



**NIRB File No.: 12MN001**

NWB File No. 2AM-DOH1323 and

File No. 2AM-BOS----

January 17, 2018

To: *NIRB*: Phase 2 Hope Bay Belt Distribution List  
*NWB*: Hope Bay Project Distribution List

*Sent via email*

**Re: Commencement of the NIRB's Technical Review for the TMAC Resources Inc.'s Final Environmental Impact Statement for the "Phase 2 Hope Bay Belt" Project Proposal, and the NWB's Completeness Review and Information Request for the associated Type "A" Water Licence Applications**

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Dear Parties:

On December 21, 2017, the Nunavut Impact Review Board (NIRB) acknowledged receipt of TMAC Resources Inc.'s (TMAC; the Proponent) Final Environmental Impact Statement (FEIS) submission for the "Phase 2 Hope Bay Belt" Project proposal (the Project). The NIRB also initiated an internal review of the FEIS to determine compliance with the NIRB's EIS Guidelines<sup>1</sup> issued pursuant to Section 12.5.2 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the Pre-hearing Conference Decision (PHC Decision)<sup>2</sup>.

Following a cursory review of the submission from TMAC, in the NIRB's view, the submission generally complies with both the NIRB's EIS Guidelines and the NIRB's PHC Decision. As such, the NIRB hereby accepts TMAC's submission as a FEIS and is formally initiating the technical review of the FEIS for the Project and the Hope Bay Belt Project proposal FEIS submission can be accessed from the NIRB's online public registry at [www.nirb.ca](http://www.nirb.ca) by using any of the following search criteria:

- Project Name: Phase 2 Hope Bay Belt Project
- NIRB File No.: 12MN001
- Application No.: 124148

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<sup>1</sup> NIRB Guidelines for the Preparation of an Environmental Impact Statement for Hope Bay Mining Ltd.'s Phase 2 Hope Bay Belt Project (NIRB File No. 12MN001).

<sup>2</sup> NIRB File No. 12MN001, Pre-hearing Conference Decision concerning the Phase 2 Hope Bay Belt Project, TMAC Resources Ltd., July 21, 2017 (the PHC Decision).

The Nunavut Water Board (NWB) acknowledged receipt on December 22, 2017 of two (2) applications, one (1) for the amendment of the existing Type “A” Water Licence 2AM-DOH1323 and the other for a new Type “A” Water Licence for the proposed mining undertaking at the Boston site Licence #: 2AM-BOS---- (the Applications). The Applications were submitted by TMAC in compliance with the directives provided by the NWB in Appendix E of the NIRB’s PHC Decision Report,<sup>3</sup> with regard to the Hope Bay Project and the general Water Licence submission requirements.

With this notice, the NWB advises TMAC, intervening parties and the public that the NWB is commencing the initial processing of the Applications, by requesting comment on the completeness of the Applications and submission of information requests. The submissions have been placed in the Board’s public registry and are available through the NWB’s ftp site at the following link:

Doris:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-DOH1323%20TMAC/1%20APPLICATION/2017%20Amendment%20No.%202/>

Boston:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-BOS----%20TMAC/1%20APPLICATION/2017%20New/>

### **NIRB-NWB Coordination**

The NIRB and the NWB note that TMAC has previously requested that a coordinated process be undertaken by the Boards for consideration of the Phase 2 Hope Bay Belt Project proposal and associated water licence applications. As such, the NIRB and NWB have prepared the enclosed *updated* NIRB/NWB detailed coordinated process framework for the information of all parties. The *updated* framework was informed by the level of coordination requested by the Proponent for the Project<sup>4</sup> and the NIRB’s PHC Decision (including the NWB’s direction and guidance to TMAC in Appendix E of the PHC Decision).

### **NIRB Call for Final Written Submissions**

As noted, the NIRB has conducted a compliance determination of the FEIS and has determined that the sixty (60) day technical review period can commence. Although unable to fully assess the technical quality of the FEIS and to determine whether the submission will meet with reviewers’ requirements, the NIRB is of the opinion that sufficient information has been provided to commence with the next steps in the technical review of the Phase 2 Hope Bay Belt Project proposal.

As set out in the NIRB’s PHC Decision for the Phase 2 Hope Bay Belt Project, and based on consensus among parties present at the Pre-Hearing Conference, the NIRB has not included an

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<sup>3</sup> NIRB File No. 12MN001, Pre-hearing Conference Decision concerning the Phase 2 Hope Bay Belt Project, TMAC Resources Ltd., July 21, 2017 at Appendix E: Nunavut Water Board direction regarding Water Licence and Concordance.

<sup>4</sup> On February 16, 2017 the NIRB received correspondence from TMAC regarding the level of coordination it is seeking from the NIRB and the NWB for the Review and Water Licencing of the “Phase 2 Hope Bay Belt” project proposal.

Information Request stage prior to the technical review period. Therefore, the next step in the NIRB's review process for the project proposal is the filing of final written submissions for the preparation of the NIRB Final Hearing on or before **Monday, March 19, 2018** by Interveners.

Guidance regarding the recommended format for final written submissions to be submitted to the NIRB is set out in [Appendix A](#) of this letter; the NIRB appreciates the efforts of all parties to structure their respective submissions in accordance with the recommended format, which will assist greatly in their presentation and discussion at the Final Hearing. Upon receipt, Interveners' final written submissions will be made available to all parties via the NIRB's online public registry.

### ***NWB Completeness Review of the Applications and Subsequent Technical Review***

The NWB has conducted an initial review of the submissions and has determined that the Applications are for a Type "A" Water Licence amendment, and for a new Type "A" Water Licence (in compliance with the direction of the NWB in Appendix E of the NIRB's PHC Decision). The NWB can also confirm that these Applications will require a public hearing in accordance with s. 52 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA* or Act).

The next step in the processing of the Applications 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 the proposed undertakings on the freshwater environment have been provided.

Accordingly, by copy of this letter, the Board requests that interested parties review TMAC's submission for completeness and identify any Information Requests (IRs) that the reviewing parties require to carry out their full technical review. All intervening parties should provide their submissions on the completeness of the Applications and identifying any IRs to the NWB's Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) on or before **Wednesday, January 31, 2018**.

Following the receipt of comments on completeness, the NWB will determine whether the Applications are complete, and whether additional information and/or studies are required (IRs) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48(2) of the *NWNSRTA* and will advise TMAC accordingly. The NWB also retains the right to issue additional guidelines for the provision of information pursuant to s. 48(3) of the *NWNSRTA* if it becomes necessary.

Once all required information has been provided, the NWB will provide formal Notice of the completed Applications as required by s. 55(1) of the *NWNSRTA* and will invite parties to complete a full technical review of the Applications and any additional information that has been filed in support. As the NWB's technical review comment period is typically expected to be 30 days, the NWB will coordinate, to the extent practicable, the deadline for the NIRB's 60-day technical review with the deadline for the NWB's technical review. All parties are advised, however, that coordination of the technical review timing may not be possible if comments on completeness and IRs result in TMAC or other parties having to provide substantive additions to the existing materials.

### **Next Steps in the Coordinated Process**

The next steps in the NIRB's Review and the NWB's consideration of the Application by TMAC in respect of the proposed Phase 2 Hope Bay Belt Project have been outlined as follows for the information of parties. Please note that the Boards reserve the right to revise the next steps and timelines if circumstances dictate:

- January 17, 2018:** Commencement of the NIRB's technical review period; parties are asked to provide their final written submissions to the NIRB on a number of specific points as outlined in [Appendix A](#).
- Commencement of the NWB's comment period for completeness of the Applications and identification of Information Requests (IRs).
- January 31, 2018:** Parties submit their comments on the completeness of the Applications and associated IRs to the NWB;
- March 19, 2018:** Submission of final written submissions to the NIRB and (possibly, depending on when NWB issues Notice of Application) technical review comments submitted to the NWB.
- April 4, 2018:** TMAC to provide response(s) to final written submissions. Parties given an opportunity to review responses from TMAC.
- April 19, 2018:** Submission of Proponent's and parties' presentations for Final Hearing (*including translated versions*).
- May 8-12, 2018:** NIRB Final Hearing in Cambridge Bay

Throughout the technical review phase of the FEIS and the NWB's processing of the Applications, interested parties are encouraged to work cooperatively with TMAC to discuss issues in advance of the proposed NIRB Final Hearing. The NIRB and the NWB, however, request to be kept informed of any issues and any agreement(s) reached between the parties on specific issues related to the Project proposal and the Applications.

The NIRB and the NWB would like to remind TMAC and all parties that all comment submissions on the Phase 2 Hope Bay Belt Project proposal and on the Type "A" Water Licence Applications should be submitted to each Board independently. Submissions to the NIRB should be provided directly to [info@nirb.ca](mailto:info@nirb.ca) or through the online public registry at [www.nirb.ca](http://www.nirb.ca).

Submissions to the NWB should be provided directly to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca). All submissions are to be provided to the NIRB and the NWB in accordance with the deadlines set out above, unless subsequently modified by the NIRB or the NWB.

If you have any questions regarding the NIRB's Review of the "Phase 2 Hope Bay Belt Project" proposal, please contact please contact Kofi Boa-Antwi, Technical Advisor, at [kboaantwi@nirb.ca](mailto:kboaantwi@nirb.ca) or by phone at (867) 983-4616. If you have any questions on the NWB's

consideration of the water licence application, please contact Karén Kharatyan, Acting Manager, Licensing at [karen.kharatyan@nwb-oen.ca](mailto:karen.kharatyan@nwb-oen.ca) or by phone at (867) 360-6338 (ext. 35).

Sincerely,



Kelli Gillard B.Sc., P.Ag.  
Acting, Director Technical Services  
Nunavut Impact Review Board

Sincerely,



Karén Kharatyan, Ph.D.  
Acting Manager, Licensing  
Nunavut Water Board

cc: Oliver Curran, TMAC Resources Inc.  
Shelley Potter, TMAC Resources Inc.

Attachments: Appendix A: NIRB's Suggested Format for Parties' Final Written Submissions

Enclosure (1): Anticipated process for the NIRB's/NWB's Coordination of TMAC Resources Inc.'s Phase 2 Hope Bay Belt Project Proposal Review and Water Licence Application (January 17, 2018)

## APPENDIX A: NIRB'S SUGGESTED FORMAT FOR PARTIES' FINAL WRITTEN SUBMISSIONS

For each issue raised, parties are asked to include a clear reference to the volume, document, section, and/or page number in the Final Environmental Impact Statement (FEIS) where relevant information may be found. Parties may find efficiencies in structuring submissions by issue, and are asked, where possible, to align their submission in accordance with the ordering of materials as presented within the FEIS. A tabular presentation as provided below is requested as a means of systematically organizing comment submissions and to assist with the compilation of submissions for the next steps of the NIRB's Review process.

### **Format and File Size**

Parties must provide submissions in a fully functional, electronically searchable Word, Excel or unlocked PDF format no larger than 5 MB.

### **Final written submissions must contain the following:**

#### **1. Executive Summary**

Submissions must contain a non-technical executive summary of the major issues identified during the review of the FEIS. The summary should not exceed two pages.

The NIRB requires executive summaries be provided in English and be translated into **Inuinnaqtun, Inuktitut, and French**. Please note that parties are responsible for sourcing this translation.

#### **2. Table of Contents**

Submissions must contain a table of contents with sections that relate to the main headings of the FEIS for the Phase 2 Hope Bay Belt Project which also identify the major issues under those headings the party intends to bring forward for discussion and intends to address at the Final Hearing. Submissions may also address any other matter that the party considers relevant to the NIRB's review of the FEIS.

#### **3. Introduction**

All submissions should contain a statement of the party's mandate and relationship to the project. Parties that have regulatory jurisdiction over the Phase 2 Hope Bay Belt Project must also provide a description of the party's jurisdiction as well as a list of the legislation, regulations, policies and guidelines administered by the party that are applicable to the project.

#### **4. Specific Comments**

For each issue included in the submissions, parties should provide the following:

- a. A detailed description of the issue and, as appropriate, a reference to where within the FEIS (volume/document, section and page number);
- b. If provided by the Proponent within the FEIS, identify the Proponent's conclusion(s) related to the issue;
- c. A statement regarding the conclusion(s) of the commenting party related to the issue, including reference to the justification/data/rationale supporting that conclusion;
- d. A brief discussion assessing the issue's importance to the impact assessment process; and
- e. Any recommendation(s) to the NIRB with respect to the disposition of the issue.

## 5. Summary of Recommendations

Finally, submissions to the NIRB must contain a *summary* of the recommendations to the Board with respect to:

- Whether Parties agree/disagree with the conclusions presented in the FEIS provided by the Proponent regarding the alternatives assessment, environmental impacts, proposed mitigation, significance of impacts, and monitoring measures – and all evidence supporting the parties' position;
- Whether or not conclusions presented in the FEIS provided by the Proponent are supported by the analysis – and all evidence supporting the parties' position;
- Whether appropriate methodology was utilized in the FEIS to develop conclusions – and all evidence supporting the parties' position along with any proposed alternative methodologies which may be more appropriate if applicable;
- An assessment of the quality and the presentation of the information presented in the FEIS;
- An assessment of the appropriateness of proposed monitoring measures – and evidence to support the determination, along with any proposed alternative monitoring measures which may be more appropriate (if applicable); and
- Any comments regarding additional information which would be useful in assessing impacts – and reasons to support any comments made.

## 6. Suggested submission format in Table Form

<b>Review Comment Number</b>	
<b>Subject/Topic</b>	
<b>References to the FEIS</b> ( <i>i.e.</i> , <i>volume/document, section/sub-section, page number, etc.</i> )	
<b>Summary</b> (include Proponent's conclusion if relevant and conclusions of commenting party)	
<b>Importance of issue to the impact assessment process</b>	
<b>Detailed Review Comments</b>	1. Gap/Issue 2. Disagreement with FEIS conclusion 3. Reasons for disagreement with FEIS conclusion
<b>Recommendation/Request</b>	