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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 2AM-BOS---- & 2AM-DOH1323

July 3, 2018

Oliver Curran
Vice President, Environmental Affairs
TMAC Resources Inc.
95 Wellington Street West
Suite 1010, PO Box 44
Toronto, ON M5J 2N7

Email: oliver.curran@tmacresources.com

**Subject: Applications for a Type “A” Water Licence File No. 2AM-BOS---- and for Amendments to the Type “A” Water Licence No. 2AM-DOH1323; TMAC Resources Inc.
Confirmation of Pre-Hearing Conference and Call For Written Responses to TMAC’s Supplemental Submissions After the Technical Meeting**

Dear Mr. Curran,

This correspondence is provided as a follow up to the Nunavut Water Board’s (NWB or Board) May 29, 2018 correspondence in relation to water licence applications provided on behalf of TMAC Resources Inc. (TMAC or the Applicant) associated with the Phase 2 Hope Bay Belt (Phase 2) Project as identified above (the Applications). As you will recall, in the May 29, 2018 correspondence the NWB:

- summarized the outcome of Technical Meetings (TM) hosted by the NWB in the Hamlet of Cambridge on May 14 and 15, 2018;
- provided a list of issues expected to be discussed, if the NWB holds a Public Hearing for consideration of the Applications;
- attached a draft List of Commitments resulting from the TM; and
- provided next steps associated with the NWB’s further consideration of the Applications that would occur if the Nunavut Impact Review Board recommended the Phase 2 Project be allowed to proceed to the licensing phase in the NIRB’s Final Hearing.

In accordance with the draft List of Commitments, on June 19, 2018, TMAC provided a supplemental submission to the NWB to address several technical issues that were discussed at the TM on May 14 and 15, 2018. All documents associated with the Applications are available through the NWB’s FTP site using the following links:

2AM-BOS----:

<ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-BOS----%20TMAC/>

2AM-DOH1323:

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

On June 26, 2018, the NIRB issued a positive Final Hearing Decision, recommending that the Phase 2 Hope Bay Belt Project should be allowed to proceed into the regulatory phase.

On this basis, as was discussed with parties during the TM, the NWB by way of this correspondence is confirming that the NWB intends to host, via teleconference, a Pre-Hearing Conference **on Tuesday, July 31, 2018** as the next step in the processing of the Applications.

Timelines and Next Steps Prior to the PHC

Recognizing that parties have not had an opportunity to comment on the additional information provided by TMAC on June 19, 2018, the Board invites parties to file additional technical review comments and provide comments on the draft PHC Agenda in accordance with the following timelines.

DATE	PROCEDURAL STEP
July 3, 2018	NWB provides this Notice of the Pre-Hearing Conference to be held on July 31, 2018.
July 18, 2018	Interveners or other interested parties are asked to file with the NWB: <ul style="list-style-type: none">▪ any additional technical review comments associated with their review of the Applications and supplemental information;▪ comments on the draft PHC Agenda; and▪ confirmation of the interveners' participation in the PHC and the names of interveners' representatives participating in the teleconference.
July 25, 2018	TMAC is asked to file with the NWB: <ul style="list-style-type: none">▪ responses to any additional technical review comments filed by parties;▪ comments on the draft PHC Agenda; and▪ confirmation of TMAC's participation in the PHC and the names of TMAC's representatives participating in the teleconference.

DATE	PROCEDURAL STEP
July 27, 2018	NWB circulates final Agenda and call in information for the PHC.
July 31, 2018	PHC conducted via teleconference (9:00 am – 3:00 pm MDT).

NOTE: Additional submissions pertaining to this file should be sent to the NWB's Manager of Licensing by email to: licensing@nwb-oen.ca in accordance with the timeline above. Failing to file submissions as set out above may result in delays and/or the NWB refusing to consider submissions filed late without reasonable excuse.

Timelines and Next Steps at, and following the PHC

For the benefit of all participants, the following is an overview of the relevant procedural steps the Board anticipates would occur at the PHC and, if the Minister accepts the NIRB's Final Hearing recommendations and allows Phase 2 to proceed to the licensing stage, following the PHC and into the NWB's Public Hearing. The Board notes that this information is provided as a general summary only, and is not offered or intended to suggest the NWB is pre-determining or in any other way limiting the Minister's impact assessment decision. If the Minister rejects the NIRB's Final Hearing recommendation and the Phase 2 Project is not authorized to proceed to the licensing stage, the NWB's consideration of the Applications would be suspended.

1. Pre-Hearing Conference (PHC): July 31, 2018

Rule 14 of the NWB Rules¹ permits the Board, through its staff or in conjunction with staff, to hold a Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. Having discussed this matter with the parties during the TM, the Board has concluded that it is appropriate to hold the PHC via teleconference tentatively scheduled for Tuesday, July 31, 2018 from 9:00 am to 3:00 pm, MDT. A draft PHC Agenda is attached to this Notice for the review and comment of parties. Please note that prior to commencing the PHC, the NWB will revisit the draft list of issues generated during the TM to identify any issues that should be added to the draft list prior to the Applications proceeding to a Public Hearing, and will also allow parties to discuss whether some form of additional technical meeting is required prior to the Applications proceeding to a Public Hearing.

2. Pre-Hearing Conference (PHC) Decision

Following the completion of the PHC, within 10-14 days, the NWB will issue a PHC decision that will outline any additional technical commitments of TMAC and will provide all parties with

¹ NWB, Rules of Practice and Procedure for Public Hearing (May 1, 2005) (the NWB Rules).

details regarding whether the Applications can proceed to a Public Hearing, and if so, outlining the administrative and procedural requirements applicable to the NWB's Public Hearing.

3. Public Hearing (PH) Notice

Subsection 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (*NWNSRTA*) requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Board's conduct of the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the Public Hearing will be determined, and a notice will be published by the Board in advance of the Public Hearing and in a manner that promotes public awareness and participation in the hearing.

4. Public Hearing Decision

Following the Public Hearing, the Board will issue Reasons for Decision and a Record of Proceedings and, if the Board recommends the Applications be granted, a recommended water licence/amended water licence will also be attached (Reasons for Decision) within 45 days of the Public Hearing Record closing. The Reasons for Decision will be provided to the Minister of Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) for the Minister's review and decision. Interested and intervening parties will also be provided with a copy of the Board's Reasons for Decision as well as the Minister's Decision.

If you have any additional questions regarding procedural matters related to the file, please contact Karén Kharatyan, Director of Technical Services at karen.kharatyan@nwb-oen.ca or by phone at (867) 360-6338 (ext. 35). For any Technical inquiries, please contact Derek Donald, Technical Advisor at derek.donald@nwb-oen.ca or by phone at (867) 360-6338 (ext. 32).

Sincerely,

Karén Kharatyan,
Director of Technical Services/Acting Executive Director
Nunavut Water Board

Attachment:

Appendix A: Draft Pre-Hearing Conference Agenda Water Licence 2AM-BOS---- and Water Licence 2AM-DOH1323 Amendment No. 2

Cc: Doris North Distribution

APPENDIX A: DRAFT PHC AGENDA

**Applications For: Type “A” Water Licence, File No. 2AM-BOS---- and
Amendments to No. 2AM-DOH1323**

PRE-HEARING CONFERENCE

Date: July 31, 2018

Time: 9:00 AM – 3:00PM (MT)

Location: Via Teleconference (call in information to be provided with final Agenda)

1. Introduction of all Participants
2. Applications to the Board, NWB Opening Remarks
3. Purpose of the Pre-Hearing Conference
4. Follow Up Regarding Outstanding Technical Review Issues for the Applications
 - a. Discussion of Commitments to Address Technical Issues
 - b. Changes to draft List of Technical Issues
5. Identification of issues preventing the Applications from proceeding to a Public Hearing
6. Discussions of the form, timing and location for any potential Public Hearing
7. Establishing a timetable for the exchange of information prior to the Public Hearing, including:
 - a. preparation and service of documents to parties (deadlines, form, public registry);
 - b. document translation requirements; and
 - c. documentation to be included in the Public Hearing Record
8. Finalize list of issues to be dealt with at the Public Hearing
9. Identify interested parties
10. Identify any changes to the Applications
11. Final procedures to be followed at the Public Hearing, including:

- a. requested modifications to the applicable *NWB Rules of Practice and Procedure for Public Hearing* (May 2005); and
 - b. language requirements at the Public Hearing
12. Consider any other matters that may aid in the simplification and disposition of the Applications at the Public Hearing
13. Other Issues
14. Closing of the Meeting
-

In the schedule the Board has allowed for two Health Breaks – 10-15 minutes in duration, as needed, during the course of the PHC, and a lunch break of 30-60 minutes at approximately 12:00 pm (MDT), but will consult with the participants regarding breaks and may adjust to reflect the needs of the participants as the PHC progresses