

Misema Blanche River Alliance

Request for Immediate Disclosure of Tailings Facility Siting Studies

Misema Blanche River Alliance
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To: Impact Assessment Agency of Canada (IAAC) – Upper Beaver Gold Project
File 82960

Agnico Eagle Mines Limited

Alain Cossette, Senior Director, Project Development Canada and Europe
Ian Laplante, Community Relations Supervisor

cc: Upper Beaver Project Advisory Committee, Blaise Legal

Re: Immediate disclosure of all studies, analyses, and records supporting the
preselected Tailings Storage Facility location – Upper Beaver Gold Project,
IAAC File No. 82960

Dear Sir or Madam,

The Misema Blanche River Alliance submits this letter to both the Impact Assessment Agency of Canada and Agnico Eagle Mines Limited to formally object to the continued reliance on a predetermined Tailings Storage Facility (TSF) location for the Upper Beaver Gold Project while the studies said to support that determination remain undisclosed to affected participants and the public.

The concern is no longer merely that Agnico Eagle prefers one TSF location over others. The concern is that Agnico Eagle has stated in writing that the TSF location could not change in November 2025, and then reiterated in March 2026 that the proposed location is the only viable option, while also advising that the supporting studies would not be made available until the Impact Statement is filed.

That sequence materially disadvantages the public interest. It prevents affected stakeholders from testing the feasibility criteria, examining the alternative siting analysis, or providing informed comment during the period when project design choices can still be meaningfully influenced.

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Core Objection

The attached record already establishes two critical facts.

- First, Agnico Eagle represented that the TSF location "*could not change*" (November 2025) and later that it is "*the only viable option.*" (March 2026)
- Second, Agnico Eagle indicated that the studies relied upon for that conclusion would only be disclosed later through the Impact Statement rather than during the present engagement process.

A process cannot be described as meaningful public participation when the most consequential project component has effectively been fixed in advance and the public is denied access to the studies needed to assess or challenge that result.

The public interest is especially prejudiced here because the siting of the TSF is not a minor engineering detail. It is one of the most permanent, high-risk, and environmentally consequential decisions in the entire Upper Beaver review, with direct implications for watershed impacts, alternatives assessment, cumulative effects, and the credibility of the assessment process itself.

Request for studies

Accordingly, the Misema Blanche River Alliance demands the immediate disclosure, prior to submission of the Impact Statement, of all studies, reports, data, memoranda, and technical records relied upon to support the asserted conclusion that the currently proposed TSF location is fixed, technically required, or the only viable option.

This request specifically includes, at minimum:

- All geotechnical, hydrogeological, hydrological, engineering, environmental, and ecological studies used to select, justify, or confirm the proposed TSF location.
- All studies, analyses, matrices, and comparison documents that considered alternative TSF locations, including the criteria applied to accept, reject, or eliminate alternatives.
- All baseline studies and watershed-related assessments relevant to the Misema, Blanche River, and Beaverhouse Lake watershed context that informed the TSF siting decision.

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- All internal technical memoranda, consultant reports, meeting records, correspondence, and decision documents in which the proposed TSF location was assessed, selected, narrowed, preferred, or declared non-negotiable.
- All records identifying the professional authors, reviewers, and qualified persons responsible for preparing or approving those studies and analyses, including terms of reference or study plans where they exist.

If Agnico Eagle maintains that only one viable TSF location exists, the studies that establish that conclusion must be disclosed now, not after the practical opportunity for informed design-stage participation has passed.

Request to IAAC

1. IAAC is requested to place this concern squarely on the public record and to confirm that meaningful participation requires access to the evidentiary basis for major project design decisions before those decisions are treated as settled for the purposes of public engagement.
2. IAAC is further requested to require Agnico Eagle to disclose the above-noted studies before the Impact Statement is filed, or alternatively to confirm what corrective procedural steps will be taken to remedy the present disadvantage to participants if those records continue to be withheld.
3. If the Agency permits the review to proceed while the TSF siting rationale remains shielded from scrutiny, then participants are reduced to commenting on an asserted conclusion rather than engaging with the evidence that produced it. That is not informed participation, and it is not a fair review process in the public interest.

Public Interest Prejudice

The prejudice to the public interest is concrete. Stakeholders cannot evaluate whether alternatives were fairly screened, whether feasibility criteria were reasonable, whether watershed risks were properly weighed, or whether community and Indigenous concerns could have changed the outcome, because the underlying studies remain unavailable while the siting decision is already being presented as closed.

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This disadvantage is compounded by the reality that once the Impact Statement is filed, the review typically shifts from open-ended design influence to assessment of the project as proposed. Delayed disclosure therefore does not preserve participation; it dilutes it.

For that reason, disclosure of the supporting studies is not a peripheral document request. It is the minimum procedural condition necessary to restore transparency, permit informed scrutiny, and protect the integrity of the Upper Beaver impact assessment.

Required **Response**

The Misema Blanche River Alliance requests a written response within 14 days confirming:

1. Whether Agnico Eagle will immediately disclose all studies and records supporting its predetermined TSF siting position.
2. Whether IAAC will require disclosure before the Impact Statement is submitted, or what specific procedural remedy it will implement if disclosure is refused or delayed.
3. Whether the Agency accepts that a major facility location can be treated as fixed before affected participants have had access to the studies allegedly demonstrating that no reasonable alternative exists.

Absent immediate disclosure and a clear procedural response, the record will show that the public has been asked to participate in form while being denied the information necessary to participate in substance.

Respectfully submitted,

Simon Jutras
Misema Blanche River Alliance (MBRA)