



NIRB File No.: 16MN056
NWB File No.: 2AM-WTP- - - -

July 17, 2017

Whale Tail Pit Project Distribution List

Sent via email

Re: Notice of Final Hearing and Intervenor Application Deadline for the NIRB's Review of Agnico Eagle Mines Ltd.'s "Whale Tail Pit" Project Proposal

Dear Parties:

Please find enclosed the Notice of Final Hearing for the Nunavut Impact Review Board's (NIRB or Board) Review of Agnico Eagle Mines Ltd.'s (Agnico Eagle or Proponent) "Whale Tail Pit" Project Proposal (NIRB File 16MN056; "the Project"). Please note that formal notice will also be appearing in local newspapers in the coming weeks in English, Inuktitut, and French. A copy of the notice has also been posted online to the NIRB's public registry (with translated copies to follow) at www.nirb.ca and may be accessed by using any of the following search criteria:

- Project Name: Whale Tail Pit
- NIRB File No.: 16MN056
- Application No.: 124683

Dates of Final Hearing

As stated in the June 8, 2017 Pre-hearing Conference Decision Report, the NIRB and the Nunavut Water Board (NWB), in consultation with community members, parties, and the Proponent, decided that the Final Hearing would be held in the community of Baker Lake, Nunavut, and would involve a combination of technical and non-technical sessions. In accordance with the availability of meeting venue and logistical support, the NIRB is pleased to announce the following schedule for the Final Hearing for its Review as outlined below.

LOCATION	DATE	TIME*	SCHEDULE
Baker Lake, Community Hall	September 19, 2017	9:00 a.m. – 5:00 p.m. 6:30 p.m. – 9:00 p.m.	Technical Presentations
	September 20, 2017	9:00 a.m. – 5:00 p.m.	Technical Presentations
	September 21, 2017	9:00 a.m. – 5:00 p.m. 6:30 p.m. – 9:00 p.m.	Community Roundtable
	September 22, 2017	9:00 a.m. – 5:00 p.m.	Community Roundtable and Closing Statements

***NOTE: The NIRB may, in its discretion, extend any day session into an evening session or part of the day September 23 if required.**

Further, as part of the NIRB/NWB coordinated process, as consulted with parties at the Pre-hearing Conference, the NWB’s Public Hearing for the Type “A” Water Licence Application associated with the Project will not be conducted jointly with the NIRB’s Final Hearing, but will be held immediately following the conclusion of the NIRB’s Final Hearing. Notice regarding the NWB’s Public Hearing will be released separately.

The schedule for these proceedings has been arranged such that the first portion of the Final Hearing will consist of formal proceedings and technical presentations, while the latter portion will allow for more directed community engagement through community roundtable sessions. Evening sessions will be held to ensure members of the community are also afforded opportunity to participate outside of regular working hours.

Final Hearing Logistics & Details

The Final Hearing will proceed in accordance with the NIRB’s Rules of Procedure, dated September 3, 2009 (the Rules)¹ as determined in the NIRB and NWB’s Pre-hearing Conference Decision Report. The NIRB has decided to vary Rule 38.1 to direct a party wishing to rely on documentary evidence at the Final Hearing to file the documentary evidence at least thirty (30) days before the commencement of the hearing. Proceedings will be facilitated by the NIRB’s Chairperson, with support from NIRB staff and legal counsel as required. Stenographers will be present at the Hearing to record an official transcript, and simultaneous English-Inuktitut interpretation will be provided through all proceedings, while French interpretation may also be provided if requested at least 30 days in advance of the Hearing. Access to the full public registry will be made available during proceedings.

Intervenor Status

The enclosed Notice of Hearing provides direction to parties wishing to apply for formal intervenor status for the hearing proceedings. For the benefit of all parties, the NIRB is providing the following additional information:

1. Under the Board’s Rules, regulatory agencies² have full standing throughout the Review and are NOT required to file a request to be granted intervenor status.

¹ NIRB *Rules of Procedure* (September 3, 2009).

² Defined under Part I, Rule. 2.1 to include any Canadian or Nunavut government department or agency, Designated Inuit Organization (DIO) or any other body that has the authority to issue a permit, lease, licence or grant approval to a proponent to conduct some physical work or physical activity in relation to a project proposal.

2. Part III, Rule 22 of the Rules also recognizes that there may be parties who have not been involved throughout the Review, but who may, upon receiving the formal Notice of Hearing, determine that they wish to apply for intervenor status at the Hearing. For these potential intervenors, the Board requires the completion of an Application Form to request intervenor status (**enclosed**) to be filed with the Board on or before **July 24, 2017**. Requests to be granted intervenor status for the NWB Public Hearing has to be submitted separately to the NWB as outlined in the NWB's Notice of Public Hearing.
3. The Board will review and consider completed Application Forms and may:
 - a. Circulate the Application with a request for comments;
 - b. Decide that more information is required or request that the Application be modified as directed by the Board;
 - c. Decide that the intervention request is not granted because the submission is frivolous, vexatious or of little merit; or
 - d. Grant the intervention request and notify all parties of that decision.
4. Given the approaching Final Hearing and the desire for all parties to have adequate notice and time to prepare for their participation, the Board will endeavour to take the steps outlined in Item 3 as promptly as possible and expects to make its determination and issue a letter accepting or rejecting each of the intervention requests received on or before **July 28, 2017**.
5. All regulatory authorities and parties granted intervenor status will have until **August 14, 2017** to file their final written submissions for the Final Hearing with the NIRB.

Summary

In closing, as we move closer to the Final Hearing for the NIRB's Review of the Whale Tail Pit project proposal, the Board thanks all parties for their continued active engagement in the Review process. Additional details regarding the Hearing will be provided as they become available.

As a reminder, the NIRB will accept applications for Intervenor Status until **July 24, 2017**.

As a reminder, the deadline for final written submissions to be submitted by Intervenors is **August 14, 2017**.

Should you have questions regarding the upcoming Final Hearing for the NIRB's consideration of the Whale Tail Pit project, including the NIRB's Rules of Procedure and intervenor status applications, please contact the undersigned directly at sgranchinho@nirb.ca or by phone at (867) 857-4829.

Sincerely,



Sophia Granchinho, M.Sc.
Manager, Impact Assessment
Nunavut Impact Review Board

cc: Ryan Vanengen, Agnico Eagle Mines Ltd.
Stéphane Robert, Agnico Eagle Mines Ltd.
Jamie Quesnel, Agnico Eagle Mines Ltd.
Erika Voyer, Agnico Eagle Mines Ltd.

Enclosed (3): Notice of Public Hearing (*July 17, 2017*)
Application Form Requesting Intervenor Status (English and Inuktitut)