

SUBMISSION TO THE NUNAVUT WILDLIFE MANAGEMENT BOARD

FOR

Information: ✓

Decision: N/A

Issue: *Agnico Eagle Mining Ltd. ("AEM") Nunavut caribou research and monitoring data*

Background:

(a) *how the issues relates to the NWMB mandate;*

On April 19, 2016, the NWMB decided (in summary) to recommend to the Federal Minister of Indigenous and Northern Affairs that:

1. A moratorium on development on caribou calving grounds was warranted,
2. that caribou protections contained in the *NPC 2015 Draft Land Use Plan* needed to be strengthened, and
3. that prohibitions and restrictions on development within other key caribou habitats in Nunavut were also warranted.

The NWMB has mandates associated with caribou habitat (i.e., NWMB Mission statement), which may include restrictions on development. NWMB also has a responsibility to provide advice to Government Departments, NIRB and other agencies regarding mitigation and compensation arising for industrial development on wildlife habitat.

The NWMB may approve wildlife management plans, conservation areas, and wildlife designations included those for caribou, that similarly impact mineral development.

(b) *why the issue is being presented;*

In exercising its mandate, the NWMB may affect AEM existing rights.

The NWMB, as a tribunal, is subject to administrative law. As such, the NWMB is subject to the principles of procedural fairness.

Section 5.2.37 of the Nunavut Agreement provides a role for the NWMB in wildlife research, including collecting, classifying, and disseminating wildlife statistics and information and maintaining a data base adequate for such purposes.

AEM wishes to share caribou monitoring and mitigation strategies and results with the NWMB that could be consideration in any future NWMB decisions affecting AEM.

(c) *the key facts and circumstances relating to the issue; and*

AEM exploration and mine operation tenures in Nunavut overlap with the ranges of the Dolphin and Union, Ahiaik, Beverly, Northeast Mainland, Lorillard, Wager Bay and Qamanirjuak caribou herds.

The NPC develops planning policies, priorities and objectives regarding the conservation, development, management and use of land in the Nunavut Settlement Area. A 2023 version of a Nunavut Land Use Plan is currently submitted to Signatories for approval, affecting AEM existing

rights in Nunavut. AEM has submitted evidence related to AEM land use and caribou to the NPC several times during this land use planning process.

The NIRB screens, reviews, and determines whether projects may proceed in Nunavut, and if so, under what terms and conditions. Several AEM gold projects have been subject to NIRB scrutiny. These are currently approved and now operate under NIRB Project Certificates, including Meadowbank Complex mine, Meliadine Mine, and Hope Bay Mine. Detailed NIRB terms and conditions exist related to wildlife monitoring and mitigation at these sites under formalized management plans, subject to Inuit and Government review and input.

AEM is currently the largest mineral explorer, mine developer and operator in Nunavut. AEM possesses, large, multi-year data sets of caribou interactions with development including caribou monitoring methods and results, and caribou mitigation methods and results.

For Hope Bay, this is summarized in the Hope Bay Wildlife Mitigation and Monitoring Program (“WMMP”), and for Meadowbank Complex and Meliadine, within site specific Terrestrial Environment Monitoring and Mitigation Programs (“TEMMPs”). AEM technical capacity also extends to review and analysis of relevant independent and government scientific caribou research.

Although this information is normally reported annually to the NIRB, and is available on the NIRB Public Registry, this may not be readily available for NWMB consideration.

(d) the estimated time required to orally present the issue (excluding questions/discussion).

Anticipate 30 minutes to present the material.

Keep the language as non-technical as reasonably possible.

Anticipate the questions that the NWMB may ask.

Consultation:

Summarize the consultations which have been undertaken before submitting the issue to the NWMB. This summary should include the following:

(a) the means of consultation;

Public consultation is required prior to, during, and after the Nunavut Impact Assessment and Permitting process. Developers such as AEM utilize a number of consultation methods such as 1 on 1 meetings with stakeholder organizations, directed public events, use of social media, and subject-specific workshops. AEM conducts between 3-400 discrete consultations per year in Nunavut. Results of these consultations are reported and available on the NIRB and NWB Public Registries.

Specifically in relation to wildlife management and monitoring, AEM employs specified consultation methods aimed at effectively designing and implementing mine level programs. In the case of Hope Bay, an Inuit Environmental Advisory Committee has been formed and between the Kitikmeot Inuit Association and the company to inform the Hope Bay WMMP. In the case of both

Kivalliq mine operations, Terrestrial Advisory Groups (“TAGs”) have been formed for the same purpose, and include other indigenous groups besides Inuit, and government regulators.

(b) a list of the organizations consulted and an estimate of the number of individuals consulted, including members of the public; and

1. Nunavut Tunngavik Incorporated including NTI Wildlife Department
2. Kivalliq Inuit Association
3. Kitikmeot Inuit Association.
4. Kivalliq Wildlife Board
5. Kitikmeot Regional Wildlife Board.
6. All Kivalliq Hunters and Trappers Organizations
7. All Kitikmeot Hunters and Trappers Organizations
8. Hope Bay Inuit Environmental Advisory Committee
9. Kivalliq Elders Advisory Committee
10. Meadowbank Complex and Meliadine Terrestrial Advisory Group
11. Several hundred members of the public in Kivalliq and Kitikmeot regions per year.

(c) a summary of the results, including any responses or accommodations to issues, concerns, etc. raised during the consultations.

The Hope Bay WMMP and Meadowbank Complex and Meliadine Mine TEMMPs are requirements stemming from the NIRB environmental assessment of our mine development proposals. These plans are periodically reviewed and updated based on input from rights holders and stakeholders. These plans and activities are subject to approval from the NIRB.

The WMMP and TEMMPs are designed to test Impact predictions, and to mitigate known or suspected negative effects of mine development on wildlife.

The WMMP and TEMMPs have been in effect for a number of years. Some impact predictions have been proven true. Some impact predictions have yet to be addressed and are subject to continued monitoring effort. Wildlife mitigation efforts have been adjusted periodically based evidence of effectiveness, and on input from consultations.

Public, rightsholder and stakeholder concerns over mine development and operation impact on barren ground caribou in Nunavut remains the subject of highest wildlife concern for AEM.

Recommendation:

Options for addressing the issue or a recommended course of action

Course of action is a discussion on monitoring and mitigation associated with development activities related to caribou habitat.

Prepared by:

Alex Buchan, Angico Eagle Mines Limited, Cambridge Bay, NU.

Alex.Buchan@agnicoeagle.com , 867-445-6675.

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