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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No: 2AM-DOH1323/  
Amendment**

January 19, 2016

John Roberts  
Vice President, Environmental Affairs  
TMAC Resources Inc.  
95 Wellington Street West  
Suite 1010, P.O. Box 44  
Toronto, ON M5J 2N7

Email: [john.roberts@tmacresources.com](mailto:john.roberts@tmacresources.com)

**Re: Licence 2AM-DOH1323; Type “A” – Technical Meeting for an Amendment  
Application by TMAC Resources Inc. for the Doris North Project**

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Dear Mr. Roberts:

On November 4, 2015 the Nunavut Impact Review Board (NIRB) and the Nunavut Water Board (NWB) jointly provided notice that TMAC Resources Inc.'s (TMAC) submissions for reconsideration of the NIRB's Project Certificate No. 003 for the Doris North Gold Mine Project (Doris North project) and TMAC's amendment application to the NWB seeking amendments to the associated Type “A” Water Licence 2AM-DOH1323 (Application) had complied with the NIRB requirements, and had been determined by the NWB to be a complete water licence application. As a result, the NIRB and the NWB commenced a coordinated public technical review period with the submissions to the NWB due December 7, 2015. Further to that, on November 5, 2015 the NWB issued a letter which provided the parties reviewing the Application with greater detail regarding the NWB's expectations for the technical review period and the NWB's next steps in the consideration of the Application.

On or before December 7, 2015, the Board received written representations from the following intervening parties: Indigenous and Northern Affairs Canada (INAC), Environment and Climate Change Canada (EC), Fisheries and Oceans Canada (DFO) and the Kitikmeot Inuit Association (KIA). On January 8, 2016 EC submitted an additional comment. Copies of the Application documents, including the intervenor's submission have been placed in the NWB's Public Registry. Public access to the information is made available through the NWB's ftp site using the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-DOH1323%20TMAC/>

### **A. Completeness of Application:**

Although the Board had indicated in its November 5, 2015 correspondence that most of the information required to consider the Application complete has been provided, the Board recommends that the Licensee should be prepared to address, prior to or at the Technical Meeting, all the comments provided by intervening parties to date.

The Licensee, in further addressing comments and IRs provided by intervening parties, should be prepared to provide any additional information as may be required by the parties and the NWB to undertake a complete and timely review of the application during this stage of the licensing process. It should be noted, however, that at any stage in the licensing process, if it becomes necessary, the NWB retains the right to request additional information and studies pursuant to s. 48(2) of the Act or to issue guidelines for the provision of additional information pursuant to s. 48(3) of the Act.

### **B. Technical Assessment: Comments/Recommendation**

On December 22, 2015, the Licensee submitted to the Board its response to the interveners' submissions. In addition, on January 8, 2016 the Board received an additional submission from EC. Therefore, in advance of the upcoming Technical Meeting for the Application, the NWB encourages the Licensee to address and/or provide its response to the issues identified in EC's recent correspondence by **January 25, 2016**.

### **C. NPC and NIRB Requirements**

#### **NPC**

On December 16, 2015 the Board received an email<sup>1</sup> from the NPC confirming that the Amendment Application had been previously assessed by the NPC and the NIRB under the Nunavut Land Claims Agreement before July 9th, 2016. On this basis, the NPC indicated the amended project proposal is exempt from processing under the requirements of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA) under the transition provisions of the Act, s. 235(1)(a).

Further to the NPC's finding that NuPPAA did not apply to the project proposal, the NPC stated that the correspondence from 2010 confirming that the Project is in an area without an approved land use plan still applies, and therefore a conformity determination by the NPC under the NLCA is not required.

#### **NIRB**

On August 21, 2015 the Nunavut Impact Review Board (NIRB) initiated the public technical review period for TMAC's proposed amendment to the Doris North Gold Mine Project Certificate No. 003 (NIRB File NO. 05MN047). On November 4, 2015 the NIRB and the NWB in a joint letter provided confirmation that TMAC's Amendment Proposal and subsequent submissions both complied with the NIRB requirements and was determined to be a complete water licence application by the NWB. As a result, the NIRB and the NWB commenced a coordinated public technical review period. On November 5, 2015 the NIRB provided

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<sup>1</sup> Email from J. Savoy, NPC to NWB on September 16, 2015.

correspondence to parties that confirmed technical review comments for the NIRB reconsideration were due on January 8, 2016.

On January 11, 2016 the NIRB issued the letter “Technical Comments received from Parties regarding TMAC’s Amendment Proposal for the Doris North Project”. The letter details the technical review comments submitted by the parties to the NIRB and requested TMAC provide a response to the technical review comments by January 18, 2016.

The next steps in the NIRB reconsideration process will involve NIRB Technical Meetings on January 26 and 27, 2016. Representatives from the NWB will be in attendance at the NIRB Technical Meetings.

With respect to the NIRB and NWB coordinated technical review approach, until the NIRB reconsideration process is complete the NWB will not proceed beyond the technical review stage of considering the Application. Therefore, the NWB has not scheduled a Pre-hearing Conference for this Application at this time, and will await the completion of the NIRB consideration of the Project Certificate Amendments (including completion of a Public Hearing and submission of a Public Hearing Report and recommendations to the Minister) before proceeding to the next steps in the NWB’s processing of the Application. It should be noted that if the NIRB and/or the Minister conclude that the Project Certificate should not be amended, the amendment of the Water Licence would be suspended and would not proceed to the next stage of the Licensing process.

#### **D. NWB Next Steps and Further Direction to Parties**

The NWB is however satisfied that the Application has advanced to the extent that the Technical Meeting stage of the Licensing process can proceed following the upcoming NIRB Technical Meetings associated with the PC Amendment. As indicated in the NWB’s November 5, 2015 correspondence and in accordance with Rule 14 of the *Rules of Practice and Procedure for Public Hearing* (2005), a Technical Meeting ( TM) in support of the Application will be held in person, in Cambridge Bay, Nunavut in the Luke Novoligak Community Hall, on **January 28, 9:00 a.m. – 3:00 p.m. Mountain Standard Time (MST)** (and if required) **January 29, 9:00 a.m. – 3:00 p.m., MST**. The NWB will also be hosting a Community Session regarding the Application and the NWB’s licensing process during the evening of January 28, from 7:00 p.m. – 10:00 p.m. (MST)

Attached to this correspondence is a copy of the draft Agenda for the TM and Community Session (Appendix A). Interested parties are invited to provide the Board with comments and/or recommended changes to the draft agenda and confirm their attendance at the upcoming TM by **January 22, 2016** at 12:00 p.m. MST The NWB will provide a revised copy of the agenda in advance of the TM.

In preparation for the upcoming TM for the Application, the NWB recommends that participants review the Application and relevant information submitted to the Board in relation to the Application. Further, the NWB requests that each party, intending to make representation during the TM prepare a presentation that includes highlights of issues identified, addressed, and that remain outstanding at this stage in the review process. Presentation materials should be provided

in English and Inuktitut. In order for the NWB to provide public access to electronic copies of parties' presentations prior to the TM, the Board requests that all presentations be submitted, by **Monday, January 25, 2016 at 12:00 PM (MST)**, to the NWB's Manager of Licensing.

All parties are also requested to make available sufficient hard copies of an executive summary of their submissions, complete with Inuktitut translations, for those in attendance at the Technical Meeting and Community Session.

Parties are reminded that all responses and information provided for the file should be submitted to the NWB's Acting Manager of Licensing by email to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca).

Interested parties should note that an Inuktitut version of this letter will be provided subsequently.

Should you have any inquiries on technical matters related to the above, please contact Sonia Aredes, Technical Advisor, by email to [Sonia.aredes@nwb-oen.ca](mailto:Sonia.aredes@nwb-oen.ca), or David Hohnstein, Director of Technical Services, by email to [David.Hohnstein@nwb-oen.ca](mailto:David.Hohnstein@nwb-oen.ca). For any inquiries pertaining to procedural matters, please contact Karén Kharatyan, Acting Manager of Licensing, at (867) 360-6338 or by email to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca).

Sincerely,

David Hohnstein  
Director Technical Services

Attachments:  
A. Draft Agenda

Cc: Doris Distribution List