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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

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

March 29, 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: Applications for a new Type “A” Water Licence No. 2AM-BOS---- Madrid-Boston (Phase 2) Project and for Amendment to Water Licence No. 2AM-DOH1323 Doris North Project; Response to TMAC Resources Inc.

Dear Mr. Curran,

Further to the March 27, 2018 correspondence you provided on behalf of TMAC Resources Inc. (TMAC or the Applicant) to the Nunavut Water Board (NWB) in relation to the NIRB/NWB coordinated process timelines for the Madrid-Boston (Phase 2) Project (the Applications), please find in the text that follows a response to your three requests.

Firstly, with respect to your request that the NWB require strict adherence to the timelines going forward, the NWB wishes to assure all participants that while the NWB has largely accommodated the extension requests of all parties, while trying to preserve the timelines in the figure appended to the Nunavut Impact Review Board's (NIRB) Technical Meeting and Pre-Hearing Conference Report issued in the summer of 2017, failing to comply with submission timelines is becoming problematic. Parties failing to meet submission timelines create significant challenges for all parties to prepare fulsome responses and maintain agreed upon timelines, and risk having the NWB refuse to consider their late-filed submissions, particularly when extensions are not requested in advance. At this point in the technical review of the Applications, however, the NWB will not refuse to consider late-filed technical review comment submissions provided by Crown-Indigenous Relations and Northern Affairs (CIRNA) and Fisheries and Oceans Canada (DFO) after the extended comment deadline of March 28, 2018. With respect to these late-filed technical review comment submissions, the NWB recognizes that TMAC may require more time to respond than the current deadline of April 4, 2018. Consequently, by way of this correspondence, the NWB is granting TMAC additional time to file their response submissions and extends the deadline to **April 8, 2018**.

Secondly, with respect to the request for the NWB to hold a preliminary Technical Meeting to review the Applications immediately following the NIRB's Final Hearing in respect of the Phase

2 Project (scheduled to end on May 12), subject to the NWB's review of all technical comment submissions and TMAC's responses to those submissions, the NWB agrees that the conduct of an NWB Technical Meeting in person in Cambridge Bay following the NIRB Final Hearing is reasonable and reflects the NWB's planned approach to coordination with the NIRB. Following the NWB's receipt and review of all comment submissions and TMAC's responses on April 8, 2018, the NWB will confirm the exact dates in the week of May 14-18 for the upcoming Technical Meeting and will issue a draft Agenda for the Technical Meeting for the review and comment of the parties. At this point in the process for this file the NWB will not be conducting the Pre-Hearing Conference for the Applications as the Board has not yet determined that the technical issues arising from the Applications are, or will be sufficiently resolved for the file to progress to the issues discussed at an NWB Pre-Hearing Conference.

Thirdly, the NWB commits to discussing the issues of next steps and timing for the NWB's processing of the Applications at the upcoming Technical Meeting, including scheduling of a Pre-Hearing Conference. However, the NWB cannot commit to, as requested in your correspondence, adjusting the NWB's process going forward so that if the NIRB issues a Final Hearing Decision Report recommending that the Phase 2 Project be permitted to proceed to the licensing stage, the NWB would issue a Notice of a Public Hearing in advance of the Minister rendering her decision on the Phase 2 Project. The NWB cautions all parties that the coordinated processes followed by the NIRB and NWB on other files reflects the project-specific contexts of those files, including consideration of items such as: project-specific factors; comments and agreements to processes by all parties; current Board and participant schedules; and voluntary and legislated timelines. Prior examples are not automatically applicable to any given application in context.

In respect of this file, the NWB notes that to date, the NWB process in terms of coordination for this file is a coordinated technical review, which means that the NWB will advance the NWB's technical review while the NIRB process is on-going and will move to Board decision-making only once the NIRB process is complete (i.e. decision from the Minister). Depending on how the upcoming Technical Meeting proceeds in terms of commitments and additional information required to be received, it may be possible for the NWB to schedule a Pre-hearing Conference following the NIRB's issuance of a Final Hearing Report with a positive recommendation. The NWB is not, however, comfortable with committing to TMAC's request in advance of more robust discussions at the upcoming Technical Meeting.

If you have any additional questions regarding procedural matters, please contact Karén Kharatyan, Acting Manager of 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

Cc: Kitikmeot Distribution