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January 17, 2014

Your file Votre référence
05MN047

Our file Notre référence
NU-02-0117

Amanda Hanson
Director, Technical Services
Nunavut Impact Review Board
PO Box 1360
Cambridge Bay, NU, X0B 0C0

Dear Ms. Hanson:

Subject: 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

Thank you for your letter dated December 19, 2013 inviting Fisheries and Oceans Canada's (DFO) comments on the proposed amendments to Project Certificate 003. DFO has reviewed the letter and TMAC Resources Inc.'s submission and is providing the following responses to the five specific points of discussion as requested by the Nunavut Impact Review Board (NIRB).

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;

- TMAC's submission to the NIRB indicates that the approved plans for the development of the Doris North Project surface infrastructure are not operationally feasible as envisioned. They further indicate that 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 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;

- DFO has reviewed the Terms and Condition that relate to our mandate and expertise. Based on our preliminary review of the TMAC Resources Inc. submission DFO has determined that there is no additional works or undertakings proposed in the freshwater environment which would have a negative impact on fish and fish habitat. Therefore, none of the existing Terms and Conditions relating to fish and fish habitat in the freshwater environment would need to be reconsidered.
- However, there are new works and undertakings proposed in the marine environment, specifically the installation of the diffuser array and the associated pipeline and ballasts. DFO has determined

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that this will not result in a *serious harm to fish* and a Fisheries Act Authorization will not be required to carry out these works. Therefore the existing Terms and Conditions which applied to the Jetty Construction would also be applicable to the installation of the diffuser array.

- However, as more new or more detailed information becomes available on the project additional Terms and Conditions may be identified in the future.

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;

- Additional community consultation on the proposed changes would be required to determine if the reconsideration of the Project Certificate terms and conditions is likely to arouse significant public concern.

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;

- The works and activities proposed in the original project which were determined to have a negative impact on fish and fish habitat in the freshwater and marine environment, have already been carried out and mitigation measures in the form of the Fish Habitat Offsetting Plan have been implemented. The monitoring of the Fish Habitat Offsetting Plan is ongoing however, the preliminary results show that the offsetting measures are functioning as intended.

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 Project Certificate [No. 003], DFO suggests that the NIRB consider implementing the following procedural steps:
 - a. whether 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;
 - b. community consultation on the proposed changes to the project;
 - c. proponent submission of environmental impact assessment document (EIS)
 - d. an information request stage in relation to the EIS and project description (if necessary);
 - e. technical meeting (if required); and,
 - f. Public hearing.

If you have any questions concerning this submission, please feel free to contact Georgina Williston directly by telephone at (867) 669-4927 or by email at Georgina.Williston@dfo-mpo.gc.ca.

Yours sincerely,



Marek Janowicz

A/Manager, Fisheries Protection Program, Mining Oil and Gas
Fisheries and Oceans Canada
Central and Arctic Region

cc. Georgina Williston – Fisheries and Oceans Canada
Stu Niven- Fisheries and Oceans Canada