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NUNAVUT IMALIRIYIN KATIMAYINGI  
NUNAVUT WATER BOARD  
OFFICE DES EAUX DU NUNAVUT

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File No: 2AM-DOH0713

September 24, 2007

Mr. Larry Connell  
General Manager, Environment  
Miramar Hope Bay Ltd.  
300-889 Harbourside Drive  
North Vancouver BC V7P 3S1  
Email: [lconnell@miramarmining.com](mailto:lconnell@miramarmining.com)

Dear Mr. Connell,

**Re: Doris North Project – Early Authorization to Start Select Development**

The Nunavut Water Board (Board) acknowledges receipt of your letter dated September 20, 2007, requesting early authorization to start development on the following three construction activities for the Doris North Project:

1. Extension of the Doris North airstrip by an additional 400 m;
2. Collaring of the underground mine portal; and
3. Construction of a tote road between Roberts Bay and the Doris North Project.

The Board understands that an early start to these construction activities may be beneficial to the overall development schedule for the Doris North Project, and agrees that planning work in a manner that best ensures the safety of workers is of the utmost importance.

However, the Board must act within the framework of the *Nunavut Land Claims Agreement* (NLCA) and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWSRTA). In accordance with section 56 of the NWSRTA, Type A License 2AM-DOH0713 (License) for the Doris North Project is now in the hands of the Minister of Indian Affairs & Northern Development and Federal Interlocutor for Metis and Non-Status Indians. It is outside the jurisdiction of the Board to authorize development that forms a part of that License until the Minister has exercised his discretion pursuant to section 56.

As proposed by Miramar one option is to proceed with an application for a type B water license encompassing these development activities. However, in assessing the application, the Board will need to consider the merits of splitting these activities out from the larger project encompassed by the Type A License. More importantly given the goal of an “early start” to this development, the Board wishes to draw to Miramar’s attention that the process for a type B license requires a

minimum of 45 days from the receipt of a completed application. The process includes a mandatory 30 day public notice period pursuant to section 55(4) of the NWNSRTA. Section 55(4) of the NWNSRTA does provide for a shorter (10 day) notice period, when in the opinion of the Board, there are urgent circumstances that justify the Board acting on that application in a shorter period. However, in the Board's opinion, Miramar has been aware of the process for the License and construction constraints in Nunavut for quite sometime and thus the Board does not view Miramar's own delay in requesting the Board's consideration of a type B license as urgent circumstances warranting a shortened public notice period.

To the extent that Miramar can proceed with these three activities without the use of water or the deposit of waste, Miramar is not constrained by the requirements of the NWNSRTA. While it appears to the Board that the three activities described by Miramar are likely regulated pursuant to the NWNSRTA, the Board is copying Indian and Northern Affairs Canada (INAC) on this letter. In addition to its participation at the Public Hearing leading to the proposed License, INAC has an enforcement role to play pursuant to the NWNSRTA. Miramar may wish to request INAC's assistance with assessing the options for proceeding that accord with the legislative regime in Nunavut.

The Board is also copying the Distribution List for the Doris North Project on this correspondence. Parties wishing to comment on the Board's views expressed in this letter should contact the undersigned at 867-360-6338 or [exec@nunavutwaterboard.org](mailto:exec@nunavutwaterboard.org) no later than Wednesday, October 3, 2007.

Sincerely,



Dionne Filiatrault  
Executive Director  
Nunavut Water Board

cc: Distribution List  
INAC Minister