Appendix 1

Meadowbank and Whale Tail Commitments

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
GN	MBK/WT	2020 Annual Report - NIRB Project Certificate 008 T&C 28 Agnico Eagle Mines (AEM) Limited. (2020a). Agnico Eagle's response to Meadowbank (03MN107) and Whale Tail (16MN056) 2019 Annual Report comments; Agnico Eagle Mines (AEM) Ltd. (2020b). Meadowbank Mine 2019 Wildlife Monitoring Summary Report. Final. Appendix 52 of the Meadowbank Mine Annual Report; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report; Government of Nunavut (GN). (2017). Final written submission for Agnico Eagle Mines' environmental impact statement for the proposed Whale Tail Pit project; Government of Nunavut (GN). (2017). Final written submission for Agnico Eagle Mines' environmental impact statement for the proposed Whale Tail Pit project; Government of Nunavut (GN). (2020). Comments on Agnico Eagle Mines Limited's Meadowbank Gold Mine Project and Whale Tail Pit Project 2019 Annual Report (03MN107 & 16MN056); Nunavut Impact Review Board (NIRB). (2017) Final hearing report, Agnico Eagle Mines Ltd. Whale Tail project. NIRB File No.16MN056; Nunavut Impact Review Board (NIRB). (2020). 2019-2020 Annual Monitoring Report Meadowbank Gold Mine and Whale Tail Pit Projects.	During the NIRB's review of the Whale Tail Project, the Proponent made a commitment to the Government of Nunavut (GN) that helicopter traffic would be monitored and reported. This commitment was not fulfilled during 2018 and 2019, as evidenced by the absence of relevant revisions to the Terrestrial Ecosystem Management Plan (TEMP) and lack of information regarding helicopter traffic in the Proponent's 2018 and 2019 Annual Reports. In 2020, the NIRB directed the Proponent to work with the GN and Terrestrial Advisory Group (TAG) to revise the TEMP to incorporate the requirements of this commitment (NIRB 2020). In the Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report (AEM 2021), the Proponent has provided information on helicopter traffic. The GN appreciates the Proponent's efforts to fulfill this outstanding commitment. However, the limited scope and format of this information is not consistent with the commitment made to the GN and does not reflect input provided by the GN or other members of the TAG. Given the limitations of the information provided, the GN is unable to determine whether there are potential impacts to wildlife from Project-related helicopter traffic; a concern expressed by local community members during NIRB hearings on the Project. Helicopters are a potential source of disturbance for caribou and other wildlife. The intensity and distribution of helicopter traffic should be monitored and properly reported in-order for reviewers to understand the disturbance footprint of the Project and associated exploration activities. Importance to review and supporting rationale: During the NIRB's review of the Whale Tail Project, the GN noted concerns about the potential for helicopters to disturb wildlife such as caribou (GN 2017, Comment GN-10). Similar concerns were expressed by community members from Baker Lake (e.g. Whale Tail Final Hearing Transcripts, 2019, page 561) In response to these concerns, one of the commitments made by the Proponent to the GN during the NIRB's review of the Project was: "The Proponent shall revise the Project's TEMP to include a program to monitor and report helicopter traffic associated with the Whale Tail project (including existing Meadowbank infrastructure) and all associated exploration activities so that the spatial scale and intensity of this activity can be documented. This should include the collection and analysis of GPS track logs for all helicopter flights contracted by the Proponent." (NIRB 2017, Appendix B, Commitment #20) In its reviews of the 2018 and 2019 Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Reports, the GN expressed concerns that the TEMP had not been revised to include a helicopter monitoring program and that helicopter traffic was not being reported as per commitment #20 (e.g. GN 2020). In response to the GN's concerns, and pursuant to terms and conditions 27 and 28 of the Project Certificate (008), the NIRB provided the following direction to the Proponent: "The Board recommends the Proponent work with the Government of Nunavut and the Terrestrial Advisory Group, as per Term and Condition 27 and 28, of the Project Certificate No. 008 to revise its Terrestrial Ecosystem Management Plan to incorporate the requirements of Commitment #20. The Board expects that the revisions will include the program to monitor and report helicopter traffic associated with the Whale Tail Pit Project, and that this information will be reported as part of future Wildlife Monitoring Summary Reports." (NIRB 2020) In the 2020, Wildlife Monitoring Summary Report, the Proponent has provided information on helicopter traffic including the number of helicopter flights that occurred in 2020, mean duration and altitudes of flights, total flight hours and total distances flown (AEM 2021, Section 3.5.7). While this summary information is useful, it does not fully address the commitment made to the GN and does not allow reviewers to fully understand the potential impacts of helicopter traffic on wildlife. Four concerns are noted: 1. Frequency of Helicopter Traffic - As a rationale for not monitoring and reporting helicopter traffic, the Proponent has previously asserted that helicopter traffic is "infrequent, sporadic and on an as-needed basis" (AEM 2020a). It is the GN's opinion that the level of helicopter traffic reported for 2020 is neither infrequent nor sporadic. During the summer of 2020, helicopters were operating daily for a period of 3 months with average total daily flying hours of 5.4 hours. Similarly, during the fall caribou migration period, helicopters were operating daily for 22 days (up to October 19th) with average total daily flying hours of 5.4 hours (AEM 2021, Table 21). Dependent on the altitude and distribution of this traffic, the GN is concerned there are potential effects on wildlife but cannot make this determination without further information. The GN also notes that the report does not indicate whether the COVID-19 pandemic influenced helicopter traffic levels; specifically whether levels were lower or higher in 2020 than in previous years. In the 2019 Wildlife Monitoring Summary Report, the Proponent suggested that 3 days of helicopter traffic associated with the deployment of caribou satellite collars in the spring of 2018 may have affected the migration of caribou through the Project's regional study area (AEM 2020b, Section 17). Although the report does not provide any evidence to substantiate this assertion, it seems to suggest that the Proponent is of the view that helicopter traffic is potentially a significant source of disturbance to wildlife. In light of the Proponent's view in the 2019 report, the GN would have expected more rigorous monitoring in the following year. 2. Flight Altitude – The reported average daily flight altitude was 247.2 metres above ground level (AEM 2021, Section 3.5.7). This means that for most of the 5.4 hours of total daily flying time helicopters were operating well below the minimum flight altitude of 300m set in the TEMP to avoid disturbance of wildlife. 2. Spatial Distribution of Flights - The commitment made to the GN was for monitoring and reporting of helicopter traffic in such a manner that the "spatial scale and intensity of this activity can be document" (NIRB 2017, Appendix B, Commitment #20). The information provided in the 2020 Wildlife Monitoring Summary Report, does not contain any spatial information (e.g. flight routes) and therefore does not document the spatial scale and intensity of helicopter traffic. 4. Consultation with GN and the TAG - The Proponent has not worked with the GN and the TAG, as per Term and Condition 27 and 28, of the Project Certificate No. 008 to revise its TEMP to incorporate the requirements of Commitment #20. To date, there has been no consultation with the GN or TAG regarding the helicopter monitoring program's design, the data being collected and the format in which it should be analysed and reported. Conclusion: Based on the limited information provided in the 2020 Wildlife Monitoring Summary Report, the GN characterizes the Project's helicopter traffic as frequent, low-level and potentially disturbing to wildlife. Dependent on spatial distribution, this traffic may pose a significant source of disturbance to wildlife. More comprehensive monitoring and reporting is warranted. Commitment #20 has not been fulfilled by the Proponent due to a lack of consultation with the TAG regarding revision of the TEMP (to include a helicopter traffic program) as well as failure to report information on the spatial distribution of helicopter flights. In the GN's view, the Proponent is not in compliance with minimum flight altitudes set in the TEMP for avoiding disturbance of wildlife. Failure to do address these deficiencies constitutes non-compliance with term and condition 28 of the Project certificate (008).	The GN offers the following recommendations with respect to this issue: 1. That the Board direct the Proponent to immediately revise the TEMP to include the helicopter traffic monitoring and reporting program per commitment #20. This revision should be based on consultation with the TAG and should include details of the type of information collected and the manner in which it will be analysed and presented in annual reports. 2. That the Proponent clarify whether 2020 was a normal year for helicopter operations or whether traffic levels were reduced as a result of COVID-related restrictions or logistical constraints. 3. That the Proponent provide a comparison of 2020 helicopter traffic (levels and distribution) with that of the previous 5 years of Project operations. 4. That the Board direct the Proponent to include, in future annual reports, maps showing the GPS tracks of all helicopter flights. Maps to be presented according to the seasons defined for caribou in the TEMP v. 7. 5. That the Board direct the Proponent to include, in future annual reports, tables and maps showing the seasonal frequency and distribution of all flights with cruising altitudes under 300 m; the mandatory minimum specified in the TEMP for avoidance of caribou (AEM 2019, Table 6).	1. Agnico Eagle will consult the TAG on helicopter traffic monitoring. Conclusion of this discussion will be incorporated into the next iteration of the TEMP expected to be finalized in 2021. 2. Traffic levels in 2020 were similar to 2019. Helicopter flights occurred at Meadowbank complex operations and explorations. 3.Helicopter traffic data available is not consistent enough through the last 5 years to make such comparison. Agnico Eagle will continue to improve on data acquisition/tracking to satisfy the future TEMP version. 4. Agnico Eagle acknowledges GN's recommendation and will continue to work with the TAG members to have this issue resolved in 2021. 5. According to TEMP V7 (AEM 2019), pilots are instructed to avoid caribou and other wildlife, applying a vertical distance buffer of 300 m, and horizontal buffer of 1000 m in proximity to caribou, subject to exception for safety considerations or the fulfillment of regulatory compliance activities only. Average altitudes presented in the 2020 report includes take off and landing altitudes, and may not represent a cruising altitude below 300 m. The pilots have been instructed to avoid caribou with a vertical distance buffer of 300 m, and horizontal buffer of 1000 m. Agnico Eagle will discuss inclusion of tables of helicopter flights with cruising altitudes below 300 m in proximity to caribou in future annual reports. Agnico Eagle also acknowledges GN's recommendation regarding maps and will continue to work with the TAG members to have this issue resolved in 2021. Of note in 2020, is relative to the 22 days when helicopters were used during the fall season that caribou were observed (based on the wildlife log (Appendix A) or incidentally on 13 (59%) of these days). It is possible that caribou could have been present and undetected, particularly at further distances. Agnico Eagle assumes that helicopter pilots and passengers acted in good faith when caribou were observed and applied the appropriate distance buffers to minimize disturbance to caribou.	Appendix 47 (Section 4.5.8) of the 2021 Annual Reort

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GN	MBK/WT	2020 Annual Report - NIRB Project Certificate 008 T&C 28 References: Agnico Eagle Mines (AEM) Limited. (2019). Commitments from the NIRB technical meeting for the Whale Tale expansion project; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report; Government of Nunavut (GN). (2019). Technical review comments on the FEIS Addendum for the Whale Tail Expansion Project; Nunavut Impact Review Board (NIRB). (2019). Reconsideration Report and Recommendations Whale Tail Pit Expansion Project Proposal; Golder. (2019). Technical Memorandum re: Whale Tail Expansion Project Commitment 9: Proposed Haul Road Snow Study, October, 2019.	During the NIRB's review of the Whale Tail expansion project, the GN expressed concern for the potential for snow accumulation alongside, and the management of snow along, a widened Whale Tail haul road. This snow accumulation has the potential to act as a barrier to the movement of wildlife, in particular migrating caribou (GN 2019, GN-TRC-02). In response, the Proponent made the following commitment: "Agnico Eagle will conduct a study designed to monitor snow berm height and depth of snow along the sides of the haul road in representative areas. The purpose of the study is to determine how snow accumulation influences road permeability for caribou and other wildlife along the proposed widened Haul Road. Study design will be consistent with advice provided by the Terrestrial Advisory Group. The study will be conducted over three years in an attempt to capture annual variability in conditions." (AEM 2019) After reviewing the 2020 Wildlife Monitoring Summary Report for the Project (AEM 2021, section 17), the GN is concerned that the Proponent is not implementing the snow study as originally agreed to by the members of the TAG including AEM. The GN appreciates that the first year of the study was conducted during the COVID pandemic and sampling may have been limited as a result. However, future years of sampling should adhere to the study design agreed to; consistent with advice provided by the TAG in 2019. Importance to review and supporting rationale: Based on the information reported in the 2020 Wildlife Monitoring Summary Report, the GN has identified the following concerns with the snow study: 1) Study objectives – The purpose, goal and/or objectives of the snow study appear to have deviated from the original commitment which states that: "The purpose of the study is to determine how snow accumulation influences road permeability for caribou and other wildlife along the proposed widened Haul Road." (AEM 2019) Snow accumulation may occur either naturally during snow falls, and drifting of snow, on or against the road or during snow management activities such as plowing that occur during road management. In contrast, the annual report indicates that the study is focused on the effects of snow removal activities stating that: "The goal of the snow monitoring is to determine whether changes to snow resulting from snow removal along the WTHR result in conditions that potentially inhibit caribou movements." (AEM 2021, Section 17.1.1) 2) Sample size– The number of sites along the haul road at which snow sampling has, or will, occur is less than the number reviewed by the TAG in 2019. The design for the snow study, developed by the Proponent and reviewed by the TAG in 2019, involved monitoring at 15 sites along the haul road divided equally across 3 road elevation categories (< 1.5 m, 1.5m to 3 m, > 3m) (Golder, 2019). In contrast the Proponent only collected data at five survey locations along the road in 2020 with no indication of how these were allocated amongst road elevation categories (AEM 2021, Section 17.1.2). Additionally, the Proponent indicates that in 2021 sampling will occur from at least 10 sites along the road. 3) Sampling schedule – The Proponent is employing a reduced sampling schedule relative to that agreed with the TAG in 2019. The design for the snow study, developed by the Proponent and reviewed by the TAG in 2019, involved two rounds of sampling at each site along the road. Sampling was to occur on April 15 and again on May 10 in-order to capture changes in snow conditions as the caribou migration proceeds (Golder 2019). Sampling in 2020 occurred only once (May 27-28) and this was outside the established (and observed) spring migratory period for caribou. In addition, plans for future snow monitoring outlined in the 2020 Wildlife Monitoring Report indicate that sampling will only occur once at each site along the road in 2021. 4) Measured parameters – The snow study as implemented in 2020 measured a smaller set of snow parameters relative to that agreed with the TAG in 2019. The design of the snow study, developed by the Proponent and reviewed by the TAG in 2019, stated the following: "Fifteen sites on the lee side of the Haul Road will be surveyed by two staff to collect height, width and slope of snow berms, snow depth of deposited snow and snow density measurements (Figure 3)." (Golder 2019) The snow study conducted in 2020 did not distinguish between the berms of piled snow created by snow management versus the naturally accumulated snow at the roadside. The study in 2020, did not measure the height or width of snow berms above the road surface and the slope of these snow berms. The study in 2020 did not measure the depth of naturally accumulated snow on the road's embankment nor did it measure snow depth at sites away from the road (i.e. "the unmanaged control sites"). Stated plans for 2021 suggest that the Proponent will not be collecting full suite of parameters agreed to with the TAG. 5) Duration of study - The snow study was intended to be conducted over a 3-year period to capture some of the variability in snow fall conditions. However, it was assumed that this 3-year period would involve 3 years of complete data collection as per the study design developed by the Proponent and reviewed by the TAG in 2019. It is unclear from the 2020 Wildlife Monitoring Report whether the Proponent intends to complete 3 full years of data collection as per the original study design. Conclusion: The Proponent has not implemented the snow as committed to during the review of the Project and as agreed to with the TAG. The GN is concerned that Proponent has implemented a study with altered objectives, smaller sample sizes, unspecified allocation of sampling effort across road height classes, measurement of fewer parameters, and a more limited sampling schedule. This altered study may not provide the data necessary to complete the study to "determine how snow accumulation influences road permeability for caribou and other wildlife along the proposed widened Haul Road" as committed to during the NIRB review of the Project (AEM 2019).	The GN offers the following recommendations with respect to this issue: 1. That the Proponent clarify whether the snow study will in all future years will be conducted as discussed above and agreed to with the TAG in 2019, including: a. Data collection at 15 sites (6 plots per site) along the haul road, allocated equally across road elevation categories. b. The collection of a full suite of parameters including height, width and slope of snow berms, snow depth of deposited snow and snow density measurements. c. The collection of snow measurements during two sampling periods within the spring caribou migratory season; specifically around April 15 and again May 10. 2. That the Proponent clarify whether, with 2020 acting as a pilot study year, 2021 will be considered year 1 of the 3-year study assuming the full study design is implemented, as developed by the Proponent and agreed to with the TAG in 2019.	1. Agnico Eagle is committed to continue the snow study and understands that the objectives have not yet been met. Conducting this study present unexpected technical challenges that requires Agnico Eagle to adapt and improve the methodology each year. Current results and update on these challenges will happen with the TAG. 2. Agnico Eagle did not collect sufficient data in spring 2021 for the snow study according to the study design outlined above. Agnico Eagle will discuss future efforts towards the snow study at future TAG meetings.	Appendix 47 (Section 17.1) of the 2021 Annual Report

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GN	MBK/WT	2020 Annual Report - NIRB Project Certificate 008 T&C 28 References: Agnico Eagle Mines (AEM) Ltd. (2019). Meadowbank Division Terrestrial Ecosystem Management Plan, Version 7; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report.	In 2020, incidents in which wildlife were actively deterred away from Project sites increased by 35 to 100% relative to the previous 3 years (AEM 2021, section 3.5.2). The Proponent suggests this increase is the result of more proactive deterrence actions or more thorough reporting of minor deterrence events in 2020 relative to previous years. However, the 2020 Wildlife Monitoring Summary Report does not contain copies of the Wildlife Incident Reports for these deterrence events; reports that are supposed to be filed for each event, as per the Project's Wildlife Protection and Response Plan (AEM 2019, Appendix C). Consequently, reviewers are unable to evaluate the Proponent's suggestion. Additionally, wildlife deterrents are to be used only when habituated or problematic wildlife pose a threat to the wildlife or Mine personnel through human-wildlife conflict. Without access to copies of the Wildlife Incident Reports, reviewers are unable to assess whether use of deterrents was justified or reflected poor project management practices requiring other remedies. Importance to review and supporting rationale: In 2020, incidents of wildlife deterrent use were substantially higher relative to previous years. Wolverine and caribou accounted for 72% of deterrence events (AEM 2020, tables 16 to 18). Wolverine incidents remained relatively high and seemed to be largely associated with waste management sites (e.g. incinerator and landfills). The number of caribou incidents was the highest in 4 years. The Proponent states that: "A total of 43 deterrence activities were reported from interactions with four species: Arctic fox, caribou, wolf, and wolverine (Table 16). The total number of deterrence actions was substantially higher in 2020 than in previous years (2019 – 31, 2018 – 32, 2017 – 21); however, this is the result of more proactive deterrence actions or more thorough reporting of minor deterrence events (e.g., honking a truck horn). The increase in deterrence actions reported does not indicate of an increase in problematic or habituated wildlife at the Project." (AEM 2021, section 3.5.2) The GN notes that the Proponent does not provide evidence in the 2020 Wildlife Monitoring Summary Report to support the claim that the increase in wildlife deterrence events is due to more proactive use of deterrents and improved reporting of incidents as opposed to increased levels of humans-wildlife conflict around the Project. The Project's Wildlife Protection and Response Plan Wildlife indicates that deterrents are implemented when habituated or problematic wildlife pose a threat to the wildlife or mine personnel through human-wildlife conflict (AEM 2019, Appendix C). Following the use of deterrents, a Wildlife Incident Report is filed which must be responsive to the following questions: "Describe the incident or accident that occurred. Was there a threat to wildlife or human safety? What was the situation that caused it? Describe any use of deterrent. What measures are recommended to prevent future occurrences?" (AEM 2019, Appendix D) This information is important in determining whether use of deterrents was justified and whether other management/mitigation measures were required in-order to avoid similar human-wildlife conflicts. Copies of the Wildlife Incident Report forms have not been provided in the 2020 Wildlife Monitoring Summary Report. This prevents the GN from assessing the Proponent's conclusion regarding wildlife deterrence events in 2020 and whether further mitigation actions are required to reduce future human-wildlife conflicts. Given this information gap, the GN is concerned about on-going conflicts resulting from potentially poor Project management practices that could be remedied. For example, the GN wishes to receive more information regarding the continued use of deterrents on wolverine and wolf around landfills and incinerators. Additionally, the GN notes an incident on April 29th during which 5 caribou grazing 150m west of the Whale Tail Haul Road were deterred. It is unclear why or how these caribou were deterred (AEM 2021, Table 16).	Recommendation 3: The GN offers the following recommendations with respect to this issue: 1. That the Board direct the Proponent to append copies of all Wildlife Incident Reports to the annual Wildlife Monitoring Summary Report. 2. That the Proponent explain why and how caribou near the haul road on April 29th, 2020, were deterred. What was the threat to human or wildlife safety? 3. That the Proponent provide copies of Wildlife Incident Report forms for the deterrence events reported in the 2020 Wildlife Monitoring Summary Report.	1. Wildlife Incident Reports for wildlife deterrence events were not completed in 2020. Agnico Eagle has notified environmental staff to document deterrence events using Wildlife Incident Reports in the future according to the TEMP V7 (AEM 2019). Wildlife Incident Reports related to deterrence events will be included in future annual reports. 2. This record is likely attributed to a data collection error and selection of the incorrect action using the Wildlife Log. No deterrents were used on caribou on the AWAR in 2020. The record from April 29, 2020 in the site database will be updated from "Deterred. Successful" to "Monitored the area". 3. Please refer to response to GN Recommendation 3, Item 1 above.	Appendix 47 (Appendix A) of the 2021 Annual Report

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GN	MBK/WT	2020 Annual Report - NIRB Project Certficate 008 T&C 28 Agnico Eagle Mines (AEM) Ltd. (2019a). Meadowbank Division Terrestrial Ecosystem Management Plan, Version 7; Agnico Eagle Mines (AEM) Ltd. (2019b). Commitment list from NIRB technical meetings on the Whale Tail Expansion proposal, Baker Lake, June 11-13, 2019; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report.	In the 2020 Wildlife Monitoring Summary Report, the Proponent states that pit and mine site ground surveys took place in 2020 (AEM 2021, Section 3.4). However, the report does not indicate how many of these surveys occurred, when they occurred, what was observed during each and what actions, if any, were initiated in response to sightings of caribou or muskox above the Group Size Thresholds (GST) and within the distance thresholds specified in the Terrestrial Environment Management Plan (TEMP). Instead, the report provides an appendix of wildlife observations that appears to be a consolidation of formal pit and mine site surveys plus incidental observations made by mine employees while performing activities other than wildlife surveying (AEM 2021 – Appendix A). From the information provided, the GN cannot determine if pit and mine site surveys were conducted with the required frequency in 2020 and whether the observations made during these surveys were used consistently to trigger the automatic measures prescribed in the Project's TEMP for the protection of caribou and muskox. A previous commitment by the Proponent to revise the format for reporting caribou observations and the mitigation/adaptive management actions taken in response to those observations has not been fulfilled. Importance to review and supporting rationale: As part of the Project's caribou protection measures, the Proponent is supposed to conduct wildlife surveys of pits and mine sites at least once weekly but increasing to as much as twice daily during caribou migration periods (AEM 2019a, Table 12 and Figure 6). As stated in the 2020 Wildlife Monitoring Summary Report, one of the primary objectives of these surveys is to: "Use Decisions Trees when caribou are seen near Project facilities to determine the level of adaptive management (e.g., suspending activities) required." (AEM 2021, Section 3.2) When caribou are seen in groups above the specified GST and within a specified distance of mining operations, decision trees in the TEMP indicate that certain mitigation actions are supposed to be automatically implemented including the suspension of operation of all nonessential vehicles and cessation of blasting activities (AEM 2019a, Figures 6 and 9). Similar measures are also specified for muskox (AEM 2019a, Figure 10). Non-essential vehicles and heavy equipment are defined in the TEMP as: "[A]ll vehicles or heavy equipment except those operated for the purpose of maintaining the safety of personnel. For clarity, non-essential vehicles shall include vehicles and equipment used to continue mining operations or hauling of ore." (AEM 2019a) The 2020 Wildlife Monitoring Summary Report states that pit and mine site surveys were conducted in 2020 but does not provide any further information on these surveys (AEM 2021, Section 3.4). In particular, the report contains no information on the number of surveys conducted, the timing of surveys, the wildlife observed, or the mitigation measures taken (if any) in response to observations of caribou and muskox. Instead, the report provides a summary of the total number of caribou observed during pit and mine site surveys, combined with incidental observations made by mine employees engaged in other activities besides formal surveys (AEM 2021, Section 3.5.1). The report refers the reader to Appendix A that contains a table of wildlife observations made in 2020. This table is a consolidation of wildlife observations from formal surveys and incidental observations. Several concerns are noted with respect to this part of the Annual Wildlife Summary Report, as follows: •Neither the main body of the report nor Appendix A provides information on the number of pit and mine surveys conducted in 2020 and their timing. •From the observation records in Appendix A, it is not possible to distinguish between observations made during formal surveys versus incidental observations. •From the observation records in Appendix A, it is not possible to determine how far from pits or mine sites these observations occurred. This is important for determining whether mitigation measures in the TEMPs decision trees should have been triggered. •Neither the report nor Appendix A links individual observations of caribou or muskox to the automatic mitigation actions, such as cessation of mine operations, that are specified in the Project's TEMP. The GN has previously raised concerns about AEM's reporting on the implementation of caribou decisions trees (GN 2019, GN-10). During the NIRB's review of the Whale Tail Project expansion proposal, AEM committed to the following: "All observations of caribou will be reported in future Meadowbank and Whale Tail Wildlife Monitoring Summary Reports using the format presented in Table GN-TRC- #4-1 of AEM's response to technical comments on the Expansion Project." (AEM 2019b, Commitment 11) Tables 9 and 10 of the 2020 Annual Wildlife Summary Report uses the format for reporting that was committed to by the Proponent but these tables only account for observations resulting in closures of the AWAR and haul road, not cessation of mine operations. Additionally, as discussed elsewhere in the submission (see GN Comment 07 Road Closures for Migrating Caribou), these tables are incomplete because they do not contain information on all the caribou observations in 2020 that should have triggered road closures. Due to these information gaps, the GN cannot determine if pit and mine site surveys were conducted with the required frequency in 2020 and whether the observations made during these surveys were used appropriately and consistently to trigger the automatic measures prescribed in the Project's TEMP for the protection of caribou and muskox. The Proponent provides that the decision trees were followed when caribou were seen near mine facilities in 2020 (AEM 2021, Table 22). However, no evidence to support this claim is provided in the 2020 report. Further, the GN notes that despite recording more than 48,000 caribou and 2,500 muskoxen, either incidentally or during formal surveys, including observations at the Whale Tail mine site, the Proponent does not report having taken any mitigation actions to reduce mining operations, such as the cessation of non-essential vehicles and heavy equipment at the Whale Tail site, as per Figure 6 of the TEMP. The GN feels that with so many observations of caribou and muskoxen around mining operations in 2020, there should have been instances when the TEMP's automatic measures, such as suspension of non-essential vehicles, should have been triggered. In summary, the GN is concerned that the Proponent is not reporting all caribou (and muskox) observations alongside the corresponding mitigation actions (if any) that were taken in response to each observation; the format previously committed to. The GN reiterates its position that this commitment must be fulfilled in-order for the GN and other reviewers to assess whether the caribou and muskox protection measures in the Proponent's TEMP are being fully and consistently implemented. Despite the noted gaps in information provided in the 2020 Wildlife Monitoring Summary Report, the GN concludes that the Proponent is not fully and consistently implementing the caribou protection measures in the TEMP, as detailed in the decision trees in Figures 6 to 9 (AEM 2019a). A review of the information provided in the report regarding mine site ground surveys and incidental wildlife observations (AEM 2021 - Appendix A), tolerant caribou observations (AEM, 2021 - Appendix B; see also GN Comment 06 Project Tolerant Caribou), and road survey data (GN Comment 07 Road Closures for Migrating Caribou), show that there were numerous instances in 2020 when caribou and muskoxen above the GSTs and within distance thresholds specified in the TEMP were observed near the Project but the automatic mitigation actions prescribed in the TEMPs decision trees (Figure 6 to 10) were not implemented. This leads the GN to conclude that the Proponent is not compliant with Term and Condition 28 of the Project Certificate (008). This is the third consecutive annual report for which the GN has expressed concern about noncompliance with the Project Certificate due to incomplete reporting and incomplete/inconsistent application of the TEMP's caribou and muskox protection measures; measures that were submitted by the Proponent during NIRB's review of the Project and which were integral to intervenors' reviews of the Project's FEIS. The GN urges the NIRB to take immediate action to enforce term and condition 28 of the Project Certificate with respect to these matters.	The GN offers the following recommendations with respect to this issue: 1. That the Board direct the Proponent to immediately implement the Project's caribou and muskox protection measures fully and consistently, in accordance with the approved TEMP's Group Size Thresholds, Distance Thresholds and decision trees; including the automatic measures specified in these decision trees (AEM 2019a, Figures 6 to 10). 2. That the Board direct the Proponent to report, in its annual reports, all observations of caribou and muskox, alongside any corresponding mitigation actions that were taken in response to each of these observations, in the format previously committed to by the Proponent and as used in Tables 9 and 10 of the 2020 Annual Wildlife Summary Report. 3. That in reporting wildlife observations in its annual reports to the Board, the Proponent distinguish between observations made by different methods including incidentally, during formal road surveys, viewshed surveys or pit and mine site ground surveys. 4. That in reporting wildlife observations in its annual reports to the Board, the Proponent provide tables summarizing the number of each type of wildlife survey conducted and the date of each of these surveys. 5. The GN requests that the Proponent provide information on the number of pit and mine site surveys conducted in 2020 including the date of each survey. 6. The GN requests that the Proponent provide a detailed explanation, with supporting evidence, as to why observations of caribou and muskox made near the Whale Tail (Amaruq) mine site in 2020 (AEM 2021 – Appendix A) did not trigger mitigation measures such as speed restrictions or cessation of non-essential vehicles.	1. Agnico Eagle implemented decision trees in 2020 for road surveys as demonstrated in Tables 9 and 10. Moving forward, mitigations implemented due to individual observations will be documented for each monitoring component, and presented in the format used in Tables 9 and 10 to clearly identify use of decision trees. 2. Agnico Eagle has provided all recorded observations of caribou and muskox in 2020. Discrepancy may be related to observations from formal pits and mine site ground surveys that were recorded as incidental observations in 2020. Moving forward, Agnico will provide the type of survey associated with each wildlife observation and will distinguish observations from pits and mine site ground surveys from incidental observations (Appendix A). Mitigations implemented due to individual observations will be documented and presented in the format used in Tables 9 and 10 to clearly identify use of decision trees. 3. Observations from different monitoring components are summarized under their respective sections (e.g., Section 2.0, Section 6.0). Incidental observations and observations from formal pit and mine site ground surveys will be distinguished in future annual reports. Moving forward, Agnico Eagle will distinguish between survey types for the individual observations presented in the wildlife observations (Appendix A). 4. Moving forward, Agnico Eagle will document completion of surveys for all survey types with survey dates, including surveys where no wildlife were observed, and present in a table similar to Table 2 (Details of All-Weather Access Road Wildlife Surveys from 2007 to 2020) and Table 4 (Whale Tail Haul Road Surveys from 2017 to 2020) of the annual report. 5. The annual report indicates that formal pits and mine site ground surveys were completed on an 'at least weekly' basis (Section 3.4). Moving forward, Agnico Eagle will provide the number of pit and mine site ground surveys completed with dates in future annual reports. 6. Agnico Eagle is committed to operate as per the TEMP and recognize that improvements are needed in our database to clarify the link between the observations and the implemented mitigations measures. Agnico Eagle is open to discuss this subject further with the TAG.	Appendix 47 (Appendix A) of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
GN	MBK/WT	2020 Annual Report - NIRB Project Certficate 008 T&C 28 Agnico Eagle Mines (AEM) Ltd. (2019). Meadowbank Division Terrestrial Ecosystem Management Plan, Version 7; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report; Nunavut Impact Review Board (NIRB). (2017) Final hearing report, Agnico Eagle Mines Ltd. Whale Tail project. NIRB File No. 16MN056; TAG (2018). Terms of Reference for the Terrestrial Advisory Group. NIRB Exhibit 51, Whale Tail Expansion Project Review, Final Hearing.	In 2020, the Proponent began to evaluate the use of viewshed surveys as a replacement for Height-of-Land (HOL) surveys for the purpose of detecting caribou approaching the Project. A small number of viewshed surveys were conducted. Based on the results of these surveys, the Proponent concludes that viewshed surveys improve long-distance monitoring of caribou. In its management recommendations in the 2020 Wildlife Monitoring Summary Report, the Proponent recommends that future road surveys along the Whale Tail Haul Road should be scaled back in favour of increased frequencies of viewshed surveys (AEM 2021, Sections 2.8 and 6.7). While the GN supports the use of viewshed surveys as a monitoring tool, there several concerns with the recommendation to increase the use of this survey method whilst scaling back road surveys along the Whale Tail Haul Road, as follows. •The number and distribution of viewshed surveys conducted in 2020 did not yield sufficient data to draw definitive conclusions regarding the effectiveness of this monitoring method. •The 2020 Annual Monitoring Report does not present a statistical analysis demonstrating that this method detects caribou with greater effectiveness at long-range than road surveys. •Use of viewshed surveys was discussed with the Terrestrial Advisory Group (TAG), and is introduced in the 2020 Wildlife Monitoring Summary Report, as a replacement for HOL surveys and not a replacement for road surveys. •In accordance with the Project's approved TEMP (AEM 2019), viewshed surveys and their predecessor, HOL surveys, are intended to be a supplementary monitoring method the frequency of which is specified in decision trees and unrelated to the frequency of road surveys (AEM 2019, Figure 6 to 10). •During the final hearing for NIRB's review of the Project, the Proponent committed to revise the TEMP to adjust the frequencies of HOL and road surveys and in so doing adhere to the advice of the TAG, as per the TAG's terms-of-reference (TOR). With respect to this matter, the Terms of Reference (TOR) specifically indicate that the TAG shall render advice by consensus or by a majority vote of its members. To date, the TAG has not received the recommendation from the Proponent to increase use of viewshed surveys and reduce the frequency of road surveys. Consequently, the TAG has not rendered advice on this matter. The GN supports increasing the frequency of viewshed surveys to match the frequency of HOL surveys specified in the approved TEMP (AEM 2019) and further evaluation of this method of monitoring. The GN does not support a reduction in the frequency of road surveys below the levels specified in the TEMP. Importance to review and supporting rationale: Concerns regarding the Proponent's reporting of viewshed surveying conducted in 2020 centre on two topics; (1) Evaluation of this survey method; (2) the proposal to increase use of this method whilst reducing the frequency of road survey along the Whale Tail Haul Road. 1) Evaluation of Viewshed Survey Method for Detecting Caribou In 2020, 19 days of viewshed survey efforts occurred at the 12 identified survey points along the Whale Tail Haul Road (the Haul Road) (AEM 2021, Figure 10). Based on the results of this survey effort the Proponent concludes that: "[V]iewshed surveys were also implemented to improve long-distance monitoring of caribou, which was also accomplished." (Section 6.7) It is premature to draw this conclusion for several reasons including: •The Proponent does not provide quantitative evidence to support this claim in the form of viewshed data analyses. •Survey effort during key caribou migration periods was limited. Of the 19 days of viewshed survey effort in 2020, only 5 days occurred during the spring caribou migration period (AEM 2021, Table 26), the main period when use of viewshed surveying is most important for supporting road management measures in the TEMP (AEM 2019). •The distribution of surveys along the road were limited (AEM 2021, Table 27). Of these 5 survey days in the spring, only 1 day involved surveys at all 12 locations along the road. A further 2 involved survey at only 1 of the 12 locations. The remaining 2 days of survey effort involved survey at 6 of the 12 locations. •Noting the limited number of days and limited distribution of survey effort during the spring migration, it is further noted that there were only 10 groups of caribou observed via viewshed surveys in 2020, eight of which were observed during the spring (AEM 2021, Table 28). Overall, the limited data set obtained from viewshed surveys in 2020 is insufficient for statistical analysis and a thorough evaluation of this survey method (including the effectiveness of the survey locations selected as viewshed monitoring points). Further data collection is required in-order to evaluate this method. 2) Increased Use of Viewshed Surveys and Reduced Frequency of Road Surveys As noted in the 2020 Wildlife Monitoring Summary Report: "In 2019, Agnico Eagle advanced the idea of using viewshed survey points instead of HOL locations because of safety and logistical concerns." (AEM 2021, Section 6.1) However, elsewhere in the report the Proponent states that: "Road surveys should continue to be used along the AWAR and the WTHR, but increasing the frequency of viewshed surveys in 2021 should be a primary objective, particularly during spring migration." (AEM 2021, Section 6.7) "It is recommended that road surveys along the WTHR are scaled back in favour of increased frequency of viewshed surveys (Section 6.7)." (AEM 2021, Section 2.8) [Emphasis added by reviewer] Considering the limited viewshed survey effort and distribution achieved in 2020 (as discussed above), increasing the frequency of viewshed survey in 2021 is a logical next step that will allow more thorough evaluation of this method. However, scaling back the frequency of road surveys is not an appropriate step for the following reasons: • As noted by the Proponent: "[R]oad surveys are important for documenting sensitive periods when the area near the road is utilized by various wildlife species and for evaluating the need, if any, to adaptively manage mitigation (e.g., temporary road closures and radio announcements)." (AEM 2021, Section 2.8) As an important and proven monitoring tool for triggering road mitigation measures such as closures when migrating caribou are nearby, it is not appropriate to scale back this method of monitoring in favour of a method that has not been properly evaluated. • As noted by the Proponent in the 2020 Wildlife Monitoring Summary Report, and as discussed with the TAG in 2019, viewshed surveys were being evaluated as a replacement for HOL surveys, not as a replacement for road surveys. • In the Project's approved TEMP, the minimum frequency of road surveys is specified and is independent of the frequency of other survey methods (AEM 2019, Figures 6-10). Reducing the frequency of road surveys along the haul road in favour of increased viewshed surveys is inconsistent with the approved TEMP. • During the NIRB public hearing for the approved Project, the Proponent made the following commitment: "Within 1 year of Project certification, the Proponent shall revise the TEMP to increase the frequencies of height-of-land, road and ground surveys for caribou compared to the current levels in the TEMP (v.4.0). Thereafter, further revisions may be made annually within the TEMP, taking into account ongoing project monitoring. The revisions shall adhere to advice provided by the TAG, as per the terms of reference." (NIRB 2017 – Appendix B, Commitment 5). • On the matter of road survey frequency, the TAG's terms of reference specifically indicate that the TAG shall render advice by consensus or by a majority vote of its members (TAG 2018). To date, the TAG has not received the recommendation from the Proponent to increase use of viewshed surveys and reduce the frequency of road surveys. Consequently, the TAG has not rendered advice on this matter. In summary scaling back the frequency of road surveys in favour of viewshed surveys, is inappropriate given the limited extent to which the viewshed method has been evaluated. Further, reducing the frequency of road surveys is inconsistent with the approved TEMP and commitments made by the Proponent thereby being non-compliant with term and condition 27 and 28 of the Project Certificate.	The GN offers the following recommendations with respect to this issue: 1. That the Proponent increase viewshed survey effort in 2021 at all 12 locations along the Haul Road, in particular during spring migration period April 1- May 25. 2. That the Proponent, in future annual reports, present quantitative analysis of the data collected via viewshed surveys to evaluate the effectiveness of this method in detecting migrating caribou near the Project and triggering mitigation actions specified in the approved TEMP. 3. That the NIRB direct the Proponent to comply with Project Certificate terms and conditions 27 and 28 by: a. Continuing to conduct road surveys along all Project roads at frequencies specified in the approved TEMP. b. Adhering to advice rendered by the TAG regarding changes in the frequency of road surveys, as per the TAG's TOR and commitment #5 made during the NIRB public hearing (NIRB 2017 – Appendix B)..	1. Given that the majority of mitigations were triggered by road surveys rather than viewshed surveys on the Whale Tail Haul Road (Table 10; AEM 2021), viewshed surveys were not completed at all 12 locations during spring migration in 2021. Road surveys were completed regularly during spring migration in 2021 and used to inform mitigation measures according to decision trees. Efficacy and continuation of viewshed surveys will be discussed at future TAG meetings. 2. Please see response to GN Recommendation 5, Item 1 above. Efficacy and continuation of viewshed surveys and use of road surveys in place of viewshed surveys will be discussed at future TAG meetings. 3. Please see response to GN Recommendation 5, Item 1 above. Agnico Eagle will consult TAG for changes to road and viewshed survey frequency.	Appendix 47 (Section 7.0) of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
GN	MBK/WT	2020 Annual Report - NIRB Project Certificate 008 T&C 28 Agnico Eagle Mines (AEM) Ltd. (2019). Meadowbank Division Terrestrial Ecosystem Management Plan, Version 7; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report; Nunavut Impact Review Board (NIRB). (2017) Final hearing report, Agnico Eagle Mines Ltd. Whale Tail project. NIRB File No. 16MN056.	Identification of issue: In 2020, the Proponent appears to have designated more than 22,000 caribou, most of them migrating, as being 'Project Tolerant'. The term 'Project Tolerant' has significance with respect to the caribou protection measures specified in the Project's Terrestrial Environment Monitoring Plan (TEMP). As a result of this designation, and through incorrect application of the TEMP, mitigation measures such as road closures, that are supposed to be automatically triggered in-order to reduce disruption of the spring and fall migrations, were not implemented. Instead, Project roads such as the heavily used Whale Tail Haul Road (WTHR) remained open during key periods of the migration when caribou interactions with the Project reached their annual peak. The GN considers this to be a misuse and abuse of the provisions of the TEMP relating to Project Tolerant Caribou. The GN concludes for the 3rd consecutive year that the Proponent is not consistently and fully implementing the caribou decision trees in the Project's approved TEMP despite claiming to do so in its annual reports. It is the GN's position that the Proponent is non-compliant with term and condition 28 of the Project Certificate (008). The GN requests that the NIRB remedy this on-going problem. Importance to review and supporting rationale: Project Tolerant caribou are defined in the TEMP as: "An animal or group of animals (i) observed within a mitigation distance buffer for greater than 72 hours during the winter or 48 hours during other season; and (ii) not visibility disturbed by the Project" (AEM 2019, Section 3.4.2) As also noted in the TEMP, Project Tolerant caribou are defined in this way to: "[P]rovide additional clarity and support to the decision trees." (AEM 2019, Section 3.4.2) The decision trees themselves specify, that during spring or fall migration periods, when caribou are present within 1.5km of the Whale Tail Haul road or All-Weather-Access Road (AWAR) in groups exceeding a specified Group Size Threshold (GST), the corresponding road will be automatically closed to all non-essential traffic (AEM 2019, Figures 8 and 9). This is referred to as level 3 of monitoring and mitigation. The decision trees also indicate that roads can be: "[R]eopened if Project tolerant caribou are grazing next to road and not migrating" The process for designating caribou as Project Tolerant involves the following steps: • Initially closing roads to observed caribou that are within distance thresholds and above GSTs. • After subsequently, monitoring the observed groups for at least 48 hours, they can be designated a Project Tolerant if they have not moved outside the distance threshold, as migrating caribou would be expected to do, and they are not being visibly disturbed by the Project (thereby being prevented from migrating). • Upon designation as Project Tolerant, mitigation measures for these groups can be relaxed. For example, roads can be reopened, when the only animals present within distance thresholds and above GSTs are Project Tolerant individuals.(AEM 2019, Section 3.4.2 and figures 8 and 9) The provision for Project Tolerant caribou was originally added to the TEMP to account for the handful of caribou that sometimes become habituated to development projects and choose to reside near them over the long term. The intention was to ensure these animals did not unnecessarily restrict Project operations. In the 2020 Wildlife Monitoring Summary Report, the Proponent states that: "Project tolerant animals are defined in the TEMP Version 7 as an animal or group of animals observed within a mitigation distance buffer for greater than 72 hours during the winter or 48 hours during other seasons; and not visibly disturbed by the Project… A total of 10,167 tolerant caribou were recorded along the AWAR, and 12,173 tolerant caribou were recorded along the WTHR in 2020." (AEM 2021 Section 9.5) It appears that tens of thousands of migrating caribou interacting with the AWAR and WTHR were designated as Project Tolerant in 2020. This constitutes an incorrect application of the Project's approved TEMP and is concerning for several reasons, as follows: • Intent of Project Tolerant Designation: The intent of the Project Tolerant provisions in the TEMP was to be able to relax mitigation measures for a handful of caribou that were expected to habituate to the Project and reside long-term in the vicinity, not to reduce protection for tens of thousands of migrating caribou. • Evidence of Observation to Confirm Project Tolerant Status: In-order to designate caribou as Project tolerant, by definition, they must first be observed for at least 48 hours to determine whether or not they move beyond the distance thresholds that trigger actions such as road closures and whether they are visibly disturbed. In the 2020 Wildlife Monitoring Summary Report, the Proponent provides no evidence that each of these hundreds of groups of caribou were observed for this length of time. The Proponent also does not provide an explanation as to how observers were able to distinguish between different groups over time to ensure they were still observing the same groups of caribou rather than newly arriving groups. • Initial Closing of Roads followed by Re-opening: Upon initially observing caribou, within distance thresholds and above the GST, automatic mitigation measures such as road closures are supposed to be implemented. In accordance with the TEMP, these measures can only be relaxed (i.e the road reopened) if, after at least 48 hours of monitoring, the observed caribou meet the definition of Project Tolerant. In other words, for thousands of migrating caribou designated by the Proponent as Project Tolerant in 2020 (AEM 2021, Appendix B), road closures should first have been implemented and only relaxed after confirming the animals were Project Tolerant (which requires a minimum of 48 hours of monitoring). This initial closure of roads did not occur in 2020. For example, during the period April 8th to 26th, Appendix B of the report shows that 121 groups of caribou, totalling 6,333 individuals were observed along the WTHR and designated as Project Tolerant. All of these groups were above the GST and within 1.5km distance threshold specified in the TEMP for triggering automatic road closure. The groups ranged in size from 13 to 275 individuals. Groups were observed along the road almost every day during this period. An average of 6 groups per day were seen and on some days as many as 17 different groups were observed. However, every day of this 19-day period, during the peak of spring migration, the road remained open. The closures of the road that should have been automatically triggered in response to these observations, in accordance with TEMP's decision trees, were not implemented (Tables 9 and 10). The same situation occurred between May 5 and 16, where multiple daily observations of caribou above the GST and within 1.5km of the road did not result in any road closures during this 2-week window (AEM 2021, Appendix B). • Consultation and Reporting – The relaxation of mitigation measures for caribou deemed Project tolerant, such as reopening of roads, is supposed to be conducted following consultation and subsequently reported in the Proponent's annual report. During the final hearing for the NIRB's review of the Whale Tail Project, the Proponent made the following commitments: "Where mitigation measures are to be relaxed for project tolerant animals, the Proponent shall consult with the TAG prior to reducing/removing mitigation." and "The Proponent shall document all cases where mitigation measures are relaxed for project tolerant animals and shall report these cases in the annual project monitoring report." (NIRB 2017, Appendix B, Commitments 26 and 27) Consultation with the Terrestrial Advisory Group (TAG) regarding the relaxation of mitigation measures for Project Tolerant caribou did not occur in 2020. Additionally, in the 2020 Wildlife Monitoring Summary report, the Proponent does not report on the relaxation of mitigation measures, such as reopening of roads, for caribou identified as project tolerant (such as those listed in the examples above) because the initial mitigation measures specified in the TEMP, were not implemented and thus could not have been relaxed. In summary, in the 2020 Wildlife Monitoring Summary Report, the Proponent provides that the caribou decision trees in the approved TEMP were implemented in 2020 (AEM 2021, Tables 14 and 37) and that: "The use of decision trees for managing disturbance to ungulates is an ongoing and continuous monitoring and mitigation strategy for the life of the Project. Monitoring and mitigation intensity is increased as ungulates approach the Project." (AEM 2021, Section 9.3) However, based on the evidence provided to the GN, the GN concludes that these decision trees were not fully and consistently implemented in 2020. An exceptionally large number of caribou were classified as Project Tolerant without evidence that these caribou were properly monitored and met the definition of Project Tolerant. The required initial mitigation measures for these caribou (i.e. road closures) were not implemented and thus thousands of migrating caribou, during the peak of their interaction with the Project, encountered Project roads that were open, in particular the heavily used WTHR. The required consultation with the TAG and required reporting regarding relaxation of mitigation measures for these Project Tolerant caribou did not occur. The GN feels that the Proponent is non-compliant with term and condition 28 of the Project Certificate (008) as a result of not fully and consistently implementing the TEMP with respect to caribou and not fulfilling implementing commitments 27 and 28 made during the Whale Tail hearing. Also see GN-07 Road Closures for Migrating Caribou. This is the third consecutive annual report for which the GN has expressed concern about noncompliance with the Project Certificate due to incomplete reporting and incomplete/inconsistent application of the TEMPs caribou protection measures; measures that were submitted by the Proponent during NIRB's review of the Project and which were integral to intervenors' reviews of the Project's Final Environmental Impact Statement (FEIS). The GN urges the NIRB to take immediate action to enforce term and condition 28 of the Project Certificate with respect to these matters.	The GN offers the following recommendations with respect to this issue: 1. That the Proponent provide details on the 48 hours of monitoring that occurred to assess each groups listed as Project Tolerant in Appendix B of the 2020 Wildlife Monitoring Summary Report including: a. The method of monitoring, duration and frequency of monitoring for each group. b. The data collected which led to the determination each of these groups was Project Tolerant. c. The data collected which shows that each of these groups remained within 1.5km of the Haul Road for more than 48 hours. 2. That the Proponent explain why road closures were not initially implemented on the Whale Tail Haul Road between April 8th to 26th and May 5th to 16th, when caribou in multiple groups above the GST listed in the TEMP v. 7 were observed within 1.5km of the road each day. 3. That the Proponent explain what consultation occurred with the TAG regarding the caribou listed as tolerant in Appendix B of the 2020 Wildlife Monitoring Summary Report. 4. That the Board direct the Proponent to immediately implement the Project's caribou protection measures fully and consistently, in accordance with the approved TEMP's v. 7 GSTs, Distance Thresholds and decision trees; including the automatic measures specified in these decision trees (AEM 2019a, Figures 6 to 10). 5. That the Board direct the Proponent to report, in its annual reports, all observations of caribou, alongside any corresponding mitigation actions that were taken in response to each of these observations, in the format previously committed to by the Proponent and as used in Tables 9 and 10 of the 2020 Annual Wildlife Summary Report. 6. That the Board direct the Proponent to fulfill commitments 26 and 27 made during the NIRB's final hearing for the Whale Tail Project (NIRB 2017, Appendix B, Commitments 26 and 27).	1. Monitoring over 48-hour periods are used to identify Project Tolerant caribou. Professional judgement by the same field crew was used to identify Project Tolerant caribou when groups were not visually disturbed by the Project. 2. The Whale Tail Haul Road was closed due to blizzard conditions April 12-13; April 17-18; and April 22. For the other days mentioned in GN recommendation, the caribou observed were classified as project tolerant as per the definition of TEMP and reported in the daily notification. Speed restrictions were enforced during those periods. In addition, in April 2020, the mining operations were significantly reduced by the COVID and the long hauling activities on the Whale Tail road were almost fully stopped. Only medium and light traffic were travelling on the haul road (with very few exceptions). 3. Agnico Eagle acknowledges GN's comments and would like to discuss further with the TAG. 4. Decision trees were implemented throughout 2020 using results of different monitoring components (e.g., road surveys, viewshed surveys). Moving forward, mitigations implemented due to observations will be documented for each monitoring component and presented in the format used in Tables 9 and 10 to clearly identify use of decision trees. 5. Agnico Eagle will provide required information from different monitoring components in the similar format as Tables 9 and 10 of the Annual Wildlife Summary Report. 6. Moving forward, Agnico Eagle will provide documentation of instances where mitigation measures were relaxed due to Project Tolerant animals, and associated records of consultation with TAG for relaxation of mitigation.	Appendix 47 (Section 3.6.8) of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
GN	MBK/WT	2020 Annual Report - : NIRB Project Certificate 008 T&C 28 Agnico Eagle Mines (AEM) Ltd. (2019a). Meadowbank Division Terrestrial Ecosystem Management Plan, Version 7; Agnico Eagle Mines (AEM) Ltd. (2019b). Commitment list from NIRB technical meetings on the Whale Tail Expansion proposal, Baker Lake, June 11-13, 2019; Agnico Eagle Mines (AEM) Ltd. (2020). Meadowbank Mine 2019 Wildlife Monitoring Summary Report. Final. Appendix 52 of the Meadowbank Mine Annual Report; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report; Boulanger, J., R. Kite, M. Campbell, J. Shaw and D.S. Lee. 2020. Analysis of Caribou Movements Relative to the Meadowbank Mine and Roads During Spring Migration. Government of Nunavut, Department of Environment, Technical Report Series – No:01-2020. 31 July 2020.	Throughout the 2020 Wildlife Monitoring Summary Report (AEM 2021), the Proponent states that the Project's caribou protection measures, as specified in the decision trees presented in the Terrestrial Environment Monitoring Plan (TEMP) (AEM 2019a, Figures 6-10) were implemented in 2020. However, evidence presented in the report demonstrates the decision trees were not applied in most cases. Road surveys along the Whale Tail haul road (WTHR) during the spring migration period observed between 3 to 5 times as many caribou per survey in 2020 compared to 2019. Despite observing many more caribou, the haul road was only closed (or partially closed) for a total of 10 days in the spring of 2020 compared 34 days of closure (or partial closure) in 2019. This discrepancy between caribou observations and road closures is explained by looking at the data provided in the report. During the spring of 2020, there were numerous days on which multiple groups of migrating caribou were observed near the WTHR; groups that as a result of being within the distance threshold and above the Group Size Threshold (GST) should have triggered automatic road closure in accordance with the TEMP. However, despite these observations, the road remained open. Had the road been closed on these days (as required under the TEMP), there would have been at least 31 (and potentially up to 41) days of haul road closure in spring 2020; similar to 34 days in 2019. The GN feels for the 3rd consecutive year that the Proponent is not consistently and fully implementing the caribou decision trees in the Project's approved TEMP despite claiming to do so in its annual reports. This is concerning given recent evidence demonstrating that road closures increase the probability that migrating caribou will cross Project roads. It is the GN's position that the Proponent is non-compliant with term and condition 28 of the Project Certificate (008). The GN requests that the NIRB remedy this on-going problem. Importance to review and supporting rationale: In the 2020 Wildlife Monitoring Summary Report, the Proponent states that the caribou decision trees in the approved TEMP were implemented in 2020 (AEM 2021, Tables 14 and 37) and that: "The use of decision trees for managing disturbance to ungulates is an ongoing and continuous monitoring and mitigation strategy for the life of the Project. Monitoring and mitigation intensity is increased as ungulates approach the Project." (AEM 2021, Section 9.3) and "Road-related monitoring and mitigation is implemented according to Figures 7 and 8 of the TEMP (Agnico Eagle 2019)." (AEM 2021, Section 2.6.5) However, a review of the reports indicates that these statements are incorrect. Road surveys conducted along the Whale Tail haul road during the spring caribou migration of 2020 observed between 3 to 5 times as many caribou per trip compared to similar surveys in 2019 (AEM 2021, table 5). Despite seeing more caribou, the haul road was closed (or partially closed) for 10 days in the spring (April 1 to May 25) compared to 34 days in 2019 (AEM 2020; AEM 2021, Table 10). This inconsistency between rates of caribou observation and road closure days in 2020 compared to 2019 can be explained by examining data provided in the 2020 report. The report provides a table showing caribou observations made along the haul road in 2020 and the mitigation action(s) taken in response to the observations (Table 10). However, this table only present caribou observations that led to road closures. A review of caribou observation data provided in Appendices A and B of the report shows there were many days during the spring migration when multiple groups of caribou, observed along the haul road, were above the Group Size Threshold (GST) and within the distance threshold specified in the TEMP (AEM 2019a) for triggering road closures yet the road remained open. These data, summarized in Table 1 (below), show that during the periods April 8 to 29 and May 5 to 16, there were numerous days on which the "automatic" road closure specified in the TEMP should have been triggered (see also GN Comment 06 – Project tolerant Caribou). The 2020, road survey data provided to the Terrestrial Advisory Group, also corroborate these findings. Had road closures been implemented, as required under the TEMP's decision trees, there would have been at least 31 (and potentially up to 41) days of haul road closure in spring 2020; similar to 34 days in 2019. The GN has previously raised concerns about AEM's reporting on the implementation of caribou decisions trees (GN 2019, GN-10). During the NIRB's review of the Whale Tail Project expansion proposal, AEM committed to the following: "All observations of caribou will be reported in future Meadowbank and Whale Tail Wildlife Monitoring Summary Reports using the format presented in Table GN-TRC- #4-1 of AEM's response to technical comments on the Expansion Project." (AEM 2019b, Commitment 11) Tables 9 and 10 of the 2020 Annual Wildlife Summary Report uses the format for reporting that was committed to by the Proponent but these tables only account for observations resulting in closures of the All-weather-Access Road (AWAR) and haul road. These tables are incomplete because they do not contain information on all the caribou observations in 2020 that should have triggered road closures. (Note: Data for the fall migration and for the AWAR were not reviewed by the GN so it is unclear whether similar problems with road management occurred.) Conclusion Contrary to the Proponent's claim that the caribou decision trees were implemented in 2020, in-order to reduce sensory disturbance of migrating caribou by Project traffic, data in the 2020 report indicate this statement is incorrect. On numerous occasions, the Project's haul road should have been closed, in accordance with the TEMP, to allow migrating caribou to cross. This is particularly concerning given recent research by the GN demonstrating that road closures significantly increase the probability that migrating caribou will cross the Project's roads (Boulanger et al. 2021). In addition, preliminary results from the Proponent's motion-triggered camera study of caribou crossing the haul road found that: "All crossing events were documented during road closures, with the exception of one event where speed was limited on a portion of the road away from the camera (Table 32)." (AEM 2021, Section 7.5) This is the third consecutive annual report for which the GN has expressed concern about non-compliance with the Project Certificate due to incomplete reporting and incomplete/inconsistent application of the TEMPs caribou protection measures; measures that were submitted by the Proponent during NIRB's review of the Project and which were integral to intervenors' reviews of the Project's FEIS. The GN urges the NIRB to take immediate action to enforce term and condition 28 of the Project Certificate with respect to these matters.	The GN offers the following recommendations with respect to this issue: 1. That the Board direct the Proponent to immediately implement the Project's caribou protection measures fully and consistently, in accordance with the approved TEMP's v. 7 GSTs, Distance Thresholds and decision trees; including the automatic measures such as road closures specified in these decision trees (AEM 2019a, Figures 6 to 10). 2. That the Board direct the Proponent to report, in its annual reports, all observations of caribou, alongside any corresponding mitigation actions that were taken in response to each of these observations, in the format previously committed to by the Proponent and as used in Tables 9 and 10 of the 2020 Annual Wildlife Summary Report.	1. Please see previous responses to GN Recommendation 4 above in Section 1.4. Agnico Eagle implemented decision trees in 2020 for road surveys as demonstrated in Tables 9 and 10. Moving forward, mitigations implemented due to individual observations will be documented for each monitoring component, and presented in the format used in Tables 9 and 10 to clearly identify use of decision trees. 2. Please see previous responses to GN Recommendation 4 above in Section 1.4. Mitigations implemented due to individual observations will be documented and presented in the format used in Tables 9 and 10 that identify the pathway used in decision trees in future annual reports.	Appendix 47 (Section 3.6.8) of the 2021 Annual Report
TC	MBK	Appendix 32 of the 2020 Annual Report	Under section 12 of the Environmental Response Regulations passed pursuant to CSA 2001, there is a requirement to complete annual reviews and if necessary update the Project's Oil Pollution Emergency Plan (OPEP) and Oil Pollution Prevention Plan (OPPP). If plans are updated, they must be submitted to Transport Canada no later than one year after the update. As required under the CSA 2001, the oil handling facility (OHF) will need to notify Transport Canada of proposed changes to the OHF's operations relating to the loading or unloading of oil to or from vessels (180 days in advance of the change). The facility is also required to submit a revised OPEP/OPPP 90 days before a change in operation. (**Excerpts from the CSA 2001 and Environmental Response Regulations follow this email.)	Continued inclusion of an up-to-date OPEP/OPPP in future annual reports – AEM is required to submit the OPEP/OPPP to Transport Canada as detailed above. The continued inclusion of the updated and Transport Canada reviewed OPEP/OPPP in the annual report for the Meadowbank and Whale Tail Pit Project is an indicator of the compliance status of the Proponent. Transport Canada recommends these continue to be included in future annual reports for the Project and is aware that OPEP/OPPP's are part of annual reports for other NIRB projects.	Agnico Eagle acknowledges Transport Canada's comment and will continue to include the most up to date OPEP/OPPP as part of the annual report.	Appendix 32 of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
CIRNAC	MBK	Previously CIRNAC 1.1; 2020 Annual Report: Section 5.4.1 for Meadowbank and Section 5.4.2 for Whale Tail; Appendix 24; Appendix 25; AEM Responses to Review Comments on the 2019 Annual Report (Part 1: 7 August 2020 and Part 2: 21 August 2020)	CIRNAC recommended that AEM include a meaningful discussion of the results from the thermal monitoring in the Annual Report. FEIS predictions should be compared with monitoring results and be clearly presented. AEM should present the updated modeling supporting their conclusions that the conceptual plans for thermal encapsulation of the Tailings Storage Facility (TSF) and the Waste Rock Storage Facility (WRSF) remain effective to prevent and control deleterious seepage over long term. Finally, if results show discrepancies from the predicted values, AEM should discuss the management actions that should be implemented to address the risk. Agnico Response: "Agnico Eagle is monitoring freeze back in tailings and the waste rock and will continue to do so and expand the monitoring program as required. The data gathered will continue to be analysed and compared to the FEIS prediction to ensure that the closure strategy and concept still meet the closure prediction. The closure strategy for the WRSF and TSF are documented in the interim closure plan. Detailed Engineering closure design will be updated to reflect the current condition of the TSF and WRSF but no significant change to the closure concepts are planned based on the available information. As such progressively reclaimed areas should be considered reclaimed and will only be modified if data show that the previously accepted closure criteria would not be met".	CIRNAC acknowledges that AEM continues to assess the existing and predicted long-term thermal performance of mine wastes and cover systems. However, the 2020 Annual Report provided limited new information in this regard. The topic remains a work in progress therefore the status will be re-assessed by CIRNAC during its review of the 2021 Annual Report and subsequent Interim Closure and Reclamation Plan (ICRP) iterations. With regard to AEM's position that progressively reclaimed areas "should be considered reclaimed and will only be modified if data show that the previously accepted closure criteria would not be met"; that determination will be made by CIRNAC once all required documentation is provided. Such documentation must include at the minimum, updated modelling demonstrating that the covers are able to meet their design intent. All relevant construction records would also need to be provided (e.g., "as-built" drawings). No such documentation has been provided to date, therefore, the covers are not classified as reclaimed. CIRNAC also emphasizes that the criteria presented in an ICRP are not final criteria: they are subject to change as a project advances towards closure and additional information becomes available to inform the final closure requirements.	Agnico Eagle acknowledges CIRNAC's comment on thermal monitoring of the WRSF and will continue to report in the annual report the work and the data that are being gathered to assess the performance of the WRSF. These data will continue to be analysed to ensure they are aligned with closure prediction and the model will be revised periodically to ensure the goal of meeting closure objective. In 2020 instrumentation installation continued on both sites as per O'Kane recommendation. The data gathered at Meadowbank are aligned with the latest review of the thermal model performed in 2019. Agnico Eagle also acknowledges CIRNAC's comment on the progressive reclamation for the cover of the WRSF. Agnico Eagle will be submitting in due time the necessary documentation to support its claim of completion of the progressive reclamation work done on the WRSF.	Appendix 24 (Appendix B) of the 2021 Annual Report
CIRNAC	WT	Previously CIRNAC 8; 2020 Annual Report: Section 8.5.3.2; AEM Responses to Review Comments on the 2019 Annual Report (Part 1: 7 August 2020 and Part 2: 21 August 2020)	CIRNAC recommended that future monitoring reports include a section that describes and quantifies AEM's use of explosives relative to assumptions used in the Final Environmental Impact Statement (FEIS) modelling. In addition, in light of 2019 monitoring results, CIRNAC recommended that AEM revisit its prior conclusion that a change in trophic status in Mammoth Lake will not impact fish productivity. Agnico Response: "Primary sources of residual explosives are from the Whale Tail Pit and WRSF. Concentrations in operating pits at Meadowbank were used to model water quality and chemical loading, which determined that similar nitrogen contents would occur in the waste rock and open pit drainages. Results of monitoring explosive quantity used, and water monitoring is used to assess blasting performance according to the Ammonia Management Plan and used to adjust blasting practices as needed. Although the increase in biomass at Whale Tail South (WTS) and Mammoth Lake (MAM) was likely related to increased nutrient concentrations, the observed increase in biomass downstream is consistent with changes predicted in the FEIS. The ecological significance of increased primary productivity at WTS and MAM will depend on how long the trends continue and how far they extend, but difficult to isolate the cause with one year of data (i.e., 2019). Ongoing monitoring will help determine whether the conclusion that the Project is not expected to have significant adverse effects on fish and fish habitat needs revisiting. Additional field studies are planned in summer 2020 led by the University of Waterloo."	AEM's response does not address the recommendations. Specifically, it does not describe and quantify AEM's use of explosives relative to assumptions used in the FEIS modelling.	The BACI analysis of changes in phytoplankton community metrics showed reductions in biomass at WTS (27%) and MAM (35%) in 2020 relative to baseline/reference conditions, although neither of the reductions were statistically significant. In 2019, the opposite trend was observed with increased biomass in WTS and MAM relative to baseline/reference conditions. Despite higher concentrations of nitrogen species and phosphorus since construction started in 2018, the predicted increase in primary productivity in lakes downstream from the Whale Tail Pit Expansion Project has not occurred. As Agnico Eagle emphasized in last years response, the Whale Tail Pit Expansion Project is in the early stage of operations, and on-going monitoring as part of the CREMP will provide a clearer understanding of whether the predicted increase of primary productivity for lower trophic levels is accurate. Dr Heidi Swanson's research group at the University of Waterloo are leading the investigation of mine-related effects on fish productivity. That study is on-going, with additional field studies planned for August 2021. Agnico Eagle will provide the required information on explosive use in the 2021 Annual Report.	2021 Annual Report, Section 4.4.2.2

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
CIRNAC	WT	Previously CIRNAC 9; 2020 Annual Report: Section 8.2; AEM Responses to Review Comments on the 2019 Annual Report (Part 1: 7 August 2020 and Part 2: 21 August 2020); Project Certificate 008 (Amendment 001) Term and Condition 63	CIRNAC recommended that AEM report back to NIRB on a priority basis to determine how it intends to address the significant (40×) spike in mercury concentrations observed in 2019. If the measured mercury concentrations are deemed accurate, AEM should indicate whether the elevated results have the potential to result in significant ecological and/or human impacts. Agnico Response: "Dr. Heidi Swanson's research group at the University of Waterloo is coordinating with the laboratory at the University of Western Ontario (Biotron) regarding the accuracy of the 2019 water chemistry results for low level mercury and methylmercury. It should be noted that the apparent increases seen in the 2019 data were also seen at the reference lake (Lake 8), which would suggest a regional climatic-driven change. However, until data quality is verified for 2019 there is no point in trying to understand the observed patterns. An expanded scope of work is planned for 2020 that includes monitoring Hg concentrations in water, sediment and lake trout within the project study area, including the Impoundment area (Whale Tail Lake south basin, Lake A65, and Lake A20), Mammoth Lake, and regional reference areas (Lake D1 and Lake 8). Data generated from the 2020 Mercury Monitoring Program will help determine the validity of the 2019 water quality data and determine the ecological and human health".	Project Certificate 008 (Amendment 001) Term and Condition 63 requires that AEM: "Conduct additional studies as part of its freshwater aquatic effects analyses to ensure that methylmercury concentrations anticipated to increase during operations in the aquatic environment (including in fish tissue) do not exceed regulatory requirements. In addition, the Proponent shall consider assessing potential risks from consumption of fish containing methylmercury by using Health Canada's hazard quotients as a descriptive tool." Due to logistical challenges related to COVID 19, components of the mercury assessment and reporting could not be completed prior to issuance of the 2020 Annual Report (e.g., fish tissue analysis). However, based on the available data, mercury concentrations in water in 2020 were similar to those measured in 2019. While the concentrations are elevated relative to baseline, they remain below the Final Environmental Impact Statement (FEIS) predictions. Concentrations in reference lakes are also elevated, suggesting a regional change (as opposed to project impacts). The topic remains a work in progress, therefore the status will be re-assessed by CIRNAC during its review of the 2021 Annual Report.	The 2021 Annual Report will include a discussion of the fish mercury data collected in 2020 and findings from the 2021 MMP, including temporal changes in total and methylmercury concentrations in water from the Impoundment and changes in sediment chemistry in the recently flooded areas around the South Basin of Whale Tail Lake and Lake A65.	2021 Annual Report, Section 8.2 and Appendix 52
CIRNAC	MBK/WT	Project Certificate 008 (Amendment 001) Term and Condition 46; Appendix 61 – Baker Lake Community Liaison Committee Report 2020; Appendix 62 – Agnico Eagle Kivalliq Projects Socio-Economic Monitoring Program, January 2021 Update	Pursuant to Project Certificate 008 (Amendment 001) Term and Condition 46 for the Whale Tail Pit Project, AEM has developed a Kivalliq Projects Socio-Economic Monitoring Program. This Term and Condition requires AEM to: "Work in collaboration with all other socio-economic stakeholders such as the Kivalliq Inuit Association, the Government of Nunavut, and Indigenous and Northern Affairs Canada, and the communities of the Kivalliq region to develop the program." The Adaptive Management and Mitigation section included in AEM's Kivalliq Projects Socio-Economic Monitoring Program (page 4) makes reference to the need to be responsive to the priorities of Community Liaison Committees. Upon further review, the 2020 Baker Lake Community Liaison Committee Report makes no reference to a review of the Socio-Economic Monitoring Program, its 2020 Report, or planned activities for 2021.This committee is a valuable forum for AEM to seek input from community members and organizations on socio-economic topics associated with the Meadowbank Gold Mine and Whale Tail Pit Projects.	CIRNAC recommends that AEM provide the Baker Lake Community Liaison Committee opportunities to review the implementation of its Kivalliq Projects Socio-Economic Monitoring Program and discuss observations during committee meetings. Summaries of discussions and any associated follow-up actions should be included in annual Committee Reports.	Agnico Eagle acknowledges CIRNAC's recommendation to provide the Baker Lake Community Liaison Committee opportunities to review the implementation of its Kivalliq SEMP and discuss observations during the CLC meetings as it is indicated in the Adaptive management and mitigation section of the SEMP. As recommended, Agnico Eagle will include summaries of discussions and follow-up actions in its annual reports.	2021 Annual Report, Section 11.9.3
CIRNAC	MBK/WT	Project Certificate 008 (Amendment 001) Term and Condition 54; 2020 Annual Report: Section 11.10.1; CIRNAC Review of AEM's 2019 Annual Report (July 6, 2020); AEM's Response to Comments Received on its 2019 Annual Report (August 7, 2020)	Pursuant to Project Certificate 008 (Amendment 001) Term and Condition 54 for the Whale Tail Pit Project AEM: "…should ensure that the development of all project monitoring plans and associated reporting and updates are undertaken with active engagement of Kivalliq communities, land users, and harvesters. The Proponent should work with the Kivalliq Inuit Association, the local Hunters and Trappers Organizations and the Kivalliq Socio-Economic Monitoring Committee to report on the collection and integration of Inuit Qaujimaningit through its monitoring programs for the Project." Through their 2020 Annual Report submission, AEM makes reference to its interactions with the Kivalliq Socio-Economic Monitoring Committee as an important means of engaging with Kivalliq communities, land users, and harvesters to inform the development of its annual Socio-Economic Monitoring Reports. No reference is made to a systematic process of ensuring the active engagement of these stakeholders in the development of all project monitoring plans and the integration of collected Inuit Qaujimaningit. CIRNAC also identified this reporting discrepancy in its July 6, 2020 review of AEM's 2019 Annual Report (CIRNAC #16). AEM did not address this comment in its written response to 2019 Annual Report review submissions.	CIRNAC recommends that AEM describe how it has engaged with Kivalliq communities, land users, and harvesters in its development of project monitoring plans and associated reporting and updates pursuant to the requirements of Project Certificate 008 (Amendment 001) Term and Condition 54. Furthermore, AEM should summarize how Inuit Qaujimaningit is being integrated into its monitoring programs.	In 2020, Agnico Eagle undertook engagements and initiatives in different formats to communicate on monitoring and integrating of IQ. Those activities were highly impacted by Covid-19 pandemic and the following no contact order by Government of Nunavut. Agnico Eagle faced limited options to travel and meet with Kivalliq communities, land users and harvesters, but also the Socio-Economic Monitoring Committee (SEMC). Agnico Eagle understands that in the past, they listed or provided examples of engagements and consultations with the community to gather traditional knowledge and IQ. The same kind of engagements and consultations took place in 2020. Some examples of IQ being integrated in Agnico Eagle's program is the implementation of the Nunavut Language Policy, in collaboration with KIA, that recognize that the use of Inuktitut should increase over the life of Agnico Eagle's projects. Numbers of engagements also happened between Agnico Eagle and Baker Lake HTO where discussions and plans covered fish habitat and caribou migration. Other example of traditional knowledge and IQ integration was the planned trips for Elders to identify traditional place names surrounding Whale Tail area and other exploration sites that were postponed due to the pandemic. Additionally, there was no Socio-Economic Monitoring Committee in 2020 due to Covid-19 pandemic. Agnico Eagle had virtual activities with the Socio-Economic Monitoring Working Group (SEMWG) to review the Socio-Economic Monitoring Program (SEMP) update and review with the Whale Tail expansion Project Certificate terms and conditions. Final 2020 SEMR was also submitted to the SEMWG for review before final submission. In response to a systematic process of ensuring the active engagement of community stakeholders, and while facing this unprecedent pandemic situation, Agnico Eagle hired an Inuit Qaujimajatuqangit and Wildlife advisor who was able to travel through Kivalliq communities to discuss traditional knowledge and IQ for upcoming and ongoing Agnico Eagle operations. Other solutions to engage and consult with Kivalliq residents were initiated in 2020 to create virtual/digital public spaces. Solutions that could remain active after the pandemic and continue supporting Agnico Eagle's process of active engagement with stakeholders in the development of plans and the integration of collected IQ.	2021 Annual Report, Section 11.9.4

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
KIA	MBK/WT	Appendix 47; S 2.6.6 Caribou Crossings	Road surveys and incidental sightings provided records of numbers and locations of caribou crossing mine roads (Table 11, pg 2-19). The source for about half of the observations is listed in the notes, primarily from the Wildlife Log. The notes stating "Tolerant Observations" are perplexing, as it is unclear how these were determined and what this has to do with crossing the roads. These data would be strengthened with the addition of road closure status, current traffic level (since various kinds of traffic often occurred on closed roads), and direction that the caribou crossed.	Agnico Eagle should: i) add the following data to Table 11: road closure status, current traffic level, and direction that the caribou crossed ii) clarify what "Tolerant Observations" notes mean.	i) Agnico Eagle acknowledge KivIA recommendation and will make sure, for the annual report 2021, that the data is sufficiently clear to understand the link between tolerant observation and road status/traffic level. Further discussion on data collection/management will be part of upcoming TAG meetings. ii) "Tolerant Observations" were considered Project Tolerant caribou. Project Tolerant caribou were recorded separately during monitoring in 2020. Please see responses to GN Recommendation 6 in Section 1.6.	Appendix 47 (Section 3.6.8) of the 2021 Annual Report
KIA	WT	Appendix 47; S 6 Viewshed surveys	Viewshed surveys were implemented in February 2020 to replace height of land (HOL) surveys (S 6.1, pg 6-1) and are well-reported (S 6.6, pgs 6-2 to 6-5). These surveys are designed to help trigger enhanced mitigation when caribou are within 4 km of the haul road, an early warning system for detecting caribou approaching the haul road. Viewshed surveys are effectively 10-minute stops at 12 set locations along the Whale Tail Haul Road (WTHR). The report recommended "increasing the frequency of viewshed surveys in 2021 should be a primary objective" (S 6.7, pg 6-6). The KivIA questions whether the viewshed surveys are making a significant contribution to monitoring that triggers changes in mitigation, or whether these are driven by the more rapid and more frequent road surveys. Only 6% of 163 viewshed surveys observed caribou, although many of these did not occur during migration (S 6.6, pg 6-6), and it is unclear why more viewshed surveys were not conducted throughout the spring migration. Despite viewshed surveys being in place during both migration seasons, the method was only acknowledged once as a trigger for road restrictions on the WTHR (Table 10, pg 2-18). The viewshed surveys should theoretically provide further distance monitoring of caribou numbers for triggers (average distance was 630 m for the road, with furthest 1 km) (S 6.6, pg 6-6) but it is unclear how far off the road caribou were spotted during road surveys.	Agnico Eagle should provide: i) the distance from the road that caribou groups were observed during road surveys (to compare with viewshed surveys) ii) a discussion on why more viewshed surveys were not conducted during spring migration 2020 iii) a comparison of the contribution road surveys versus viewshed surveys make in triggering changes in mitigation along the WTHR.	i) Please see response to GN Recommendation 5, item 1 in Section 1.5. Agnico Eagle will include distance of observations during road and viewshed surveys in wildlife observations (Appendix A) of future annual monitoring reports. ii) Please see response to GN Recommendation 5, item 1 in Section 1.5. iii) Please see response to GN Recommendation 5 in Section 1.5.	Appendix 47 (Appendix A) of the 2021 Annual Report
KIA	WT	Appendix 47; S 7 Remote cameras – App. J	The primary objective of the remote camera program is "to monitor caribou behavioural interactions with the WTHR, and adapt management practices (i.e., traffic mitigation) as required" and to "… allow[s] for comparisons to determine if caribou crossing locations along the WTHR are related to the physical parameters of the road" (S 7.2, pg 7-1). With only 8 locations (16 paired cameras), the KivIA questions whether there is sufficient sample size to quantify road characteristics and caribou crossing. The "Infrequent capture of caribou crossing events" (S 7.5, pg 7-3) and the data suggest the cameras are not overly useful to document crossings. This section goes on to state "The amount of time since last vehicle passed is shorter when the WTHR is open than closed, which suggests that caribou are not responding immediately to WTHR closures" (S 7.6, pg 7-6). The KivIA respectfully submits that there is a total lack of data to support this statement (all but one crossing occurred during road closure). The limited sample of photos in the 2019 Summary Report (Appendix J) showed delays in when the caribou cross the haul road after traffic. This is a useful start and requires a comprehensive report covering all camera data collected to date.	Agnico Eagle should: i) comprehensively analyze 2018, 2019 and 2020 photos ii) recommend any revisions in sampling design for the 2021 TEMP and for TAG review.	i) The camera photos from the pilot 2018 program follow a different study design, with cameras facing towards and away from the road, and results are not comparable to the updated study design implemented in 2019. Results of the camera data from 2019 to 2021 will be presented in 2021 annual report as well as in upcoming TAG meeting. ii) The remote camera program was discussed at a TAG meeting in May 2021. Agnico Eagle updated the angle of cameras in 2021 to better document caribou behaviour on either side of the road, and increased the number of timed (non-motion triggered) photographs to improve the likelihood of caribou detection. The TEMP will be revised to reflect the current camera program design.	Appendix 47 of the 2021 Annual Report, Section 8.0
KIA	MBK/WT	Appendix 47; S 9 Caribou Management Decision Tree; S 2.6.6; Appendix B	The Terrestrial Ecosystem Management Plan (TEMP V7) defines 'project tolerant caribou' as "an animal or group of animals (i) observed within a mitigation distance buffer for greater than 72 hours during the winter or 48 hours during other seasons; and (ii) not visibly disturbed by the Project" (TEMP V7, pg 40). Presence of 'tolerant' caribou next to the road results in an exemption to Level 3 road closures in the caribou decision trees (TEMP V7, Figs. 6–9). The reporting of 'tolerant' caribou is a new item for annual reporting and is a concern to KivIA given the high numbers. Over 22,000 caribou were classified as project tolerant in 2020, ~37% of all caribou observed, the vast majority during migrations. Well over 95% of these 'tolerant' caribou were detected on the upstream side of the road during migration (the west side in spring and east side in fall; Appendix B). The KivIA is concerned with these statistics and their implication to mitigation: i) Without continual monitoring, what was used to determine that it was the same group of caribou in the same area for >48 hrs? ii) "Not visually disturbed" is subjective. Agnico Eagle stated "To understand visible disturbance to the animals, behavioural monitoring (i.e., group scans) will be completed when the animal(s) are encountered and at least once per day until they are deemed Project-tolerant" (S 9.5, pg 9-2) but did this happen in 2020 or is it proposed for the future. No data on behaviour of 'tolerant' caribou were presented. iii) Why were almost all 'tolerant' caribou observed on the upstream side of migration, and why were almost no 'tolerant' caribou observed downstream of the roads during migration? One interpretation would be that the upstream caribou are not tolerant but are being delayed by the mine infrastructure and activities and less eager to cross, and with their designation as 'tolerant' the continued traffic activity would heighten their reluctance to cross.	KivIA suggests that defining 'tolerant' caribou should be a topic for TAG in view of more recent information on caribou delaying their road crossings. Agnico Eagle should justify their interpretation and classification of caribou as 'tolerant'. This should include: i) how caribou residency for >48 hrs was determined; ii) how 'not visually disturbed' was assessed; iii) an explanation why almost all 'tolerant' caribou were on the upstream side of the roads during migration and why this was not interpretated as a mine-induced delay in movement; and iv) Agnico Eagle in consultation with TAG should design an application of the behaviour sampling to test a diagnosis for 'tolerant' caribou and for the presence of 'tolerant' caribou as evidence for mitigation effectiveness.	i) Professional judgment was used the same field crew over a 48-hour period to assess caribou as Project Tolerant. ii) 'Not visually disturbed' includes caribou remaining lying down, standing, or grazing in response to Project. iii) Agnico Eagle always monitored both side of the road. However, Agnico Eagle is focusing on the upstream side of the road when caribou is approaching. iv) Agnico Eagle will discuss a potential behaviour sampling test for Project Tolerant caribou at a future TAG meeting.	Appendix 47 (Section 3.6.8) of the 2021 Annual Report
KIA	MBK/WT	Appendix 47; S 17.2 Caribou behaviour; Appendix I	The Caribou behaviour study, 2020 report (Appendix I) is a clear and useful account of a trial project to describe caribou behaviour. KivIA has the following comments: i) The categorization of walking as a non-response (calm) behaviour is not supported in the literature. Wolfe et al. (2000)1 described walking as a response to aircraft, and Reimers and Colman (2006)2 included both running and walking as a restless (responsive) behavior. We suggest that walking is more likely to be a response (disturbed) behaviour and should be classified as such. ii) The number of disturbances is relatively high but it is not clear how many, if any, behaviour observations occurred when the road was closed or other mitigation was in effect (e.g., speed limits, traffic halted). Whether the road is closed or not should be included as a variable in analyses, or the objectives should be focused to answer a specific question such as whether the frequency of responses decreases when the road is closed versus when the road is open to traffic during a single migratory season. With the latter we mean that "normal" behaviour and responses to disturbance likely differ between spring and fall migration. iii) It is not clear why the number of small groups and groups closer to the road was relatively low; the report states this may be because caribou "tend to avoid areas within 100-300 m of the road" (pg 11). Boulanger et al. (2020)3 reported that caribou were delayed on the upstream side of the road, which implies the caribou were congregating and waiting to cross. Analyses of the road survey data by Stephen Atkinson also showed that the number of groups observed were far more numerous on the upstream side of roads, likely affecting the size of caribou groups being observed. Given that the behaviour report described "distance to road should be considered as a better explanatory variable for caribou behaviour than group size for this pilot program in 2020" (pg 14), an objective could be to increase the sample size for 100–300 m from the road and determine if there are behavioural differences for near and far caribou groups. In addition, although it was recorded which side of the road caribou groups were located, it would also be useful to consider whether caribou were on the upstream or downstream side of the roads as a covariate in analyses. iv) An information gap that the behaviour study potentially could address is the question of whether project-tolerant caribou are really tolerant (i.e., whether they have a lower frequency of response behaviours).	Agnico Eagle should: i) justify that walking is indeed a non-response behaviour; ii) include whether the road is closed or not and how long since the last vehicle passage as variables in analyses; iii) include whether caribou were on the upstream or downstream side of the roads as a covariate in analyses; and iv) examine whether 'tolerant' caribou do indeed have a lower frequency of response behaviours.	Agnico Eagle thanks the KivIA for the comments on the 2020 Meadowbank caribou behaviour report. The results of the behaviour monitoring program were presented and discussed at a Terrestrial Advisory Group (TAG) meeting in February 2021. Initial comments were received from the KivIA in March 2021 and discussed with the KivIA and their wildlife consultants on March 26th, 2021. Following that meeting, Agnico Eagle updated the standard operating procedure (SOP) and will be circulating a black-lined version of the SOP to the TAG committee.	Appendix 47 (Section 17.2 and Appendix L) of the 2021 Annual Report
KIA	MBK/WT	Appendix 47; S 11 Integration	While Section 11 Integration is a useful summary of the nine monitoring methods for caribou (Table 11.1) there is no quantitative analysis to describe the effectiveness of the different methods and how adequately they sample caribou distribution at different timescales and spatial scales.	Agnico Eagles should provide TAG with a study design for analyses to integrate monitoring results to determine their effectiveness in sampling caribou distribution relative to proposing thresholds.	The different monitoring components serve different purposes and are intended to provide a comprehensive view of caribou response to the Meadowbank Mine. The results of different monitoring programs are not necessarily comparable, however a summary of the number of times results of the different components were used to trigger mitigation could be presented in future annual reports.	Appendix 47 (Section 11.1) of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
ECCC	MBK	6.2.1.1 Stack Testing	Stack testing at the Meadowbank site was not completed in 2020; the Proponent indicated this was due to not receiving guidance from NIRB regarding testing frequency until December 3rd, 2020. The Proponent had requested to reduce the stack testing frequency to biennial following 5 years of compliance.	ECCC recommends that the Proponent ensure stack testing is completed in 2021 to confirm continued compliance.	Agnico Eagle is going to perform a stack testing at his Meadowbank incinerator in 2021. Results will be provided as part of the 2021 Annual Report.	2021 Annual Report, Section 6.2.1.1 and Appendix 51
ECCC	MBK	Appendix 11 – Meadowbank 2020 Water Management Plan, Appendix C	Several figures provided in Appendix C depict concentrations at various monitoring locations compared to the previous year forecasted values. However, several of the figure's Y-axis are not scaled appropriately causing data to be located at the bottom of the graph, making it difficult to interpret when CCME guidelines or Water Licence limits are exceeded. The Y-axis in the figures of Appendix C should be scaled appropriately such that data is clearly presented and easily interpreted.	ECCC recommends that figures use appropriate Y-axis to aid in interpretation of data.	Agnico Eagle appreciates ECCC's comment. For the 2021 Annual Report, the Y-axis scale will be adjusted to make interpretation of the date easier.	Appendix 12 (Appendix C) of the 2021 Annual Report
ECCC	MBK/WT	Appendix 33 – Meadowbank and Whale Tail 2020 CREMP, 5.4 Phytoplakton Community, 5.4.1 General Observations	Diatoms are referred as belonging to the phylum Cryptophyta, which is incorrect.	ECCC recommend that the proponent update the text to refer to the correct diatom phylum Bacillariophyta.	Agnico Eagle appreciates ECCC's comment. Section 5.4.1 incorrectly referred to diatoms as belonging to Cryptophyta. The six major taxa were correctly listed in Section 4.4.1: blue-green algae (Cyanophyta), green algae (Chlorophyta), golden-brown algae (Chrysophyta), Diatoms, Cryptophytes and Dinoflagellates. Future CREMP reports will correctly identify diatoms as belonging to the phylum Bacillariophyta.	Appendix 33 (Section 5.4.1) of the 2021 Annual Report
ECCC	MBK	Appendix 42 – Meadowbank 2020 Groundwater Monitoring Report, Section 6: Conclusions	The 2020 Meadowbank Groundwater Monitoring Report states that "in general, water quality was similar to results previously obtained, with a few exceptions. Concentrations of arsenic and chloride were higher than historic values at the Pit-E seepage monitoring location." The proponent states that there is uncertainty around what may be causing these increased concentrations at this location but hypothesizes that it may be due to deposition of reclaim water effluent at the top of the west wall of Pit-E. Based on the recommendations provided in Section 7 of the report, it is unclear what potential next steps the proponent may be implementing to reduce uncertainty associated with these increased concentrations.	ECCC recommends that the Proponent provide information on any potential next steps in monitoring to reduce uncertainty associated with the source of the elevated arsenic and chloride concentrations at Pit-E Seepage location.	Agnico Eagle intent to conduct additional water quality monitoring to monitor the elevated chloride and arsenic concentrations observed in 2020 at the Pit E seepage location, if it i's safe to do. Monitoring results will be provided in the 2021 Annual Report	Appendix 42 (Section 4.3.2) of the 2021 Annual Report
ECCC	WT	Appendix 4 – Whale Tail Haul Road 2021 Work Plan; Appendix 5 – Whale Tail KVCA15Q01 2021 Work Plan; Appendix 6 – Whale Tail KVCA15Q02 2021 Work Plan; Appendix 7 – Whale Tail KVCA18Q01 2021 Work Plan	The 2021 esker work plans (i.e., Appendices 5, 6 and 7) state that, in order to minimize the disturbance of eskers, priority will be given to using non-potential acid generating waste material from the Whale Tail pit instead of esker materials. Similarly, the Whale Tail Haul Road 2021 Work Plan (Appendix 4) states that priority will be given for the use of non-potentially acid generating waste material from the Whale Tail Pit for the operation activities and maintenance of the Whale Tail Haul Road. ECCC notes that road and construction materials should be non-metal leaching, as well as non-potentially acid generating. However, the work plans do not indicate whether the prioritized waste material will be non-metal leaching.	ECCC recommends that road and construction materials be non-metal leaching and non-potentially acid generating, including for road operation and maintenance, and that applicable documents (including the Whale Tail Haul Road 2021 Work Plan and the 2021 esker/quarry work plans) be updated to reflect this guidance.	As per our protocols, Agnico Eagle use only non-metal leaching and non-potentially acid generating material for road operation/maintenance and construction. Agnico Eagle acknowledges ECCC's comment and will add a precision into the 2022 Work Plan.	Appendix 4, 5, 6, and 7 (Section 3) of the 2021 Annual Report
ECCC	WT	Appendix 21 – Whale Tail Operational ARD-ML Sampling and Testing Plan. Ver 6, Section 5.1	ECCC notes that in the Potential Issues column of Table 5-1, one item is that "Thermal monitoring confirms that the waste rock cover freeze back is not occurring as anticipated". The steps to be taken did not include investigation of the presence of "hot spots" within the Waste Rock Storage Facility (WRSF), which could potentially cause some spots or layer in the waste rock facility not to freeze back.	ECCC recommends that the actions include the investigation of the possible presence of hot spots in the WRSF.	The Whale Tail Adaptive Management Plan was submitted to Nunavut Water Board and is currently under review by the parties. Agnico Eagle expect this plan will address ECCC's recommendation.	2021 Annual Report, Section 10.4

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
GN	MBK/WT	2020 Annual Report - NIRB Project Certificate 008 T&C 25 Agnico Eagle Mines (AEM) Ltd. (2020). Meadowbank Mine 2019 Wildlife Monitoring Summary Report. Final. Appendix 52 of the Meadowbank Mine Annual Report; AEM 2020b. Response to Meadowbank (03MN107) and Whale Tail (16MN056) 2019 Annual Report comments Part 2; Agnico Eagle Mines (AEM) Limited. (2021). Meadowbank Complex 2020 Annual Report, Appendix 47 – Meadowbank and Whale Tail 2020 Wildlife Monitoring Summary Report; Government of Nunavut (GN). (2003). Wildlife Act, SNu 2003, c26, <http://canlii.ca/t/51x1n> retrieved on 2020-06-02; Government of Nunavut (GN). (2020). Comments on the Meadowbank Gold Mine Project and Whale Tail Pit Project 2019 Annual Report (03MN107 & 16MN056).	In 2020, the Project's Non-Native Plant Study detected 4 species that are non-native to Nunavut at multiple sites around the Project footprint. Two of these species is classified as noxious weeds in Canada and another as a noxious weed in Manitoba. These non-native plants pose potential risks to wildlife and wildlife habitat in Nunavut. Although only 2 years of plant sampling has occurred, the GN is concerned that the number of non-native species detected by the study, as well as the size and distribution of the populations of some species, was considerably larger in 2020 compared to 2019. While sampling differences between the 2 years make interpretation of the results challenging, which itself is a concern, evidence of increasing numbers and distribution of non-native species around the Project warrants more intensive monitoring, assessment, and management action. In this regard, the GN is concerned by the Proponent's minimal response to recommendations made by the GN in response to the 2019 Non-Native Plant Study Report. The GN also notes a concern that the Non-Native Plant Study, and the Proponent's response to the study's results, is focused on species listed by the Canadian Endangered Species Conservation Council (CESCC) as 'not normally found in Nunavut and with a potential for becoming established'. The GN wishes to remind the Proponent that Section 91 of the Wildlife Act, S.Nu. 2003, c 26, prohibits the release of any species into a habitat in which it does not belong or never naturally occurred. The Proponent thus has an obligation to monitor and manage all species of non-native plants introduced to Nunavut as result of the Project. This is the second consecutive year in which the GN has provided the Proponent with notification of requirements under the Wildlife Act pertaining to non-native plants. Importance to review and supporting rationale: Based on review of the Non-native Plant Study report (AEM 2021, Appendix N), the following concerns and questions are identified: Response to GN's 2019 Recommendations GN concerns regarding Flixweed (Descurainia sophia) and other non-native species, introduced as a result of the Project, remain the same as those detailed in comments provided to the NIRB on the 2019 Annual Report (GN 2020, Comment GN-05). As summarized in the attached table (Appendix A), the Proponent has been minimally responsive to the GN's 2019 recommendations. For example: • The Proponent continues to state in the 2020 report that: "Observed flixweed populations have not encroached onto the tundra, and all observations were limited to disturbed areas (see representative photographs in Appendix B)." (AEM 2021, Appendix H, Section 3.0) However, all survey sites in 2020 were within the Project's footprint. No survey effort was conducted beyond the footprint to validate the conclusion that non-native plants have not spread to undisturbed habitat. • The risk assessment recommended by the GN and committed to by the Proponent has not been provided. • The Proponent continues to focus on monitoring and management of non-native species listed by the CESCC. However, the GN advises the Proponent that its obligation extends to all species that "do not belong or never naturally occurred in Nunavut", pursuant to Section 91 of the Nunavut Wildlife Act (GN 2003). • The Proponent has not provided the recommended review of cleaning and control measures to prevent non-native species introductions. Number and Distribution of Non-native Species The number of non-native species detected, as well as the population sizes and distribution of these species, has increased between 2019 and 2020. For example, in 2019 and 2020, 107 and 175 sites were surveyed for non-native species, respectively. Results show that: • In 2019, two non-native species were detected versus four in 2020. • For the two most prevalent non-native species, the percentage of survey sites at which the species was detected increased, between 2019 to 2020, from 1% to 4% and from 26% to 52%, for Flixweed and Scentless Chamomile (Tripleurospermum inodorum), respectively (AEM 2020, Appendix N; AEM 2021, Appendix H). This suggests an of expansion of range for each species within the Project footprint. • For the two most prevalent non-native species, the average number of plants detected per sites surveyed increased from 0.009 plants/site to 67 plants/site and from 153 plants/site to 4,670 plants per site for Scentless Chamomile and Flixweed, respectively (AEM 2020, Appendix N; AEM 2021, Appendix H). This suggests an of expansion of range for each species within the Project footprint. • For the two most prevalent non-native species, the average area covered by populations of these plants at each survey site increased from 0.25m2/survey site to 268m2/survey site and from 258m2/survey site to 6,097 m2/survey site for Scentless Chamomile and Flixweed, respectively (AEM 2020, Appendix N; AEM 2021, Appendix H). This suggests an of expansion of range for each species within the Project footprint. Overall, when accounting for differences in sampling effort between 2019 and 2020 (i.e. number of sampling sites), the available evidence suggests that both of these species are expanding significantly in terms of range and population sizes. Sampling Design The sampling design employed during the Non-native Plant Survey appears to be unsystematic and subject to potential bias and/or lack of precision thereby confounding interpretation of results. For example: • There is no indication whether the "targeted" sites surveyed in 2020 included the same sites sampled in 2019. This makes it hard to determine if non-native species such as Flixweed and Scentless Chamomile are occurring at the same locations or expanding their range to other sites within the Project footprint. This also makes it difficult to assess the success of control measures. • There is no information about whether populations sampled at sites in 2019 are growing in number of plants or area covered. This makes it difficult to assess the success of control measures. • The 2020 Non-native Plant Study Report states, for Flixweed, that: "Although it has not yet been observed at the Whale Tail mine site, it is probable that it will migrate along the Whale Tail haul road and into the Whale Tail mine site." (AEM 2021, Appendix H, Section 4). However, the 2019 study report indicates that Flixweed was found at the Whale Tail mine site (AEM 2020, Appendix 52 (N), Table A-1, Survey Plot MB19DMW026). It is unclear whether the site at which Flixweed was detected in 2019 was surveyed in 2020. CESCC Listed Species The 2019 and 2020, Non-native Plant Species Study, and the Proponent's response to the study's results, has been focused on species listed by the Canadian Endangered Species Conservation Council (CESCC) as 'not normally found in Nunavut and with a potential for becoming established'. For example, the Proponent states that: "As part of the existing Non-Native and Invasive Plant Monitoring Program, Agnico Eagle remains committed to monitoring changes in abundance and distribution of species identified by the CESCC as Non-Native/Invasive – which does not include flixweed." (AEM 2020b) As noted above, Section 91 of the Wildlife Act prohibits the release of any species into a habitat in which it does not belong or never naturally occurred. The Proponent thus has an obligation to monitor and manage all species of non-native plants introduced to Nunavut as result of the Project, including Flixweed and Scentless Chamomile. Adaptive Management In the 2020 Wildlife Monitoring Summary Report (AEM 2021a), the Proponent demonstrates no adaptive management in response to the 2020 Non-native Plant Study's recommendations. For example, the report (AEM 2021, Appendix N, Section 4.0) recommends: • For Scentless Chamomile – "Although the populations were reduced by hand pulling, the plants had already gone to seed and will likely return next year. Areas that were known to have populations of scentless chamomile should be continually monitored and controlled to prevent further infestations." • For Flixweed – "It should be controlled to contain the infestation to the Meadowbank Mine site and AWAR and prevent spread north to new locations. Mature plants reproduce by seeds. Because of its large populations, mowing early in the growing season prior to the plants going to seed, would be the best action to manage flixweed populations at the Meadowbank Complex." The Proponent does not present plans to implement either of these recommendations, despite evidence of growth in population size and range for these species. Management Plan for Non-Native Species The report states that: "A management plan for non-native plant species employing adaptive management may be implemented if the non-endemic and other non-native plant species continue to be observed and/or are observed to spread further within the Meadowbank Complex area. A non-native plant management plan would describe the methods for the eradication, control and/or minimization of the encroachment of non-native plant species into new areas, and outline additional measures such as on-boarding and training in the identification of non-native plant species for the area. (AEM 2021, Section 16.4) Evidence in the report suggests non-native plants continue to be observed and have been observed to spread further in the Meadowbank complex. These are the conditions that should trigger the development of a management plan.	The GN offers the following recommendations with respect to this issue: 1. That the Proponent fully implement recommendations made by the Government of Nunavut in response to the 2019 annual report (GN 2020). 2. That the NIRB direct the Proponent to develop a non-native plant species management plan based upon advice provided by the Terrestrial Advisory Group (TAG). The plan should include strategies for the control/eradication of all non-native plant species detected through monitoring, schedules for implementation and monitoring programs to track success. 3. Pursuant to the Wildlife Act, the GN is requesting the Proponent: "[M]ake reasonable efforts to recover" the plant species found around the Project that: " [Does] not belong or never naturally occurred in Nunavut. ...." (GN 2003) This should begin by working with the GN on recommendations made in 2019. 4. That the NIRB direct the Proponent to adjust monitoring and management of introduced plant species to include any and all species that "does not belong or never naturally occurred" in Nunavut per the Nunavut Wildlife Act (Section 91(2)). 5. That the Proponent clarify whether the 175 non-native plant sampling sites used in 2020 included the 107 sites sampled in 2019. 6. That in future, non-native plant sampling should be conducted at the same sites year-to-year so that changes in population numbers and area covered at each site can be monitored and reported in the annual reports. This information is useful for monitoring the effectiveness of control measures.	1. A flixweed risk assessment will be included as a component/appendix of the 2021 Wildlife Monitoring Report. The results of this assessment will be shared with regulators and stakeholders, including the Terrestrial Advisory Group. 2. Agnico Eagle will discuss the need to develop a non-native plant species management plan with the TAG. 3. Non-native plant monitoring activities focus on all plant species that are not naturally occurring in Nunavut, including detection of four plant species not native to Nunavut and not included on the CESCC list. Reporting separates results into those species identified by the CESCC as Non-Native/Invasive and those not included on the CESCC list, but that are not naturally occurring in Nunavut. Based on previous results, eradication methods are being implemented in 2021. In 2021, Agnico eagle is conducting hand pulling for scentless chamomile and flixweed along with mechanical trimming for flixweed. Agnico Eagle is also conducting a trial method of covering with landscape fabric for the flixweed. The effort to recover the non-native species will be provided in the 2021 Annual Report. 4. Non-native plant monitoring activities focus on all plant species that are not naturally occurring in Nunavut, with detection of four plant species not native to Nunavut to date. Monitoring will continue to identify and detect locations of all plant species that are not naturally occurring in Nunavut and will be reported in future annual reports. Please see response to GN recommendation 8 item 3 above. 5. The 175 sites sampled in 2020 included the 107 sites sampled in 2019. Surveyor efficiency and a slightly longer field program allowed for expanded sampling in 2020. Additional sampling sites will be added as mine footprints change and if additional non-native plant occurrences are detected. 6. Sites from previous monitoring years are revisited during the current year's monitoring program. Additional sampling sites will also be added as mine footprints change. If additional observations of non-native species are identified outside of the current sampling locations, additional sites will be added. The monitoring or detection program must have flexibility to adapt as the mine footprint changes over time.	Appendix 47 (Appendix K) of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
CIRNAC	MBK/WT	Project Certificate 004 (Amendment 003) Term and Condition 68; 2020 Annual Report: Section 11.9.4	Pursuant to Project Certificate 004 (Amendment 003) Term and Condition 68 for the Meadowbank Mine "The Proponent shall, in consultation with Elders, local HTOs and the Meadowbank Gold Mine SEMC, demonstrate that they are working toward incorporating Inuit societal values into mine operation policies." Section 11.9.4 of the 2020 Annual Report makes reference to the planned formation of an Inuit Advisory Committee to review traditional knowledge in relation to ongoing and planned project activities. It is understood that this committee will allow for improved integration of traditional knowledge and Inuit Qaujimajatuqangit into project operations. AEM has indicated that Elders will participate in this committee. It is not clear if additional efforts will be made to ensure the committee is representative of the communities most impacted by project activities.	CIRNAC recommends that AEM work toward having an Inuit Advisory Committee that is as much as possible, a representative cross section of the community members from Baker Lake and Chesterfield Inlet, the two communities most directly affected by project operations. Representatives of Elders, women, youth, and Hunters and Trappers Organizations should be considered.	Agnico Eagle is receiving CRINAC recommendation and agrees. Since the submission of the 2020 Annual Report and reference to the planned formation of an Inuit Advisory committee to review traditional knowledge and Inuit Qaujimajatuqangit, activities took place on this matter at Agnico Eagle. Initiatives and engagements happened with listed representatives, community members and the public to collect and validate traditional knowledge and Inuit Qaujimajatuqangit in Agnico Eagle upcoming projects and ongoing operations.	2021 Annual Report, Section 11.9.4
ECCC	MBK	Appendix 11 – Meadowbank 2020 Water Management Plan, Appendix C Figure 2-6 and Table 2-7	Figure 2-6 and Table 2-7 provide a comparison of measured water quality values to forecasted values for Portage Pit and Goose Pit. However, there is very little analysis and interpretation of these results, specifically when measured concentrations exceeded forecasted values. ECCC acknowledges that these comparisons are intended to aid in the understanding and identification of potential contaminants of concern and the development of treatment measures. However, additional interpretation of the results will aid in understanding of what may be driving these conditions.	ECCC recommends that the comparison of measured versus forecasted values also include some preliminary discussion on potential sources when measured results differ from the forecasted values, specifically if the measured values exceed forecasted.	Agnico Eagle acknowledges ECCC's comment and will add additional notes and details to provide potential causes that may explain the differences observed between the measured and forecasted values in the 2021 Annual Report.	Appendix 12 (Appendix C) of the 2021 Annual Report
TC	MBK	Shipping Management Plan Version 3, December 2018	Canada developed new regulations, the Arctic Shipping Safety and Pollution Prevention Regulations (ASSPPR) under the CSA 2001 and the Arctic Waters Pollution Prevention Act. The ASSPPR incorporate the International Code for Ships Operating in Polar Waters (the Polar Code), with the addition of specific Canadian modifications designed to provide clarity on discharge requirements for the prevention of pollution by oil, sewage, and garbage from vessels, as well as the control of pollution by noxious liquid substances in bulk. The ASSPPR came into force on December 19th, 2017.	Inclusion of reference to the Arctic Shipping Safety and Pollution Prevention Regulations in the Project's Shipping Management Plan - Transport Canada recommends that the Project's Shipping Management Plan reference and discuss the ASSPPR, particularly with regard to the prevention of the discharge of waste and adherence to the Polar Code.	Agnico Eagle thanks Transport Canada for their review of the 2020 Annual report and will update the Shipping Management Plan to reference the Arctic Shipping Safety and Pollution Prevention Regulations.	Appendix 56 (Section 6) of the 2021 Annual Report
CIRNAC	MBK		CIRNAC notes that AEM continues to assess the existing and predicted long-term thermal performance of mine wastes and cover systems at the Meadowbank and Whale Tail sites. Multiple assessments have been integrated into the closure planning process. The 2020 Annual Report provides limited information regarding the results of these initiatives. Specifically, no information is provided to confirm that the conceptual plans for thermal encapsulation of the tailings and waste rock storage facilities will be or are effective in preventing and controlling deleterious seepage over the long-term. This is particularly important given the fact that AEM has already progressively reclaimed some mine wastes. Detailed and updated assessments are required to confirm that these progressively reclaimed areas will perform as intended.	Recommendation 1: CIRNAC recommends that future Annual Reports must include detailed, updated assessments be provided to confirm that these progressively reclaimed areas will perform as intended. i) Meaningful discussions and evaluations of the results from the thermal monitoring. ii) Clearly presented comparison of prior predictions of freeze back with monitoring results . iii) Updated modeling results to verify if conceptual plans for thermal encapsulation of all mine wastes remain effective to prevent and control deleterious seepage over the long term. iv) If results show discrepancies from the initially predicted values, AEM should discuss the management actions that will be implemented to address the risk.	Agnico Eagle acknowledges CIRNAC's comment and found it to be relevant to ensure that the Portage WRSF cover will allow meeting closure objectives of the WRSF. Agnico Eagle as deployed continuous efforts in the past years to understand the thermal regime of the Portage WRSF and to be able to model it accordingly. To answer this ongoing comment on the long-term performance of the Portage WRSF, Agnico will submit as part of the 2021 annual report a memorandum that will map the path forward in terms of study and timeline to integrate all the available data in a report on the anticipated long-term performance of the Portage WRSF cover. This report will include long-term thermal modelling of the WRSF performance and the impact of the predicted thermal regime on the water quality forecast at closure. This will also be associated with monitoring trigger and adaptive management action that will be used for closure and post-closure monitoring. At the Whale Tail site, the impact of the thermal prediction of the Whale Tail Site on the water quality objective at closure was examined and submitted in the supporting document of the project. There is also in place a robust instrumentation plan that was submitted as part of the 60-day notice of the structure and there is in place an adaptive management program to ensure that freeze back objectives are met (and action to take if they are not). To answer CIRNAC's comments for this site, the annual report will include a summary of the adaptive management trigger of the structure based on monitoring results as well as description of any action that will be taken for any trigger that does not correspond to normal operation (as per the adaptive management plan). Additionally, as recommended by O'Kane in the thermal modelling report, the WRSF property will be reviewed for the 2021 annual report based on the results of the monitoring program. The objective of this exercise will be to validate the thermal model and adjust the model if there is any discrepancy of in-situ value. Currently, Agnico does not judge that it is required to do annual update of the thermal model to demonstrate the performance of the WRSF as long as adaptive management triggers are met.	Appendix 24 (Appendix B) of the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
CIRNAC	WT		Monthly mercury water quality data are collected as part of the routine Core Receiving Environment Monitoring Program Report (CREMP) for the Whale Tail Project. Monitoring results from 2019 and 2020 are significantly elevated relative to pre-development conditions. While less pronounced, similar changes were observed for methylmercury, but less consistently across stations. Notably, similar trends were also observed at control stations, suggesting the possibility of an unexplained regional change in mercury concentrations. Due to logistical challenges related to COVID-19, components of the mercury assessment and reporting could not be completed prior to issuance of the 2020 Annual Report (e.g., fish tissue analysis). CIRNAC has concluded that additional efforts are required to address this issue on a priority basis.	CIRNAC recommends that AEM provide the following within 60 days to the NWB: An update on the status of mercury studies, including all work originally scheduled for completion in 2020. The update should include; i) An assessment of factors that resulted in the elevated mercury concentrations observed to date; and ii) An assessment of potential human and ecological health impacts associated with the elevated mercury concentrations.	i)The 2021 Annual Report will include a discussion of the fish mercury data collected in 2020 and findings from the 2021 Mercury Monitoring Program. Preliminary findings from the 2021 water sampling program indicate total mercury concentrations in the Impoundment were lower in 2021 compared to 2020. Methylmercury concentrations in samples collected from Impoundment in 2021 were similar to concentrations reported in 2020. Higher mercury concentrations relative to pre-development conditions is consistent with the predicted change associated with flooding of terrestrial habitat. Long-term monitoring of changes in mercury in permanently flooded reservoirs indicate concentrations of methylmercury can increase between 10 and 20-fold relative to baseline conditions (Agnico Eagle, 2018). Baseline mercury concentrations measured in water samples collected in Whale Tail Lake in 2016 were as high as 0.00052 ug/L (DL = 0.0005 ug/L) for total mercury and below detection for methylmercury (0.0005 ug/L). A 20-fold increase of the ultra-trace detection limits from the 2016 baseline program corresponds to 0.01 ug/L (10 ng/L) for total mercury and 0.001 ug/L (1 ng/L) for methylmercury. The predicted increase in mercury in water may be lower than reported in the literature for permanent reservoirs because of the short-duration of flooding. A sediment sampling program was conducted in August 2021 to characterize changes in mercury in the recently flooded areas around the South Basin of Whale Tail Lake, Lake A65, and Lake A20. Four samples were collected from the perimeter of Whale Tail Lake and Lake A65 in the vicinity of where baseline soil samples were collected in 2016. Two additional samples were collected from the shoreline area of Lake A20. Samples were sent to ALS Environmental for analysis. Unfortunately, there was a breakdown in communication at the lab and a subset of the samples, including the inundation zone sediment samples, were discarded prior to analysis. Azimuth followed up on the status of the results in late October, and at which point they were informed that the samples had been discarded without being notified. The laboratory is conducting an internal investigation and will provide a written statement outlining corrective actions to prevent this situation from occurring. More details of this investigation will be provided in the 2021 Annual Report. Sediment sampling program conducted in August 2021 will be redo in 2022 in the flooded areas around the South Basin of Whale Tail Lake, Lake A65, and Lake A20. ii)Further risk-based analyses will be implemented in the event that monitoring results exceed model predictions for fish tissue concentrations. This approach is supported by the low rates of fishing by local residents in the Project area (see FEIS Volume 7, Section 7.3), and a no-fishing policy for workers while onsite. Maximum predicted mercury concentrations in Lake Trout could range from 4.4 to 6.6 µg/g ww, with an average ranging from 1.0 to 1.5 µg/g ww (Azimuth, 2017).	2021 Annual Report, Section 8.2 and Appendix 52
CIRNAC	MBK/WT		The WRSF cover design for the Meadowbank Mine consists of a 4 m thick layer of non-acid generating (NAG) rockfill to contain the active freeze/thaw layer within the cover. The depth of cover was selected based on thermal modelling and instrumentation to assess the probable thickness of the active layer at closure, including climate change. As of 2020, 14 approximately 90% of the WRSF has been progressively reclaimed. Additional thermal monitoring and analysis is being performed by AEM to verify the performance of the cover system against the design intent. CIRNAC notes that the WRSF cover concept for the Whale Tail Project is generally similar to the concept used at the Meadowbank Mine. The only notable difference is that thermal modelling for the Whale Tail site determined that WRSF covers should have a total thickness of 4.7 m (4.2 m active freeze/thaw zone and a 0.5 m buffer). Modelling for the Whale Tail site also predicted that the freeze/thaw zone may penetrate deeper than the 4.7 m design thickness of the WRSF covers under the most conservative climate change scenario. Given the similarities between the Meadowbank and Whale Tail sites (climate, topography, mine wastes, etc.), it is unclear to CIRNAC why the WRSF cover thicknesses between the two sites are different.	CIRNAC recommends that AEM: Describe the technical rationale for using different WRSF cover thicknesses at the Meadowbank Gold Mine and Whale Tail sites. Any notable differences in the design assumptions for the two sites should be provided in the rationale. This information should be presented in the next iteration of the Meadowbank ICRP.	Agnico Eagle refers CIRNAC to the Whale Tail Project – Thermal Modelling of Whale Tail and IVR WRSFs (O'Kane 2019) report which was previously issued to address CIRNAC's comments under the Whale Tail Expansion Project. Reference: O'Kane (O'Kane Consultants). 2019. Whale Tail Project - Thermal Modelling of the Whale Tail and IVR WRSFs. Prepared for Agnico Eagle Mines. July 23, 2019. Ref. No. 948-011-R-013. The development of the cover thickness for both site is based on numerical modelling (thermal and seepage modelling) with the objective of promoting permafrost in the WRSF to achieve a chemical stability in the long term. Waste rock covers are designed based on project specific attributes and will naturally have variables that differentiate between sites. The freezing mechanism is strongly impacted by the material characteristics, such as the grain size distribution. Refer to answer to 1.1 for the strategy proposed by Agnico to demonstrate that the design of the cover at both site is of adequate thickness to meet closure objective.	Appendix 24 of the 2021 Annual Report, Appendix B

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
CIRNAC	MBK		Table 7-2 of the 2020 Annual Report indicates that fuel was observed in the secondary containment of fuel tanks 5 & 6 during a routine inspection of the Baker Lake Fuel Farm and a “small leak” was subsequently identified (Spill Number 2020-351). The total volume of fuel released from the tanks into the Secondary Containment area was estimated to be 100,000 L, which was mixed with an additional 403,000 L of water (presumably precipitation/snow melt). AEM identified no evidence suggesting that the fuel/water mixture breached the secondary containment of the fuel tanks. Further, according to AEM’s spill report, both the fuel and water were retrieved from containment and managed as appropriate; there were no releases to the environment and no off-site impacts to receiving watercourses. CIRNAC also notes there have been several instances where tank farm inspections have identified deficiencies that have not been mitigated between inspections. To illustrate, the Meadowbank and Whale Tail 2020 Annual Geotechnical Inspection (Appendix 9, Table 2) noted the ongoing presence of standing water within secondary containment, as well as 15 evidence of animal burrows that may be impacting the integrity of liner systems. These deficiencies were identified during prior inspections but have yet to be addressed by AEM. Based on the volume of fuel noted above, there was a potential for environmentally significant impacts if there was a breach in secondary containment of the fuel tanks. In this regard, CIRNAC notes that the 2020 Annual Report (Appendix 9, Section 9.1) indicates that several holes have been identified in tank farm liner materials during recent geotechnical inspections. While the 100,000 L fuel leak was not released to the environment in the current case, the presence of liner holes elsewhere in the tank farm suggests there is a credible risk of releases in the future.	CIRNAC recommends that AEM: Perform a comprehensive review of its tank farm facilities to identify and mitigate all potential failure modes (including accidents and malfunctions). The findings of the review should be provided in the 2021 Annual Report and should: i)Consider increasing the frequency of tank farm inspections and implementation of mitigative actions within a reasonable timeframe if/as recommended. ii)Address the issue of water management within the secondary containment areas in general, and in particular, how approximately 400,000 L came to be within the containment area at the time of the leak.	i)The frequency of future inspections will be determined by the API 653 recommendations following the initial inspections of the tank farm facilities conducted in 2021 and 2022. As of June 2021, tanks 3, 4, and 6 have been inspected, repaired, and certified. A comprehensive inspection of tanks 1 and 2 is planned for 2022. Additionally, planned repairs will be conducted on tank 6 as per recommendations by the certified inspector. Agnico Eagle commit to provide an update in the 2021 Annual Report. Due to increased earthworks in the area, Agnico Eagle will commit to increasing inspections of the Baker Lake Marshalling Facilities during Freshet and summer period. Furthermore, Agnico Eagle is following the annual recommendations from the third party Geotechnical Inspection of the Marshalling Facility. This report and the Agnico Eagle implementation plan are provided respectively in Appendix 9 and 15 of the 2020 Annual Report. ii)Every year, water from snow melt and rainfall accumulates in secondary containments of Agnico’s Baker Lake Tank Farm. Agnico Eagle withdraw water from the secondary containment after snowmelt and prior to freezing condition. Additional pumping may occur during the summer, if deemed necessary. As per the CCME Environmental Code of Practice for Aboveground Storage Tanks, the secondary containment have a volumetric capacity of 110% of the largest tank. The volume of water present in the secondary containment at the time of the fuel tank leak represent 3.6% of the total capacity. Notification was made to the CIRNAC Inspector, in accordance with Part F, Item 13 of NWB License 2AM-MEA1530 to empty secondary containment areas, was sent on June 15th. In July 2020, 3,272 m3 was pumped from Tanks 1-4, 1,959 m3 from Tanks 5-6, and 2,098 m3 from Tank 7. A second notification was made to the CIRNAC Inspector on September 4th, 2020 to empty secondary containment areas. As per the Water License, pre-discharge sample were collected on September 8th, 2020. By the time the sampling results were received, and the pumping installation was completed, the leak on Tank 5 was reported on September 22. As per Nunavut Water Board license NWB-2AM-MEA1530, these water accumulations have been brought to the Meadowbank Stormwater Management Pond.	2021 Annual Report, Section 8.5.5.2
CIRNAC	MBK		In 2020, a total of 3,229.5 m3 of waste was burned in the Meadowbank incinerator, of which approximately 50% was food waste; the other 50% was dry waste comprised of food containers, cardboard boxes, paper and absorbent rags. Section 6.2 of the 2020 Annual Report also discusses incineration at the Meadowbank site including stack sampling, as well as ash and waste oil monitoring. The section identifies and discusses issues related to two incidents where the incinerator temperature did not reach 1000 degrees C and an issue with ash analysis that AEM believes is related to the laboratory. Section 6.2 also discusses the fact that AEM did not carry out the annual stack testing as AEM believed that based on results of the previous five years, the annual sampling frequency could be changed to bi-annually. At the end of June, AEM requested approval from ECCC to move to a bi-annual sampling frequency but was directed by ECCC to the NIRB. AEM received a NIRB recommendation to continue carrying out annual sampling on 3 December 2020 at which time AEM stated it was too late to organize for the sampling. While CIRNAC has no concerns with respect to the technical information provided in the annual report, CIRNAC is concerned that AEM would presume that a change in an existing monitoring and sampling program would be acceptable prior to receiving confirmation in that regard and ultimately not be able to carry out a sampling obligation as required in 2020.	CIRNAC recommends that AEM: i)In future adhere to any existing requirements until AEM receives written approval from the appropriate authority to change, modify, or waive an existing requirement. ii)Formally acknowledge agreement to recommendation i) above in response to these comments.	Agnico was confident that all the regulations and criteria were met and have follow the approved Incinerator Waste Management Plan in order to reduce the stack testing frequency to biennial, following five year of compliance. As mentioned above, Agnico Eagle sent a letter to ECCC on June 30, 2020 requesting a reduction in stack testing frequency to biennial. ECCC informed Agnico that they do not regulate air quality emissions and the information was provided to the NIRB. Agnico did not receive the NIRB Board Recommendations until December 3, 2020 and therefore did not have enough time to schedule and complete the stack testing in 2020. Agnico did not presume that a change in an existing monitoring and sampling program would be acceptable and was waiting for the final decision from NIRB before moving forward. Agnico Eagle formally acknowledges the recommendation to adhere to any existing requirements until Agnico receives written approval from the appropriate authority to change, modify, or waive an existing agreement.	Appendix 65 or the 2021 Annual Report

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
ECCC	WT		Section 2.1.1 of the Whale Tail Water Quality Forecast Update states that water quality inputs for the sewage treatment plant (STP) effluent were updated to reflect 2020 monitoring results from STP effluent at Station ST-WT-11. Table 1 of this section indicates that nitrate and phosphorus concentrations in STP effluent are not meeting the operational effluent targets identified in Table 6 of the Sewage Treatment Plant O&M Manual. The 2020 annual report does not discuss potential causes of the elevated STP effluent parameters and does not indicate any response actions. It is unclear whether measures will be taken to improve STP effluent quality and meet operational/design targets in future. Treated STP effluent is discharged to the attenuation ponds. As such, targets are not a regulatory concern but the STP does represent a source of nitrate and phosphorus loadings which should be minimized to the extent practicable.	ECCC recommends that the Proponent: •Clarify whether any actions are planned to improve sewage treatment plant (STP) effluent quality and meet the operational/design targets for nitrate and phosphorus, as set out in Table 6 of the Sewage Treatment Plant O&M Manual; and •Clarify whether STP effluent exceeded operational/design targets for any other Table 6 parameters.	Elevated nitrate and phosphorus in STP effluent are being addressed by increasing chemical dosing of both Alum and Micro C. During the beginning of 2021, modifications have been made to better manage the increased sludge output from increasing Alum. Additional pumps have also been added to aid in transporting these chemicals into the plant to keep up with the additional dosing. Thus far in 2021, phosphorus levels have been brought down by about half, however, Alum dosing is at a maximum due to smaller lines at the treatment plant. Work has been slated to replace these lines once the parts have been received at site and a chemical switch from Alum to Re3000 is planned for 2022 to be more effective. Elevated nitrate levels continue to be an issue even with increased Micro C dosing. Review of operational data and discussions with Newterra will be planned to address this. The likely outcome will be to lower the overall dissolved oxygen. Agnico Eagle will continue to evaluate the performance of the STP and make any other adjustment as needed. The STP effluent results for 2020 did also exceed operational/design targets outlined in Table 6 for biological oxygen demand, pH and total oil and grease as presented in Table below. They are probably associated to sampling error as the result were below limit before and after those sampling. Agnico Eagle realized that some of the parameters with design criteria were not provided in the 2020 Annual Report and this will be corrected for the 2021 Annual Report.	2021 Annual Report, Section 8.5.4.2
NWB	WT			The Reports states, "Some accredited laboratory water quality measurements have detection limits that are higher than the predicted values. This is particularly true for dissolved metal analysis, such as cadmium, iron, lead, nickel, molybdenum, selenium, thallium and zinc." and "The [Core Receiving Environment Monitoring Program] CREMP conclusion that increased nutrients in WTS and MAM are primarily due to flooding is generally supported by measurements conducted through other [Aquatic Effects Monitoring Program] AEMP programs (dike construction in 2019 and effluent monitoring in 2019 and 2020), through which very few exceedances of laboratory detection limits for total phosphorus have been observed… However, it is noted that detection limits for total phosphorus in these programs (0.01 mg/L) exceed the CREMP trigger value (0.004 mg/L) and most CREMP water quality measurements for WTS and MAM in 2020 (2020 CREMP Report, Figure 5-30)." The NWB requests that the Licensee use detection limits in line with the trigger values.	The section of the report that states that "Some accredited laboratory water quality measurements have detection limits that are higher than the predicted values" refers to the water quality in pit vs. prediction at Meadowbank and is not related to the increased nutrients at Whale Tail South and Mammoth. The accredited laboratory used for analysis was changed in 2021 and the detection limits for these parameters were revised to align with the probable and possible poor end scenario predictions for North Portage Pit Sumps, Third Portage Pit Sumps, and Goose Island Pit. As for Phaser Pit Sumps and Vault Pit Sumps, dissolved metal parameters have really low water quality prediction, currently lower than CCME guideline and actual laboratory detection limits. Agnico Eagle will engage with the accredited laboratory to confirm if those low level of analysis are possible. Possible poor end scenario are reached for Phaser and Vault Pits, aside from dissolved nickel and lead. The 2021 data will reflect this change. The target detection limit for total phosphorus for the CREMP is 0.002 mg/L, half of the trigger value of 0.004 mg/L. In July 2020, the detection limit for water samples collected from the reference areas INUG, PDL, the Meadowbank study area lakes (TPE, TPN, WAL, SP) and Baker Lake study areas was elevated (0.01 mg/L or 0.02 mg/L). These samples were analyzed in the same batch, and ALS Environmental attributed the increase in the detection limit to sample matrix effects (e.g., chemical interferences, colour, turbidity). The target detection limit of 0.002 mg/L for total phosphorus was achieved for the samples collected from the Whale Tail Pit study area lakes in 2020, including MAM and WTS (2020 CREMP Report, Figure 5-30). Agnico Eagle also confirm that following the change in the accredited laboratory in 2021, the water quality program for phosphorus detailed in the AEMP will be reached. The actual phosphorus detection limit is 0.001 mg/L. The 2021 data will reflect this change.	2021 Annual Report, Section 8.5
NWB	MBK/WT			The Board appreciates the inclusion of the Meadowbank and Whale Tail 2020 Geotechnical Inspection Implementation Plan; however, the Licensee is requested to provide the timeline of follow-up actions to the recommendations outlined in the 2020 Annual Pit Slope Performance Review dated January 7, 2021.	Agnico Eagle acknowledges the NWB's recommendation and will provide a timeline of follow-up actions to recommendations outlined in the 2021 Annual Pit Slope Performance Review.	Appendix 16 of the 2021 Annual Report
NWB	MBK/WT			The Board reminds Agnico Eagle of the Licence requirement in Part B, Item 17, "… (r)evisions to the Plans or Manuals are to be submitted in the form of an Addendum… complete with a revisions list detailing where significant content changes are made."	Agnico Eagle acknowledges the NWB's comment and will provide updated versions of plans and manuals with appropriate documentation of where content changes have been made. The Document Control section at the beginning of each plan or manual details this information. Appendix 53, Meadowbank and Whale Tail Executive Summary Translation, of the Annual Report also provides revisions and an executive summary of management plans referenced in the Annual Report. Agnico Eagle will seek for improvement in communicating this information in subsequent annual report.	2021 Annual Report, Section 10.2

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
NIRB	MBK/WT	Incorporation of Inuit Qaujimajatuqangit and Inuit Societal Values	Terms and Conditions 40 and 68 of the Meadowbank Project Certificate highlight the importance of community consultation and understanding of Inuit Qaujimajatuqangit to inform updates to monitoring and management plans and/or decisions which are a vital component of monitoring for the Meadowbank and Whale Tail Projects. It is understood that Agnico Eagle works with the Kivalliq Socio-Economic Monitoring Committee, has ongoing collaboration with the Baker Lake Hunters and Trappers Association, the Terrestrial Advisory Group, and plans to establish an Inuit Advisory Committee. Some of Agnico Eagle's management plans, including the Terrestrial Ecosystem Management Plan, contain a section describing what and how Inuit Qaujimajatuqangit was included into their formation, and information about how Inuit Qaujimajatuqangit is used to inform yearly monitoring. However, the 2020 Annual Report does not clearly link how comments received from community members or Inuit Qaujimajatuqangit led to management actions or updates in the monitoring year and detail is required on the feedback mechanism for reporting monitoring results back to communities so the public can understand not only the results of the monitoring programs but also how their previous concerns and suggestions are addressed or considered. Recommendation 1: CIRNAC recommends that future Annual Reports must include detailed, updated assessments be provided to confirm that these progressively reclaimed areas will perform as intended.	Recommendation 1: The Board recommends that more detail be provided in the 2021 annual report and future reports where results from engagement opportunities are considered in the monitoring year. Further, in future updates of monitoring and management plans, the Proponent shall include how community concerns and Inuit Qaujimajatuqangit received was considered, and how results of monitoring were communicated back to the communities	Agnico Eagle agrees with this recommendation and will integrate the recommendations received from consultations in the annual report. In 2021, Agnico Eagle developed a Kivalliq Inuit Elders' advisory committee comprised of 21 Elders from Baker Lake, Chesterfield Inlet, Rankin Inlet, Whale Cove and Arviat to integrate Inuit Qaujimajatuqangit (IQ), Inuit Societal Values (ISV) and community knowledge into our exploration, planning, workforce, wellness, and operational plans. The selection of the committee members was led by Agnico Eagle's IQ Coordinator through extensive consultations with wildlife organizations and local leaders. A full report will be appended with the 2021 Annual report. In addition, Agnico Eagle is in the process of developing an IQ and ISV database. The database is intended to collect and validate all the IQ and ISV received through community consultations and then subsequently integrate them into our applicable management and monitoring plans. In addition, Agnico Eagle's Meadowbank management teams have now integrated as best practice bi-yearly community updates where they meet with local HTO, Hamlet Council and senior staff and community members to go over future drilling plans, permitting plans and All-Weather Access Road (AWAR) and Whale Tail Haul Road management plans. This provides feedback to capture community concerns related to AWAR use and how to improve area of concerns. Tusaajugut – We're Listening is AEM Nunavut's Formal Community Response System which addresses concerns from community members about environmental and wildlife issues, tendering and hiring processes, or any other aspects of Agnico Eagle's operations. Complaints can be received many ways (email, voicemail, mail, online form or in person). Complaints are taken very seriously and follow a process. Agnico Eagle will provide more details about Tusaajugut in the 2021 annual report.	2021 Annual Report, Sections 11.8.3 and 11.9
NIRB	MBK/WT	Post-Environmental Assessment Monitoring Plan Evaluation	As part of its Post Environmental Assessment Monitoring Plan (PEAMP) and the requirement of Appendix D of Project Certificate No. 004 for the Meadowbank Project, Agnico Eagle provided a summary on how the current environmental and socio-economic effects of the Meadowbank mine site compared to the impacts as predicted in the FEIS for the following: •Aquatic Environment •Vegetation, Terrestrial Wildlife, and Birds •Noise •Air Quality •Permafrost •Socio-economic For each of these categories, Agnico Eagle conducted a PEAMP evaluation of the valued ecosystem components (VECs) identified in the FEIS, including a summary of the predicted residual effects for which monitoring was recommended in the FEIS and a summary of lessons learned. Agnico Eagle has revised the PEAMP summary to further include reference to baseline and previous years' monitoring data, identify trends for each VEC where an effect is observed, identify impact predictions that can no longer be supported based on project experience to date, and provide an analysis of the effectiveness of management and mitigation strategies with proposed adaptive management. The evaluation focused on the potential impacts for which monitoring was recommended for the current project phase (i.e., operations). Overall, Agnico Eagle concluded in its 2020 Annual Report, that the impact predictions within the FEIS continue to be supported by the monitoring results, with a few exceptions. The NIRB acknowledges that the Proponent has made significant efforts within its 2020 Annual Report to improve upon the clarity of its reporting and to include additional trend analyses, which includes comparison of monitoring results to FEIS predictions. With regards to future reporting, the NIRB appreciates the efforts to date and would suggest that Agnico Eagle consider providing a high-level summary of detail needed from cross referenced documents to help the reader follow concepts as it can be difficult to review all the cross-referencing currently in the document. Even though the NIRB has not yet released the project-specific monitoring program for the Whale Tail Project, the NIRB would expect that some form of post-environmental assessment monitoring would be provided in Agnico Eagle's 2020 Annual Report as many of the management and monitoring plans state that the comparison would be completed. In addition to review of Agnico Eagle's PEAMP evaluation, the NIRB reviewed and provides comments on the following topics within the 2020 Annual Report for both the Meadowbank Project and the Whale Tail Project.		Agnico Eagle acknowledges NIRB's recommendation and will continue to improve reporting of the PEAMP. Agnico Eagle will evaluate the best method to provide brief summaries within the PEAMP tables along with cross-references in order to facilitate interpretation, without duplicating information provided in previous sections of the annual report. A PEAMP (post-environmental-assessment monitoring program) report is provided for the Whale Tail site in Section 12.4 of the Annual Report. The PEAMP for the Whale Tail site has been completed since 2019, based on the Meadowbank model.	2021 Annual Report, Section 12

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
NIRB	MBK/WT	Active Management and Monitoring Plan Tracking	As compliance with many Project Certificate Terms and Conditions require compliance with active management and monitoring plans, it is imperative that parties can efficiently access each plan. The Meadowbank and the Whale Tail Projects have undergone multiple amendments to their Project Certificate (NIRB Project Certificate 004 and No. 008) and Type "A" Water Licences as the Projects progresses and there may be multiple versions of plans available at the same time. To ensure that it is clear which management plan versions are the working copy for each year, the annual report should contain a table with the active management plan, version number, and date published. In addition, updated management plans should be submitted and uploaded individually, not in one (1) large file or as appendices to other management plans to ensure that parties are able to efficiently find and navigate each plan. As management plans are updated, the NIRB emphases that these plans be submitted to the NIRB Public Registry once finalized and are active and these not have to await submission of the annual report. The NIRB is working to update the Public Registry to make it more accessible to parties and members of the public; however, population of the plans is the responsibility of the Proponent.	The Proponent shall maintain a table of management plans that were active for the monitoring year in each annual report. The NIRB has completed Table 3 with management and monitoring plans from 2020 and 2021 as an example of how this information may be included in the annual report; and Project Certificate No. 008 states "The Proponent shall establish a Project-specific web portal or web page as a means of making all non-confidential monitoring and reporting information associated with the Project available to the general public." After 13 years of construction and operations at the site as well as numerous changes to the Project, plans, and authorizations, this central repository for project-specific information is necessary to allow both public and regulators to access and verify information in a timely way. Therefore, NIRB continues to press for a timely implementation of this Project Certificate requirement, especially to highlight the summary table and current management plans for public access.	Agnico Eagle acknowledges the NIRB's recommendation and will provide in the upcoming annual report a table containing a list of active management and monitoring plans with the version number and the submission date. Agnico Eagle will also continue to provide the updated management and monitoring plans as stand alone documents as part of the annual report and will improve in providing the approved updated version during the year on the NIRB Public Registry. Agnico Eagle continues to stay committed to efficiently sharing access to the management and monitoring plans. Currently, Agnico Eagle has established a Project-specific web portal that allows to publish all public monitoring and reporting information associated with the projects and make it available to the local communities, regulators and the general public. Currently, the Project-specific web portal associated to Meadowbank and Whale Tail include FEIS documents, the latest approved NWB Water Licenses and NIRB Project Certificates and the 2020 Annual Report. This information can be found here: https://aemnunavut.ca/media/documents/. Agnico Eagle will work to have more documents included in this web portal by the end of Q2 2022. This will include, among others, a copy of the most recent version the active management and monitoring plans associated with the Projects.	2021 Annual Report, Section 10.2

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
NIRB	MBK/WT	Ongoing engagement in project monitoring, modelling, management, and reporting	As also noted in Appendix II of this report, the NIRB notes the COVID-19 pandemic led to challenges fulfilling this request; however, the Proponent has not demonstrated specific efforts to present revisions of plans or results of its monitoring programs to communities for consult and comment. Although the Proponent has reported within its' 2020 Annual Report on various meetings and events held for public consultation purposes in regards to other terms and conditions within the Project Certificate and in its response to the NIRB's 2019-2020 recommendation noted that consultation with the community is not mentioned in Item 13.The NIRB acknowledges Agnico Eagle's response last year where Agnico Eagle committed to improving its media presence would occur in 2020 along with participation in the Terrestrial Advisory Group. However, it continues to remain unclear how results of its ongoing monitoring programs were communicated effectively in 2019 and 2020 to the affected communities.	The Proponent shall provide a summary to the NIRB that demonstrates the implementation of Item 13 of the Project Certificate. The summary shall be provided to the NIRB within Agnico Eagle's next annual report	Agnico Eagle is of the opinion that Item 13 is fulfilled but is also committed to improvement the reporting of this Item in future annual report. As mentioned in our responses to the NIRB's 2019-2020 recommendations: 'The consultation and review process of any substantives revision to the Project is actually met by, for example, the review and approval of updated management plan, review and opportunity for comments on the annual report which included all of the Agnico reporting requirements, the consultation and permitting process of any modification and/or amendment to Project Certificate and Water License, the Design Report 60 days' notice provided to NWB are also considered as a good opportunity for all of the interested parties to comments and provide recommendation. All of those example are considered as a good method to inform and get comments from interested parties and integrated any comments in the Meadowbank/Whale Tail ongoing operation.' Agnico Eagle acknowledges NIRB's recommendation and will provide in the 2021 Annual Report a summary of activaties that confirm implementation of Item 13. In 2020, Agnico Eagle used the social media platform to keep communities of impact informed and build awareness on the following topics: •COVID-19 related support available from AEM during the pandemic •Return to work information for employees at home •Rankin Inlet community office hours of operation •Employment information Session (EIS) dates in Kivalliq communities •Business Opportunities Posts •Job posting •Sealift Season & Cyanide transportation •All Weather Access Road – Awareness and Road Rules •Nunavut Impact Review Board (NIRB) hearing dates •Caribou Migration and related road closures The above social media posts are outcomes of active management plans for example, the 'Sealift Season' posts are directly related to the Shipping Management Plan and the 'Caribou Migration' posts are product of Wildlife Management Plan. Social media posts were used to encourage engagement from community members. In 2020, Agnico Eagle Nunavut Facebook pages made in total 381 posts, out of which 131 posts were for the Meadowbank Complex page. In 2020, the Nunavut AEM website had blog posts on the following topic: •Agnico Eagle Wins PDAC Sustainability Award •Our Response to COVID-19 (23 blog posts) •Spills Reports –total of five (5) blog posts on this topic •Information on TSS Exceedance at Melvin Bay •Good Deeds Brigade All the blog posts were re-shared on the Meadowbank Facebook pages to reach wider community audience and to encourage engagement from the community of impact. The Agnico Nunavut team continues to use various social media platforms in an innovative manner to remain connected and engaged with the impacted communities.	2021 Annual Report, Section 10.2.2 and 11.9
NIRB	MBK	Placement of Local Area Marine Monitors – Condition 36	Term and Condition 36 requires that Agnico Eagle place/hire local area marine mammal monitors onboard all vessels transporting fuel or materials for the Project through Chesterfield Inlet. Although approximately 56 ships with fuel and goods ingress/egress at Baker Lake from Chesterfield Inlet in 2018, only one (1) marine mammal monitor was hired for a period between August 6 to August 23, 2018. In 2019, Agnico Eagle reported approximately 58 ships, of which again only one (1) local marine monitor was hired for a period between September 19 to 24, 2019. In response to the Board's 2019 Recommendation #2 on this topic, Agnico Eagle outlined an action plan to meet the Term and Condition, including additional recruitment efforts, and the alternative to hire from other communities within the Kivalliq region, or to supplement coverage with locally hired Agnico Eagle staff already employed by the Proponent's Environmental Department. As Agnico Eagle was unable to implement this Term and Condition in 2020 due to COVID-19 restrictions, the NIRB looks forward to reviewing the results of the Proponents progress towards meeting this Term and Condition within its 2021 annual report		Agnico acknowledges the NIRB's comment. Due to the COVID-19 pandemic in 2021, there were no locally hired individuals for marine mammal monitoring. Therefore, the shipping company completed the monitoring in 2021. Once the COVID-19 pandemic is resolved, Agnico Eagle will continue to use local individuals to complete the marine mammal monitoring onboard vessels. Results of the 2021 monitoring program will be provided in the 2021 Annual Report.	2021 Annual Report, Section 11.8.2

Authority	Site	Reference to comments	Regulator's Comment	Regulator's Recommendation	Agnico Eagles Response to Initial Comments	2021 Annual Report Section where comments are addressed
NIRB	MBK	Spills	The NIRB, KIA, and CIRNAC noted several leaks and/or spills in the 2020 Annual Report and throughout 2021 at the Baker Lake Fuel Farm. The spills were contained within secondary containment; however, the volumes of fuel and standing water located within secondary containment. Baker Lake is culturally significant and an important source of fish for the people of the Baker Lake community. A fuel spill resulting in 403,000 Litres of contaminated water which occurred on September 22, 2020 close to the shore of Baker Lake may cause significant concern for local community members and their ability to continue using the surrounding area, therefore the NIRB is seeking additional information in Agnico Eagle's 2021 annual report	The NIRB recommends Agnico Eagle provide details on the steps taken to date to address the leak issues and to prevent another such spill from occurring (both to physical infrastructure and in mitigation and monitoring plans). Further, Agnico Eagle is requested to perform a comprehensive review of its tank farm facilities to identify and mitigate all failure modes and consider increasing the frequency of tank farm facilities inspections. The findings of the review should be provided in the 2021 annual report.	Agnico Eagle acknowledges the NIRB's comment and understands the importance of Baker Lake as a freshwater and food source to the community. As of June 2021, tanks 3, 4, and 6 at the Baker Lake Fuel Farm have been inspected, repaired, and certified. A comprehensive inspection of tanks 1 and 2 is planned for 2022. Additionally, planned repairs will be conducted on tank 6 as per recommendations by the certified inspector. Agnico Eagle commits to providing an update in the 2021 Annual Report. An intensive tank inspection of the Baker Lake Fuel Farm conducted in partnership with an API 653 inspector is underway. In addition, plans are in place to apply an epoxy coating inside all tanks to prevent leaking. Application will be done in 2022-2024. QA/QC on the tanks will also be performed by an inspector (NACE CIP Level 3). The frequency of future inspections will be determined by the API 653 recommendations following the initial inspections of the tank farm facilities conducted in 2021 and 2022. The Baker Lake Bulk Fuel Storage Facility: Environmental Performance Monitoring Plan (Version 6, January 2022) was recently updated and submitted to NWB for approval on January 17, 2022 and distributed for review by interested parties. Section 5 of this management plan details the environmental performance monitoring plan which is a tiered approach with an emphasis on visual and operational inspections; routine surface water sampling to control and monitor the quality of the contact water; and event monitoring (in the case of a spill emergency or occurrence). Management of the bulk fuel storage facility will be guided by the monitoring results. As detailed in this plan, Agnico Eagle committed to increasing visual inspections of the Baker Lake Marshalling Facilities from weekly to twice weekly during Freshet and summer months. Monthly inspections are also conducted by the Energy and Infrastructure Department. Inspection of the facility included: tank and piping condition, secondary containment berm structure and integrity, indicators of liner damage, precipitation/ run-off accumulation, evidence of tampering or misuse, any structural abnormalities and visible sheens on contact water pools and crush material inside the secondary containment. Furthermore, Agnico Eagle is following the annual recommendations from the third-party Geotechnical Inspection of the Marshalling Facility. This report and the Agnico Eagle implementation plan are provided respectively in Appendix 9 and 15 of the 2020 Annual Report and will continue to be provided as part of future annual reports.	Appendix 17 (Section 5) of the 2021 Annual Report
NIRB	MBK/WT	Suppression of Surface Dust – Term and Condition 2	Term and Condition 2 of Project Certificate No. 008 for Whale Tail Pit requires Agnico Eagle to verify commitments to the utilization of dust suppressants along not only the AWAR, but the WTHR and any other roads and trails associated with the Whale Tail Project. Term and Condition 2 also stipulates that the monitoring plan (Air Quality and Dustfall Monitoring Plan) shall include a description of the type of suppressant to be utilized and the frequency and timing of application to be made throughout the various seasons of road use. Regarding this issue in previous years, the Board has noted that dust suppressants are not and have not been applied to the entire length of the AWAR as intended by Term and Condition 74 of the Project Certificate No. 004. The NIRB acknowledges that Agnico Eagle applied dust suppressant on the entire WTHR and 2020 data were below the Alberta guideline for recreational/residential areas and the threshold for dustfall along the AWAR and WTHR (0.53mg/cm2 /30d at 500 m) was not exceeded for any transect. The NIRB continues to highlight that there is no clear commitment to the utilization of dust suppressant along the entire length of the AWAR within the monitoring plan and relies on visual observation. Therefore, the Proponent has not fully met the requirements of Term and Condition 2 of the Whale Tail Project Certificate or 74 of the Meadowbank Project Certificate, as dust suppression techniques were not applied along the entire length of all project surface roads. The Proponent has not demonstrated that it intends to fulfill the requirements of the terms and conditions, nor of the commitments made through the associated assessment processes.	The NIRB continues to request Agnico Eagle provide an action plan for the development of a community-based monitoring program for dust in the next annual report and will continue to monitor the issue.	Agnico Eagle acknowledges the NIRB recommendation and will meet with the Baker Lake HTO should the COVID-19 pandemic restrictions allow to discuss the development of a program. The action plan will be provided in the 2021 Annual Report.	Appendix 50 (Section 1.3) of the 2021 Annual Report
NIRB	MBK/WT	Managing attraction of carnivores and/or raptors to reduce or eliminate attraction at all landfills and waste storage areas - Term and Condition – 25	1) Incinerator Waste Management Plan version 8, October 2018; and 2) Landfill Design and Management Plan, version 4, October 2018; Non-compliance noted in 2018/2019 regarding effective deterrents. Agnico Eagle has employed deterrents for carnivores and raptors prior to 2020 and 2021 nesting season with varied results, the NIRB will reassess in the next monitoring year.		Agnico acknowledges the NIRB recommendation and will provide additional information regarding wildlife deterrents in the 2021 Annual Report.	Appendix 47 (Section 4.5.4) of the 2021 Annual Report
NIRB	MBK/WT	Demonstrate incorporation of Inuit societal values into mine operation policies - Term and Condition – 68	Reported consultation with Baker Lake HTO on wildlife related issues. Agnico Eagle began work on an Inuit Advisory Committee to collect information, ensure respect to cultural aspects and better integration of Traditional Knowledge into Agnico Eagle operations.		In the 2021 Annual Report, Agnico Eagle will append the first Inuit Elder's Advisory approved Committee Report. This report includes initial considerations for the creation of this committee and background leading to members selection. Related Terms of Reference to inform NIRB on the progress of this group will also be appended	Appendix 61 of the 2021 Annual Report
NIRB	MBK	On-site incinerators to comply with standards. Stack testing annually - Term and Condition – 72	Based upon ECCC guidance, the NIRB recommended to continue annual testing rather than the proposed biennial testing. NIRB Recommendation arrived December 2020 outside testing timeline indicating noncompliance. 2020 Annual Report noted 5 consecutive years of compliance for all testing locations, referencing applicability to apply for biennial testing. There is acknowledgment to conduct annual testing, as per NIRB recommendations, for future reporting.		Stack testing was conducted in 2021 and results will be provided in the upcoming annual report. Agnico Eagle agrees to continue annual testing as per NIRB recommendation.	2021 Annual Report, Section 6.2.1.1 and Appendix 51
NIRB	MBK/WT	Caribou group size thresholds (GST) to trigger mitigation - Term and Condition – 30	Agnico Eagle noted that "more stringent monitoring and mitigations measures were incorporated into the TEMP" which resulted in 59 days of road closure in 2020. Additional study on the parturition rates of caribou is ongoing and additional analysis on the effects of the road to caribou was completed in 2020. Agnico Eagle will continue discussions with the TAG on caribou protection measures in 2020.		A TAG meeting was held in March 2021, where the Group Size Thresholds estimation method was reviewed and approved by all stakeholders. Updates to GST will be included in next version of the TEMP, and a workshop will implemented alongside the update.	2021 Annual Report, Section 8.18