



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

February 3, 2014

Catharine Farrow  
Tenure and Permitting Manager  
TMAC Resources Inc.  
372 Bay Street, Suite 901  
Toronto, ON M5H 2W9

*Sent via Email:* [catharine.farrow@tmacresources.com](mailto:catharine.farrow@tmacresources.com)

**Re: Next Steps for the NIRB's Reconsideration of Terms and Conditions within Project Certificate No. 003 for TMAC's Doris North Project**

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Dear Catharine Farrow:

On December 9, 2013 the Nunavut Impact Review Board (NIRB or Board) received an application from TMAC Resources Inc. (TMAC or the Proponent) which outlined proposed amendments to the NIRB Project Certificate No. 003 (Project Certificate) and the Nunavut Water Board (NWB) Type A Water Licence (NWB File No. 2AM-DOH0713) (known collectively as the "amendment application") for proposed modification to the Doris North Gold Mine Project (Doris North Project). The amendment application also requested that the NIRB and NWB co-ordinate their respective processes to the extent possible.

On December 19, 2013 the NIRB invited interested parties and agencies with jurisdictional authority and/or authorizations associated with the Doris North Project to review the application materials and provide comments on the following:

- Whether the proposed modifications as presented in TMAC's amendment application may trigger the requirement for reconsideration as set out in NLCA Sections 12.8.2 (a), (b), or (c) and, if so, which provisions would trigger reconsideration;
- Whether specific terms and conditions within the NIRB Project Certificate 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;
- Whether any such reconsideration is likely to arouse significant public concern and, if so, describing the basis for the concern;
- 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; and

- Any matter of importance to the Party related to the amendment application as presented by TMAC.

On or before January 20, 2014 the NIRB received comments from the following parties with respect to TMAC's proposal to amend the Project Certificate:

- |  |                               |
|--|-------------------------------|
| ▪ Kitikmeot Inuit Association                        | ▪ Fisheries and Oceans Canada |
| ▪ Aboriginal Affairs and Northern Development Canada | ▪ Natural Resources Canada    |
| ▪ Environment Canada                                 | ▪ Transport Canada            |

All materials received and pertaining to TMAC's amendment application, including submissions received in response to the Board's December 19, 2013 request for comments are available from the NIRB's online public registry at:

<http://ftp.nirb.ca/03-MONITORING/05MN047-DORIS%20NORTH%20GOLD%20MINE/01-PROJECT%20CERTIFICATE/03-PC%20AMENDMENTS/PC%20AMENDMENT%20No.1/>.

#### BOARD DETERMINATION

As originally reviewed and approved under the NIRB's Project Certificate, the Doris North Project involved the development of an underground mine with a single adit and ramp access with an overall project footprint of approximately 62 hectares. Ore was to be stockpiled and processed through a crushing and milling plant with a capacity of 668 tonnes per day, with the gold product planned to be shipped off site in the form of dore bars. The original Project was expected to operate for 24 months, processing a total of 458,000 tonnes of ore yielding approximately 306,830 ounces of gold.

A *summary* of the proposed modifications to the Doris North Project as presented in TMAC's December 9, 2013 amendment application is as follows:

1. Extension to mine life by 2-4 additional years;
2. Increases to mining and milling rates (mining of 1,000-2,000 tonnes/day and milling of 800-1,800 tonnes/day);
3. Deposition of cyanide treated tailings at the tailings impoundment area (TIA);
4. Changes to TIA water management:
  - a. TIA water to be treated and discharged into Roberts Bay
  - b. Changes to inputs to TIA and water transfer system
  - c. Water treatment system
  - d. Pipelines laid overland to discharge treated TIA water into Roberts Bay
5. Reduction of water cover in TIA from a minimum coverage of 4 metres to 2.3 metres;
6. Construction of Doris central vent raise pad and road, and provisions for an additional vent raise as necessary;
7. Expansion of sewage treatment plant and camp capacity to accommodate 360 personnel;

8. Expansion to Pad U (waste rock storage area);
9. Expansion to Pad T (general laydown facility and ore storage area);
10. Use of materials from quarries at Doris North; and
11. Additional infrastructure at Roberts Bay including laydown, water intake, accommodation barges and over-wintering of fuel barges.

The Board confirms that these proposed project amendments have not, to date, been subject to impact assessment by the NIRB as required by NLCA Article 12.

After considering the information provided by the Proponent, comments submitted by parties and options available pursuant to the NLCA, the NIRB has determined that a reconsideration of the terms and conditions contained within Project Certificate No. 003 is warranted pursuant to NLCA 12.8.2(b) which states as follows:

*12.8.2 NIRB may on its own account or upon application by a DIO, the proponent, or other interests, reconsider the terms and conditions contained in the NIRB certificate if it is established that:*

- (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*

The Board has determined that the information provided by TMAC and the comments submitted by parties clearly establish that the circumstances relating to the Project are now significantly different than were originally anticipated. The Board's reconsideration will determine whether the proposed Project amendments should be allowed to proceed and if so, whether the wording of specific terms and conditions within the Project Certificate would require updating and/or the inclusion of additional terms and conditions.

In its January 2, 2014 correspondence to the NIRB, TMAC also requested permission to formally adjust the frequency of its air quality monitoring reporting from that as set out within the Project Certificate. The Board notes that this request would necessitate a reconsideration of Condition 30 of the Project Certificate pursuant to NLCA 12.8.2, and as such, will include this matter within the Board's consideration of TMAC's amendment application.

The NIRB acknowledges the request put forward by commenting agencies for the NIRB to verify that the original Board issued Guidelines for the Proponent's Preparation of an Environmental Impact Statement for the Doris North Project remain appropriate for use in considering the proposed project amendments. The NIRB is able to confirm that the original October 15, 2002 Guidelines remain adequate and furthermore, that TMAC's December 9, 2013 submission provides adequate information to commence the technical review period in support of the NIRB's assessment and Project Certificate reconsideration process.

## ANTICIPATED NEXT STEPS

Having determined that a reconsideration of the terms and conditions of the Project Certificate is necessary, the Board would like to provide the Proponent and by copy of this letter, all parties, with direction regarding the anticipated next steps in the reconsideration process.

### ***NWB-NIRB Coordination***

As noted above, the Proponent has also applied to the NWB to amend its Type A Water Licence (NWB File No. 2AM-DOH1323) for the Project, requesting that the NIRB and NWB consider coordinating their respective processes to the extent possible. As with the Board's previous NLCA Article 12, Part 5 Review of the Doris North Project, the NIRB is committed to sharing technical expertise, maintaining open communication and co-ordinating to the extent practical and appropriate with the NWB in a manner that recognizes our respective jurisdictions, mandates and processes while supporting timely and efficient consideration of these amendment requests. The NIRB and NWB will provide additional details regarding the coordination of the NIRB's Project Certificate reconsideration and the NWB Water Licence amendment processes in the coming weeks.

### ***Call for Information Requests***

Recognizing that parties' recent comment submissions to the NIRB indicated that additional information may be required to support a thorough assessment of TMAC's amendment application and to facilitate the development of technical review comments, by copy of this correspondence the NIRB invites interested parties to submit Information Requests (IRs) that are directed to the Proponent and/or other parties regarding the amendment application. It should be noted that IRs are not meant to serve as technical review comments, but rather should identify information gaps within the amendment application that need to be addressed, where requested information is needed to assist parties in developing their respective technical review comments. Please note that parties are encouraged to review Appendix A which provides the NIRB's suggested format for the submission of IRs and additional clarification regarding the information that must be included within submissions as follows:

- A clear reference to the document, section, and/or page number in the amendment application where relevant information may be found;
- To whom the IR is directed;
- Identification of the issue and the specific information being requested;
- The concern associated with the issue and need for information; and
- A clear rationale of the issue and information's importance to the impact assessment of the proposed project amendment activities.

A summary of the next steps in the NIRB's reconsideration of the terms and conditions of the Doris North Project Certificate are as follows:

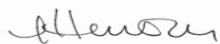
- Submission of Information Requests (IRs) directly to the NIRB by interested parties on or before **5:00 pm MST, Tuesday February 18, 2014.**

- After considering all IRs and making decisions regarding their suitability, the NIRB will forward all appropriate requests to the Proponent (and other parties if applicable) by **Friday February 21, 2014**.
- Upon forwarding IRs for a response, the NIRB will provide the Proponent and other parties as may be applicable, with an opportunity to respond to IRs. The NIRB will establish the timeline for response following a cursory review of the IRs received.
- The Board will give consideration for how best to promote public awareness and effective public engagement in the reconsideration process, and may facilitate community information sessions in communities potentially affected by the amendment application.
- Upon receipt of a response(s) to IRs, all parties will be given **60 days** for submission of technical review comments to the NIRB.
- The NIRB may determine that the scheduling of a technical meeting is necessary, and if so, will advise parties as to the nature of the meeting (i.e. in person or via teleconference).
- The Board intends to schedule a Public Hearing<sup>1</sup> to hear evidence related to TMAC's amendment application.

The NIRB reminds parties that Information Requests should be submitted to the Board via email at [info@nirb.ca](mailto:info@nirb.ca) or by fax to (867) 983-2594 on or before **5:00 pm MST, Tuesday, February 18, 2014**.

Should you have any questions or require further clarification regarding next steps in the NIRB's reconsideration of the Doris North Project Certificate please contact Kelli Gillard, Technical Advisor and NIRB Monitoring Officer for the Doris North Project at (867) 983-4619 or via email at [kgillard@nirb.ca](mailto:kgillard@nirb.ca) or, for questions relating to the NWB's water licensing process, please contact Sonia Aredes, NWB Technical Advisor at (867) 360-6338 or via email at [sonia.aredes@nwb-oen.ca](mailto:sonia.aredes@nwb-oen.ca).

Sincerely,



Amanda Hanson  
Director, Technical Services  
Nunavut Impact Review Board

cc: David Hohnstein, Nunavut Water Board  
Geoffrey Clark, Kitikmeot Inuit Association  
Karen Costello, Aboriginal Affairs and Northern Development Canada  
Carey Ogilvie, Environment Canada  
Elizabeth Patreau, Fisheries and Oceans Canada  
Rob Johnstone, Natural Resources Canada  
Meighan Andrews, Transport Canada  
Doris North Distribution List

Attachments: Appendix A: Suggested Format for Information Requests

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<sup>1</sup> Pursuant to the NIRB's Rules of Procedure, Item 20.1 requires that the Board provide 60 days' notice of a Public Hearing. Should the Board decide to convene a meeting of technical experts, the Board expects to waive the requirement to provide 30 days' notice per Item 18.2 and instead provide a minimum of 15 days' notice.

## APPENDIX A: SUGGESTED FORMAT FOR INFORMATION REQUESTS

### ***Format & File Size***

Parties are requested to provide information request submissions in a fully functional, electronically searchable Word or PDF file. Noting the current constraints with respect to internet bandwidth and speed, the NIRB requests that all submissions be submitted as individual files no larger than 5 MB.

### ***Information Requests***

The purpose of information requests is to identify information gaps or areas of uncertainty within the amendment application that need to be addressed so that parties can develop their respective technical review comments. Information requests can originate from, and be directed at, any of the parties involved in the assessment. Submissions must identify what specific information is required, and outline why the information required is necessary to facilitate the party's technical analysis of the amendment application and the potential impacts of the proposed amendment activities. After considering Information Requests submitted and making decisions regarding their suitability, the NIRB will forward all appropriate requests to the Proponent and other parties as applicable. The NIRB will assess suitability in terms of what requirements are appropriate, and must balance these requirements with information that may be requested or issues raised as part of technical review comments or a future Hearing to be held as part of the assessment.

Parties are asked to ensure that Information Requests address the points set out below:

- IR Source:** The overall submission should clearly identify the organization/department/intervener proposing the request(s).
- IR Number:** Each specific Information Request must be numbered in order to enable effective cross-referencing of the submission.
- To:** Clearly identify to which organizations/departments/agencies the IR is directed (e.g., the Proponent and/or specific organization(s) of whom the information is requested).
- Subject:** Identify the issue; list the general subject or topic associated with the request (e.g., monitoring of sediment quality).
- Reference:** A clear reference to any applicable document, section, and/or page number in the amendment application where information relevant to the request may be found.
- Issue/Concern:** Provide background information and justification for the request. The issue/concern should identify any shortcomings of available information, concerns associated with the issue and how the requested information is relevant to the technical analysis of information within the amendment application. A clear rationale of the issue's importance to the impact assessment of the proposed activities is required.
- Information Request:** Specifically state the question and/or outline the specific information being requested of the Proponent or organization. Separate items requested should be appropriately numbered in order to track the provision of responses.