



NIRB File No.: 05MN047
NWB File No.: 2AM-DOH0713

January 14, 2011

Thomas Kabloona, Chairperson
Nunavut Water Board
c/o Phyllis Beaulieu, Manager of Licensing
Nunavut Water Board
Gjoa Haven, NU

Via E-mail: licensing@nunavutwaterboard.org

Re: Application exempt from Screening pursuant to Section 12.4.3 of the NLCA: HBML Type A Water Licence Amendment Application Package No. 2 for the Doris North Gold Mine Project

Dear Phyllis Beaulieu:

On October 29, 2010 the Nunavut Impact Review Board (NIRB or Board) received Hope Bay Mining Ltd.'s (HBML) Amendment Application Package No. 2 for its Type A Water Licence associated with the Doris North Gold Mine Project (the Doris North Project or Project). By submitting this application, HBML is requesting that the Nunavut Water Board (NWB) amend HBML's Type A Water Licence to permit the following undertakings:

- Expansion of fuel storage and containment facility from 14 to 36 ML by installing additional fuel tanks at Roberts Bay;
- Airstrip expansion/bypass road construction; and
- Relocation of cyanide/reagent storage facility.

Please be advised that the Doris North Project has previously been reviewed by the NIRB pursuant to Part 5 of Article 12 of the Nunavut Land Claims Agreement (NLCA) and is currently being monitored by the Board through the provisions of NLCA Article 12, Part 7 and Project Certificate # 003. Prior to issuing the water licence amendment, the Nunavut Water Board requires a confirmation that any the NIRB screening and/or review associated with the proposed amendments has been completed.

Following completion of a preliminary review of HBML's submission, the NIRB determined that there was insufficient information provided with which to determine whether or not the proposed changes to the Project constitute a significant change to the scope of the Project as previously reviewed. On November 15, 2010 the NIRB requested additional information from HBML, which was received by NIRB on December 6, 2010. On December 8, 2010 the NIRB

distributed the application package and additional information submitted by HBML to the Doris North Distribution List with an invitation for parties to provide comments regarding:

- Whether inclusion of the proposed components or activities would significantly modify the Project;
- Whether the proposed project amendments are likely to arouse significant public concern; and if so, why;
- Whether the proposed project amendments are likely to cause significant adverse eco-systemic, socio-economic or cumulative effects; and if so, why;
- Whether the proposed project amendments are of a type where the potential adverse effects are highly predictable and mitigable with known technology;
- Whether the proposed project amendments might require additional mitigation measures through Project Certificate #003 or the NIRB monitoring program for the Project; and
- Any additional matters of importance to the Party related to the project proposal.

By January 4, 2011 comments were received by the NIRB from the following parties:

- Kitikmeot Inuit Association (KIA)
- Government of Nunavut, Department of Culture, Language, Elders and Youth (GN-CLEY)
- Indian and Northern Affairs Canada (INAC)
- Environment Canada (EC)
- Fisheries and Oceans Canada (DFO)

The following is a *summary* of the comments and concerns received during the public commenting period for this file:

Kitikmeot Inuit Association (KIA)

- The proposed components and activities do not represent a significant modification to the project, and as such a public hearing would not be warranted.
- Some of the components and activities will need to be addressed during the Nunavut Water Board regulatory process.

Government of Nunavut, Department of Culture, Language, Elders and Youth (GN- CLEY)

- As a number of archaeological sites have been identified within proposed project areas, HBML shall ensure that no palaeontological or archaeological sites are disturbed in the course of their activities.

Indian and Northern Affairs Canada (INAC)

- It does not appear that the proposed changes would constitute a significant change to the scope of the Project as previously reviewed by NIRB.
- Providing specific cross-references to the FEIS would greatly improve the efficiency of review.

Environment Canada (EC)

General:

- Requirement for compliance with section 36(3) of *Fisheries Act*.

Fuel storage and containment facility

- Ensure Spill Contingency Plan Emergency and revised Emergency Response Plan are updated to address the proposed activities prior to construction.

Airstrip bypass road and airstrip expansion

- PAG rocks need to be capped with non PAG rock and remain well below the water surface.
- Implement appropriate migration measures regarding drainage management, dust suppression and minimizing ammonia residues related to construction rock.
- No storage of materials on surface ice of lakes and streams.
- Employ erosion and sedimentation control measures for earth work.
- No deposit of sediment into any water bodies.

Secondary containment for relocated reagents and cyanide storage

- Ensure the contents from entering any water bodies frequented by fish.

Wildlife

- Recommend construction of airstrip and bypass road be undertaken outside of the migratory bird nesting season. Research has shown that migratory birds may be found incubating from May 14 to July 30, and young birds may present until September 12.
- HBML should contact CWS for advice regarding pre-construction surveys.
- If an active nest is found, the area should be avoided until nesting is completed.
- Recommendations for appropriate setback distance to minimize disturbance to bird nests.

Fisheries and Oceans Canada (DFO)

- The proposed components and activities do not significantly modify the project with respect to areas within DFO's jurisdiction.

All information pertaining to this application package including additional information provided by HBML and complete comment submissions from the above noted parties is available on NIRB's ftp site at:

<http://ftp.nirb.ca/03-MONITORING/05MN047-DORIS%20NORTH%20GOLD%20MINE/06-AUTHORIZATIONS/NWB-TYPE%20A%20WATER%20LICENSE/06-AMENDMENT/2AM-DOH0713%20Amend%20No%202/>

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 thorough review of all information provided by HBML, as well as the comments received from the parties, the NIRB is of the understanding that the proposed amendment does not change the general scope of the original project as previously reviewed, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from further assessment by the NIRB as per Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions in the NIRB Project Certificate for the Doris North Project.

Pursuant to NLCA Article 12, Part 7, in order to fulfill the NIRB's monitoring mandate and the requirements of the Project Certificate for the Doris North Project, the NIRB recommends that HBML revise/update the following plans which are included in the Post-Environmental Assessment Monitoring Program in Appendix D of Project Certificate # 003, by incorporating comments and addressing concerns raised by parties in order to mitigate potential impacts resulting from the proposed changes:

- Wildlife Mitigation and Monitoring Plan
- Environmental Protection Plan
- Emergency Response and Spill Contingency Plan
- Reclamation Plan

The NIRB will continue to monitor the accuracy of predictions contained within the project impact statements, including whether the terms and conditions are achieving their purpose, through the NIRB's ongoing monitoring programs for the Project. The Board therefore requests that HBML ensure that a summary of the results from the PEAMP is included within its Annual Report for the Project in order to provide information on the effectiveness of the mitigation measures contained within the various monitoring and mitigation plans affected by this application.

The NIRB appreciates HBML's efforts to ensure compliance with the provisions of Project Certificate # 003 and looks forward to continuing work on meeting the monitoring objectives set out in Article 12 of the NLCA. Although the current Type A NWB Licence amendment is not deemed to constitute a significant change to the scope of the Doris North Project as previously reviewed by the NIRB, the Board recognizes that additional amendments to Project authorizations are anticipated to be required moving forward, including amendments to Project Certificate # 003. The NIRB encourages HBML to continue to engage the Board's staff early to ensure all information requirements are understood and can be met within its initial submissions.

The NIRB understands that the NWB will proceed with its consideration of the proposed amendment, and should the amendment be approved, HBML will report to GN-CLEY and the NIRB if archaeological sites indicated by GN-CLEY are encountered. Should you have any

questions or require further clarification please contact Li Wan, Technical Advisor and the NIRB's Monitoring Officer for the Doris North Project, at (867) 983-4606 or liwan@nirb.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stephanie Autut', enclosed within a faint rectangular border.

Stephanie Autut
Executive Director

Cc: Chris Hanks, HBML (chris.hanks@newmont.com)
Doris North Distribution List