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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 2AM-BOS---- & 2AM-DOH1323

February 23, 2018

Oliver Curran
Vice President, Environmental Affairs
TMAC Resources Inc.
95 Wellington Street West
Suite 1010, PO Box 44
Toronto, ON M5J 2N7

Email: oliver.curran@tmacresources.com

**Subject: Notice of Application for a New Type ‘A’ Water Licence, File No. 2AM-BOS-
---, Madrid-Boston (Phase 2) Project and an Application for Amendments to
Water Licence No. 2AM-DOH1323; TMAC Resources Inc.**

Dear Mr. Curran,

Further to the Nunavut Water Board (NWB) correspondence¹ of January 17, 2018, with respect to the determination of completeness of the 2AM-BOS---- water licence application and 2AM-DOH1323 amendment application (the Applications), submitted by TMAC Resources Inc. (TMAC) for the Madrid-Boston (Phase 2) Project. The Board received comments² from the following interested parties: Kitikmeot Inuit Association (KIA), Fisheries and Oceans Canada (DFO), Indigenous and Northern Affairs Canada (INAC), and Environment and Climate Change Canada (ECCC). The NWB did not receive any indication that the Application should not proceed through the regulatory process.

Please find attached the Notice of the Applications associated with the proposed use of waters and deposit of wastes for mining undertakings at the Boston and Madrid proposed mine sites and the use of infrastructure at the existing Doris North Gold Mine. The Applications and supporting materials were provided to the Board on December 20, 2017 and have been subject to a

¹ Letter from Kelli Gillard (NIRB) and K. Kharatyan, (NWB), to “Interested Parties”, 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, January 17, 2018.

² Fisheries and Oceans Canada (DFO), February 9, 2018; Kitikmeot Inuit Association (KIA), February 13, 2018; Indigenous and Northern Affairs Canada (INAC), February 14, 2018, and Environment and Climate Change Canada (ECCC), February 14, 2018.

completeness check by the Board and Interveners, including a recent period of Information Requests (IRs) and a response to the IRs filed by the Applicant. On February 22, 2018, the NWB requested that parties who had received a response to the IRs provide the NWB with an indication regarding whether or not they are satisfied with the Applicant's response to the IRs, on or before March 1, 2018. However, in the interim, and on the basis of the scope and nature of the undertakings, the NWB has deemed the Applications to be complete applications for a new Type "A" Water Licence 2AM-BOS---- and an amendment to the existing Type "A" Water Licence 2AM-DOH1323. Although the Board has initiated the formal technical review, it is still anticipated that parties who were requested to provide the indication above, provide this confirmation by the March 1, 2018 deadline so that it may be included within the timeframe of the technical review and allow for any outstanding issues to be resolved by the Applicant during this period and prior to the March 23, 2018 technical review submission deadline.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Applications received to date have been placed in the Board's Public Registry and made available through the NWB's FTP site using the following links:

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

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-DOH1323%20TMAC/>

As the Applications involve Type "A" Water Licences, the NWB's consideration of the Applications will require a Public Hearing as required by the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA)*. All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

NWB Notice of Application and Commencement of Technical Review

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Applications, Interveners' submissions, and the Board's initial review that the Applications submitted by TMAC generally constitutes administratively and materially complete Applications in accordance with the Guides.³

In providing the following Notice of Application and invitation to commence the technical review period for the Applications, the NWB highlights that the Applicant has requested the NWB's consideration of the Applications be conducted in a coordinated manner with the Nunavut Impact Review Board's (NIRB) assessment process of the Phase 2 of the Hope Bay Belt Project (NIRB File No: 12MN001). Although the NWB has endeavoured to coordinate the NIRB sixty (60) day technical review period with the NWB's thirty (30) day technical review period for the Applications, due to extensions to the NWB's completeness review as requested by various parties, the NWB's *revised* technical review comment period will now end on **March 23, 2018**, slightly after the NIRB comment period (March 19, 2018). However, the Applicant has committed to

³ The minimum information requirements set out in the NWB Guidance Document- Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1.

abbreviating their time period for replying to the parties' technical review submissions on the Applications, to provide their responses to technical review on or before **April 4, 2018**.

Notwithstanding the NWB's commitment to coordinate their consideration of the Applications with the NIRB's assessment of the project proposal, the NWB retains the rights, however, to request additional information and studies pursuant to s. 48(2) of the *NWNSRTA* or to issue additional guidelines for the provision of information pursuant to s. 48(3) of the *NWNSRTA*, if it becomes necessary.

In accordance with ss. 55(1) of the *NWNSRTA*, the **Board gives Notice of the Application** and invites interested persons to make representation to the Board no later than **March 23, 2018** (3:00 p.m., MST). Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond are outlined in s. 59 and ss. 60(2) of the *NWNSRTA*⁴.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the new Type "A" Water Licence 2AM-BOS---- and amendment to the Type "A" Water Licence No. 2AM-DOH1323, available from the NWB Public Registry or by directly contacting Oliver Curran, TMAC.

Next Steps in the Process

The next steps in the Board's consideration of the Applications have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

Steps Preceding A Technical Meeting

February 23, 2018:	Commencement of the technical review period; interested parties are asked to provide their technical review comments
March 23, 2018:	Submission of technical review comments and representations to the Board by all reviewing parties.
April 4, 2018:	Applicant to provide response(s) to technical review comments.

Further details with respect to the NWB technical meeting following the NIRB Final Hearing and the NWB's subsequent processing of the Applications will be provided when timing and venue details can be confirmed.

⁴ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

All submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email to licensing@nwb-oen.ca prior to Friday, March 23, 2018 (3:00 p.m., MST).

If you have any questions regarding procedural matters related to the file, please contact Karén Kharatyan, Acting Manager, Licensing at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35). For any Technical inquiries, please contact Derek Donald, Technical Advisor at derek.donald@nwb-oen.ca or by phone at (867) 360-6338 (ext. 32).

Sincerely,

Stephanie Autut
Executive Director
Nunavut Water Board

SA/dd/ip

Cc: Distribution List – Doris North