session in-person in one of the hubs, on I-Pads provided by Agnico Eagle, or from their own computers or phones.



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As directed by the NWB’s decision-making panel for this file (Panel P15), the focus of the Community Session was to provide community members from Rankin Inlet with an opportunity to ask questions and get responses from the NWB staff, the Applicant and the Interveners regarding the Amendment Application. Although the NWB regrets that the staff were unable to travel to Rankin Inlet in time to host the Community Session in-person, the Board thanks Agnico Eagle for providing I-Pads and the two in-person hubs in Rankin Inlet and having electronic “Ambassadors”, who assisted community members in being able to participate during the Community Session, despite the very challenging circumstances. Thanks to the support of Agnico Eagle in Rankin Inlet, interested members of the public had the following four options to participate in the Community Session during the evening of January 19, 2021:

- Members of the public could click on the link provided in the Agenda and could connect through Microsoft Teams to the meeting by video link. This allowed participants to follow along with the presentations shared by parties as they were speaking.
- Members of the public were provided with toll free numbers (one number for English and one number for Inuktitut) so they could call to participate by teleconference. The English and Inuktitut translations of the presentations were available for download from the Nunavut Water Board’s Public Registry and anyone wishing to access the presentations was encouraged to contact the Nunavut Water Board via email [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) to assist them with accessing the materials.
- Members of the public could also attend at one of two in-person hubs set up in Rankin Inlet by Agnico Eagle: the Siniktarvik Hotel and Conference Hall and Agnico Eagle office. The hubs were linked via audio and video conference and there were projectors in each location so attendees could see and hear the presentations provided and could ask questions. One hub had the English audio feed and one hub had the Inuktitut audio feed.

Although the NWB had been advised in December that the local radio station in Rankin Inlet may be able to do a live broadcast of the audio feeds (English and Inuktitut) of the Community Session, the NWB was subsequently advised on January 15, 2021 that this was not possible. Consequently, the Board was unable to broadcast on the radio during the Community Session.

For more detail regarding the attendees from the community, refer to APPENDIX B: Summary Listing of Participants in Technical Meeting and Pre-Hearing Conference. Table 1 below provides a summary of key issues raised by community members in attendance during the Community Session.



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**Table 1. Key Issues as Raised by Community Members**

Subject	Issues/Concerns/Comments
Community Consultations	Does Agnico Eagle keep minutes of the community consultations that have been conducted and where can members of the public access that information?
Community Consultations	Have there been community consultations conducted by KIA with respect to their intervention in the Water Licence Application?
Compliance	If Agnico Eagle does not get approval for the amendment, will that mean that Agnico Eagle will be out of compliance with the Water Licence? What happens next?
Compliance	Last year there was an accident/ emergency discharge that made it to the news; are we to expect another such incident this year?
Kivalliq Inuit Association	Where does the KIA stand with respect to the Application?
Licensing Process	Is this the first community session associated with the Application and will there be other opportunities for the communities to provide information to the Board?
Licensing Process	To ensure that other sessions have more and better community engagement, more notice needs to be provided in advance of the meetings. Notifications should be provided on the local radio, as that is the primary way that the community gets information about upcoming events.
Licensing Process	It feels like the community has been voicing concerns about these changes to the Application for the past year and the community is feeling like we do not know where our comments and concerns are going or whether this input is being considered at all.
Licensing Process	Why is the NWB process and the NIRB process being conducted separately if the applications overlap?
Water Management	Is there saline water going into CP1?
Water Management	Will the discharge to Meliadine Lake have to be maintained even if the pipeline (currently being assessed by the Nunavut Impact Review Board) is approved to proceed?
Water Management	Does combining surface and process water with the effluent result in “dilution”, which is prohibited under the <i>Metal and Diamond Mining Effluent Regulations (MDMER)</i> ?



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Subject	Issues/Concerns/Comments
Water Quality Monitoring	Is the river being monitored to make sure that any discharges into the water courses are being protective of animal health?
Water Quality	Is this type of discharge at these TDS levels permitted elsewhere in Canada? If so, in how many mines in Canada/the North is this happening?
Water Quality	What are the two mines referenced by Agnico Eagle as having similar types of discharges and do they both discharge into freshwater or into marine water?

Reflecting the number of concerns expressed by members of the public during the Community Session, the Board considers it important to conduct an in-person Public Hearing in the community of Rankin Inlet, and also to have another in-person Community Session in the evening, to be held during the in-person Public Hearing.

The Board is also investigating additional opportunities for community engagement prior to the Public Hearing.



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6.0 Pre-Hearing Conference (PHC), the PHC, which was conducted on January 19, 2021, dealt with the following matters relevant to the Application:

- Timetable for the pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Public Hearing;
- Desirability of amending the Application for the purpose of clarification;
- Procedures for the Public Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Public Hearing.

The list of the parties who confirmed their attendance at the TM/PHC are provided in this Report in [APPENDIX B: Summary Listing of Participants in Technical Meeting and Pre-Hearing Conference](#). The final agendas for each of these meetings are attached as [APPENDIX A: Technical Meeting and Pre-Hearing Conference Agendas](#).

Having considered the Application and supporting materials submitted by the Applicant as summarized in [APPENDIX C: List of Application Submissions](#), the technical review comments in respect of the Application received to date by the NWB, the discussions during the Technical Meeting, the questions, issues and comments identified by participants during the Pre-Hearing Conference and Community Session, and the commitments of the Applicant as outlined in [APPENDIX D: List of Commitments](#), the Panel has concluded that the Application is ready to proceed to the Public Hearing stage of the Board’s consideration of the Application. As noted above, the Panel directed that the Public Hearing to consider the Application is tentatively scheduled for the week of March 29 – April 2, 2021 to be conducted in-person in the closest community, Rankin Inlet, in accordance with the timelines and other procedural details provided in the text that follows.

### **Introduction and Registration**

The following participants registered and attended the Board’s Technical Meeting (TM) conducted by audio and videoconference on November 30, 2020 and the Community Session conducted via a combination of in-person hubs in Rankin Inlet and video and audio conference during the evening (6:00 – 10:00 pm CST) on January 19, 2021, and the Pre-Hearing Conference (PHC) conducted via video and audio conference during the day on January 19, 2021:

#### **Agnico Eagle Mines Limited representatives:**

- Frédéric Mercier- Langevin - General Manager Meliadine;



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- Jean Claude Blais - Operations – General Superintendent – Environment;
- Michel Groleau - Superintendent – Permitting and Regulatory Affairs;
- Colleen Prather - Permitting – Water quality;
- Ryan Vannegan - Advisor - Community/ Consultation;
- Matt Gillman - Operations – General Supervisor – Hydrology;
- Jamie Quesnel - Director – Permitting and Regulatory Affairs;
- Lonny Syvret - Senior Advisor – Northern Business Development;
- Gabriel-Antoine Cote - General Supervisor - Community/ Consultation;
- Martin Plante - VP – Nunavut;
- Melissa Bradley - Superintendent - Community/ Consultation/ Communication;
- Suzanne Leclair - Lead - Community/ Consultation;
- Pujjuut Kusugak - Director – Nunavut Affairs;
- Jenyfer Mosquera - Permitting Specialist;
- Gary Lawrence – Water Quality Environmental Scientist, Golder;
- John Faithful – Water Quality/Marine, Golder;
- Anh-Long Nguyen – Water Quality Environmental Scientist, SNC;
- Gary Man - Environmental Scientist, Azimuth;
- Eric Franz - Environmental Scientist, Azimuth;
- Christine Kowbel – Legal Counsel, Lawson Lundell;
- Brad Armstrong – Legal Counsel, Lawson Lundell;
- Chris Chok - Communication Specialist, Kirk & Co.

### **Nunavut Tunngavik Incorporated**

- Bert Dean, Assistant Director, Department of Wildlife.

### **Kivalliq Inuit Association (KIA) representatives:**

- Luis Manzo – Director of Lands;
- Jeff Tulugak – Land Use Inspector;
- Alan Sexton – Geosciences Specialist, P. Geo, GeoVector Management Inc.;
- Richard Nesbitt – Senior Aquatic Scientist, Hutchinson Environmental Sciences Ltd.;
- Kim Poole - Wildlife biologist at Aurora Wildlife Research;
- Jennifer King - Legal Counsel, Gowlings WLG.

### **Kangiqliniq (Rankin Inlet) Hunters & Trappers Organization**

- Andrew Akerolik – Manager.



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### **Crown-Indigenous Relations and Northern Affairs (CIRNA) representatives:**

- David Zhong – Regulatory and Science Advisor;
- Godwin Okonkwo – Manager of Water Resources;
- Gerd Wiatzka – External Technical Expert, ARCADIS;
- Charles Gravelle – External Technical Expert, ARCADIS;
- Helen Manolopoulos – External Technical Expert, ARCADIS.

### **Environment and Climate Change Canada (ECCC) representatives:**

- Anne Wilson - Team Lead, Water Quality;
- Victoria Shore - Senior Environmental Assessment Officer.

### **Nunavut Water Board (NWB) representatives:**

- Karén Kharatyan – Director of Technical Services;
- Sergey Kuflevskiy – Technical Advisor for the file;
- Assol Kubeisinova – Technical Advisor;
- Ben Kogvik – Director of Board Administration and Communications and Interpreter/Translator for the Community Session;
- Richard Dwyer – Manager of Licensing Services; and
- Teresa Meadows – Legal Counsel, Meadows Law.

The full list of the TM/PHC participants is attached to this Report as [APPENDIX B: Summary Listing of Participants in Technical Meeting and Pre-Hearing Conference](#).

## **1.0 The Application Before the Board**

The Application before the Board was filed by Agnico Eagle on August 27, 2020 and requests amendments to the existing Type “A” Water Licence No: 2AM-MEL1631 to reflect changes to the existing operations and project infrastructure associated with the construction/operation/closure of Agnico Eagle’s Meliadine Gold Project (the Application). The Application seeks the NWB’s authorization of specific changes (described below) to the existing use of water and deposit of waste associated with Mining undertakings<sup>1</sup> at the existing Meliadine Gold Mine. The documents filed by the Applicant in support of the Application are listed in detail in [APPENDIX C: List of Application Submissions](#).

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<sup>1</sup> SOR/2013-69, Schedule 1, Item 2, Column 2, which describes a “Mining undertaking” as: Exploration or prospecting — including bulk sampling — for minerals other than petroleum or gas, the operation of a mine, the processing of minerals other than petroleum or gas, the restoration of the site of a mine and any other mining activity other than an industrial activity described in item 1, column 2 [of Schedule 1].



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All of the Applicant’s submissions are available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/1%20APPLICATION/2020%20Amendment/>

All documentation associated with the Application and received from the Applicant, the Board, intervening parties and the public is available from the NWB’s public registry at the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/>

### **Scope of the Application**

In the Application, Agnico Eagle is proposing changes to the approved project activities under Type “A” Water Licence No: 2AM-MEL1631 to support ongoing operations, including mining of the Discovery, Pump, Fzone, WES-NORMEG deposits that were included in the Final Environmental Impact Statement (FEIS) (Agnico Eagle 2014), but were not part of previous water licence applications.<sup>2</sup> Specifically, Agnico Eagle is seeking approval for the following proposed changes under the Application:<sup>3</sup>

1. Update (increase) to the Total Dissolved Solid (TDS) thresholds for Meliadine Lake (as per the approved emergency release thresholds) –
  - request that criteria for the discharges to Meliadine Lake be raised from 1,400 mg/L to 3,500 mg/L and 5,000 mg/L, respectively, for Maximum Average Concentration (MAC) and Maximum Grab Sample Concentration (MGC) and that the limits at the edge of the mixing zone (at 100 m radius) be set at 1,000 mg/L;
2. Increase to the authorized annual freshwater consumption –
  - freshwater consumption for operations be increased by 423,706 m<sup>3</sup>/year from 318,000 m<sup>3</sup>/year to 741,706 m<sup>3</sup>/year;
3. Creation of additional laydown area –

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<sup>2</sup> Jamie Quesnel (Agnico Eagle) to Karen Kharatyan (NWB), RE: Application for Amendment to 2AM-MEL1631, dated August 27, 2020.

<sup>3</sup> Agnico Eagle Mines Limited, Type “A” Water Licence 2AM-MEL1631 Amendment, Main Application Document, dated August 2020.



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- request that the area formerly designated for the Waste Rock Storage Facility 3 (WRSF3) be used for expanded laydown area;
- 4. Update to the waste management strategy –
  - request that expansion of WRSF3 be approved to handle waste from additional deposits already permitted by the Nunavut Impact Review Board (NIRB);
- 5. Construction of additional site access roads –
  - request approval to construct site access roads to future deposits: the Discovery, Pump, Fzone, and WES-Normeg deposits; and
- 6. Update of the Interim Closure and Reclamation Plan (ICRP) –
  - increase existing security of \$59,514,717 by \$7.4 million to \$66,914,717.

### **2.0 Regulatory and Procedural History of the Application**

#### **Licence History**

The original Type “A” Water Licence No: 2AM-MEL1631 (Licence) was issued to Agnico Eagle on April 15, 2016 to allow for the use of water and deposit of waste during construction and operation activities at the Meliadine Gold Mine Project.

In March 2020, Agnico Eagle applied for an Emergency Amendment (Amendment No. 1) to the Licence requesting authorization for a temporary release of water from the Containment Pond 1 (CP1) prior to the 2020 freshet, because, due to higher than normal rainfall over the previous two summers, it was necessary to discharge from CP1, but the Total Dissolved Solids (TDS) concentration of this water exceeded the current Licence criteria. On April 29, 2020, following technical review and comment by the Board and the interveners, the Kivalliq Inuit Association (KIA), Crown-Indigenous Relations and Northern Affairs Canada (CIRNA) and Environment and Climate Change Canada (ECCC), the NWB recommended to the Minister that urgent circumstances existed and that the amendment to allow for the discharges from CP1 be granted with the addition of specific terms and conditions. The additional terms and conditions recommended by the NWB required Agnico Eagle to implement a specific monitoring program to monitor the discharges from CP1 and to establish a Water Management Working Group with representatives from Agnico Eagle, the NWB, KIA, CIRNA and ECCC to receive and review the monitoring data on an on-going basis over the course of the summer and fall of 2020. The Emergency Amendment (Amendment No. 1), including the additional terms and conditions recommended by the NWB, was subsequently approved by the Minister of Northern Affairs on May 12, 2020.



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### **Pre-Licensing Requirements**

#### ***The Nunavut Planning Commission (NPC)***

On August 20, 2020, the NPC issued its land use planning conformity determination for the Application,<sup>4</sup> which stated that:

- the activities associated with the Application (Project proposal) had previously been reviewed by the NPC and the conformity determination, dated June 8, 2011, still applies to the proposed activities;
- the activities associated with the Application (Project proposal) were also previously screened by the Nunavut Impact Review Board (NIRB) (NIRB File No: 11MN034) and therefore the Application was exempt from requiring additional screening by the NIRB, because the activities in the Application did not change the general scope of the original project activities. Consequently, the exceptions noted in Section 12.4.3 (a) and (b) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*, as amended, do not apply and the Application could proceed to the permitting stage without a referral to the NIRB for further assessment.

#### ***The Nunavut Impact Review Board (NIRB)***

As noted above, in the NPC’s determination,<sup>4</sup> the NPC concluded that the activities associated with the Application were previously screened by the Nunavut Impact Review Board (NIRB File No: 11MN034) and therefore the activities were exempt from requiring further assessment by the NIRB. The NPC’s determination also confirmed that the changes requested under the Application did not constitute a significant modification to the general scope of the original project activities previously assessed by the NIRB, and the exceptions noted in Section 12.4.3 (a) and (b) of the *Nunavut Agreement* do not apply.

On this basis, the NWB concluded that the applicable pre-licensing conformity and impact assessment requirements for the Application under Articles 11 and 12 of the *Nunavut Agreement*, Part 3 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) and ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) have been met and the Application can now be processed by the NWB.

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<sup>4</sup> Correspondence dated August 20, 2020 from Peter Scholz (NPC) to Richard Dwyer (NWB) and others, RE: NPC File #149399 [Meliadine Mine Water Licence Amendment], dated August 20, 2020.



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### **Procedural History**

The following section includes a brief overview of the procedural history associated with the NWB’s processing of the Application. The following listing captures only the major procedural steps associated with the Application. All documentation and the complete record of the NWB’s processing of the file are available from the NWB’s ftp site at the links provided in Section 1.0 of this Report.

#### **August 27, 2020**

NWB received an Application from Agnico Eagle to amend their Type “A” Water Licence No: 2AM-MEL1631 that governs the Meliadine Gold Project.

#### **August 28, 2020**

NWB distributed the Application for an initial three week preliminary technical assessment and completeness check with the deadline for submission set for September 18, 2020.

#### **September 15, 2020**

NWB extended the deadline for interveners to provide submissions related to the initial preliminary technical assessment and completeness of the Application to September 22, 2020, following a request from the KIA.

#### **September 22, 2020**

NWB received submissions regarding intervener’s preliminary technical assessment and completeness check of the Application from the KIA, CIRNA and ECCC.

#### **September 23, 2020**

NWB requested that Agnico Eagle address the comments received from the interveners and the NWB during the preliminary technical assessment and completeness check of the Application with a deadline set for September 30, 2020.

#### **September 30, 2020**

Agnico Eagle provided responses to the comments submitted by the interveners and, the NWB forwarded them to the parties for confirmation of satisfaction.

#### **October 2, 2020**

CIRNA and ECCC confirmed their satisfaction with the comments provided by the Applicant and deemed the Application documents sufficient to move forward to the full technical review stage of the process.

#### **October 5, 2020**

KIA confirmed their satisfaction with the comments provided by the Applicant and deemed the Application documents sufficient to move forward to the full technical review stage of the process.



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**October 7, 2020**

NWB deemed the Application to be complete and distributed the Application for a thirty (30) day full public review of the Application, with the deadline for comment submissions set for November 6, 2020.

The NWB’s correspondence accompanying the Notice of the Application also indicated that a Technical Meeting (TM), Community Information Session, and Pre-Hearing Conference (PHC) for the Application were scheduled for November 30 and December 1, 2020 and would be conducted in-person in the closest community of Rankin Inlet.

**November 5-8, 2020**

NWB received technical review comments for the Application from the KIA, CIRNA and ECCC, and forwarded the comment submissions to the Applicant, requesting that Agnico Eagle provide relevant responses by November 13, 2020.

**November 13, 2020**

NWB received and distributed Agnico Eagle’s Responses to the Interveners’ comments along with additional documentation.

NWB distributed correspondence informing the parties that the form and timelines for the previously scheduled TM, Community Session and PHC had to be modified to reflect the public health measures put in place in Nunavut in response to an outbreak of COVID-19 in the Kivalliq Region. The NWB advised that the TM would proceed by audio and video conference on November 30, but that the Community Session and PHC had been cancelled and would be rescheduled at a later date.

**November 16, 2020**

NWB distributed correspondence including the draft Agenda for the TM scheduled for November 30, 2020.

**November 23 – 24, 2020**

NWB received confirmation of participation in the TM from Agnico Eagle, KIA, CIRNA and ECCC, along with the copies of their presentations, and these materials were distributed by NWB.

**November 26, 2020**

NWB distributed the final Agenda for the Technical Meeting (TM) and sent a Zoom invitation to the confirmed attendees for the TM.

**November 30, 2020**

NWB conducted the TM via video and audio conference.



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### **December 10, 2020**

NWB issued follow-up guidance indicating the Pre-Hearing Conference and Community Session had tentatively been rescheduled to take place on January 19, 2021. NWB also circulated the draft list of commitments and the draft list of issues as reviewed and revised during the Technical Meeting.

### **January 15, 2021**

NWB distributed the final Agenda for the PHC and Community Session and sent an invitation to participants to join the PHC by video or audio links and to join the Community Session by attending at an in-person hub in Rankin Inlet (hosted by Agnico Eagle) or via video or audio links.

### **January 19, 2021**

NWB conducted the Pre-Hearing Conference via video and audio conference during the day.

NWB conducted the Community Session in the evening (6:00 – 10:00 pm CST) with participants being able to choose in-person, video or audio links to join the meeting.

### **January 29, 2021**

NWB published a Notice of Public Hearing to be held in Rankin Inlet in the week of March 29, 2021.

### **January 29-31, 2021**

NWB received and distributed Agnico Eagle’s responses to address the outstanding commitments.

Complete information related to the procedural history of the Application and the information filed with the NWB associated with the Application can be accessed from the NWB’s FTP site and Public Registry using the following link:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-MEL1631%20Agnico/>

### **3.0 Technical Review Comments Received by the Board**

Prior to the Technical Meeting (TM) and Pre-hearing Conference (PHC) two opportunities to comment on the Application were provided to interveners and members of the public. The Board’s first request for comments asked parties to consider whether the Application was complete and to identify any outstanding issues that should prevent the Board from continuing to process the Application, including any additional information requests. This comment period closed on September 22, 2020 (this deadline reflects Intervener requests for extensions granted by the NWB). The second comment period requested parties to file substantive technical review comments about the Application on or before November 6, 2020. The sections that follow outline the comments



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provided during these review periods, and also reflect comments provided to the Board during the Technical Meeting/Pre-hearing Conference.

### **Agnico Eagle Mines Limited (Agnico Eagle)**

In addition to the original Application and supplemental information submitted by Agnico Eagle on August 27, 2020, the Applicant provided additional information in response to technical comments submitted by various intervening parties, including the Kivalliq Inuit Association (KIA), Crown-Indigenous Relations and Northern Affairs (CIRNA) and Environment and Climate Change Canada (ECCC). For ease of reference, the specific topics and outcome of the additional information provided by Agnico Eagle in response to the specific intervenor’s comment submissions are summarized in the section for the specific intervenor provided in the text that follows.

Agnico Eagle, in their closing statement at the Technical Meeting (TM), reaffirmed their commitments to provide the information summarized in [APPENDIX D: List of Commitments](#). By the time the Pre-Hearing Conference (PHC) was held on January 19, 2021, the Applicant had addressed a significant number of commitments and had resolved a number of the technical issues identified by the interveners.

### **Kivalliq Inuit Association (KIA)**

The KIA is the representative of the Inuit beneficiaries of the Kivalliq Region at both the territorial and regional levels and supports sustainable economic development opportunities for Inuit beneficiaries. KIA’s participation in the review of the Application was focused on ensuring that adequate protection of the environment occurs by requiring the Applicant to implement best practices in their mitigation and monitoring programs.

The KIA technical review raised a number of issues, with a focus on the following topics:

- Proposed Total Dissolved Solids (TDS) targets and alternatives to manage Containment Pond 1 (CP1) water;
- Diversion of CP1 water to waterline;
- TDS measurements;
- Chronic toxicity monitoring results;
- Consideration of Inuit Qaujimagatuqangit (IQ) in closure objectives;
- Evaluation of impacts to Meliadine Lake water levels from alternative water management approaches;
- Design capacity for CP1 and D-CP1;



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- Groundwater inflows and storage capacity;
- Viability of medium-term strategy to manage saline groundwater;
- Future freshet management;
- Water retention Dikes and Berms;
- Thermal monitoring;
- Lessons learned from other projects;
- Site Specific Water Quality Objectives (SSWQOs) for TDS constituents;
- Water quality model inputs;
- Containment Pond 3 (CP3) TDS loading to CP1;
- Water management alternatives; and
- Rankin Inlet facilities closure objectives.

Specifically, the KIA provided the Board with the following requests resulting in the commitments outlined in [APPENDIX D: List of Commitments](#):

- Agnico Eagle should provide an Adaptive Management Plan which includes:
  - the conditions under which the site-specific water quality objectives for chloride would be developed; and
  - a decision tree specifying the conditions under which surface contact water will be diverted into the saline effluent pipeline for marine disposal (that is currently being assessed by the Nunavut Impact Review Board) and the volumes that will be diverted under those conditions. The decision tree will be designed such that discharges to Meliadine Lake are minimized.
- Agnico Eagle to submit, for approval of the NWB, updates to the following documents to reflect the proposed changes to management of surface contact water:
  - Water Management Plan; and
  - Water Balance and Water Quality Model.
- Agnico Eagle to provide an updated Groundwater Management Plan, which addresses:
  - the viability of the short, medium and long-term strategy for saline groundwater management; and
  - proposes a threshold ( e.g. 80%) for when the available saline storage is approaching capacity and identifies additional mitigation measures that may be undertaken to ensure that, if the saline effluent pipeline is not available, Agnico Eagle has sufficient time to proceed through any applicable regulatory process to authorize the additional mitigation measures, if required.
- Agnico Eagle to provide an explanation of how the groundwater inflows have been reduced, information on the effectiveness of grouting and an evaluation of the available



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saline groundwater storage, including a discussion regarding estimated time to reach capacity.

- Agnico Eagle to provide updates to the Site Water Balance (as applicable) to incorporate the most recent precipitation, in-flows, and monitoring data.
- Agnico Eagle to update the Meliadine Interim Closure and Reclamation Plan (ICRP) to include the results of the discussions between Agnico Eagle, KIA and CIRNA with respect to the Reclamation Security update.
  - All future versions of the Meliadine Interim Closure and Reclamation Plan (ICRP), post approval of the Water Licence Amendment, will include additional details on the closure and post-closure soil and water quality monitoring programs, as information becomes available from operational data and from future versions of applicable management plans. Applicable management plans for Meliadine to be used to define contaminated soil management and the water quality monitoring program include:
    - Water Quality and Flow Monitoring Plan
    - Water Management Plan
    - Spill Contingency Plan
    - Landfarm Management Plan
    - Itivia Oil Handling Facility Management Plan; and
    - Oil Pollution Emergency Plan for Meliadine Mine Fuel Farm in Rankin Inlet.
- Agnico Eagle to conduct a detailed geotechnical investigation to characterize the overburden in the vicinity of CP2 to determine depth to bedrock and assess permafrost depth.

### **Crown-Indigenous Relations and Northern Affairs (CIRNA)**

CIRNA administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut, including enforcing the provisions of water licences issued by the NWB and specifically of the Applicant’s existing Licence No: 2AM-MEL1631 under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) and *Nunavut Waters Regulations*, SOR/2013-69. Reflecting CIRNA’s responsibilities and jurisdiction, the following key issues were highlighted in CIRNA’s initial comment submissions on the completeness of the Application, in their technical review comment submissions and in their submissions at the Technical Meeting (TM).



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CIRNA provided the Board with comments and recommendations focusing on the following topics:

- Risk to fresh water from water pipeline spill;
- Amendment to Surface Contact Water Discharge Criterion;
- TDS thresholds;
- Works related to additional deposits;
- Water balance clarifications;
- Updated waste management strategy (Waste Rock Storage Facility 3 (WRSF3) expansion);
- Surface contact water management and waterline discharge to Melvin Bay; and
- Reclamation security estimate update.

Specifically, CIRNA provided the Board with the following requests resulting in the commitments outlined in [APPENDIX D: List of Commitments](#):

- Agnico Eagle to provide additional information explaining how the modelling of the upper limits was conducted;
- Agnico Eagle to provide a high level summary of the projected infrastructure changes: upgrades to the Saline Effluent Treatment Plant (SETP), increased sludge generation, waterline.

### **Environment and Climate Change Canada (ECCC)**

The focus of the ECCC’s involvement in respect of the Application is based on their jurisdiction under the *Canadian Environmental Protection Act, 1999*,<sup>5</sup> the *Species at Risk Act*<sup>6</sup> and ECCC’s jurisdiction under the pollution prevention provisions of the *Fisheries Act*.<sup>7</sup> The following key issues were highlighted in the ECCC’s initial comment submissions on the completeness of the Application, in their technical review comment submissions and in their submissions at the Technical Meeting (TM).

The ECCC provided the Board with comments and recommendations on the following:

- Characterization of Actiflo treatment sludge deposited to CP1;
- Effluent discharge volumes for average and wet years scenarios;

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<sup>5</sup> S.C. 1999, c. 33.

<sup>6</sup> S.C. 2002, c. 29.

<sup>7</sup> R.S.C. 1985, c. F-14.



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- Effluent quality criteria for TDS;
- Federal Total Suspended Solids (TSS) guidelines;
- Use of Reverse Osmosis (RO) and decommissioning of P-area ponds;
- Validation of proposed TDS discharge criteria and Site-Specific TDS objective for edge of mixing zone; and
- Clarification of water balance.

As part of the Technical Meeting, the ECCC requested the following commitments to be included into the commitment list, as outlined in [APPENDIX D: List of Commitments](#):

- Agnico Eagle to provide confirmation of suitability of the 5,000 mg/L TDS as a Maximum Grab Sample Concentration (MGC) for the Effluent Quality Criteria (EQC);
- Agnico Eagle to provide updated flow diagram to show water use associated with tailings management; and
- Agnico Eagle to update the Erosion and Sediment Control Plan.

Additionally, following receipt of Agnico Eagle’s clarification<sup>8</sup> on the suitability of the 5,000 mg/L as TDS MGS (Commitment 15), the ECCC provided the following additional recommendations:<sup>9</sup>

- Use of a lower TDS MGC;
- Ongoing review of sublethal toxicity testing conducted under the Environmental Effects Program or other monitoring be done, along with monitoring of receiving environment conditions (if the proposed TDS EQC of 5000 mg/L (calculated) MGC is granted);
- Changes (increases) in the chloride proportion in effluent be monitored, and benchmarks for effluent and receiving environment chloride concentrations be identified.

### **4.0 Technical Meeting (TM)**

The TM for the Application was held via Zoom video and audio conference from 7:30 a.m. to 5:00 p.m. MT on November 30, 2020. As is the Board’s practice, the TM was an informal meeting and was chaired by Karén Kharatyan, the Board’s Director of Technical Services. The meeting was attended by:

- the NWB’s staff and legal counsel;

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<sup>8</sup> Technical Memorandum prepared by Golder, RE: Meliadine Lake Effluent – Summary of Rational for Effluent Quality Criterion – Maximum Grab Concentration, dated December 8, 2020.

<sup>9</sup> Margaret Fairbairn (ECCC) to Richard Dwyer (NWB) Letter, RE: 2AM-MEL1631 Agnico Eagle Mines Ltd. - Meliadine Water Licence Amendment Application, dated January 29, 2021.



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- the Applicant, which included representatives of Agnico Eagle, as well as the Applicant’s consultants and legal counsel;
- the Interveners, KIA, CIRNA and the ECCC; and
- a media representative from the Nunatsiaq News.

In keeping with the Board’s normal practice, the Panel Members of the Board (Panel P15 or Meliadine Panel), the decision-makers for the Application, were not present at the TM or the subsequent Pre-hearing Conference (PHC), having delegated the conduct of these meetings to the Board’s staff. The TM included the following:

- Discussion of the technical issues identified by interveners and the NWB staff during their technical review of the Application;
- Examination of technical data, comment submissions and other materials submitted as part of the Application;
- Discussion, and where possible, resolution of technical matters or issues raised by interveners and the Applicant, particularly those matters that could affect the Board’s determination on any Pre-Hearing Conference (PHC) issues, prior to holding the PHC;
- Providing an opportunity for Agnico Eagle and participants to identify and confirm for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identification of opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay in the NWB’s processing of the Application going forward; and
- Documenting any commitments made by the various parties during the Technical Meeting, with the aim of carrying over the commitments to the PHC and Public Hearing stages of the NWB’s consideration of the Application.

The TM participants were advised that, upon completion of the TM, the Board expected any outstanding issues in respect of the Application to be resolved, or if not resolved, that some form of agreement, including commitments by the parties, would be provided to the Board. The focus of the resolution of issues and identification of commitments was to ensure that the Application can proceed to the next step of the licensing process, the Public Hearing, notwithstanding any unresolved issues.

At the TM, the following general topics were discussed:

- The scope of the Amendment Application;
- Outstanding requests for additional information by the NWB and the parties; and
- The status of various updates and additions to management and monitoring plans.



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Following these discussions, on December 2, 2020, the NWB circulated to all TM participants, for their comment, an electronic copy of the draft list of issues in respect of the Application that the NWB expected to be discussed at the Public Hearing for the file. The Board also circulated a draft of the list of all commitments made by the parties during the TM, so that all parties had a chance to comment on, and confirm the wording and timing of the commitments on the draft list. Along with this finalized information, on December 10, 2020, the NWB provided follow-up guidance with respect to the PHC and Community Session, advising that these meetings would be held during the week of January 18, 2021 and advising that the NWB was monitoring the guidance from public health authorities before confirming the format of the meetings.



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### **5.0 Community Session**

During the Board’s processing of this Application the in-person community session originally planned for November 30, 2020, had to be postponed when all indoor public gatherings were banned in response to the confirmation of COVID-19 cases in Rankin Inlet. The restrictions on indoor public gatherings in Rankin Inlet were relaxed on January 11, 2021. When it became possible for community members to gather in-person in the hubs, the Board was unable to make arrangements to have NWB staff, including the Board’s interpreter, travel into the community, but was able to work with Agnico Eagle for them to provide access to the public to two in-person hubs that were used on January 19, 2021. In addition, the Board was not aware that the first COVID-19 vaccination clinic were occurring in Rankin Inlet on January 19, 2021 until the morning of January 19<sup>th</sup> when the representative from Nunavut Tunngavik Incorporated advised the NWB of this development during the Pre-Hearing Conference for the file. While the Board understands the vaccination clinic may have limited the attendance of some community members, the Board did not wish to cancel the community session at the last minute, and is appreciative of the community members who were able to come out and participate in the Community Session in-person in one of the hubs, on I-Pads provided by Agnico Eagle, or from their own computers or phones.

As directed by the NWB’s decision-making panel for this file (Panel P15), the focus of the Community Session was to provide community members from Rankin Inlet with an opportunity to ask questions and get responses from the NWB staff, the Applicant and the Interveners regarding the Amendment Application. Although the NWB regrets that the staff were unable to travel to Rankin Inlet in time to host the Community Session in-person, the Board thanks Agnico Eagle for providing I-Pads and the two in-person hubs in Rankin Inlet and having electronic “Ambassadors”, who assisted community members in being able to participate during the Community Session, despite the very challenging circumstances. Thanks to the support of Agnico Eagle in Rankin Inlet, interested members of the public had the following four options to participate in the Community Session during the evening of January 19, 2021:

- Members of the public could click on the link provided in the Agenda and could connect through Microsoft Teams to the meeting by video link. This allowed participants to follow along with the presentations shared by parties as they were speaking.
- Members of the public were provided with toll free numbers (one number for English and one number for Inuktitut) so they could call to participate by teleconference. The English and Inuktitut translations of the presentations were available for download from the Nunavut Water Board’s Public Registry and anyone wishing to access the



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presentations was encouraged to contact the Nunavut Water Board via email [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) to assist them with accessing the materials.

- Members of the public could also attend at one of two in-person hubs set up in Rankin Inlet by Agnico Eagle: the Siniktarvik Hotel and Conference Hall and Agnico Eagle office. The hubs were linked via audio and video conference and there were projectors in each location so attendees could see and hear the presentations provided and could ask questions. One hub had the English audio feed and one hub had the Inuktitut audio feed.

Although the NWB had been advised in December that the local radio station in Rankin Inlet may be able to do a live broadcast of the audio feeds (English and Inuktitut) of the Community Session, the NWB was subsequently advised on January 15, 2021 that this was not possible. Consequently, the Board was unable to broadcast on the radio during the Community Session.

For more detail regarding the attendees from the community, refer to [APPENDIX B: Summary Listing of Participants in Technical Meeting and Pre-Hearing Conference](#). Table 1 below provides a summary of key issues raised by community members in attendance during the Community Session.

**Table 1. Key Issues as Raised by Community Members**

Subject	Issues/Concerns/Comments
Community Consultations	Does Agnico Eagle keep minutes of the community consultations that have been conducted and where can members of the public access that information?
Community Consultations	Have there been community consultations conducted by KIA with respect to their intervention in the Water Licence Application?
Compliance	If Agnico Eagle does not get approval for the amendment, will that mean that Agnico Eagle will be out of compliance with the Water Licence? What happens next?
Compliance	Last year there was an accident/ emergency discharge that made it to the news; are we to expect another such incident this year?
Kivalliq Inuit Association	Where does the KIA stand with respect to the Application?
Licensing Process	Is this the first community session associated with the Application and will there be other opportunities for the communities to provide information to the Board?
Licensing Process	To ensure that other sessions have more and better community engagement, more notice needs to be provided



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Subject	Issues/Concerns/Comments
	in advance of the meetings. Notifications should be provided on the local radio, as that is the primary way that the community gets information about upcoming events.
Licensing Process	It feels like the community has been voicing concerns about these changes to the Application for the past year and the community is feeling like we do not know where our comments and concerns are going or whether this input is being considered at all.
Licensing Process	Why is the NWB process and the NIRB process being conducted separately if the applications overlap?
Water Management	Is there saline water going into CPI?
Water Management	Will the discharge to Meliadine Lake have to be maintained even if the pipeline (currently being assessed by the Nunavut Impact Review Board) is approved to proceed?
Water Management	Does combining surface and process water with the effluent result in “dilution”, which is prohibited under the <i>Metal and Diamond Mining Effluent Regulations (MDMER)</i> ?
Water Quality Monitoring	Is the river being monitored to make sure that any discharges into the water courses are being protective of animal health?
Water Quality	Is this type of discharge at these TDS levels permitted elsewhere in Canada? If so, in how many mines in Canada/the North is this happening?
Water Quality	What are the two mines referenced by Agnico Eagle as having similar types of discharges and do they both discharge into freshwater or into marine water?

Reflecting the number of concerns expressed by members of the public during the Community Session, the Board considers it important to conduct an in-person Public Hearing in the community of Rankin Inlet, and also to have another in-person Community Session in the evening, to be held during the in-person Public Hearing.

The Board is also investigating additional opportunities for community engagement prior to the Public Hearing.



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### **6.0 Pre-Hearing Conference (PHC)**

The Pre-Hearing Conference (PHC) was also postponed due to the COVID-19 outbreak in Nunavut and associated restrictions on public gatherings imposed by public health authorities. However, following the relaxation of the restrictions, the NWB scheduled the PHC and a Community Session for January 19, 2021. The PHC was conducted via video and audio conference during the day on January 19, 2021.

The PHC was chaired by Karén Kharatyan, the Board’s Director of Technical Services, with the same parties in attendance as those who participated in the TM, as well as representatives from Nunavut Tunngavik Incorporated and the Kangiqliniq (Rankin Inlet) Hunters & Trappers Organization. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Nunavut Water Board’s *Rules* in preparation for a Public Hearing.

The PHC commenced with the review and refinement of both the list of issues and the list of commitments to reflect the clarifications and subsequent agreement of the parties. The wording in [APPENDIX D: List of Commitments](#) of this Report reflects these discussions. For the convenience of the parties, where commitments made by the Applicant will result in the submission of additional or updated documentation, the Board has included a description of the timelines for submission of this information and the form of submission expected by the parties.

Similarly, the list of issues (discussed in more detail under the subheading [List of Issues](#) below) was also reviewed and revised at the beginning of the PHC to reflect the discussions of participants during the TM.

#### **Timetable for Pre-Hearing Exchange of Information**

It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*), the NWB must give the public and parties a minimum of sixty (60) days’ notice in advance of a Public Hearing.

The Applicant and Interveners in attendance were polled regarding any outstanding information requirements that must be supplied in advance of the Public Hearing and indicated that, provided that the additional information described in [APPENDIX D: List of Commitments](#) is provided in accordance with the timelines specified in the list, the preparation and submission of additional information should not delay the potential Public Hearing for the Application.

As the PHC participants did not identify any issues that would prevent the Board from proceeding to a Public Hearing for the Application, the Board’s legal counsel outlined the following proposed



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timetable for the pre-hearing exchange of information set out below. The Applicant and all participants were reminded, however, that the Board reserves the right to revisit the timing proposed if:

- parties are unable to meet the deadlines in their commitments;
- if the Board receives subsequent, reasonable requests from the parties for adjournments in response to additional information received;
- if public health authorities issue directions or orders to respond to the COVID-19 pandemic; or
- as may subsequently be considered necessary by the Board.

In establishing the following schedule, the Board was mindful that there is some urgency to the Board’s consideration of the Application and that the NWB’s and Minister’s decision-making is concluded before the spring freshet. The Board also considered the views of the parties and the Board’s current commitments to identify that the most feasible timing for a Public Hearing is likely the end of March – beginning of April, 2021. Unless modified as outlined above, the Board requires the participants to observe the following timetable:

- **On or before Monday, March 1, 2021** any party requesting French translation of the Executive Summary materials, presentation materials and/or requesting the Board to provide simultaneous French translation at the Public Hearing should make such requests to the Board in writing;
- **On or before Monday, March 1, 2021**, the Intervenors must provide their responses to the additional information provided by the Applicant as per the Commitments List;
- **On or before Monday, March 8, 2021**, the Applicant must provide their replies to the Intervenors’ comments;
- **On or before Monday, March 15, 2021**, the Intervenors must file their final written submissions and presentations for the Public Hearing;
- **On or before Monday, March 22, 2021**, the Applicant must file any further responses to the information filed in advance of the Public Hearing and final written submissions with the Board;
- **On or before Monday, March 25, 2021**, all parties intending to present to the Board during the Public Hearing must file any presentation materials (e.g. PowerPoint Presentations, etc.) upon which they intend to rely at the Public Hearing; and
- **In the week of March 29-April 2 (tentatively Tuesday, March 30, 2021, and Wednesday, March 31, 2021)**, the NWB conducts the Public Hearing and Community Session in-person in Rankin Inlet, closes the Public Hearing Record for the Amendment



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Application, and remits the matter to the NWB’s decision-making Panel for their decision.

NOTE: If the Interveners and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuktitut and fully translated copies of their presentation materials or final responses in English and Inuktitut at the same time** as they file the full submission. All submissions will be posted on the NWB’s ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. A copy of the public registry as it relates to the Application will be available for review at the Public Hearing.

### **Identification of Interested Parties**

During the PHC, the following parties confirmed their participation and attendance at the Public Hearing:

- Agnico Eagle Mines Limited (Agnico Eagle)
- Nunavut Tunngavik Incorporated (NTI)
- Kivalliq Inuit Association (KIA)
- Kangiqliniq (Rankin Inlet) Hunters & Trappers Organization (KHTO)
- Crown-Indigenous Relations and Northern Affairs (CIRNA)
- Environment and Climate Change Canada (ECCC)

When asked at the PHC, NTI indicated that the NWB should also consider extending an invitation to the Kivalliq Wildlife Management Board to attend the Public Hearing. The KIA also requested that the NWB consider additional public information sessions be conducted prior to the Public Hearing to ensure greater community awareness regarding the scope of the Application and the NWB’s process in the community of Rankin Inlet.

### **Provision of Final Written Submissions from Interested Parties**

Any additional information that the Applicant, interveners or interested parties may wish the Board to consider during their review of the Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined above under the heading “Timetable for Pre-hearing Exchange of Information”.



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### List of Issues

As noted above, the parties in attendance at the TM and PHC confirmed that none of the issues for discussion associated with the Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

At the beginning of the PHC, the parties reviewed and commented on the following list of issues that are expected to be discussed at the upcoming Public Hearing. All parties agreed that, subject to adding issues following the review of information that may be exchanged in advance of the Public Hearing, the following issues will be addressed at the Public Hearing:

1. Scope of the Licence
  - a. Amendments to the original scope of Licence No: 2AM-MEL1631 to reflect the following proposed changes:
    - Updated total dissolved solids (TDS) thresholds to Meliadine Lake;
    - Increase annual freshwater consumption;
    - Additional laydown area;
    - Updated waste management strategy;
    - Construction of site access roads; and
    - Updated Interim Closure and Reclamation Plan.
2. Water Use and Management
  - a. Quantity of water requested
  - b. Management of water during freshet
  - c. Management of water during “wet years”
  - d. Groundwater Management
3. Water Balance and Water Quality Model and Predictions
4. Wastewater Management and Treatment
  - a. Surface contact water management
  - b. Saline water management
  - c. Effluent Water Treatment Plant (EWTP)
  - d. Saline Effluent Treatment Plant (SETP)
  - e. Reverse Osmosis (RO)
5. Requested Effluent quality limits for Total Dissolved Solids (TDS)
  - a. Proposed MAC and MG concentrations
  - b. Toxicity of TDS due to Chloride content



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6. Waste Management
  - a. Updates to waste management strategy and waste rock storage facilities
7. Adaptive Management
  - a. Thresholds and triggers and options for adaptive management actions
  - b. Development of Site Specific Water Quality Objective for Chloride as a constituent of TDS
  - c. Adaptive management decision tree
8. Closure and Reclamation Planning
  - a. Updates to Interim Closure and Reclamation Plan
9. Security
  - a. Updates to Reclamation Cost Estimate
10. Water User Compensation
  - a. Confirmation from Kivalliq Inuit Association and Agnico Eagle that there are no outstanding issues of water user compensation associated with the Amendment Application
11. Revisions to Management Plans
  - o Timing of Submission and review timelines

### **Changes to the Application for the Purposes of Clarification**

No parties identified that changes to the current Application were necessary for the purposes of clarification, and the Public Hearing will consider the changes as requested in the Application provided by Agnico Eagle in August 2020.

### **Procedures for the Public Hearing**

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). The Applicant, the KIA, and CIRNA, noted that there is a high level of interest in this Application in the Community, and therefore favored that the Public Hearing be conducted in-person in the community of Rankin Inlet with a possibility of virtual connection for those who cannot travel to Nunavut. The KIA and CIRNA also indicated that they would expect the NWB’s procedures for the conduct of an in-person Public Hearing would be modified as necessary to meet the guidance of applicable public health authorities in place at the time the Public Hearing is being conducted. The Kangiqliniq (Rankin Inlet) Hunters & Trappers Organization also identified that public concern about transmission of the COVID-19 virus may limit the



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willingness of interested members of the public to come out to the Public Hearing, and the NWB should consider additional ways to engage the public so that all community members who wish to participate can do so in the way that they are comfortable.

ECCC noted that there are restrictions on travel into Nunavut and limits on public gatherings in place in Nunavut and, as a result, ECCC would be unable to be present in Rankin Inlet for an in-person Public Hearing and favored a video/audio conference format. ECCC also indicated that if the Board chooses to conduct an in-person Public Hearing, arrangements should be made to allow for participants unable to travel into Nunavut to participate via video and/or audio links.

While acknowledging that their preference was for an in-person Public Hearing, Agnico Eagle also discussed that if the Board’s direction was to conduct the Public Hearing remotely via video or audio conference, the Applicant would take steps to ensure that opportunities would be provided to community representatives to participate in the Public Hearing at a central location in the community.

Although the NWB understands the views of the parties that a Public Hearing held by video or audio conference may be more convenient or perceived to be more expedient, the NWB must also give due weight and consideration to the requirements of the *Nunavut Agreement*, including respect for the importance of the oral tradition. Given the high level of public interest in the Application and Agnico Eagle’s water management plans, in both the short and long term, as demonstrated by the community members from Rankin Inlet who attended the Community Session despite several challenges and competing demands, the NWB’s duly appointed decision-making Panel for the Application, Panel P15, has determined that it is most appropriate for the Board to hold a combination in-person Public Hearing (if necessary in two linked “hubs”) in Rankin Inlet, with video and audio conference access for parties unable to travel to Nunavut.

With respect to the location of the in-person component of the Public Hearing, Rankin Inlet as the closest and most directly affected community is the appropriate location. On this basis, the Panel has decided, by Motion #2020-23-P15-05, that the in-person component of the Public Hearing should be held in Rankin Inlet.

All parties should be advised, however, that this procedural direction, including the proposed timing and format of the Public Hearing may be modified by the Board in the future, even on short notice, if required to reflect changed circumstances such as:

- The failure of any participants to meet the timelines for the pre-Hearing exchange of documentation;



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- Updates to applicable guidance from public health authorities and changes to public health measures put in place to prevent the spread of COVID-19; and
- Technological innovations and limits.

At present, based on the time commitments outlined in the discussion of the exchange of documents set out above and the discussions with the parties at the PHC, the Public Hearing is tentatively scheduled for the week **of March 29 – April 2, 2021.**

The parties have confirmed that they do not anticipate that other than measures that are required to be put in place to reflect the directions of public health authorities to prevent the spread of COVID-19, they will not require the Board to deviate from the Board’s normal *Rules of Practice and Procedure* (May 2005) (*Rules*) during the conduct of the Public Hearing. As such, the Board directs all parties that other than as specifically required to protect the health and safety of the public and all participants during the Public Hearing, the Public Hearing will be conducted in accordance with Parts III and IV of the Board’s *Rules*.

### **Measures to Simplify the Disposition of the Application**

No specific measures to simplify the disposition of the Application were identified at the PHC. However, as always, the Board encourages participants to make available visual representations such as maps, diagrams, pictures, video clips and models of facilities and infrastructure to support their discussions with the community during the Public Hearing.

### **Steps following the Public Hearing**

Following the closure of the Public Hearing Record (usually at the end of the Public Hearing), the Application will be remitted to the Panel for decision-making, and within thirty (30) to forty five (45) days of the close of the Public Hearing Record, the Board will issue its Record of Proceedings and Reasons for Decision to the Minister of Northern Affairs. If the Panel recommends that the existing Type “A” Licence should be amended as requested in the Application, the Board will attach a draft of the Type “A” Water Licence to the Decision for the Minister’s consideration.

If you require additional information regarding this Application, the Board’s specific direction or the Board’s processes in general, please do not hesitate to contact myself, or the NWB’s Director of Technical Services, Karén Kharatyan, [karen.kharatyan@nwb-oen.ca](mailto:karen.kharatyan@nwb-oen.ca). For any administrative matters related to the Public Hearing, please contact the NWB’s Manager of Licensing, Richard Dwyer, at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca).



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Regards,

Stephanie Autut  
Executive Director  
**NUNAVUT WATER BOARD**

SA/SK

**Attachments:**

- Appendix A: Technical Meeting and Pre-Hearing Conference Agenda
- Appendix B: Summary Listing of Attendees During the Technical Meeting and Pre-Hearing Conference
- Appendix C: List of Application Submissions
- Appendix D: List of Commitments Generated during the Technical Meeting held on November 30, 2020 for an Amendment Application for Licence 2AM-MEL1631



2AM-MEL1631 Application for a Type “A” Water Licence  
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**APPENDIX A: Technical Meeting and Pre-Hearing Conference Agendas**

**FINAL AGENDA**

**TECHNICAL MEETING  
MELIADINE PROJECT**

**APPLICATION FOR AMENDMENT TO WATER LICENCE NO: 2AM-MEL1631**

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**Date: November 30, 2020**

**Time: 7:30 AM – 3:30 PM (MT) or 9:30 AM – 5:30 PM (ET)**

**Teleconference Call-In Information: Phone: +1 587 328 1099; Meeting ID: 913 1559 9846**

**Zoom link: <https://zoom.us/j/91315599846>**

1. Introduction
2. NWB Opening Remarks/ Application to the Board (15 Minutes)
  - a. Overview of scope and procedural history of the Application
3. Purpose of the Technical Meeting
4. Technical Review of the Application
  - a. Introduction of Participants
  - b. Presentation by the Applicant (Agnico Eagle) (up to 45 minutes, excluding time for questions and answers)
    - i. Questions from Parties, other conference call participants and the NWB regarding the Applicant’s Presentation
  - c. Presentations by interested parties (up to 30 minutes, excluding time for questions and answers)
  - d. Formulation of outstanding issues
  - e. Identification of the parties’ commitments to resolve relevant technical issues, service of documents to parties (deadline, public registry, form)
5. Closing of Technical Meeting



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## AGENDA

### PRE-HEARING CONFERENCE MELIADINE PROJECT

#### APPLICATION FOR AMENDMENT TO WATER LICENCE NO: 2AM-MEL1631

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**Date: January 19, 2021**

**Time: 9:00 AM – 12:00 PM (CT) or 8:00 AM – 11:00 AM (MST)**

**Teleconference Call-In Information: Phone: +1 (888) 305 5801; Meeting ID: 603 074 206#**

**MS Teams link:** [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_ZDdmMjcyMjMtMzFiYS00OTQ3LTg5MjYtYjhlZWVwNWl4NjNk%40thread.v2/0?context=%7b%22Tid%22%3a%225f4e175c-44de-4676-ae70-23ec941f455d%22%2c%22Oid%22%3a%222aa98c50-80e7-4d62-ad9c-1a831c127b6a%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZDdmMjcyMjMtMzFiYS00OTQ3LTg5MjYtYjhlZWVwNWl4NjNk%40thread.v2/0?context=%7b%22Tid%22%3a%225f4e175c-44de-4676-ae70-23ec941f455d%22%2c%22Oid%22%3a%222aa98c50-80e7-4d62-ad9c-1a831c127b6a%22%7d)

1. Introduction
2. Recap of the Technical Meeting
3. Pre-Hearing Conference Discussion
  - a. Identify issues that may prevent the Application from proceeding to a Public Hearing
  - b. Discuss form, timing, and location of a potential Public Hearing
  - c. Establish timetable for the pre-hearing exchange of information including:
    - i. preparation and filing of additional documents by the parties (deadlines, form, public registry)
    - ii. document-translation requirements
    - iii. documentation to be included in the Public Hearing Record
  - d. Finalize list of issues to be addressed at the Public Hearing
  - e. Identify interested parties in the Public Hearing
  - f. Identify any changes required to the Application for the purposes of clarification
  - g. Final procedures to be followed at the Public Hearing including:
    - i. requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearings (May 2005)
    - ii. language requirements at the Hearing
  - h. Consideration of any other matters that may aid in the simplification and disposition of the Application at the Public Hearing
2. Other issues
3. Closing of the meetings.



2AM-MEL1631 Application for a Type “A” Water Licence  
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**AGENDA**

**COMMUNITY SESSION  
MELIADINE PROJECT**

**APPLICATION FOR AMENDMENT TO WATER LICENCE NO: 2AM-MEL1631**

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**Date: January 19, 2021**

**Time: 6:00 PM – 9:00 PM (CT) or 5:00 PM – 8:00 PM (MST)**

**Teleconference Call-In Information: Phone: +1 (888) 305-5801; Meeting ID: 312 706 026#**

**MS Teams link:** [https://teams.microsoft.com/l/meetup-join/19%3ameeting\\_NWI2Yzk0ZTEtOGM3ZC00MTiLTg5MDEtODY4NWYwYzFiMmQ3%40thread.v2/0?context=%7b%22Tid%22%3a%225f4e175c-44de-4676-ae70-23ec941f455d%22%2c%22Oid%22%3a%222aa98c50-80e7-4d62-ad9c-1a831c127b6a%22%7d](https://teams.microsoft.com/l/meetup-join/19%3ameeting_NWI2Yzk0ZTEtOGM3ZC00MTiLTg5MDEtODY4NWYwYzFiMmQ3%40thread.v2/0?context=%7b%22Tid%22%3a%225f4e175c-44de-4676-ae70-23ec941f455d%22%2c%22Oid%22%3a%222aa98c50-80e7-4d62-ad9c-1a831c127b6a%22%7d)

**Community Hubs: Siniktarvik Hotel and Conference Hall,  
Agnico Eagle flight waiting room, and  
Agnico Eagle office**

**Inuktitut Line: Toll Free #: 1 (888) 289-4573; Access Code: 7270413**

1. Opening Remarks
2. Introductions of the Parties
3. Purpose and Scope of the Evening Session
4. Presentation by the Nunavut Water Board (NWB) (15 minutes)
  - Questions and/or comments from community members and other participants
5. Presentation by the Applicant (20 Minutes)
  - Question and/or comments from community members and other participants
6. Presentation from each intervening party pertaining to its mandate and role(s) in the water licensing process, as well as an overview of their findings during their technical review (15 Minutes/Intervener).
  - Question and/or comments from community members and other participants
7. Closing Remarks



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**APPENDIX B: Summary Listing of Participants in Technical Meeting and Pre-Hearing Conference**

**Technical Meeting via Videoconference, November 30, 2020**

No.	First Name	Last Name	Organization
1	Karén	Kharatyan	NWB
2	Richard	Dwyer	NWB
3	Sergey	Kuflevskiy	NWB
4	Teresa	Meadows	NWB
5	Richard	Nesbitt	Hutchinson Environmental Sciences / KIA
6	Gerd	Wiatzka	Arcadis Canada Inc. / CIRNA
7	Helen	Manolopoulos	Arcadis Canada Inc. / CIRNA
8	Charles	Gravelle	Arcadis Canada Inc./ CIRNA
9	Godwin	Okonkwo	CIRNA
10	Tony	Brown	Arcadis Canada Inc. / CIRNA
11	David	Zhong	CIRNAC
12	Anne	Wilson	ECCC
13	Victoria	Shore	ECCC
14	Dustin	Patar	Nunatsiaq News
15	Luis	Manzo	KIA
16	Jeff	Tulugak	KIA
17	Alan	Sexton	GeoVector Management Inc. / KIA
18	Kim	Poole	Aurora Wildlife Research / KIA
19	Jennifer	King	Gowlings WLG / KIA
20	Jamie	Quesnel	Agnico Eagle
21	Michel	Groleau	Agnico Eagle
22	Ryan	Vannegan	Agnico Eagle
23	Frédéric	Mercier	Agnico Eagle
24	Jean Claude	Blais	Agnico Eagle
25	Gabriel-Antoine	Cote	Agnico Eagle



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26	Colleen	Prather	Agnico Eagle
27	Martin	Plante	Agnico Eagle
28	Matt	Gillman	Agnico Eagle
29	Lonny	Syvret	Agnico Eagle
30	Melissa	Bradley	Agnico Eagle
31	Suzanne	Leclair	Agnico Eagle
32	Pujjuut	Kusugak	Agnico Eagle
33	Jenyfer	Mosquera	Agnico Eagle
34	Gary	Lawrence	Golder / Agnico Eagle
35	John	Faithful	Golder / Agnico Eagle
36	Anh-Long	Nguyen	SNC / Agnico Eagle
37	Gary	Man	Azimuth / Agnico Eagle
38	Eric	Franz	Azimuth / Agnico Eagle
39	Christine	Kowbel	Lawson Lundell / Agnico Eagle
40	Brad	Armstrong	Lawson Lundell / Agnico Eagle
41	Chris	Chok	Kirk & Co. / Agnico Eagle



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**Pre-Hearing Conference via Videoconference, January 19, 2020**

<b>No.</b>	<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
1	Karén	Kharatyan	NWB
2	Richard	Dwyer	NWB
3	Sergey	Kuflevskiy	NWB
4	Teresa	Meadows	Meadows Law / NWB
5	Ben	Kogvik	NWB
6	Richard	Nesbitt	Hutchinson Environmental Sciences / KIA
7	Gerd	Wiatzka	Arcadis Canada Inc. / CIRNA
8	Helen	Manolopoulos	Arcadis Canada Inc. / CIRNA
9	Charles	Gravelle	Arcadis Canada Inc./ CIRNA
10	Godwin	Okonkwo	CIRNA
11	Tony	Brown	Arcadis Canada Inc. / CIRNA
12	David	Zhong	CIRNAC
13	Victoria	Shore	ECCC
14	Dustin	Patar	Nunatsiaq News
15	Luis	Manzo	KIA
16	Jeff	Tulugak	KIA
17	Alan	Sexton	GeoVector Management Inc. / KIA
18	Kim	Poole	Aurora Wildlife Research / KIA
19	Jennifer	King	Gowlings WLG / KIA
20	Jamie	Quesnel	Agnico Eagle
21	Michel	Groleau	Agnico Eagle
22	Ryan	Vannegan	Agnico Eagle
23	Frédéric	Mercier	Agnico Eagle
24	Jean Claude	Blais	Agnico Eagle
25	Gabriel-Antoine	Cote	Agnico Eagle
26	Colleen	Prather	Agnico Eagle
27	Martin	Plante	Agnico Eagle



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28	Matt	Gillman	Agnico Eagle
29	Lonny	Syvret	Agnico Eagle
30	Melissa	Bradley	Agnico Eagle
31	Suzanne	Leclair	Agnico Eagle
32	Pujuut	Kusugak	Agnico Eagle
33	Jenyfer	Mosquera	Agnico Eagle
34	Gary	Lawrence	Golder / Agnico Eagle
35	John	Faithful	Golder / Agnico Eagle
36	Anh-Long	Nguyen	SNC / Agnico Eagle
37	Gary	Man	Azimuth / Agnico Eagle
38	Eric	Franz	Azimuth / Agnico Eagle
39	Christine	Kowbel	Lawson Lundell / Agnico Eagle
40	Brad	Armstrong	Lawson Lundell / Agnico Eagle
41	Chris	Chok	Kirk & Co. / Agnico Eagle
42	Bert	Dean	NTI
43	Andrew	Andrew Akerolik	Kangiqliniq (Rankin Inlet) HTO



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**Community Session via Videoconference, January 19, 2020**

<b>No.</b>	<b>First Name</b>	<b>Last Name</b>	<b>Organization</b>
1	Karén	Kharatyan	NWB
2	Richard	Dwyer	NWB
3	Sergey	Kuflevskiy	NWB
4	Teresa	Meadows	Meadows Law / NWB
5	Ben	Kogvik	NWB
6	Assol	Kubeisnova	NWB
7	Richard	Nesbitt	Hutchinson Environmental Sciences / KIA
8	Gerd	Wiatzka	Arcadis Canada Inc. / CIRNA
9	Helen	Manolopoulos	Arcadis Canada Inc. / CIRNA
10	Charles	Gravelle	Arcadis Canada Inc./ CIRNA
11	Godwin	Okonkwo	CIRNA
12	Tony	Brown	Arcadis Canada Inc. / CIRNA
13	David	Zhong	CIRNAC
14	Victoria	Shore	ECCC
15	Dustin	Patar	Nunatsiq News
16	Luis	Manzo	KIA
17	Jeff	Tulugak	KIA
18	Alan	Sexton	GeoVector Management Inc. / KIA
19	Kim	Poole	Aurora Wildlife Research / KIA
20	Jennifer	King	Gowlings WLG / KIA
21	Jamie	Quesnel	Agnico Eagle
22	Michel	Groleau	Agnico Eagle
23	Ryan	Vannegan	Agnico Eagle
24	Frédéric	Mercier	Agnico Eagle
25	Jean Claude	Blais	Agnico Eagle
26	Gabriel-Antoine	Cote	Agnico Eagle
27	Colleen	Prather	Agnico Eagle



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28	Martin	Plante	Agnico Eagle
29	Matt	Gillman	Agnico Eagle
30	Lonny	Syvret	Agnico Eagle
31	Melissa	Bradley	Agnico Eagle
32	Suzanne	Leclair	Agnico Eagle
33	Pujjuut	Kusugak	Agnico Eagle
34	Jenyfer	Mosquera	Agnico Eagle
35	Gary	Lawrence	Golder / Agnico Eagle
36	John	Faithful	Golder / Agnico Eagle
37	Anh-Long	Nguyen	SNC / Agnico Eagle
38	Gary	Man	Azimuth / Agnico Eagle
39	Eric	Franz	Azimuth / Agnico Eagle
40	Christine	Kowbel	Lawson Lundell / Agnico Eagle
41	Brad	Armstrong	Lawson Lundell / Agnico Eagle
42	Chris	Chok	Kirk & Co. / Agnico Eagle
43	Bert	Dean	NTI
44	Andrew	Andrew Akerolik	Kangiqliniq (Rankin Inlet) HTO



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Community Session, Rankin Inlet, January 19, 2020

Community Session Pre-Hearing Conference MELIADINE MINE, AGNICO EAGLE  
JANUARY 19, 2021

Registration Form

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	LUIS <del>MANZO</del>	MANZO	KIA	(867) 645-5731		lgerardo888@gmail.com
2.	Hamish	Tatty	Clark	867 11 6612		
3.	John	Tatty	KIA	2585		
4.	Clayton	Tattak	own	7457		
5.	Andrew	AKEROLIK	own	2350		
6.	Jeremich	ISSALUK	own	N/A		happy177@gmail.com
7.	ROGER	Pilakapsi	own HTD	3942		
8.	Harry	Ittimar	HTD	0646		
9.	BERT	DEAN	NTI	5425		
10.	ROBERT	CONNELLY	Gov't Nunavut	8458		rconnelly@gov.nu.ca
11.	ROSIE	USSAK	own	2421		
12.	John	USSAK	own	2421		
13.	ZAY	Mercer	NTI	5424		rmercer@tunnigavik.com
14.	Quati	Anavak	own	2665		
15	1.	Jeffery	DIOSAK	KIA	5735	
16	2.	Peanna	Johnson	own	6761	
17	3.	Garry	White	own	4157	
18	4.	Gabriel	Karlik	Hamlet	3369	
19	5.	Harry	Tantougie	Arctic Heating	2366	
20	6.	Dennis	Bruce	Arctic Heating	2366	
21	7.	Jody	Wingeochek			
8.						

No.	First Name	Last Name	Organization/ Address	Phone	Fax	E-mail
1.	Roy	Asaula		645 4586		r-pot@hotmail.com
2.						



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**APPENDIX C: List of Application Submissions**

The following documents were included with the Application:

**1. August 27, 2020:**

- Amendment Application Cover Letter-8272020
- Amendment-Main Application Document-August2020
- Appendix A-WB-WQ Forecast
- Appendix B-WQWMOP-Rev3
- Appendix C-Water Management Plan\_v10
- Appendix D-Mine Waste Management Plan\_v7
- Appendix E-PFS Design WRSF3-WaterInfra
- Appendix F-Road Drawings
- Appendix G- Interim-Closure Reclamation Plan Update 2020
- Appendix H-Meliadine Lake Assessment
- Appendix I-SIG
- Appendix J-NPC Conformity Determination
- Water Licence Amendment Application-August2020-Final

**2. November 13, 2020**

- Cove Letter: Agnico Eagle Mines Limited Responses to Technical Comments for Amendment Application for Type “A” Water Licence No.: 2AM-MEL1631, Meliadine Project
- Technical Comment Response: Agnico Eagle Mines Limited Responses to Technical Comments for Amendment Application for Type “A” Water Licence No.: 2AM-MEL1631, Meliadine Project
  - Attachment 1 – Water Quality Management & Optimization Plan Progress Update Rev4
  - Attachment 2 - Meliadine Lake Updated 3-D Modelling of the Discharge Assessment
  - Attachment 3 - Assessment of Water Balance and Water Quality Forecast around pond CP1 at Meliadine (Upper Bound Water Forecast)
  - Attachment 4 – EWTP SLUDGE CP1 (Sludge Characterization)

**3. November 23, 2020**

- Agnico Eagle Attendance Confirmation
- Agnico Eagle Technical Meeting Presentation (Inuktitut)
- Agnico Eagle Technical Meeting Presentation (English)

**4. November 30, 2020**

- AEM Additional Response to KIA TCR comments



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- AEM Response to ECCC E-mail Follow-up TDS MGSC of 5000 mg per L Fwd\_  
Diamond Mine Legal info
5. **December 08, 2020**
    - Commitment 15a-MeliadineAcuteToxicityEQC-Rev0
  6. **December 11, 2020**
    - Commitment13\_Water Balance Water Quality Model-Responses
  7. **December 16, 2020**
    - Response to NWB Guidance of December 10, 2020 re Community Session and Pre-Hearing Conference Tentatively Scheduled for January 19, 2021. Request that Nunavut Water Board Issue Notice of Public Hearing on Amendment Application before December 31, 2020.
  8. **December 17, 2020**
    - AEM Consultation and Engagement Report
    - Commitment1\_AEM Draft Water Licence
  9. **January 07, 2021**
    - Pre-hearing Conference Presentation
    - AEM E-mail to CIRNA Water Licence 2AM-MEL1631 Amendment, Commitment 13
  10. **January 18, 2021**
    - Water Licence 2AM-MEL1631 Amendment, Commitment 13 AEM question to CIRNA
  11. **January 29, 2021**
    - Commitment 8 Meliadine – ICRP Update 2020 – Financial Security Cost Estimate Methodology and Assumptions (Internal version)
    - Commitment 5 and 6 Groundwater Management Plan
    - Commitment List Status Update
  12. **February 1, 2020**

Meliadine Interim Closure and Reclamation Plan - Update 2020



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**APPENDIX D: List of Commitments**

**List of Commitments Resulting from the Technical Meeting held on November 30, 2020  
for Amendment Application to the Water Licence No: 2AM-MEL1631**

No.	Party(s) Responsible for Commitment	Party(s) who raised (Item#)	TM Commitment	Timeline for Submission	Form of Submissions
1.	Agnico Eagle	NWB	Provide document providing, in draft form, the requested amendments to the existing Water Licence to reflect changes as requested by Agnico Eagle in the Amendment Application	December 18, 2020	Draft Amended Water Licence Framework
2.	Environment and Climate Change Canada (ECCC)	Agnico Eagle	ECCC to provide information regarding considerations associated with ECCC’s assessment of TDS limits in light of “deleterious substances” provisions under the Federal <i>Fisheries Act</i>	Provided on November 30, 2020	Links to publicly available ECCC submissions in respect of an assessment of a diamond project where these issues were considered
3.	Agnico Eagle	KIA (IR #2)	Agnico Eagle to provide an Adaptive Management Plan which includes: <ul style="list-style-type: none"> <li>the conditions under which a site-specific water quality objectives for chloride would be developed; and</li> <li>a decision tree specifying the conditions under which surface water will be diverted into the saline effluent pipeline for marine disposal and the volumes that will be</li> </ul>	January 29, 2021	Adaptive Management Plan submitted as part of the Saline Effluent Disposal to the Marine Environment Proposal to the NIRB (with copy to the NWB for the public registry)



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No.	Party(s) Responsible for Commitment	Party(s) who raised (Item#)	TM Commitment	Timeline for Submission	Form of Submissions
			diverted under those conditions. The decision tree will be designed such that discharges to Meliadine Lake are minimized.		
4.	Agnico Eagle	KIA (IR #2)	<p>Agnico Eagle to submit to the NWB for approval updates to the following documents to reflect the proposed changes to management of surface contact water:</p> <ul style="list-style-type: none"> <li>• Water Management Plan; and</li> <li>• Water Balance and Water Quality Model</li> </ul>	6 months prior to diversion of surface contact water to the saline effluent pipeline for marine disposal	Updated Management Plans
5.	Agnico Eagle	KIA (IR #9)	<p>Agnico Eagle to provide an updated Groundwater Management Plan, which addresses:</p> <ul style="list-style-type: none"> <li>• The viability of the short, medium and long-term strategy for saline groundwater management;</li> <li>• proposes a threshold ( e.g. 80%) for when the available saline storage is approaching capacity and additional mitigation measures may be undertaken to ensure that, if the saline effluent pipeline is not available, Agnico Eagle has sufficient time to proceed through any applicable regulatory process, if required.</li> </ul>	January 29, 2021	Updated Management Plan



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No.	Party(s) Responsible for Commitment	Party(s) who raised (Item#)	TM Commitment	Timeline for Submission	Form of Submissions
6.	Agnico Eagle	KIA (IR #9)	Agnico Eagle to provide an explanation of how the groundwater inflows have been reduced, information on the effectiveness of grouting and an evaluation of the available saline groundwater storage including a discussion regarding estimated time to reaching capacity.	January 29, 2021	Section within the 2020 Annual Report submission
7.	Agnico Eagle	KIA (TC #2)	Agnico Eagle to provide updates to the Site Water Balance (as applicable) to incorporate the most recent precipitation, in-flows, and monitoring data.	Within all future Annual Reports as per existing condition Part E, item 12 of the current Water Licence	Technical Memorandum
8.	Agnico Eagle	KIA (TC #5), CIRNA (TC #7)	Agnico Eagle to update the Meliadine Interim Closure and Reclamation Plan (ICRP) to include the results of the discussion between Agnico Eagle, KIA and CIRNA with respect to the Reclamation Security update.	January 29, 2021	Management Plan
9.	Agnico Eagle	KIA (TC #5)	Future versions, of the Meliadine Interim Closure and Reclamation Plan (ICRP), post approval of the Water Licence Amendment, will include additional details on the closure and post-closure soil and water quality monitoring programs, as information becomes available from operational data and from future versions of applicable management plans. Applicable management plans for Meliadine to be	March 31, 2021 and all Future ICRPs	Updated Management Plans



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No.	Party(s) Responsible for Commitment	Party(s) who raised (Item#)	TM Commitment	Timeline for Submission	Form of Submissions
			used to define contaminated soil management and water quality monitoring program include: <ul style="list-style-type: none"> <li>• Water Quality and Flow Monitoring Plan</li> <li>• Water Management Plan</li> <li>• Spill Contingency Plan</li> <li>• Landfarm Management Plan</li> <li>• Itivia Oil Handling Facility Management Plan</li> <li>• Oil Pollution Emergency Plan for Meliadine Mine Fuel Farm in Rankin Inlet.</li> </ul>		
10.	Kivalliq Inuit Association (KIA)	KIA (TC #5)	KIA to provide Agnico Eagle with updated calculations of water user compensation for review as basis for updated water user compensation.	December 11, 2020	Updated calculations to reflect amended volumes
11.	Agnico Eagle KIA	NWB	Agnico Eagle and KIA to provide joint written confirmation that all issues of water user compensation associated with the Amendment Application have been addressed.	Prior to the Public Hearing for the Amendment Application	Joint written submission
12.	Crown-Indigenous Relations and Northern Affairs (CIRNA)	Agnico Eagle (CIRNA TC #1)	CIRNA to provide specific questions to Agnico Eagle about how the modelling of the upper limits was conducted, as referenced in CIRNA’s TC #1 (e.g. questions about the assumptions and breakdown of model inputs chosen to select the “rest of site” contributions to the TDS loadings etc.)	Provided on December 4, 2020	Technical Memorandum



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No.	Party(s) Responsible for Commitment	Party(s) who raised (Item#)	TM Commitment	Timeline for Submission	Form of Submissions
13.	Agnico Eagle,	CIRNA (TC #1)	Agnico Eagle to provide additional information in response to commitment 12.	December 11, 2020	Technical Memorandum
14.	Agnico Eagle	CIRNA (TC #6)	Agnico Eagle to provide a high level summary of the projected infrastructure changes: upgrades to the SETP, increased sludge generation, waterline.	December 18, 2020	Technical Memorandum with conceptual design information
15.	ECCC, KIA	ECCC (“New” TC #3)	Agnico Eagle to provide confirmation suitability of the 5000 mg/L Total Dissolved Solids (TDS), maximum grab sample EQC.	Provided on December 8, 2020	Technical Memorandum
16.	ECCC, KIA	ECCC (“New” TC #3)	ECCC and KIA to provide clarification of their position [with appropriate supporting rationales and evidence] on Agnico Eagle’s proposed Maximum Grab sample limits of 5,000 mg/L for TDS, taking into consideration commitment 15.	January 29, 2021.	Technical Memorandum
17.	Agnico Eagle	NWB (ECCC TC #2)	Agnico Eagle to provide updated flow diagram presented during the Technical Meeting to show water use associated with tailings management.	Provided on December 2, 2020	Email with Flow diagram



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**Miscellaneous commitments from responses to information requests (IR) and technical comments (TC)**

No.	Party responsible	Ref. IR or TC response	Commitment	Timeline Submission	For	Form of Submissions
18.	Agnico Eagle	ECCC-IR-5	Agnico Eagle agrees with ECCC and will update Table 2.1 within the Erosion and Sediment Control Plan as part of the 2020 Annual Report submission	2020 Annual Report submission		Management Plan
19.	Agnico Eagle	NWB-IR-3	Agnico Eagle commits to comment on the integrity of the infrastructure due to delays in the waterline approval as part of the 2020 Annual Report submission.	2020 Annual Report submission		Annual report document
20.	Agnico Eagle	KIA-IR-5	As outlined in Section 2.4 of the ICRP, Agnico Eagle will continue engagement throughout the mine life and closure phase. IQ solicited throughout these phases, as well as ongoing monitoring programs, will inform final closure and will be provided in the Final Closure and Reclamation Plan. Agnico Eagle is committed to continued consultation during operations to support closure objectives and goals.	Final Closure and Reclamation Plan		Final Closure and Reclamation Plan
21.	Agnico Eagle	KIA-IR-11 KIA-IR-12	Agnico Eagle will conduct a detailed geotechnical investigation to characterize the overburden in the vicinity of CP2 to determine depth to bedrock. During this campaign thermistors will be installed to assess permafrost depth. An assessment of a liner system may be conducted after the analysis of the results of the geotechnical campaign. The detail design of CP2 will be provided as part of the 60 day construction notice.	After Water Licence Amendment Approval		Design Report Appended to the 60-day Notice



2AM-MEL1631 Application for Type “A” Water Licence  
 PHC Decision

**Summary of resolved Information Requests (IR) and Technical Comments (TC) resulting from the Technical Meeting held on November 30, 2020 for Water Licence No: 2AM-MEL1631 Amendment Application**

Intervener	Resolved Items
Kivalliq Inuit Association KIA	KIA-IR-1 KIA-TC-1 KIA-TC-2 KIA-TC-4 KIA-TC-5
Crown Indigenous Relations and Northern Affairs CIRNA	CIRNAC-TC-2 CIRNAC-TC-3 CIRNAC-TC-4 CIRNAC-TC-5 CIRNAC-TC-7
Environment and Climate Change Canada ECCC	ECCC-WL-TC-1 ECCC-WL-TC-2