



95 Wellington Street
Suite 1010
Toronto, Ontario
M5J 2N7
416-628-0216

March 27, 2018

Stephanie Autut
Executive Director
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU, X0B 1J0

Re: TMAC formal request to Nunavut Water Board related to NIRB/NWB coordinated process and timelines for Madrid-Boston Phase 2 Review

Dear Ms. Autut,

TMAC is writing to make the following formal requests for consideration by the Nunavut Water Board (NWB).

1. NWB Should Require Adherence to Timelines Going Forward.

As discussed previously with your staff, timelines are very important to TMAC. Given that the NWB has not responded to Crown Indigenous Relations and Northern Affairs (CIRNA) and Fisheries and Oceans (DFO) correspondence confirming they intend to file late submissions, TMAC requests that the NWB indicate to reviewers that all technical comments should be provided to the NWB by no later than **March 28, 2018**. Agency delays have placed significant time constraints on TMAC's ability to respond to NWB specific comments by April 4, 2018. However, TMAC will reserve commenting on a revised submission date (if required) until we have an opportunity to review the late submissions from CIRNA and DFO.

2. NWB Preliminary Technical Meeting and Pre-Hearing Conference Should be Held Immediately Following NIRB Public Hearing.

A preliminary technical meeting (Preliminary Technical Meeting) should be held in respect of the Phase 2 Type A Water Licence applications immediately following the completion of the NIRB's Final Hearing on May 12, 2018. In TMAC's view this meeting will be more effective if it occurs immediately after the NIRB hearings while participants are in Cambridge Bay. This approach would minimize travel for participants and allow for continued discussion on Water Licence related items. TMAC requests that the NIRB and NWB update the coordinated process review map issued on January 17, 2018 to indicate that the Preliminary Technical Meeting will be held immediately following completion of the NIRB public hearing. For the reasons set out in item 3 below, TMAC also requests that consideration be given to a holding a NWB pre-hearing conference immediately following the NIRB public hearing. TMAC is hopeful that the NWB may be in a position to indicate the timeline for a Preliminary Technical Meeting and Pre-Hearing Conference on or before TMAC's response to technical comments.

3. NWB Should Issue Notice of NWB Public Hearings Following a Positive NIRB Decision Regarding Phase 2.

The January 17, 2018 process map should be updated to reflect that once technical matters have been addressed to the NWB's satisfaction, and should the NIRB issue a positive recommendation in respect of Phase 2, that the NWB may issue a notice of public hearing in respect of the Phase 2 Type A Water Licence applications prior to the issuance of a Ministerial decision in respect of the NIRB decision report. In this scenario, there is no benefit to delaying the notice of NWB public hearing until after a Ministerial decision. TMAC notes that NWB staff intend to attend the NIRB public hearings and will be fully aware of any issues relevant to water licencing that arise within the NIRB process.

TMAC's recommended approach is not new, has been followed on several files and is well understood by agencies and by the public. As an example, this approach was followed by the NWB in respect of the 2016 amendment of the Type A Water Licence and Doris North Project Certificate. The NIRB issued its recommendation and report in respect of the amendment application on June 13, 2016. While the Minister did not issue her decision accepting NIRB's positive recommendation until August 30, 2016, the NWB issued its notice of public hearing on July 8, 2016 for public hearings scheduled for September 13-14, 2016.

While TMAC has raised this issue with the NWB informally, as it is an important procedural matter TMAC wishes to make a formal request for the NWB and NIRB to update the process map to reflect this potential step. TMAC notes that the NWB has not solicited comments from parties on this procedural matter previously.

Thank you for the NWB's consideration of these points and requests. In our view, they are essential to ensure that the coordinated NIRB/NWB review of Phase 2 proceeds in a timely and efficient manner.

Should you have any further questions please feel free to contact me at oliver.curran@tmacresources.com.

Sincerely,



Oliver Curran

Vice President, Environmental Affairs
TMAC Resources Inc.

Cc:

Ryan Barry, NIRB

Karén Kharatyan, NWB

Derek Donald, NWB

Shelley Potter, Manager, Environmental Affairs, TMAC

Adam Grzegorzczak, Manager, Lands and Reclamation, TMAC