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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No.:** 2AM-DOH0713

**Date:** June 24, 2013

**To:** Doris North Distribution List

**Subject:** **Pre-Hearing Conference Decision Regarding the Application for Renewal and Amendment of Type “A” Water Licence 2AM-DOH0713 by TMAC Resources Inc. (previously Hope Bay Mining Limited)**

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On June 24, 2013, by Motion #2013-11-P7-03, the members of the Doris North Panel (P7), duly appointed by the Nunavut Water Board (NWB or Board) to consider the Renewal and Amendment Application of the existing Type “A” Water Licence 2AM-DOH0713, approved the release of this Pre-Hearing Conference Decision Report along with the procedural direction for the written Public Hearing for the above noted file and asked that the following information be conveyed in that regard.

In order to facilitate the written public hearing process for the Type “A” Water Licence 2AM-DOH0713 Renewal and Amendment Application, originally submitted to the Board on August 10, 2012 by Hope Bay Mining Limited (subsequently assigned to TMAC Resources Inc. on June 10, 2013), for the Doris North Project (the Renewal Application or Doris North Project), directed that in accordance with Rule 14 of the NWB Rules of Practice and Procedure (the Rules), the staff of the NWB hold a Pre-Hearing Conference (PHC) for the Renewal Application.

The PHC was held immediately following a Technical Meeting (TM) for the Renewal Application; both the TM and PHC were held by teleconference on June 18, 2013 commencing at 9:00 am EST and concluding at 3:00 pm EST. The TM/PHC Agenda is attached as Appendix A.

As set out in Rule 14.1 of the Rules, the PHC dealt with the following matters relevant to the Renewal Application:

- Timetable for the pre-Hearing exchange of information
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Hearing;
- Desirability of amending the Renewal for the purpose of clarification;
- Procedures for the Hearing; and



## Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application

- Identification of any other matters that may assist in the simplification and disposition of the Hearing.

### **Introduction and Registration**

No community or public participants registered with the Board to participate in the Teleconference TM/PHC on June 18, 2013. The following parties registered and participated in the TM/PHC teleconference:

- TMAC Resources Inc. (TMAC) supported by representatives from Hope Bay Mining Ltd. (HBML);
- Nunavut Tunngavik Inc. (NTI);
- the Kitikmeot Inuit Association (KitIA); and
- Aboriginal Affairs and Northern Development Canada (AANDC).

Environment Canada provided written comments in respect of the Renewal Application in advance of the TM/PHC indicating that they had no issues with the Renewal Application, and accordingly did not participate via teleconference at the PHC. A list of PHC participants is provided in Appendix B.

### **1.0 The Application Before the Board**

The Renewal Application before the Board by TMAC Resources Inc. (originally submitted by Hope Bay Mining Limited), is for the renewal, subject to a few minor identified amendments, of the existing Type “A” Water Licence 2AM-DOH0713 for a 10-year term, to use water (maximum usage has not changed in the renewal from the original licensed amount of **480,000 cubic metres annually**) and to deposit waste in support of the Doris North Project. The Doris North Project is located approximately 125 kilometres southwest of Cambridge Bay and 75 kilometres north of Umingmaktok, within the Kitikmeot Region of Nunavut.

The Project, as it was licensed in 2007, involves the construction, operation and closure of a small underground gold mine with an average throughput of 720 tonnes per day and a two year mine life. According to the information provided in the 2007 application, the mine will produce approximately 311,000 ounces of gold from 460,000 tonnes of ore. The mill, crushing plant, fuel storage tank farm, camp, office complex, workshops, power generation plant, sewage treatment plant and all other operational mine infrastructure will be located in a central location adjacent to the underground mine. Processing of the ore would take place on site, with the gold being



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

shipped off site by air to a commercial refiner. The project will be self-sufficient and have a project footprint of approximately 54 hectares.

The site is remote and will not have any permanent or winter roads that would link it to neighboring communities or facilities. An all-weather road currently connects the plant site and the Roberts Bay sealift landing site laydown area as well as the Windy Lake exploration area.

Tailings produced during the milling process will be deposited in Tail Lake (the Tailings Impoundment Area) about 5 kilometres from the proposed mill location. Mill tailings will be treated in a water treatment plant within the mill to destroy residual cyanide and precipitate heavy metals before the tailings are discharged into Tail Lake. The water in Tail Lake is planned to be discharged annually to Doris Creek.

### **Application and Supporting Materials Submitted by the Applicant**

The Application was originally submitted by Hope Bay Mining Limited. Following a completed assignment of the Licence to TMAC Resources Inc., the Application is currently being considered as an Application for renewal/amendment by the new Licensee, TMAC.

Application documents received on August 10, 2012 consisted of the following:

- Cover letter dated August 10, 2012, Chris Hanks, HBML (Newmont) to NWB;
- Application Form;
- Application for Water Licence Amendment;
- Appendix A, Summary of the Application in English;
- Appendix B, Summary of the Application in Inuktitut;
- Appendix C, Newmont's 2011 Annual Report;
- Appendix D, HBML's Certificate of Incorporation and List of Directors;
- Appendix E, Compliance Status;
- Appendix F, Type A Water Licence 2AM-DOH0713 (Marked to show past amendments and suggested changes);
- Appendix G, SRK water licence amendments supporting memo;
- Appendix H, Windy Lake Fresh Water Intake; and
- Appendix I, Doris North Landfill Amendment supporting materials.

Additional information received on October 23, 2012 to be included in the application information for review, included the following:

- Emergency Response Plan, Hope Bay Mining Ltd., Care & Maintenance, October 2012;



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

- Hope Bay Mining Ltd., Spill Contingency Plan, HB-ER-ENV-MP-001, October 2012 (Rev 5); and
- Hope Bay Mining Ltd., Waste Water Treatment Management Plan, HB-WM-OPS-MP-004, October 2012 (Rev 3).

On November 9, 2012 the Applicant, HBML responded to the NWB’s request for review and comment and provided a submission (renewal and amendment update) with respect to the type of hearing to be held and other items related to various applications submitted during the past year. Further, on November 24, 2012 HBML submitted correspondence with a response to initial comments received and specific information requests. These documents included:

- Cover letter;
- Information Request response table;
- Roberts Bay and Doris fuel tank farm tank volumes; and
- Doris North winter care and maintenance inspection checklist.

Finally, in response to technical comments received during the full review of the Application, TMAC (HBML) submitted to the NWB a summary of their responses to the various issues raised in the submissions from interested parties. As well, included in the response as support for some of these concerns, is a technical memo from SRK Consulting Ltd. (November 2011) on the assessment of pollution pond discharge to TIA.

For further details on the existing Type “A” Water Licence and this Renewal Application for the Doris North Project, consult the NWB’s FTP site under 2AM-DOH0713(user name: “public”, password: “registry”) at the following link:

<ftp://nunavutwaterboard.org/1%20PRUC/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-DOH0713%20HBML/>

### **Scope of the Type “A” Water Licence Renewal Application**

The scope of the Type “A” Water Licence Renewal Application is proposed to remain essentially the same as the existing Licence, with:

- A ten year term;
- Minor amendments to the Licence conditions to the site monitoring and reporting requirements, reflecting the current level of site construction and anticipated site occupation, the care and maintenance status of the site and activities limited to seasonal water management and environmental monitoring;



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

- Focus of the application on an addition of a Care and Maintenance section of the Licence to address general monitoring and water management requirements should the project revert to the care and maintenance (upon returning to operations or closure, the section would not apply);
- Various administrative revisions to consolidate all previously approved amendments; and
- No material changes as permitted by the NIRB Project Certificate No.003.

### **2.0 Procedural History**

#### **Licence history**

The original Type “A” Water Licence 2AM-DOH0713 was issued by the NWB on September 17, 2007 and was subsequently approved by the Minister of Indian and Northern Affairs Canada (as the Minister was known then, now AANDC) on November 5, 2007.

**Amendment No. 1** was issued by the NWB on August 4, 2010 and was approved by the Minister of Indian and Northern Affairs Canada on September 17, 2010. This amendment was for the relocation of the Explosives mixing and storage facility.

**Amendment No. 2** was issued by the NWB on February 15, 2010 and was approved by the Minister of Indian and Northern Affairs Canada on March 24, 2011. This amendment was for the expansion of the fuel storage and containment facility, airstrip and bypasses road expansion and also revised the location of the cyanide/reagent storage facility.

**Amendment No. 3** was issued by the NWB on January 18, 2012 and was approved by the Minister of Aboriginal Affairs and Northern Development Canada on February 29, 2012. This amendment was for the Waste Rock and Ore Management – Storage and use, Doris North Project.

**Assignment of Licence 2AM-DOH0713** to TMAC Resources Inc. was completed on June 10, 2013. An application for the assignment of the Licence from Hope Bay Mining Limited to TMAC Resources Inc. was received by the NWB on February 12, 2013. The transfer of ownership of the Hope Bay Gold Project (including the Doris North Project) to TMAC was completed on March 12, 2013.

#### **Modifications**

A number of modification requests were received by the NWB during the term of the Licence. Modifications to Licence 2AM-DOH0713 included:



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

- April 8, 2009; a modification request to the potable water treatment system, Doris Camp, Doris North Project; Licence 2AM-DOH0713, approval May 11, 2009;
- April 14, 2010, a modification request to revise the location of the portal entrance, Licence 2AM-DOH0713, approval July 30, 2010;
- August 9, 2011, a modification request for the expansion of the fuel storage facility, Licence 2AM-DOH0713, approval November 14, 2011.
- October 5, 2011, a modification request for the Airstrip Expansion and Bypass Road Design; Licence 2AM-DOH0713, approval not found in files/ftp site, no notice was provided to the Licensee indicating additional time would be required (approval therefore was deemed to be in effect from December 3, 2011, although no formal letter was issued).

### **Procedural History for the Doris North Project, Type “A” Water Licence Renewal/Amendment**

The following includes a brief overview of the procedural history for Renewal Application itself. It should be noted that the following listing captures only the major procedural aspects of the Renewal Application but does not provide a complete history of the file. All documentation and the complete history of the file is available from the NWB’s website at the link identified above.

- August 16, 2012, Initial application received from Hope Bay Mining Limited.
- September 7, 2012, NWB to distribution, Amendment Renewal Acknowledgement.
- November 9, 2012, letter from NWB to distribution, requesting an assessment of completeness and technical assessment of the application.
- November 9, 2012, Letter from Hope Bay Mining Ltd. to the NWB re: Renewal and Amendment of Type A Water Licence 2AM-DOH0713 (update to the amendment application).
- November 21, 2012, NWB issued email acknowledging receipt of documents.
- January 11, 2013, letter from Robin Ikkutisluk, Licence Administrator Assistant, NWB to Léa-Marie Bowes-Lyon, Tenure and Permitting Coordinator Specialist, Hope Bay Mining Ltd. re: Submission of Updated Interim Water Management Plan for Water Licence 2AM-DOH0713.
- January 14, 2013, letter from Chris Hanks, VP Environmental Affairs, Hope Bay Mining Ltd. to Phyllis Beaulieu, Manager of Licensing, NWB, re: 2AM-DOH0713, 2BE-HOP122, and 2BB-BOS1217 – Updated Security Estimates.
- February 13, 2013, letter from John Roesch, Senior Hope Bay Project Officer, KIA to Phyllis Beaulieu, Manager of Licensing, NWB, indicating that there are no outstanding water compensation issues.
- March 28, 2013, letter from Paula Smith, Environmental Assessment Coordinator, Environment Canada to Phyllis Beaulieu, Manager of Licensing, NWB, re: 130228: 2AM-DOH0713 Application for Assignment- Hope Bay Mining Ltd to TMAC Resources.





**Nunavut Water Board – PHC Decision  
2AM-DOH0713 Type “A” – Licence Renewal Application**

- April 2, 2013, letter from Léa-Marie Bowes-Lyon, Tenure and Permitting Coordinator Specialist, Hope Bay Mining Ltd. to Phyllis Beaulieu, Manager of Licensing, NWB, re: 2 AM-DOH07132012 Hydrology Compliance Report.
- April 5, 2013, letter from David Abernethy, Regional Coordinator, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB, re: Doris North Gold Project – Hope Bay Mining Ltd. – Application to assign licence #2AM-DOH0713 to TMAC Resources Inc.
- April 12, 2013, email from David Abernethy, Regional Coordinator, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB, re: Follow-up to AANDC review memos re. assignment of Hope Bay Mining Ltd. water licenses to TMAC Resources Inc.
- May 7, 2013, letter from Phyllis Beaulieu, Manager of Licensing, NWB to Catherine Farrow, Chief Executive Officer, TMAC Resources Inc. and Chris Hanks, V.P. Environmental Affairs, Hope Bay Mining, and to distribution list, re: Water Licence No.2AM-DOH0713; Application for the Amendment and Renewal of a Type ‘A’ Water Licence: Notice of Application, requesting technical review and submission of comments by June 6, 2013; announcing Technical Meeting and Pre-hearing conference by June 14, 2013; and a written Public Hearing by July 12, 2013.
- May 22, 2013, letter from Robin Ikkutisluik, Licence Administrator Assistant, NWB to Léa-Marie Bowes-Lyon, Tenure and Permitting Coordinator Specialist, Hope Bay Mining Ltd. re: Submission of Hydrology Compliance Report 2012 for Water Licence 2AM-DOH0713.
- June 6, 2013, letter from David Abernethy, Regional Coordinator, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB, re: Type ‘A’ Water Licence Number 2AM-DOH0713 – TMAC Resources Inc. – Doris North Gold Project – Kitikmeot Region – Amendment and Renewal Application comments.
- June 6, 2013, letter from Jane Fitzgerald, Environmental Assessment Coordinator, Environment Canada to Phyllis Beaulieu, Manager of Licensing, NWB, re: 2AM-DOH0713 Application for the Amendment and Renewal of a Type A water Licence: Notice of Application, comments.
- June 6, 2013, letter from John Roesch, Senior Hope Bay Project Officer, KIA to Phyllis Beaulieu, Manager of Licensing, NWB, re: Water Licence No.2AM-DOH0713; Application for the Amendment and Renewal of Type “A” Water Licence: Notice of Application, comments.
- June 12, 2013, email NWB to parties re: Technical meeting schedule and possible postponement to June 18, 2013
- June 14, 2013, letter from Phyllis Beaulieu, Manager of Licensing, NWB to Catherine Farrow, Chief Executive Officer, TMAC Resources Inc. and Chris Hanks, V.P. Environmental Affairs, Hope Bay Mining, and to distribution list, re: Notice of June 18, 2013 Teleconference Technical Meeting/Pre-Hearing Conference Regarding the Application for Amendment and Renewal of Type ‘A’ Water Licence No. 2AM-DOH0713.



**Nunavut Water Board – PHC Decision  
2AM-DOH0713 Type “A” – Licence Renewal Application**

### **3.0 Technical Review Comments Received by the Board**

Technical review comments specific to the Licence Renewal Application were submitted on or before June 6, 2013 and were received from the Kitikmeot Inuit Association, Aboriginal Affairs and Northern Development Canada and Environment Canada.

#### **Kitikmeot Inuit Association (KitIA)**

Overall, the KitIA indicated that they did not have significant technical issues with the Renewal Application, and indicated that the focus of their comments were on issues arising from changes to the project that are attributable to the project currently being maintained in a care and maintenance phase. In summary, the KitIA provided comments on several areas of the application and focused the review on the following:

- AANDC Inspection Reports
- Response to AANDC Inspection Reports
- Waste water shutdown procedures
- Specific comments on the plans required under the Licence including:
  - Waste water Treatment Management Plan
  - Spill Contingency Plan
  - Emergency Response Plan
  - QA/QC Plan
  - Interim Water Management Plan
  - Revised Monitoring and Follow-up Plan
- Hope Bay Project Closure and Reclamation Cost Estimate – January 2013
- Annual Report – 2012
- 2012 Aquatic Effects Monitoring Plan - Report

The KitIA’s specific comments included comments on the following plans:

- **Hope Bay Mining Ltd., Waste Water Treatment Management Plan, HB-WM-OPS-MP-004; October 2012 (Rev 3)**

This plan addresses treatment and disposal of camp sewage and the KitIA commented that they would like to see a follow up program in the event that effluent quality does not meet discharge limits. In particular, the KitIA noted that the remote location and lab analysis times could mean weeks could pass before the need for corrective action was identified. Reflecting these conditions, the KitIA recommended that the operator work with the manufacturer to determine if there are warning or monitoring systems available that would allow a more rapid response time. KitIA’s second recommendation in relation to the plan identifies that the Plan does not currently contain any requirements for decommissioning of the tundra disposal system or inspection and remediation of tundra





## Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application

after effluent is discharged to the Tailings Impoundment Area. Accordingly, the KitIA suggests that the Proponent should develop a WWTP Closure Plan to ensure that any necessary tundra remediation occurs to address erosion of tundra or loss of permafrost.

- **Hope Bay Mining Ltd., Spill Contingency Plan, HB-ER-ENV-MP-001, October 2012 (Rev 5)**

The KitIA reviewed this Plan and commented that: (i) the table summarizing the size of the reportable spills should be approved by EC to confirm that the values are acceptable; (ii) the NWB should ensure that the requirements under the section “Applicable Legislation, Licensing and Guidelines” are acceptable for use on Inuit Owned Lands, well as on Crown land; and (iii) that containment and clean up of fuel spills on land be assessed for the extent of subsurface contamination after the surface spill is cleaned up.

- **Emergency Response Plan, Hope Bay Mining Ltd., Care & Maintenance; October 2012**

The KitIA notes that it is not mentioned anywhere in the document but should be referenced as the land owner and a possible party that may respond in an emergency. In addition, the KitIA indicated that it should be given the opportunity to review the Emergency Response Plan annually.

### AANDC

In summary, AANDC’s submissions identified issues in the following categories:

- General;
- Surface water;
- Water Management;
- Wastewater Management;
- Mine Design, Construction and Operation;
- Conditions Applying to Care and Maintenance; and
- Closure Planning.

#### General

In general, AANDC confirmed that the 10 year term of licence proposed is appropriate and that the removal of a summary monitoring and follow up plan requirement is appropriate (as this document comprised only a summary of already existing information contained in other plans).

#### Surface Water

AANDC noted that the Interim Water Management Plan in place for the site does not fully describe existing site drainage facilities and key water bodies such as Doris Lake and the Tail



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

Lake Tailings Impoundment Area (TIA) and commented that although these features are identified in other documents they should be identified and incorporated into the scope of the upcoming revised (final) Water Management Plan.

### **Water Management**

AANDC commented that there should be amendments to the geotechnical inspection and reporting requirements under Part J, Items 18, Item 19 and 21 of the existing Licence to add in as major earthworks, the Doris North Camp Area Diversion Berm. AANDC also indicated that the revised (final) Water Management Plan required pursuant to Part F, Item 1 of the Licence should ensure the effective management of contact runoff and underflow by addressing: (i) the development of a monitoring system to confirm that an acceptable percentage of mine contact runoff and groundwater (underflow) are captured; (ii) maximum water levels for all water collection facilities and associated monitoring activities are established; and (iii) mitigation measures to increase the effectiveness of the underflow capture system (e.g., French drains) should be considered to ensure the collection of all potentially contaminated shallow groundwater. AANDC also sought confirmation from the Applicant regarding how water in the sedimentation pond will be managed under the Interim Water Management Plan, and clarification on whether water that meets licensed discharge criteria (Part G, Item 21 of the existing Licence) will be discharged onto the tundra.

With respect to the revision to the notice period before any planned discharges from facilities (the Applicant asked to revise the notice period from 10 days to 5 days), AANDC indicated that in all but unforeseen situations, the notice period should remain at 10 days. With respect also to the Applicant's request to change the frequency of water balance and water quality model updates required by Part G, item 31 of the Licence during periods of care and maintenance, AANDC indicated that the Applicant should be required, as a minimum, to update the water balance and water quantity model on an annual basis until the start of ore processing and tailings deposition and indicated these updates should take into account the frequency of collected monitoring data.

With respect to reductions in sampling frequency proposed by the Applicant under Part J, Items 4.b and Item 4.a, AANDC indicated that further justification and a fulsome for these reductions should be provided to the Board and confirmed by Environment Canada before the Board considers granting the Applicant's request.



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

### **Wastewater Management**

In response to the Applicant’s request to remove the requirement in the existing Licence (Part G, Item 3.b.) to discharge treated effluent to the Tail Lake TIA once the facility is made operational, AANDC indicated that the Applicant, at a minimum, should still be required to discharge treated sewage effluent into the Tail Lake TIA once ore processing commences. Further, AANDC urged the Application to consider discharging treated sewage effluent into Tail Lake TIA in advance of ore processing (as early as 2013), as the Tail Lake TIA is already receiving water from the Sedimentation Pond in accordance with the Interim Water Management Plan, and this activity could reduce the project footprint by reducing the potential for downstream impacts.

### **Mine Design, Construction and Operation**

AANDC indicated that the Interim Closure and Reclamation Plan that is required within six months of the start of ore processing pursuant to Part L, Item 4 of the Licence should address potential issues associated with the underground disposal of Potentially Acid-Generating rock (i.e., oxidation). In addition, AANDC indicated that Plan should also discuss the removal of equipment and potentially hazardous materials from underground workings, which should be implemented through progressive and final closure activities.

### **Conditions Applying to Care and Maintenance**

AANDC noted that the Licence should more directly specify the monitoring requirements, particularly the frequency of monitoring activities, during care and maintenance. AANDC identified that at as a minimum, all water and hazardous material containment areas, including fuel storage facilities, should be monitored monthly during periods of care and maintenance and that collecting thermal monitoring data should not be reduced during periods of care and maintenance as the integrity of site infrastructure can depend on the availability of monitoring data. In keeping with these recommendations, AANDC also identified that monthly monitoring reports (as required under Part J, Item 21 of the Licence) should continue being submitted as these are key indicators of the condition of site infrastructure and potential impacts from project activities.

AANDC also indicated that while the project is being kept in care and maintenance, the Applicant should provide regular information updates to the Board and interested parties to describe: (a) the project’s status; (b) how Licence terms and conditions are being satisfied; (c) updates to project management plans, and, (d) events or other actions would trigger final closure. AANDC suggested that as a minimum, these updates should be provided within three months of



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

any decision to place the project in care and maintenance and annually thereafter (e.g., with annual report submissions).

With respect to the Applicant’s suggested approach to analysis of Tail Lake TIA water quality and quantity during care and maintenance AANDC questioned the Applicant’s position that the water balance model does not need to be updated during care and maintenance because there is no need for a model to forecast water quality based on changing operations. AANDC requested more detail rationale as to the revised Licence term and condition, Part M, Item 2.b. proposed by TMAC that only if “water quality predictions shall be compared to actual data, if the observed data differs significantly from previous care and maintenance predictions” would additional updates to the water balance model be warranted. Also with respect to monitoring the integrity of the Tail Lake TIA, as set out under the existing Licence, Part G, Item 24.e. and Part M, Item 2.a. AANDC indicated that the Applicant should be requires to visually monitor all structures associated with the Tail Lake TIA on a monthly basis when the site is not occupied (i.e., during periods of care and maintenance).

### **Closure Planning**

AANDC indicate that the Applicant should submit an Interim Mine Closure and Reclamation Plan and updated cost estimate within six months of the start of ore processing as required by Part L Item 4 and Part C, Item 2 of the existing Licence. Further, AANDC indicated that the Applicant should also submit revised versions of these documents within three months of any future decision to place the project under care and maintenance and, as a minimum, every three years should the mine life extend beyond the projected two years of operation and within two years of Licence issuance if ore processing has not started within this time period. AANDC also indicated that the Applicant should clarify and further refine post-closure land use objectives after consultation with traditional land users, land owners, and other stakeholders. Once the post-closure land use objectives are chosen, the Application should be required to demonstrate that the proposed post-closure land use objectives are consistent with the 2012 Closure and Reclamation Plan’s objective to establish “...stable chemical and physical conditions that protect the environment and human health”. AANDC also indicated that greater detail on post-closure monitoring activities is required.

AANDC also indicated that they accept that the Applicant’s updated closure cost estimate of \$13,090,000 is adequate and should be incorporated into an amended and renewed Licence if one is issued by the NWB.



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

### **Environment Canada**

Environment Canada indicated that they had no technical issues or comments with respect to the Renewal Application as proposed.

### **4.0 Technical Meeting**

The Technical Meeting (TM) for the Renewal Application was held by teleconference on June 18, 2013. From a procedural standpoint, it should be noted that, as is the Board’s practice, the TM was somewhat informal and the meeting was administered by the Board’s staff and chaired by David Hohnstein, the Board’s Director of Technical Services. In addition, it should be noted that the Panel Members of the Board who will be the decision-makers for the Renewal Application, were not in attendance at either the TM or the PHC.

The objectives of the TM were outlined to the participants as follows:

- examine technical data and other materials submitted to date as part of the Renewal Application, including interveners’ submissions;
- informally discuss and resolve, to the extent possible, any technical matters/issues raised between interveners and the applicant, particularly those matters that could affect the Board’s determination on any PHC issues, in advance of the PHC;
- provide the opportunity for the applicant and interveners to identify for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Renewal Application;
- identify opportunities for streamlining the issues and process so as to eliminate existing or potential duplication; and
- document any commitments made by the various parties involved in the TM, with the aim of carrying forward those commitments to the PHC.

At the TM, the following key issues were discussed:

- surface water;
- water management (including discharge criteria);
- conditions applying to the project during care and maintenance;
- on-going monitoring requirements;
- closure and reclamation planning (including update cost estimates); and
- security (including recent developments with respect to the NWB’s approach to fixing adequate security under water licences).



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

At the completion of the TM it was confirmed by all participants that there were no outstanding issues that would prevent the Board from moving forward to a written Public Hearing in respect of the Application on July 12, 2013 as indicated in the Board’s Public Notice issued in May. During the TM, TMAC committed to following up with AANDC to address in greater detail AANDC’s comments, identified in their submissions as comments #8, 9 and 10. On June 21, 2013, in a memorandum from Chris Hanks, representing TMAC, to David Hohnstein, the Board’s Director of Technical Services, it was confirmed that TMAC had provided this more extensive discussion and a satisfactory response to AANDC’s comments. Also on June 21, 2013, following the Board’s receipt of the submission from TMAC, David Abernethy, Regional Coordinator with AANDC, provided an e-mail to all participants in the TM confirming that AANDC had determined that TMAC’s follow up teleconference with AANDC and subsequent submission had provided an adequate response to AANDC’s comments, #8, 9 and 10.<sup>1</sup>

### **5.0 Pre-Hearing Conference (PHC)**

As the parties confirmed in the TM that there were no outstanding issues that would prevent the Renewal Application from being considered by the Board in a written Public Hearing, the teleconference proceeded to the PHC portion of the Agenda. This section of the teleconference was chaired by the Board’s Executive Director, Damien Côté, with the same participants as the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the NWB Rules of Practice and Procedure for Public Hearings (the Rules), in preparation for the written Public Hearing.

### **Timetable for the Pre-Hearing Exchange of Information**

As identified in the Public Notice of Hearing issued by the NWB on May 7, 2013 based on the Board’s review of the Renewal Application, the minor nature of the amendments to the existing Licence requested by the Applicant, the lack of public concern associated with the Renewal Application and the comments of the Applicant and Interveners regarding the suitability of conducting a written Public Hearing to consider the Renewal Application, the Board determined that a written Public Hearing would be appropriate, to be conducted on July 12, 2013 and provided Public Notice to that effect.

At the TM/PHC, some interveners indicated that they do not anticipate needing to file any additional written materials to supplement the documentation filed with the NWB to date and the

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<sup>1</sup> These comments were in respect of the terms and conditions of the existing Licence identified as: Part G, Clause 3; Part J, Clause 3 (Schedule J, Table 2) and Part J, Clause 4.





**Nunavut Water Board – PHC Decision  
2AM-DOH0713 Type “A” – Licence Renewal Application**

Board has no requirements that parties file any additional materials. However, if parties would like to file additional written submissions upon which they will rely at the Public Hearing, the Board has established the following timetable for pre-Hearing exchange of information in order to provide a fair opportunity for the Board to review materials in advance and to give the Applicant an opportunity to consider and respond to these submissions.

The Board notes that as discussed at the TM/PHC, these timelines are very much influenced by the fact that the existing Licence will expire on September 30, 2013 if not renewed, and the NWB has developed the attached timetable on the basis of several factors, including the assumption that the parties will meet their commitments for the exchange of materials. In setting these timelines, the Board notes that the NWB is modifying the Board’s usual requirements under Rule 12.4 of the NWB Rules of Practice and Procedure for Public Hearings, which establishes a minimum of fifteen (15) days be provided for review of all pre-Hearing written submissions, as preserving this timelines was not feasible in the current circumstances. However, the Board notes that the Board’s willingness to modify this timeline reflects the fact that some interveners have indicated that they may not provide additional written submissions other than technical review comments received in early June, and if any additional materials are filed, these materials are not anticipated to be extensive and will be very limited in scope. If, however, unanticipated and substantive submissions are provided to the Board in advance of the Public Hearing, the Board may be required to reconsider the timelines to meet the requirements of procedural fairness.

Reflecting these factors, the Board requires that the participants observe the following timetable:

- all further and final written submissions to be provided by interveners, including the translated summaries of the interveners’ comments, and comments on the Renewal Application by members of the public must be filed with the Board on or before **4:00 pm Mountain Time on Tuesday, July 2, 2013;**
- all further and final responses provided by the Applicant to the information filed with the NWB to date and written submissions filed on July 2, 2013 must be filed with the Board on or before **4:00 pm Mountain Time on Monday, July 8, 2013;**

As the parties were advised at the PHC, all submissions will be posted on the NWB’s ftp-site (<ftp://nunavutwaterboard.org/>) and in the public registry upon receipt. A copy of the public registry as it relates to the Renewal Application is available on-line at the link identified previously for review prior to the Public Hearing.



## Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application

### Identification of Interested Parties

A complete list of interested parties that attended the TM/PHC is set out in Appendix B. During the PHC, these same parties confirmed their interest and participation in the Public Hearing associated with the Renewal Application:

- TMAC Resources Inc. (TMAC) supported by representatives from Hope Bay Mining Ltd. (HBML);
- Nunavut Tunngavik Inc. (NTI);
- the Kitikmeot Inuit Association (KitIA); and
- Aboriginal Affairs and Northern Development Canada (AANDC).

In addition, the parties attending the TM/PHC did not identify any additional interested parties that have expressed an interest in participating in the Renewal Application and associated Public Hearing. However, pursuant to the formal notice of the written Public Hearing issued by the Board on May 7, 2013 to a broad distribution list including the parties identified above and the general public, the Board recognizes that there may be parties who wish to provide written submissions in advance of the Public Hearing and these parties are advised to notify the Board and observe the timelines for submission of written materials to the Board established for interveners.

### Provision of Final Written Submissions from Interested Parties

As this Public Hearing will be conducted as a written hearing, all technical review submissions and other forms of comment on the Renewal Application will be considered as evidence in the written Public Hearing, and the parties do not need to re-file these materials in the form of final written submissions. However, any additional information that the parties wish the Board to consider during their review of the Renewal Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined under the heading “Pre-hearing Exchange of Documentation” above. Further, **the Board requests that all interveners who have filed comments with the Board to date provide translated summaries of their comments in both Inuktitut and Inuinnaqtun on or before July 2, 2013.**

### List of Issues

The intervening parties in attendance at the TM-PHC confirmed that none of the unresolved or outstanding issues associated with the Renewal Application and the related information



## **Nunavut Water Board – PHC Decision 2AM-DOH0713 Type “A” – Licence Renewal Application**

requirements should prevent the Board from proceeding with the written Public Hearing on July 12, 2013.

Based on the prior written submissions of the parties and the information exchanged at the TM/PHC, the Board has identified that the following issues remain to be considered by the Board at the Public Hearing:

- surface water;
- water management (including discharge criteria);
- conditions applying to the project during care and maintenance;
- on-going monitoring requirements;
- closure and reclamation planning (including update cost estimates);
- security (only with respect the update to security to reflect updates to closure and reclamation plans); and
- any other Issues as may be identified by the parties or the public as warranting consideration at the Public Hearing

### **Desirability of amending the Renewal Application prior to the Hearing**

As discussed at the PHC, it was confirmed by TMAC that there will be no amendments to the Type “A” Water Licence Renewal Application prior to the Public Hearing.

### **Procedures for the Written Public Hearing**

Assuming that the date for pre-Hearing exchange of materials is met, at the close of the day on July 12, 2013, the date set for the written Public Hearing, the Hearing Record associated with the Renewal Application will close and the matter will be remitted to the duly appointed 3-Member Panel of the Board for a decision. The Panel will consider all the evidence contained within the Hearing Record in arriving at its decision.

### **Measures to Simplify the Disposition of the Renewal Application**

At the PHC, the parties identified that there are no additional measures that can be taken to further simplify the disposition of the Renewal Application.

### **Steps following the Public Hearing**

When the Panel has reached a decision (typically within thirty (30) days of the close of the Hearing Record), the Board will issue its Record of Proceedings and Decision to the Minister of



**Nunavut Water Board – PHC Decision  
2AM-DOH0713 Type “A” – Licence Renewal Application**

Aboriginal Affairs and Northern Development Canada. If the Panel recommends that the Renewal Application be granted, a draft Licence will be attached to the Board’s Decision.

If you require additional information, please do not hesitate to contact the Board’s Director of Technical Services, David Hohnstein, [dts@nunavutwaterboard.org](mailto:dts@nunavutwaterboard.org) or the Board’s Director of Licensing, Phyllis Beaulieu, at [licensing@nunavutwaterboard.org](mailto:licensing@nunavutwaterboard.org) for any other matter related to the Public Hearing.

Regards,

*Original Signed By:*

Phyllis Beaulieu  
Acting Executive Director/Manager of Licensing

Attachments:

Appendix A: Technical Meeting and Pre-Hearing Conference Agenda

Appendix B: List of Participants at the Technical Meeting and Pre-Hearing Conference



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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

## **APPENDIX A—TM/PHC Agenda June 18, 2013**

### TECHNICAL MEETING/PRE-HEARING CONFERENCE DORIS NORTH PROJECT TELECONFERENCE

JUNE 18, 2013 7:00 a.m. MT; 9:00 a.m. EST

Dial-in Number Toll Free 1-877-579-4178  
Participant Passcode 807543#

1. Introduction and Registration
2. Application to the Board
3. Purpose of the Technical Meeting/Pre-Hearing Conference
4. Pre-Hearing Review of the Application
  - a. Presentation on current status of project
  - b. Identification of Interested Parties
  - c. Presentation from Interested Parties
  - d. Formulation of Issues
  - e. Identification and Service of Documents to Parties (deadline, public registry, form)
  - f. Translation Requirements and the Hearing Record
5. Hearing
  - a. July 12, 2013 (written hearing)
  - b. Directions to be issued following the Pre-Hearing Conference
6. Other Issues
7. Closing of the Technical Meeting/Pre-Hearing Conference



**Nunavut Water Board – PHC Report  
2AM-DOH0713 Type “A” – Licence Renewal Application**

**APPENDIX B – Attendees at TM/PHC**

<b>Participant</b>	<b>Representing</b>
Catherine Farrow, Chief Executive Officer, TMAC Resources Inc.	TMAC
Chris Hanks, Vice President, Environmental Affairs, Hope Bay Mining Ltd.	TMAC
Alex Buchan, Manager of External and Community Affairs, TMAC Resources Inc.	TMAC
Lea-Marie Bowes-Lyon, Tenure and Permitting Co-ordinator, Hope Bay Mining Ltd.	TMAC
Maritz Rykaart, Geotechnical Engineer, SRK Consulting	TMAC
Derek Chubb, Impact Assessment and Planning, ERM	TMAC
Christine Kowbel, Legal Counsel, Lawson Lundell	TMAC
Jeannie Ehloak, Environment Co-ordinator	NTI
George Hakongak, Senior Advisor	NTI
John Roesch, Senior Hope Bay Project Officer	KitIA
Adam Vivian, Student-at-law, McLennan Ross	KitIA
David Abernethy, Regional Coordinator, Water Resources Division, Nunavut Regional Office	AANDC
Eva Paul, Water Resources Officer, Nunavut Regional Office	AANDC
Damien Côté, Executive Director	Nunavut Water Board
David Hohnstein, Director Technical Services	Nunavut Water Board
Erik Skiby, Assistant Technical Advisor	Nunavut Water Board
Sonia Aredes, Technical Advisor (Public Hearings)	Nunavut Water Board
Robin Ikkutisluk, Licensing Administrator	Nunavut Water Board
Ben Kogvik, Secretary to the Board, Interpreter/Translator	Nunavut Water Board
Teresa Meadows, Legal Counsel, Miller Thomson	Nunavut Water Board