



NIRB File No.: 05MN047

DFO File No.: 02-HCAA-CA7-00117

March 18, 2010

Honourable Gail Shea
Minister of Fisheries and Oceans
c/o Amy Liu
Fish Habitat Management Biologist
Iqaluit, NU

Via email: ALiu@dfo-mpo.gc.ca

Re: Application Exempt from Screening Pursuant to Section 12.4.3 of the NLCA: Hope Bay Mining Ltd.'s "Doris North Jetty Improvements" project

Dear Amy Liu:

On March 4, 2010 the Nunavut Impact Review Board (NIRB or Board) received an application from Fisheries and Oceans Canada (DFO) for Hope Bay Mining Ltd.'s (HBML) "Doris North Jetty Improvements" project proposal. The application is for a DFO *Authorization for Works or Undertakings affecting Fish Habitat* required for HBML to repair and improve its existing Doris North Jetty.

Previous File History

Please be advised that the original project proposal (NIRB File No.: 05MN047) was initially proposed by Miramar Hope Bay Ltd. and reviewed by the NIRB pursuant to Part 5, Article 12 of the Nunavut Land Claims Agreement (NLCA). On September 15, 2006 the NIRB issued Project Certificate No. 003 to the proponent allowing the Doris North project to proceed subject to the contained Terms and Conditions. Project components/activities in the original proposal included the construction, maintenance and operation of the Doris North Jetty.

Current File History

In the current application, HBML is proposing the following activities for its Doris North Jetty associated with the Doris North Gold Mine Project (Doris North project):

- Install a new sheet pile bulkhead at the deepwater end of the jetty;
- Raise the surface elevation and stabilize rock slopes around the jetty; and
- Fish habitat compensation.

This application and all previous information associated with the reviewed file (NIRB File No. 05MN047) are available on the NIRB ftp site and can be accessed using the following link:

Upon a thorough review of the project proposal received, the NIRB was of the opinion that the proposed activities would not likely to *significantly* change the general scope of the original project. Prior to making its final decision on this application, the Board provided an opportunity for interested parties by copying the application to the Doris North distribution list, requesting parties to provide comments for the Board's consideration regarding:

- whether the proposed component or activity was a part of the original proposal;
- whether its inclusion would significantly modify the project;
- any additional mitigation measures that are appropriate; and
- any other matter of importance to the Party related to the project proposal.

On or before March 15, 2010, the following comments were received by the NIRB regarding the application:

- **Government of Nunavut – Culture Language Elders and Youth**
 - Recommends approving the application, as the proposed activities do not constitute a threat to know archaeology resources.
 - The proponent should comply with GN-CLEY's standard Terms and Conditions if archaeological site is encountered during the project implementation.
- **Government of Nunavut – Department of Executive and Intergovernmental Affairs**
 - The Government of Nunavut is in agreement with NIRB that the proposed activities are not likely to significantly change the general scope of the original project, and does not have any additional concerns to raise at this point with respect to the project certificate.
- **Kitikmeot Inuit Association**
 - KIA has no concerns with the proposal, and suggests that HBML inform the affected communities.
- **Fisheries and Oceans Canada**
 - DFO agrees with NIRB that the proposed activities are not likely to significantly change the general scope of the original project
 - DFO recommends the proponent complete and submit a Sediment and Erosion Plan prior to starting the project.
- **Environment Canada**
 - EC looks forward to reviewing the Sediment and Erosion Control Plan committed by HBML, specifically with respect to additional information regarding contingency measures in case of higher than desired sedimentation in the water column, and mitigation measures will be implemented to control sedimentation during the removal of proposed boom-mounted turbidity barrier.

- EC requests that it is submitted to the Nunavut Impact Review Board for review prior to project activities commencing

Please note that Section 12.4.3 of the NLCA states that:

“Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

(a) such component or activity was not part of the original project proposal; or

(b) its inclusion would significantly modify the project.”

After completing a review of the information provided and the comments received, the NIRB determines that the application received from DFO does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from screening as per Section 12.4.3 of the NLCA.

The NIRB also recommends that the Proponent submit the Sediment and Erosion Control Plan to the NIRB for review by parties prior to carrying out the proposed activities.

If you have any questions or concerns, please do not hesitate to contact the NIRB’s Technical Advisor, Li Wan, directly at liwan@nirb.ca or by phone (867) 983-4606.

Best regards,



Ryan Barry
Director, Technical Services

For:

Stephanie Autut
Executive Director

Cc Chris Hanks, Hope Bay Mining Ltd. (Chris.Hanks@newmont.com)
Gary Cooper, Fisheries and Oceans Canada (gary.cooper@dfo-mpo.gc.ca)
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