



June 23, 2022

Nunavut Planning Commission
Sharon Ehaloak
PO Box 1797
Iqaluit, NU XOA OHO

Re: Agnico Eagle's Supplemental Submission and Comments on Draft Agenda for Public Hearings for Draft Nunavut Land Use Plan

Dear Ms. Ehaloak,

Please find enclosed Agnico Eagle's further written submissions on comments received on the 2021 Draft Nunavut Land Use Plan (DNLUP) since our last submission of April 14, 2022. We also write to provide our comments on the draft agenda for the public hearings for the 2021 DNLUP.

1. General Comments on Submissions Received by NPC Since April 2022

Agnico Eagle understands that all participants are encouraged by the Nunavut Planning Commission (NPC) to provide written comments on the 2021 DNLUP by June 24, 2022, to give participants in the public hearing a better understanding of such submissions in advance of the regional public hearings taking place in September through November 2022. We also recognize that the consultation remains open until January 10, 2023 and it is open for the public and participants to submit additional comments on the 2021 DNLUP at any time up to and including that date.

Agnico Eagle has read the additional submissions on the DNLUP provided to NPC with great interest, and notes deep concerns regarding existing rights/grandparenting, approach to caribou protection, significant volume of land use restrictions including restrictions on Inuit Owned Lands, and overall lack of clarity are shared by many of the key parties to this process, including the Designated Inuit Association (Nunavut Tunngavik Inc. or NTI) and the Regional Inuit Associations (including Kitikmeot Inuit Association [KitIA] and Kivalliq Inuit Association [KivIA]). We also share the view that wildlife should be protected, while allowing for responsible economic development.

As one example, we note the KitIA has submitted a "2021 Report Update: Variability in Calving and Post Calving Areas of the Bluenose-East and Bathurst Caribou Herds" prepared by EDI Environmental Dynamics Inc. and Aurora Wildlife Research (November 2021). This important submission highlights that given that caribou calving and post calving areas change through time, the 2021 DNLUP's current approach of protecting a static polygon will not be effective to protect caribou. As EDI and Aurora (2021) point out, the use of mobile caribou protection measures may be more effective given that caribou will shift their calving and post calving areas over time.

Our third-party expert is aware of a further example of caribou no longer using a defined calving ground, which is not addressed in the EDI/Aurora report and may be of interest to the NPC. This is the inclusion of historic calving areas for the Bathurst herd in the 2021 DNLUP.

The 2021 DNLUP includes a large polygon east of Bathurst Inlet as the historic calving ground of the Bathurst herd. This polygon is larger than the current defined calving area that is used west of Bathurst Inlet. According to the NPC, this area was added due to comments from Cambridge Bay and Kugluktuk residents (see O&R Document Page 66):

“In 2019, Cambridge Bay residents advised on an area in east central Victoria Island as the location where caribou from the Dolphin-Union herd will calve, and also advised including the historic Bathurst herd calving grounds on the east side of Bathurst Inlet.”

This area has not been used since the early 1990s as a calving ground for the Bathurst herd, but is listed as a Calving ground with Limited Use designation (note we are referring the clear purple polygon just east of Kingaok).

Note that this is not the only example of a large area being added due to community comments – all of King William Island and the Boothia Peninsula, without any supporting collar data indicating that caribou calve there (see below - hatched is 2016 calving and clear polygons are 2021 additions).

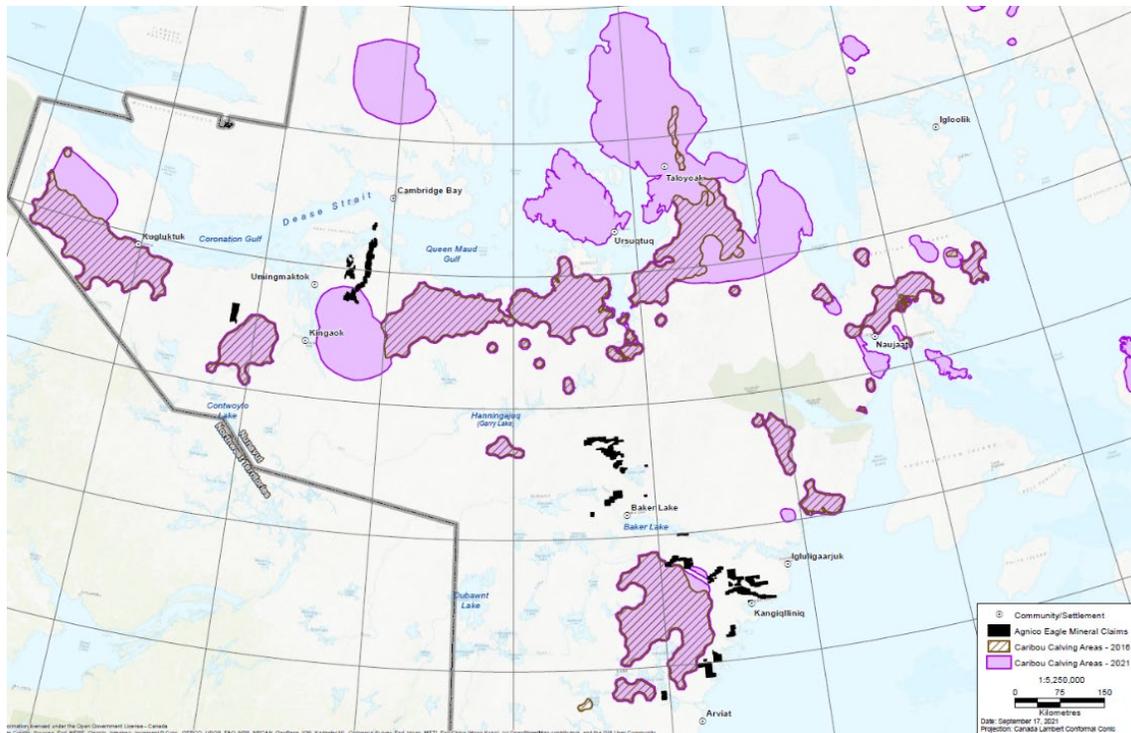


Figure 1: Comparison of NPC 2016 and 2021 Calving Area Polygons

Several participants have commented that Limited Use can be replaced with:

- Mitigation already required through Nunavut’s regulatory process;
- Caribou mobile protection measures, Seasonal restrictions, or Conditional Use designations; and/or
- Providing notification about valued components as information for project proponents and land use regulators.

We note that for major development projects such as the Doris North Mine, Meadowbank Mine, Whale Tail Mine, and Meliadine Mine, detailed mobile protection measures and related wildlife protection plans are developed through the Nunavut Impact Review Board (NIRB) and related processes that are focused on preventing the potential impacts of the project on wildlife, as well as the most current information available from IQ and scientific monitoring at the time of an application submission to NIRB and can be adapted based on site monitoring as per the project certificate terms and conditions. This project specific approach based on best available current information is developed with participation between Inuit and Inuit groups including hunters and trappers organizations, Inuit organizations, government agencies, and the proponent and represents a robust approach to wildlife protection.

Monitoring carried out under NIRB Project Certificates as well as other project monitoring support the view that as a result, negative effects on caribou populations have not occurred due to mining. It is also important to note that mining activities take up less than 1/100th of a percent of the landscape utilized by caribou. The view that this level of direct habitat loss could result in herd-level population changes is respectfully, not credible.

Agnico Eagle also shares many of the serious procedural concerns reflected in the various submissions from participants, including concerns about the level of understanding reflected by community members about the consequences for the “protection” approach proposed by NPC during community consultations. All parties have an interest in ensuring the protection of Nunavut wildlife and the essential roles of Inuit, government, and proponents in that task. However, there are a number of approaches to ensuring protection, and we share the serious concern expressed by Inuit organizations that “freezing in time” certain areas on a map would not be effective in increasing protection to caribou and other species, and would only serve to damage the prospects of local communities and Inuit to access the socio-economic benefits that can arise from responsible mineral exploration and development proceeding in collaboration with Inuit.

Agnico Eagle readily acknowledges the hard work of the NPC staff and the complexity of the task with which NPC has been tasked. However, with such fundamental concerns regarding the current draft, Agnico Eagle questions whether it is appropriate to move forward with the 2021 DNLUP to the public hearing stage. Instead, NPC could give consideration to an approach which revises the 2021 DNLUP to better reflect feedback to date in advance of public hearings.

2. Preliminary Written Questions in Advance of Public Hearings

Agnico Eagle understands there is an opportunity to submit written questions on or before June 30, 2022 with an opportunity for written responses to be received until August 31, 2022.

To the extent that further or supplemental submissions raise questions that Agnico Eagle wishes to pose to a participant or the NPC, Agnico Eagle trusts that the NPC will continue to accept those questions beyond June 30, 2022; therefore, Agnico Eagle may provide questions with the deliverable of presentations on August 12, 2022. Agnico Eagle understands and appreciates that it is important to give the participants and NPC as much advance notice as possible with respect to any questions posed in advance of the public hearings.

Agnico Eagle suggests that a report should be prepared following completion of the final public hearing in November 2022, which provides NPC's position on the 2021 DNLUP at that time. After that report is released, there should be an opportunity for final written comments. It will be difficult to prepare effective final written comments by the final deadline of January 10, 2023 without a clear understanding of NPC's final position.

3. Confirmation of Agnico Eagle's Participation in Public Hearings

Agnico Eagle confirms that it will attend and present at the public hearings in Cambridge Bay (September 12-15, 2022), Rankin Inlet (September 19-23, 2022), and Thompson, MB (September 26-27). At this time no additional presentation time beyond the 25 minutes is requested.

Agnico Eagle will not be presenting at the public hearings in Pond Inlet and Iqaluit (as our understanding is that these hearings will be focused on Qikiqtani Region concerns only) and therefore requests to be removed from the agenda for October 27, 2022 and November 19, 2022.

To accommodate travel and logistics, Agnico Eagle is requesting that as much certainty and detailed schedules as possible be provided in the final agenda as it is considering having representatives attend virtually during the opening days of each public hearing (when it is not scheduled to present) to permit the representatives attending in person greater flexibility to travel to the hearings.

4. Closure

We appreciate the level of commitment, coordination, and effort required of NPC to host these important public hearings and processes and welcome the opportunity to participate. We very much acknowledge the responsiveness of NPC staff and NPC's willingness to engage in dialogue as all parties move towards a Nunavut Land Use Plan that supports responsible resource development and the essential goals of the Nunavut Agreement. Agnico Eagle is committed to doing our part to achieve these goals as well.

If you require any further information, please contact the undersigned.

Sincerely,



Jamie Quesnel
Director, Permitting & Regulatory Affairs
Agnico Eagle Mines Limited