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January 17, 2014

Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board
PO Box 1360
Cambridge Bay, NU, X0B 0C0
Via electronic mail to: info@nirb.ca

Re: TMAC Resources Inc.'s Proposed Modifications to the Doris North Gold Mine Project and Reconsideration of the NIRB Project Certificate No 003 Terms and Conditions

Dear Ms. Hanson,

Thank you for your letter dated December 19 2014, inviting Aboriginal Affairs and Northern Development Canada (AANDC) to comment on the proposed amendment to Project Certificate 003 (PC 003). AANDC has reviewed your letter as well as the correspondence submitted to you by TMAC Resources Incorporated (TMAC) on November 12 2013. The Nunavut Impact Review Board (NIRB) has asked parties to comment on the proposed amendment to PC 003 and in particular, to comment on the following five specific points of discussion.

1) Whether the proposed changes, as presented in TMAC's amendment application may trigger the requirement for reconsideration as set out in the NLCA, Section 12.8.2 (a), (b), or (c), and if so, which provisions would trigger reconsideration;

Under the Nunavut Land Claims Agreement (NLCA), section 12.8.2 allows the NIRB to reconsider the terms and conditions contained in a NIRB Project Certificate if it can be established that:

- (a) the terms and conditions are not achieving their purpose;
- (b) the circumstances relating to the project or the effect of the terms and conditions are significantly different from those anticipated at the time the certificate was issued; or,



(c) there are technological developments or new information which provides more efficient method of accomplishing the purpose of the terms and conditions.

Within TMAC's submission to the NIRB¹ rationale and explanations for the changes to the project are listed. The reasons provided include:

- The approved plans for the development of the Doris North Project surface infrastructure were reviewed and TMAC determined the project is not operationally feasible as envisioned;
- The changes that are necessary in order for the mine to proceed are generally within the scope of the original project as described in the Doris North Final Environmental Impact Statement and NIRB PC 003;
- A re-examination of the geology of the Doris sub-deposits North, Lower, Connector and Central has indicated that they can all be accessed from the existing Doris North Portal; and
- To take the Doris North Project to production, TMAC needs to be reasonably certain that the mine life is greater than two years for reasons related to economic sustainability.

Although TMAC has not directly addressed requirements under section 12.8.2, they have concluded that the original project design is not operationally feasible as originally conceived and that this conclusion could be used as an argument that the circumstances relating to the project have changed [12.8.2(b)].

2) Whether specific terms and conditions within NIRB Project Certificate [No. 003] may need to be reconsidered pursuant to section 12.8.2 of the NLCA and, if so, identifying the terms and conditions that should be reconsidered;

AANDC has reviewed the terms and conditions associated with PC 003 as they relate to the project amendment requested by the Proponent, and have identified several changes that may be necessary given the amended scope of the project. However, for AANDC to effectively comment on specific terms and conditions, a thorough assessment of the potential environmental and socio-economic impacts of the amended project components is necessary.

In general, it is likely that terms and conditions will need to be added or amended to mitigate potential impacts associated with the proposed components and activities not included in the original scope of the project or which have now changed. In particular, terms and conditions associated with baseline studies, management plans, monitoring and reporting may need to be added or modified to reflect the amendments pertaining to tailings management, sewage treatment capacity, water intake, and saline water management. Changes in the project's marine infrastructure and fuel storage to include the use of over-wintering fuel and accommodation barges in Roberts Bay will also need to be assessed and captured in the terms and conditions.

¹ Doris North Mine Modifications and Related Amendments to Project Certificate No. 003 and Type A Water Licence No. 2AM-DOH1323, Section 1.3, Page 27



3) Whether a reconsideration of the Project Certificate terms and conditions is likely to arouse significant public concern, and if so, a description of the basis for this concern;

AANDC is of the opinion that at this time there is not enough information to determine if significant public concern will be aroused. To evaluate the level of public concern for the proposed project amendments, it is recommended that community consultation activities be undertaken as part of the project reconsideration process being contemplated by the NIRB.

4) Based on the proposed amendments and possible changes to specific terms and conditions, whether the reconsideration should include revisiting whether the potential adverse effects previously identified as mitigated in the original NIRB Review would continue to be considered mitigated if the proposed project modifications are implemented;

It is likely that potential adverse effects previously identified as mitigated in the original NIRB review may need to be revisited as part of a comprehensive technical review of the impact statement for the requested project amendments. It is possible that any previous mitigation measures outlined in the original terms and conditions may need to be modified to reflect the amendments in the project's scope.

5) Any matter of importance to the party related to the amendment application as presented by TMAC.

If NIRB determines that the criteria of the NLCA section 12.8.2 are satisfied and proceeds with an amendment to PC 003, AANDC suggests that the Board implement the following basic procedural steps when reconsidering the terms and conditions associated with the proposed project:

- Verify that the guidelines issued for the development of the original impact statement are appropriate for use with the proposed project amendments and if found deficient issue amended guidelines;
- Conduct community consultation on the proposed changes to the project;
- Request that the proponent submit an environmental impact assessment document (EIS);
- Allow for information requests in relation to the EIS and project description (if necessary);
- Host a technical meeting (if required); and
- Hold a public hearing.

AANDC suggest that the NIRB consider requiring TMAC to submit its proposed changes as a standalone environmental impact statement document with references to specific bodies of text in the original FEIS where applicable.



AANDC appreciates the opportunity to comment on the proposed amendment to PC 003. Should you have any questions, please do not hesitate to contact James Neary at 867-975-4549 or by email at james.neary@aandc-aadnc.gc.ca.

Sincerely,

[Original signed by]

James Neary
A/Manager, Impact Assessment