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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

NWB File No: 2AM-DOH1323/  
Amendment No.1

August 21, 2015

John Roberts,  
VP Environmental Affairs  
TMAC Resources Inc.  
Suite 1010 – 95 Wellington Street  
Toronto Ontario  
M5J 2N7

Email: [john.roberts@tmacresources.com](mailto:john.roberts@tmacresources.com)

**Re: Licence No. 2AM-DOH1323; Amendment (No. 1) Application by TMAC Resources Inc., Doris North Project**

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Dear Mr. Roberts,

The Nunavut Water Board (“NWB”) acknowledge receipt of the Type “A” Water Licence amendment application (the Application) and supporting documentation submitted on June 15, 2015 by TMAC Resources Inc. (the Applicant or TMAC) for the Doris North Project (the Project), Licence No. 2AM-DOH1323.

The Application is a resubmission of the application originally submitted by TMAC in November 2013. The technical review of the November 2013 amendment application was suspended on April 30, 2014 by the Nunavut Impact Review Board (NIRB) via letter notifying TMAC of the suspension until all information on the proposed modifications could be provided to NIRB and NWB. Furthermore, TMAC states in the Application cover letter:

*“Overall, the Amendment Application remains consistent with the materials that were originally submitted to the NIRB and NWB in November 2013. However, in order to limit potential for confusion, TMAC has enclosed a complete updated Amendment Application which is intended to replace the Amendment Application filed in November 2013”.*

By way of this letter the NWB confirms the withdrawal of the water licence application dated November 2013 which is replaced by the water licence amendment application (the Application) received by the Board on June 15, 2015. The Application submission has been placed in the Board’s public registry and is available through the NWB’s ftp site at the following link:

A list of all of the documents received as part of the Application is provided in Appendix A, which is attached to this letter.

The NWB has conducted an initial review of your submission and has determined that your Application is for a Type “A” Water Licence amendment, which will require a public hearing in accordance with s. 52<sup>1</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act). All public hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing*, adopted May 11, 2005 (NWB Rules).

The next step in the processing of your application involves a completeness review and initial technical assessment to determine if all of the necessary information and studies to evaluate quantitative and qualitative effects of your project on the freshwater environment have been provided.

**Accordingly, by copy of this letter, the Board requests that interested parties review the submission for completeness and an initial technical assessment including the identification of any Information Request (IRs) that the reviewing parties may require for completeness of the Application and to carry out their full technical review. In addition, Board requests that interested parties provide comments to the NWB on the type of Technical Meeting/Pre-Hearing conference to be held for the Application (written, teleconference, or in person as outlined in steps 3 and 4 of the process set out below).**

All intervening parties should provide their submissions to the NWB’s Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) by **3:00 P.M MT, Friday, September 11, 2015**.

Following the receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and/or studies are required (IRs) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. The NWB will advise TMAC Resources Inc. of the Board’s determination at that time.

Once the Application is deemed complete, the following general process will be followed. In addition, complete details on the NWB’s licensing process are available in the NWB’s Guide 5<sup>2</sup> and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

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<sup>1</sup> Nunavut Waters and Nunavut Surface Rights Tribunal Act; Section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

<sup>2</sup> Guide 5 – Processing Water Licence Applications (April 2010).

**1. Notice of the Application**

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

**2. Detailed Technical Review**

Interested parties will be advised to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible.

**3. Technical Meeting (TM)/Pre-Hearing Conference (PHC)**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with the interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM/PHC shortly after the deadline for receiving technical review submissions, which will be announced accordingly and subsequently. The PHC is typically scheduled to immediately follow the TM.

**4. Pre-Hearing Conference (PHC) Decision**

Following the TM/PHC, the NWB will issue a PHC decision and may outline the technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

**5. Public Hearing (PH) Notice**

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the public hearing and in a manner that promotes public awareness and participation in the hearing.

**6. Public Hearing Decision**

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) for consideration. Interested and intervening parties will also be provided with a copy of the of the Board's final decision. The Minister of AANDC typically issues his/her response to the Board's final decision with 45 or 90 days from the date of receipt.

The Board notes an absence of information related to pre-licensing information with respect to land use planning and environmental assessment processes. Correspondence<sup>3</sup> from the NPC confirms that previous undertakings with respect to the Project were located in an area without an approved land use plan, implying that no conformity determination was required. Notwithstanding the previous determination, the NWB is forwarding the application to the NPC to provide its determination and recommendations pursuant to sections 13.4.2 through 13.4.5 of the Nunavut Land Claim Agreement (NLCA).

The Applicant has included as part of the submission, a copy of its application to the Nunavut Impact Review Board (NIRB). Correspondence<sup>4</sup> from the NIRB related to the amendment being contemplated by the Applicant indicates that a reconsideration of the terms and conditions of the Project Certificate in accordance with s. 12.8.2 of the NLCA is required, and the NIRB's reconsideration process has been initiated. It should be understood that in accordance with s. 39 (1) of the Act, the NWB may not issue, renew, or amend a licence until the NIRB has completed the screening, reconsideration, or where a review is required, issued an amended Project Certificate.

In the interests of ensuring this application is dealt with in a timely and coordinated manner, while recognizing the absence of directions from the NPC and the NIRB regarding the pre-licensing requirements at this time, the Board will continue with its processing of your Application to the extent possible at this stage of the process.

To initiate the Board's review, as noted above, the NWB is now inviting interested persons to comment on the completeness of the Application based on an initial technical assessment, the type of technical meeting/prehearing conference (TM/PHC) to be held and any Information Requests (IRs), to be submitted to the Board related to the Application. All Submissions should be provided to the NWB's Manager of Licensing at [Licensing@nwb-oen.ca](mailto:Licensing@nwb-oen.ca), no **later than 3:00 P.M. (MT), September 11, 2015** ).

Should you have any questions or require clarification on the above or any procedural inquiries, please contact Phyllis Beaulieu, Manager of Licensing, at 867-360-6338 or by email [Phyllis.Beaulieu@nwb-oen.ca](mailto:Phyllis.Beaulieu@nwb-oen.ca). For inquiries related to Technical matters, please contact the technical advisor associated with this file, Sonia Aredes at 867-979-3079 or by email at [Sonia.Aredes@nwb-oen.ca](mailto:Sonia.Aredes@nwb-oen.ca), or David Hohnstein, Director of Technical Services, at 780-443-4406 or by email to [David.Hohnstein@nwb-oen.ca](mailto:David.Hohnstein@nwb-oen.ca).

Sincerely,

Robin Ikkutisluk  
Acting Manager of Licensing

RI/sa

Cc: Kitikmeot Distribution

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<sup>3</sup> Email from B. Aglukark, Nunavut Planning Commission (NPC), to P. Beaulieu, Nunavut Water Board (NWB), Re: 101105 2AM-DOH0713 Amendment 2 Application Review, November 17, 2010.

<sup>4</sup> NIRB's letter to J. Roberts, TMAC Re: Receipt of Application for the NIRB's Reconsideration of Terms and Conditions within Project Certificate No.003 for TMAC's Doris North Project, on July 21 2015

## Appendix A: List of Documents Received Under June 15, 2015 Application

| No  | Document  |
|-----|---|
| 1.  | Cover letter, to R. Barry, NIRB and David Hohnstein, NWB; Re: Updates to Application for Doris North Mine Modifications and Related Amendments to Project Certificate No.003 and Type A Water Licence No. 2AM-DOH1323, on June 15 2015  |
| 2.  | Project Summary and Submission Outline (Package 1, submitted on June 15 2015), including: Plain Language Summary (P1-1), Maps (P1.2); Schedule for Implementation(P1.3), Regulatory Submission Outline (P1-4)   |
| 3.  | Project Description (Package 2, submitted on June 15 2015) including: Project Description with Executive Summary (P2.1)   |
| 4.  | NIRB and NWB Application Documents (Package 3, submitted on June 15 2015), including: NIRB Amendment Application Documents (P3-1), NWB Amendment Application Documents (P3-2), NPC Conformity Determination (P3-3)  |
| 5.  | Environmental Effects Assessment (Package 4, submitted on June 15 2015), including: Environmental Effects Assessment (P4-1)   |
| 6.  | Management and other Plans (Package 5, submitted on June 15 2015), including: Air Quality Management Plan (P5-1), Interim Closure and Reclamation Plan (P5-2), Water Management Plan(P5-3), Waste Rock and Ore Management Plan (P5-4)   |
| 7.  | Engineering and Design Documents (Package 6, submitted on June 15 2015), including: Doris Central and Vent Raise Pad and Access Road (P6-1), Doris Connector Vent Raise Pad and Access Road(P6-2), Groundwater inflow and Quality Model (P6-3), Landfill (P6-4), Reclamation and Security (P6-5), Roberts Bay Discharge System Water Management Options (P6-6), Roberts Bay Discharge System: Surface Infrastructure (P6-7), Roberts Bay Discharge System: Pump and Pipe Requirements (P6-8), Roberts Bay Expanded Laydown Pads (P6-9), Site-Wide Water and Load Balance (P6-10), Storage Pad U (P6-11), Tailings Geochemistry (P6-12), Tailings Management System (P6-13), Waste Rock and Ore Geochemistry, Static Testing (P6-14), Waste Rock and Ore Geochemistry, Kinetic Testing (P6-15) |
| 8.  | Proponent Information (Package 7)   |
| 9.  | Letter to NWB, Re: Revisions to TMAC Resources Inc. Amendment Application No. 1 of Project Certificate 003 and Water Licence 2AM-DOH1323 – Application Deficiencies, on July 14 2015  |
| 10. | Figures 3 &4 of Project Summary (July 14 2015)  |
| 11. | 2014 2AM-DOH1323 Type A Water Licence Annual Report Supplemental Document Doris North Project ( to satisfy SIG Block No.61, July 2015)  |
| 12. | Doris North Mine Interim Closure and Reclamation Plan July 2015 – Detailed Cost Estimate  |