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Your file - Votre référence
2AM-DOH

Our file - Notre référence
9545-1-1DOH-G / CIDMS 107882

October 13, 2006

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Sent via email

Re: 2AM-DOH - Miramar Hope Bay Limited - Doris North Project - Nunavut Water Board Guidelines for Applicant

Indian and Northern Affairs Canada (INAC) has reviewed the guidelines issued by the Nunavut Water Board to Miramar-Hope Bay Ltd. for their application for a water licence for the Doris North Project. INAC has provided advice pursuant to INAC's mandated responsibilities under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NW&NSRT), *Arctic Waters Pollution Prevention Act* (AWPPA) and the *Department of Indian Affairs and Northern Development Act* (DIAND Act) and requested clarification of certain aspects of the Nunavut Water Board (NWB) Guidelines for Applicant document. Our recommendations are organized according to applicable sections of the Guidelines and the Table of Contents used to suggest an appropriate structure and format for the proponent's licence application.

Nunavut Water Board Guidelines for the Applicant

Section 3.0 - Additional Documents to Assist the Applicant

- INAC recommends that the list of standards/guidelines for the proponent to review when preparing its licence application be revised. Please take into consideration the following recommended revisions:
 - a) The Government of Nunavut's *Environmental Protection Act* is incorrectly referenced as an Act of the Government of the Northwest Territories
 - b) The *Northwest Territories Waters Regulations*, is not referenced as being attached to the Nunavut Waters and Nunavut Surface Right Tribunal Act.

- c) *Northwest Territories Water Regulations*, applicable to the review of licence applications, are part of federal legislation not Government of NWT.
- d) The INAC *Territorial Land Regulations* should be referenced rather than the *Territorial Land Use Regulations*.

Section 4.0 - Guidelines for the Provision of Supplemental Information

- INAC recommends that the NWB's review the proposed marine jetty's design and management plans be conducted with the aim of providing recommendations to the proponent rather than terms and conditions.

Table of Contents Spreadsheet

Section 2.6 - Construction Phase, Project Description - Plant Site Facilities

- INAC recommends that the NWB define the meaning of plant site facilities. If employee accommodation and office facilities are not included in this term's definition, INAC recommends that they be addressed in the Project Description requirements.

Section 3.0 - Operations Phase

- The Guidelines for Applicant do not include any requests for information on water management around the adit, including control of water into the mine and contingencies for water encountered during mining.

Section 3.4 - Operations Phase - Effluent Treatment

- INAC recommends that the NWB indicate whether the proponent is expected to describe the treatment of black/gray water (i.e., sewage and domestic wastewater) and/or wastewater produced from mining operations (with tailings).

Section 7.2 - Monitoring - Air Quality

- INAC reminds the NWB that it cannot assign jurisdictional inspection and enforcement requirements concerning air quality aspects of the proposed project. Minister Nault previously addressed the air quality issue in his letter to Mr. Thomas Kudloo, Chair of the NWB, on August 13, 2001. The Minister noted that competent regulatory authorities with the necessary legislation to address the proposed project's impact on air quality are in place. However, INAC suggests that the NWB may have recommendations for the monitoring of air quality.

Section 7.3 - Monitoring - Noise

- INAC is of the opinion that the NWB may only provide recommendations to the proponent regarding the monitoring of noise which results from the proposed project. Noise abatement measures are not included in the NWB mandate in the *Nunavut Waters and Surface Rights Tribunal Act* nor in the Article 13 of the *Nunavut Land Claims Agreement*.

Section 7.4 - Monitoring - Vegetation Metal Uptake

- INAC recommends that the NWB provide further clarification as to which areas of vegetation will be monitored for metal uptake and the reason for this project information requirement for water licencing.

Section 7.6 - Monitoring - Tailings Geotechnical Monitoring

- INAC recommends that the proponent be required to do all necessary site studies, thermal modeling, and sensitivity analyses to ensure dam safety and stability in its tailings geotechnical monitoring program. The proponent made a commitment in the Nunavut Impact Review Board (NIRB) project review to conduct such a review (refer to page 17 of the NIRB Project Certificate's Appendix A).

Section 7.10 - Monitoring - Wildlife

- INAC is of the opinion that the NWB may only provide recommendations to the proponent regarding the monitoring of impacts to wildlife which may result from the proposed project. Such monitoring requirements are not captured under the mandate of the *Nunavut Waters and Surface Rights Tribunal Act*.

Section 8.7 - Closure Phase - Post Closure Water Quality

- INAC recommends that the NWB communicate to the proponent where the water quality aspects in the closure analysis are applicable, such as to Tail Lake, Doris Creek and/or Doris Lake.

Indian and Northern Affairs Canada appreciates having an opportunity to review the licence application guidelines for Miramar Hope Bay Ltd.'s Doris North Project. Please do not hesitate to contact me if you have any questions or comments with regards to the foregoing.

Sincerely,

Original signed

Jim Rogers
Manager of Water Resources