



NIRB File No.: 05MN047

July 22, 2016

Tineka Simmons, Acting Director General
Northern Projects Management Office
Canadian Northern Economic Development Agency
P.O. Box 40
2nd Floor, 1106 Allavvik Building
Iqaluit, NU X0A 0H0

Sent via email and regular mail: tineka.simmons@cannor.gc.ca

Re: Response to Request for Clarification from Northern Projects Management Office Regarding NIRB's Public Hearing Report and Recommendations for the Doris North Project 2015 Amendment Application

Dear Tineka Simmons:

Please find below the response of the Nunavut Impact Review Board (NIRB or Board) to your correspondence dated July 8, 2016 and received by the Board on July 11, 2016. In your correspondence, you requested clarification from the Board with respect to three specific recommendations as expressed in the NIRB's Public Hearing Report for the Doris North Project: 2015 Amendment Application, TMAC Resources Inc., NIRB File No. 05MN047 issued on June 13, 2016 (the Report). Specifically, you inquired:

- as to whether the Board had intended to include a new term and condition that would require the removal of the subsea effluent pipeline and diffuser that will be placed into Roberts Bay as referenced in the Report at p. 113 (and also in the Executive Summary);
- which version of the revised condition 16 is correct as there is a difference in the wording used initially in Section 4.2.4 of the Report and the wording used in Section 8.2 (the tables compiling all of the revised and additional terms and conditions); and
- whether the wording of condition 13 (pp. 92 and 164) which references the 2006 field season is correct or whether it should be updated to 2016.

In response, the Board acknowledges at the outset that it found that two of these items involve administrative errors in the Board's expression of its intention in the Report, as was indicated in your request for clarification. Reflecting these circumstances, the Board's responses below are not substantive reconsiderations or revisions to the contents of the original Report but rather

corrections of inadvertent errors and clarifications to the expression of the Board's original intentions. To ensure that all parties are aware of the addition and correction to the Report provided in this response, the Board will be issuing the enclosed Notice of Addendum and Erratum in respect of the Report addressed to the Minister of Indigenous and Northern Affairs and copied to all other recipients of the Report.

With respect to your first query, as you identified in your correspondence, at p. 113 the Board clearly expressed the intention of the Board which was to recommend the addition of a new term and condition that would require the Proponent to remove the pipeline and effluent diffuser that would be placed on the ocean floor into Roberts Bay unless the Proponent could demonstrate leaving the pipeline and diffuser in the marine environment would produce a positive net benefit to the surrounding environment. However, due to an administrative error the additional term and condition as approved by the Panel was inadvertently omitted from the final version of the Report issued on June 13, 2016. To adequately reflect the Board's stated intention, the Board will be issuing the following Addendum to the end of Section 4.4 Marine Environment, Subsection 4.4.4. Conclusions and Recommendations of the Board. The text to be added at p. 114 at the end of Subsection 4.4.4 is as follows.

The Board is recommending inclusion of the following new term and condition to address concerns about the potential for long-term and cumulative effects associated with the Proponent's proposed abandonment of the effluent pipeline and diffuser in the marine environment:

The Proponent shall remove the subsea pipeline and diffuser in Roberts Bay when the pipeline is no longer in use unless it can be demonstrated to the satisfaction of the Nunavut Impact Review Board that this infrastructure will provide a net positive environmental effect to the local ecosystem.

To reflect this Addendum to the recommended terms and conditions, the Addendum also includes the addition of new term and condition 50 to Section 8 Recommended Project Specific Terms and Conditions, Subsection 8.2 Recommended Terms and Conditions at p. 193 as follows:

NEW Term and Condition No. 50	50
Category:	Marine Environment
Responsible Parties:	Proponent, Indigenous and Northern Affairs Canada
Project Phase:	Operations, care and maintenance, and closure
Objective:	To assess the environmental impact of the Project on the seabed and marine environment if the effluent discharge pipeline is abandoned in place or removed.

NEW Term and Condition No. 50	50
Term or Condition:	The Proponent shall remove the subsea pipeline and diffuser in Roberts Bay when the pipeline is no longer in use unless it can be demonstrated to the satisfaction of the Nunavut Impact Review Board that this infrastructure will provide a net positive environmental effect to the local ecosystem.
Reporting Requirements:	To be included in the Proponent's annual reporting to the NIRB as required.

With respect to your question as to the correct wording of Revised Term and Condition 16 as the Board intended to amend it, the correct wording was provided in Section 4.2 Freshwater Environment and Fish and Fish Habitat Subsection 4.2.4 at p. 93 of the Report. Consequently, the **corrected** version of the Revised Term and Condition No. 16 that should have been included in Subsection 8.2 at pp. 166-167 of the Report is as follows:

REVISED Term and Condition No. 16	16
Category:	General
Responsible Parties:	Proponent, Nunavut Water Board, Nunavut Impact Review Board, Environment and Climate Change Canada
Project Phase:	All Phases
Objective:	To monitor the environmental impacts of the effluent in the Tailings Impoundment Area and Doris Creek and compare these effects to the impact predictions in the 2005 FEIS and the 2015 Amendment Application.
Term or Condition:	MHBL The Proponent shall take all reasonable steps to prevent any Tail Lake discharge in violation of the Project Certificate or regulatory approvals that is not in compliance with applicable regulatory approvals or requirements. may have any likelihood of negatively affecting the environment including wildlife, fisheries, aquatics, and human health. If such a situation is encountered, MHBL the Proponent shall take immediate action to address the non-compliant discharge. remedy the violation. If requested by the NWB, MHBL shall accelerate testing or monitoring to determine the nature of any such discharge and its impact or harm to the environment.
Reporting Requirements:	To be reported on an as needed basis and included in the Proponent's annual reporting to the NIRB.

With respect to your inquiry as to whether the reference to the 2006 field season is correct in Revised Term and Condition No. 13 at p. 164 of the Report or whether 2006 should be updated to 2016, the Board can confirm that the reference in the Revised Term and Condition to 2006 remains correct. The Board recognizes that this aspect of the Revised Term and Condition has been met, but the additional discharge criteria provided in parts (a) and (b) of the Revised Term and Condition are on-going requirements that will continue to govern the Project in all phases.

The Board apologizes for any inconvenience caused by the omission from the Report of the new term and condition recommended by the Board to govern the removal of the effluent pipeline and diffuser in Roberts Bay and also the failure to capture the correct wording of the revision to Revised Term and Condition No. 16. Thank you for bringing these matters to the Board's attention and seeking the Board's correction of these errors and clarification in respect of Revised Term and Condition No. 13.

Please contact the NIRB's Executive Director, Ryan Barry, at (867) 983-4608 or via email at rbarry@nirb.ca should you have any questions or require further clarification regarding the Report.

Sincerely,



Elizabeth Copland
Chairperson
Nunavut Impact Review Board

cc: Doris North Distribution List

Enclosure: Notice of Addendum and Erratum to the Minister of Indigenous Affairs and Northern Development