



NIRB File No.: 12MN001

NWB File No. 2AM-DOH1323 and 2AM-BOS----

October 15, 2018

To: Phase 2 Hope Bay Belt Distribution List

Sent via email

Re: Scheduling of a Project Certificate Workshop for TMAC Resources Inc.'s Phase 2 Hope Bay Belt Project week of October 29, 2018

Dear Parties:

On October 12, 2018 the Nunavut Impact Review Board (NIRB) received notification from the Honourable Dominic LeBlanc, Minister of Intergovernmental Affairs, Northern Affairs and Internal Trade and the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations that the Final Hearing Report for the Review of TMAC Resources Inc.'s (TMAC or the Proponent) Phase 2 Hope Bay Belt Project (the Project) (NIRB File No. 12MN001) had been accepted pursuant to section 12.5.7(a) of the *Nunavut Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* (the *Nunavut Agreement*).

Now that the Project has been approved to proceed, the NIRB is required to issue a Project Certificate which sets out the terms and conditions of approval, as included in the Final Hearing Report for this Review. Prior to finalization and issuance of a Project Certificate for the Phase 2 Hope Bay Belt Project, the Board would like to ensure that all associated terms and conditions are clearly understood by the responsible parties and are clarified where necessary to allow for full implementation and incorporation into applicable regulatory instruments, as required by *Nunavut Agreement* sections 12.9.1 and 12.9.2:

12.9.1 Subject to Section 12.9.3, the terms and conditions of NIRB project certificates shall be implemented by all government departments and agencies in accordance with their authorities and jurisdictional responsibilities.

12.9.2 Without limiting the generality of Section 12.9.1, the terms and conditions of NIRB project certificates shall, in accordance with the authorities and jurisdictional responsibilities of government departments and agencies, be incorporated in relevant permits, certificates, licences or other government approvals that the proponent may require. Government departments and agencies shall discuss with NIRB how best to implement the terms and

conditions of NIRB project certificates and may provide NIRB with drafts of permits, certificates, licences and other government approvals.

While the requirements of the *Nunavut Planning and Project Assessment Act (NuPPAA)* are not directly applicable to this file, the NIRB intends to finalize and issue a Project Certificate for the Phase 2 Hope Bay Belt Project within 30 days as prescribed by the NuPPAA and the Board's standard practice. Applying the 30-day timeline to this case, the Project Certificate should be issued on or before November 9, 2018. On this basis, the NIRB would like to schedule a Project Certificate Workshop for **the week of October 29, 2018**.

The Project Certificate Workshop will be used to facilitate discussions amongst regulators, NIRB staff, and the Proponent regarding the implementation of terms and conditions contained within the Project Certificate. During the Workshop, regulators will be expected to confirm which terms and conditions from the Final Hearing Report will be incorporated into their respective licences, certificates, and permits. The NIRB will not be modifying the explicit wording of, nor providing justification for, specific terms and conditions during the Workshop, however opportunity will be provided to discuss applicable reporting details and timing where it was noted previously that details remained to be "*determined following approval of the Project by the Minister*". Specifically, the Board will be seeking feedback from parties regarding the feasibility of the reporting schedules proposed and the potential for integration and coordination of future Project reporting requirements to the extent possible.

The Proponent and the following regulatory authorities are asked to ensure appropriate representatives are made available to participate in the Workshop:

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| ▪ Nunavut Water Board | ▪ Environment and Climate Change Canada |
| ▪ Kitikmeot Inuit Association | ▪ Fisheries and Oceans Canada |
| ▪ Government of Nunavut | ▪ Natural Resources Canada |
| ▪ Crown-Indigenous Relations and Northern Affairs Canada | ▪ Transport Canada |

To ensure the objectives of the Workshop are met, each department, agency, or organization is asked to, where possible, select staff representatives who are currently, or will be, directly involved in the development of their respective regulatory instruments for the Phase 2 Hope Bay Belt Project.

Prior to the Workshop, parties are requested to submit a listing of the specific terms and conditions within the enclosed *draft* Project Certificate which they expect to implement through their respective licences, permits or approvals for the Project.

While the NIRB intends to finalize and issue the Phase 2 Hope Bay Belt Project Certificate on or before November 9, 2018, the project-specific monitoring program which is usually issued as an Appendix to the Project Certificate may not be issued in *final* form until some months after key regulatory authorizations, including land use permits, water licences, mineral leases, are issued. This will help to ensure that the monitoring program supplements and supports, but does not duplicate, the monitoring and reporting requirements that may be contained within and/or be

required by regulatory instruments. The NIRB will begin actively monitoring the Phase 2 Hope Bay Belt Project upon issuance of the Project Certificate.

FINAL HEARING REPORT RECOMMENDATIONS:

Within the *draft* Project Certificate the NIRB used the following format for the project-specific terms and conditions to provide clear direction on the intended application, objectives, and reporting requirements:

Category: Identifies the relevant environmental component or project activity to which the term and condition applies. Wherever possible categories have been labelled to directly associate with the Final Environmental Impact Statement and Environmental Impact Statement Guidelines for the Project.

Responsible Parties: Identifies the parties responsible for implementation of the term and condition. While this is generally the Proponent, at times other agencies have been implicated as appropriate.

Project Phase: Identifies the phase(s) of Project development to which the term and condition is applicable. Project phase may include any one or more of the following:

- Pre-Construction – includes site preparation and staging of materials and equipment in advance of construction
- Construction
- Operations
- Temporary Closure/Care and Maintenance
- Closure and Post-Closure – includes abandonment, decommissioning and reclamation

Objective: Provides a short description of the impact or effect being mitigated, or issue the term and conditions is meant to address. Where relevant, expectations regarding the timing for when terms and conditions will be deemed to be satisfied (i.e. sunset clause), and who has discretion for determining it is satisfied, has been provided.

Term or Condition: Provides specific direction on the required action or follow up. In most instances the NIRB has endeavoured to use generalized wording to allow for maximum flexibility in achieving the stated objective, however, more explicit direction has been provided where deemed necessary.

Varied Term or Condition: Where the Minister has varied the Board's recommendations for a Term or Condition, the Board has identified the *Varied* Term or Condition, with deletions to the Term or Condition identified by strike through text and additions to the text identified in bold and underlining.

Reporting Requirements: Sets out any specific reporting parameters required to measure achievement of objectives or to demonstrate compliance, as well as the required frequency of reporting.

In addition to discussion of several recommended terms and conditions where it was noted that the reporting requirements would be developed following approval of the Project by the Minister, the NIRB encourages parties to identify any other terms and conditions that require clarification. For example, it may become apparent that there are additional parties responsible for implementing certain terms and conditions, or it may be that the objective of the term and condition could be rephrased slightly to be clearer for all parties. The Project Certificate Workshop provides all parties with the opportunity to discuss where clarification or additional commentary to the terms and conditions needs to be expressly incorporated into the Project Certificate.

NEXT STEPS

The enclosed *draft* Project Certificate contains the recommended terms and conditions as set out in the Final Hearing Report for the Project, as well as preliminary wording in respect of applicable Reporting Requirements. This document will form the basis of discussions for the Workshop, as set out in the draft Workshop agenda in **Appendix A**.

As set out in detail above, Workshop participants should provide the NIRB with a listing of which of the terms and conditions from the *draft* Project Certificate that they expect to implement through their respective licences, permits or approvals and, any terms and conditions which, in their view, might require clarification prior to issuance of a Project Certificate. Parties are further encouraged to identify any preferred dates for scheduling of the Workshop within the week of October 29 for the Board's consideration. The NIRB respectfully requests that parties provide the Board with their respective listings and confirmation of planned attendance via email at info@nirb.ca on or before **October 25, 2018**.

Should any parties have questions or require additional clarification, please contact Tara Arko, Director, Technical Services at (867) 983-4611 or tarko@nirb.ca.

Sincerely,



Ryan Barry
Executive Director
Nunavut Impact Review Board

cc: Oliver Curran, TMAC Resources Inc.
Shelley Potter, TMAC Resources Inc.
Karén Kharatyan, Nunavut Water Board
Geoff Clark, Kitikmeot Inuit Association
Tannis Bolt, Kitikmeot Inuit Association
Steve Pinksen, Government of Nunavut
Erika Zell, Government of Nunavut
Spencer Dewar, Crown-Indigenous Relations and Northern Affairs Canada
Tineka Simmons, Canadian Northern Economic Development Agency
Georgina Williston, Environment and Climate Change Canada
Veronique D'Amours-Gauthier, Fisheries and Oceans Canada
Rob Johnstone, Natural Resources Canada
Rachelle Besner, Natural Resources Canada
General Mail Account, Transport Canada

Attachments: Appendix A: Project Certificate Workshop *Draft* Agenda (NIRB File No. 12MN001)

Enclosed: *Draft* Project Certificate No.: 009 (NIRB File No. 12MN001)

APPENDIX A:
PROJECT CERTIFICATE WORKSHOP *DRAFT* AGENDA

Dates: Week of October 29, 2018

Times: 9:00 am to 4:30 pm

Time Zone: Mountain Standard Time (MST)

Location: TBD

Objective:

- Bring together the Proponent and relevant regulatory authorities to facilitate discussions on the implementation of terms and conditions contained within the Project Certificate into their respective licences, certificates, and permits.
- Identify specific points of clarification required for terms and conditions prior to finalization and issuance of the Project Certificate by the Board.

Notes:

- The Workshop will be chaired by Ryan Barry, NIRB Executive Director.
- Each party will be provided with an opportunity to speak to each agenda item in an ordered fashion. Time limits will be implemented as necessary.

Week of October 29, 2018

9:00 am NIRB Opening Remarks

9:15 am – 12:00 pm Ecosystemic Terms and Conditions

Air Quality: Term and Condition 1

Climate and Meteorology: Terms and Conditions 2-3

Noise and Vibration: Term and Condition 4

Terrestrial Environment (Geology and Geochemistry): Term and Condition 5

Geological Features, Soils and Permafrost: Terms and Conditions 6-8

Hydrogeology and Groundwater Quantity and Quality: Term and Condition 9

Surface Water Hydrology, Surface Water Quality and Sediment Quality: Terms and Conditions 10-11

Freshwater Aquatic Environment: Terms and Conditions 12-16

Vegetation: Terms and Conditions 17-18

Terrestrial Wildlife and Wildlife Habitat: Terms and Conditions 19-25

Birds and Bird Habitat: Terms and Conditions 26-28

Marine Environment including Marine Wildlife and Habitat: Terms and Conditions 29-33

12:00 pm – 1:00 pm Break

1:00 pm – 4:00 pm Socio-economic and other Terms and Conditions

Economic Development and Business Opportunities: Terms and Conditions 34-37

Employment: Terms and Conditions 38-39

Education and Training: Terms and Conditions 40-41

Population Demographics: Term and Condition 42

Traditional Activity and Knowledge: Term and Condition 43

Non-Traditional Land Use and Resource Use: Term and Condition 44

Heritage Resources: Terms and Conditions 45-46

Individual and Community Wellness: Terms and Conditions 47-48

Community Consultation: Term and Condition 49

Human Health and Ecological Risk Assessment: Terms and Conditions 50-51

Accidents and Malfunctions: Term and Condition 52

Effects of the Environment on the Project: Term and Condition 53

Cumulative Effects: Term and Condition 54

4:00 - 4:30 pm Closing Remarks and Next Steps