



August 12, 2022

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

Re: Agnico Eagle's Submissions for Public Hearings for Draft Nunavut Land Use Plan

Dear Ms. Ehloak,

Please find below details regarding the 2021 Draft Nunavut Land Use Plan (DNLUP) public hearing activities.

1. Hearing Presentation

As outlined in the Final Agenda issued on July 22, 2022 by the Nunavut Planning Commission (NPC), Agnico Eagle will present at the public hearings in Cambridge Bay (September 15), Rankin Inlet (September 23), and Thompson, MB (September 27). The English presentation is provided and translated presentations (Inuktitut and French) are currently underway and will be provided as soon as available.

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

At this time, we anticipate that up to five representatives from Agnico Eagle will attend the Cambridge Bay, Rankin Inlet, and Thompson public hearings. Agnico Eagle's presentations will be delivered by Jamie Quesnel, Director of Permitting and Regulatory Affairs.

3. Preliminary Written Questions in Advance of Public Hearings

Agnico Eagle is providing our initial list of questions in advance of the public hearing; however, would like to clarify that additional questions may rise as the hearings advance and the below list should not be considered our final list of questions.

As mentioned in Agnico Eagle's June 23, 2022 letter, Agnico Eagle suggests that a report 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.

Agnico Eagle's Preliminary List of Questions

- 1) Can the Nunavut Planning Commission confirm if underground mining activities are allowed in limited use areas in situations where there is no existing mineral rights (i.e., grandparenting is not applicable) and if seasonal restrictions would apply to underground mining activities. For clarity, this question applies to a scenario where all facilities within the limited use area are located in the sub surface areas only. We want to confirm that the Nunavut Land Use Plan will apply to activities on the surface only.
- 2) Can the Nunavut Planning Commission provide further practical guidance on how seasonal restrictions would apply to underground mining activities generally?
- 3) Can the Nunavut Planning Commission provide further specific details on what the process and timeline for plan amendments would be? How does this approach differ from the current policy in place? Will the Nunavut Planning Commission be updating its **2015-03-23 PLAN AMENDMENT INTERNAL PROCEDURE** to reflect the updated process and timelines prior to the hearings and/or prior to submittal of the final plan to the Minister?
- 4) Even with full grandparenting applicable to the mineral claims themselves, without access grandparented mineral claims would effectively be removed from development potential. Can the Nunavut Planning Commission confirm that grandparenting to mineral claims will extend to linear development to tie into existing roads, existing powerlines, and marine access for shipping? The amendment process is subject to great uncertainty and does not address the concern. How does the Nunavut Planning Commission propose to address the availability of access to mineral claims via land and sea?
- 5) Can the Nunavut Planning Commission provide further specific detail on what the process and timeline for variances would be? How does this approach differ from the current policy in place? Will the Nunavut Planning Commission be updating its **2015-03-23 MINOR VARIANCE INTERNAL PROCEDURE** prior to the hearings and/or prior to submittal of the final plan to the Minister?
- 6) Can the Nunavut Planning Commission confirm that minor variances will be applicable to all restrictions, including wildlife restrictions applicable to caribou? The draft Nunavut Land Use Plan states, "6.1.4-2 A minor variance is not to be issued for relief from a prohibition." Are caribou restrictions considered "prohibitions"?

- 7) The draft Nunavut Land Use Plan states that minor variances of up to two weeks may be granted on seasonal dates described in the plan, to take into account variations between years. How did the Nunavut Planning Commission determine this?
- 8) The draft Nunavut Land Use Plan states, “6.1.4-1 In determining whether to grant a minor variance, the Commission must consider whether the proposed minor variance: (a) is necessitated by unique physical features or limitations of the project location, such as those related to topography, vegetation or climate; (b) will cause unacceptable adverse impacts or interference with persons, projects, wildlife, the environment or existing uses or interests; (c) is consistent with the general intent and purposes of this Plan; (d) is appropriate in the context of surrounding land uses and land use designations; and (e) will set an undesirable precedent.”.

With respect to (b), has the Nunavut Planning Commission considered removing this as a criteria, given that this is the very question that Nunavut Impact Review Board will use its expertise to determine following the referral of any application to Nunavut Impact Review Board? As an alternative, would the Nunavut Planning Commission consider simply referring all projects that are granted a “minor variance” by the Nunavut Planning Commission to the Nunavut Impact Review Board to ensure this concern is addressed in the subsequent regulatory process?

Will the Nunavut Impact Review Board carry out environmental assessments even when they duplicate the work done by the Nunavut Planning Commission?

Can the Nunavut Impact Review Board and the Nunavut Planning Commission both confirm how the draft Nunavut Land Use Plan and determinations made by the Nunavut Planning Commission, including items such a minor variances, could work to help streamline the Nunavut Impact Review Board process?

With respect to (e), will the Nunavut Planning Commission consider removing this criteria given that the Nunavut Planning Commission is not bound by precedent in any event?

- 9) Is the Nunavut Planning Commission of the view that the Nunavut Land Use Plan supersedes other federal and territorial regulations? Put another way, if an activity is otherwise permitted by federal and/or territorial regulations, would it not be permitted in the event the Nunavut Land Use Plan otherwise restricts the activity.

- 10) The Nunavut Planning Commission has included restrictions on ice breaking in the draft Nunavut Land Use Plan in designated caribou access routes in the Kitikmeot Region. Rather than this approach, why hasn't the Nunavut Planning Commission referenced the applicable shipping laws administered by Transport Canada?
- 11) Agnico Eagle remains of the view that the Nunavut Planning Commission has not presented sufficient detail regarding the underlying science behind polygons. To provide informed submissions on the polygons, participants need the information to understand how they are developed. Based on the available science and IQ, polygons have changed and will change. These data are updated annually and inform annual work plans. Including detailed polygons in the Nunavut Land Use Plan with a commitment to update every five years will mean that the polygons are perpetually out of date. Updating polygons is also not a simple task, and would involve consideration of variances, recent data, historical data, and rolling averages. Is the Nunavut Planning Commission prepared to share the required detailed information on which the polygons are based? How does the Nunavut Planning Commission intend to systematically approach the issue about updates?
- 12) Ultimately the federal government, Nunavut and Nunavut Tunngavik Inc. will sign off on the Nunavut Land Use Plan. Will they give direction to participants in the Nunavut Impact Review Board process to proceed in a manner that is consistent with conformity determinations? For example, would submissions to Nunavut Impact Review Board and any issued government and/or Inuit approvals or agreements be consistent with any caribou restrictions included in the plan, and limit need for additional consideration during the Nunavut Impact Review Board and subsequent regulatory processes?
- 13) How will the Nunavut Planning Commission confirm certainty on the topic of grandparenting before the Nunavut Land Use Plan is presented for approval? In Agnico Eagle's view, improved certainty on this topic is required before the plan should move forward.
- 14) How is the Nunavut Planning Commission applying monitoring data collected of mining activities on caribou? This information is available through the Nunavut Impact Review Board's public registry.

4. Closure

We appreciate the level of commitment, coordination, and effort required of the 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,



Manon Turmel
Permitting & Regulatory Affairs Technical Advisor
Agnico Eagle Mines Limited