

NUNAVUT WATER BOARD

Doris North Gold Mine Project Type "A" Water Licence
Amendment Application No. 2AM-DOH1323

TECHNICAL SESSION

VOLUME 2

Cambridge Bay, Nunavut

September 14, 2016

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1 Proceedings taken at Cambridge Bay Community Hall,
2 Cambridge Bay, Nunavut.

3

4 September 14, 2016

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6 NUNAVUT WATER BOARD

7 T. Kabloona Chair of Hearing

8 M. Mrazek Member

9 M. Nortok Member

10

11 NUNAVUT WATER BOARD STAFF

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13 S. Autut Executive Director

14 D. Hohnstein Director of Technical Services

15 S. Aredes Technical Advisor

16 I. Porter Licensing Administrator

17 B. Kogvik Board Secretary/Interpreter

18 H. Ohokannoak Interpreter

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22 A. Buchan TMAC Resources Director of

23 Community Relations

24 I. Evalik TMAC Resources IIBA Liaison

25 S. Hamm TMAC Resources Project Manager

26 O. Curran TMAC Resources Director of

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3		Consulting
4	M. Henry	Environmental Consultant/ERM
5		Consultants
6	N. Bishop	Environmental Consultant/ERM
7		Consultants
8	C. Kowbel	Legal Counsel
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11	J. Roesch	Senior Hope Bay Project
12		Officer
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17		Management
18	D. Abernethy	Regional Coordinator, Water
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22	T. Carroll	Legal Counsel, Department of
23		Justice Canada
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Coordinator

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A. Wilson

Water Pollution Specialist

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1 INTERPRETERS/TRANSLATORS

2 H. Ohokannoak Inuktitut Language Interpreter

3 R. Dempster Sound Technician

4 S. Anderson, CSR(A) Official Court Reporter

5

6 (PROCEEDINGS COMMENCED AT 9:23 AM)

7 Opening Remarks by the Nunavut Water Board Chair

8 THE CHAIRPERSON: Good morning. Before we

9 proceed to our next presentation, it is my

10 understanding that we have a motion regarding a change

11 to this morning's agenda, and I will turn the

12 microphone over to legal counsel.

13 Discussion (Motion)

14 MS. MEADOWS: Good morning. Thank you,

15 Mr. Chair. Teresa Meadows, legal counsel for the

16 Nunavut Water Board. I understand that overnight the

17 parties have had some discussions on the issue of

18 security and also with respect to reviewing a draft

19 marked-up copy of the potentially amended licence. As

20 such, there may be a benefit to a slightly revised

21 agenda for this morning and the early part of the

22 afternoon. And the Board understands the parties have

23 proposed a motion that would support the following

24 tentative schedules. So I will lay out the schedule as

25 I understand it, and then I will defer to the parties

26 to have a discussion with their legal counsel as to the

1 extent of the motion and their agreement with it.

2 So the revised schedule for today that's being
3 proposed in this motion is between 9 and 10:30 -- and
4 my apologies; we started a little bit late so perhaps
5 we'll move that to -- closer to 11 -- but between 9 and
6 10:30, a presentation by Indigenous and Northern
7 Affairs Canada followed by questions from the parties
8 on everything but security, which will -- those
9 questions will be deferred.

10 And then an adjournment after Indigenous and
11 Northern Affairs Canada's presentation and questions
12 between approximately 10:30 and 1:30 to allow the
13 parties to undertake discussions with respect to
14 security and also hopefully some time to take a look at
15 the proposed amended licence that is being put forward
16 by TMAC.

17 Then the parties will reconvene here at 1:30.
18 Between 1:30 and approximately 2:45, the parties will
19 return to provide the Board with their submissions and
20 questions in respect of security and also comments with
21 respect to the draft water licence. And then between 3
22 and 3:30 we will have the normal closing statements and
23 closing of the hearing.

24 So assuming that I have tentatively put forward
25 what the parties' motion by agreement is -- is being
26 proposed, I would ask now that Ms. Kowbel and, Tracy,

1 if I can get your comments and also, John, if I can get
2 your comments with respect to the proposed motion
3 before the Board.

4 Submissions by TMAC Resources Incorporated (Motion)

5 MS. KOWBEL: Christine Kowbel, legal
6 counsel for TMAC. Yes, TMAC is, I think, as -- as I
7 discussed with the parties, TMAC proposed that
8 schedule, and we -- we think it would be beneficial to
9 the Board and would provide the Board with better
10 information to make its decision on.

11 I wanted to clarify one aspect, and that is TMAC
12 expects that it would defer any questions it might have
13 on security for INAC following the presentation, but if
14 other parties or the Board staff or the Board wish to
15 ask their questions immediately after, TMAC would have
16 no objection to that -- to any -- no limitations on
17 questions to INAC after -- after their presentation.

18 Submissions by Indigenous and Northern Affairs Canada
19 (Motion)

20 MS. CARROLL: Tracy Carroll, legal counsel
21 for the Government of Canada. The federal government
22 departments also support the motion as it's been
23 phrased, and INAC is happy to answer questions on
24 security from other parties or the Board before or
25 after the break, as you prefer.

26 Submissions by the Kitikmeot Inuit Association (Motion)

1 MR. DONIHEE: Good morning, Mr. Chairman.
2 I'm John Donihee. I'm counsel for the Kitikmeot Inuit
3 Association. Just one clarification with respect to
4 the proposed changes to the agenda. I -- I think they
5 make sense, but I do want to be sure, is that the
6 proposed black-line version of the licence has actually
7 got to be in front of the Board before we have a
8 conversation about it. KIA has yet to see it, and
9 we're not prepared -- I mean, I'm -- again, I'm
10 assuming it's going to be filed at least tentatively
11 with the Board before we're asked to make some
12 submissions about it, otherwise it just doesn't seem to
13 make sense to us, but -- so that's the one
14 clarification perhaps that Ms. Kowbel could help us
15 with.

16 And with respect to the other changes, I -- we --
17 we're not in -- we don't oppose the -- I think the
18 discussions that are proposed will be helpful, but I do
19 point out that the Kitikmeot Inuit Association's board
20 of directors and all of its officers are in Kugaaruk at
21 the moment, and so how far we can get on behalf of KIA
22 is actually going to depend what we hear and see over
23 the next little while.

24 So I just leave that with the Board, if you will,
25 but proceed with the changes as proposed, and you'll
26 hear from us at the end. Thank you, Mr. Chairman.

1 MS. MEADOWS: Thank you, Mr. Chair. Teresa
2 Meadows, legal counsel for the Nunavut Water Board.
3 Thank you, Mr. Donihee. I recognize the submissions
4 that the parties may be making after the adjournment
5 may -- may be that additional time is required. I
6 understand that fully.

7 Ms. Kowbel, maybe if I can ask you whether or not
8 you can give us the clarification that the black-line
9 copy of the draft licence will be in evidence before
10 you have a discussion; it will be marked as an exhibit
11 before the adjournment?

12 MS. KOWBEL: Christine Kowbel, legal
13 counsel for TMAC. Yes. My -- my apologies for not
14 clarifying that, and, John, we do have copies of the
15 licence here, and I'll ask one of the TMAC team members
16 to distribute that. Our proposal would be to file that
17 marked-up licence after the break, and the reason for
18 that would be to give -- to give the parties an
19 opportunity to have conversations with TMAC and perhaps
20 that a document might be further adjusted before filing
21 with the Board, and so we'd prefer not to file multiple
22 copies with the Board if possible.

23 MS. MEADOWS: Thank you, Ms. Kowbel. Teresa
24 Meadows, legal counsel for the Nunavut Water Board.
25 What I might suggest, though, is that it be marked and
26 not entered, and then at least the Board -- it is in

1 front of the Board, it is in front of the parties, and
2 we have -- we have a copy actually to take a look at
3 over the break. The Board would welcome the
4 opportunity to be able to look at it over the break as
5 well.

6 MS. KOWBEL: Thank you. Christine Kowbel,
7 counsel for TMAC. We -- as I said, we have those
8 copies right now, and so I can provide a copy and
9 request the Board mark it but not enter it as an
10 exhibit until later in the day.

11 MS. MEADOWS: Thank you, Mr. Chair. Teresa
12 Meadows, legal counsel for the Nunavut Water Board.

13 Yeah, if we can have a copy, and we'll -- we'll
14 mark it but not enter it, and we'll enter the finalized
15 version -- or the revised-draft version when we come
16 back after the break.

17 EXHIBIT 22 - Hard Copy Black-lined Copy of
18 Licence 2AM-DOH0712 (sic), 2AM-DOH1323 and
19 Proposed Amendments Draft Prepared by TMAC
20 Resources, Current as September 14, 2016, AM
21 Ruling (Motion)

22 MS. MEADOWS: Thank you, Mr. Chair. Teresa
23 Meadows, legal counsel for the Nunavut Water Board.
24 And I guess the Board has indicated and -- in
25 consultation with the Chair has indicated that the
26 revised agenda as proposed in the motion of the parties

1 will be acceptable to the Board, and so we'll proceed
2 with -- the next item of that revised agenda is
3 Indigenous and Northern Affairs Canada's presentation
4 and the marking of -- of the exhibit of the draft
5 licence. Thank you, Mr. Chair.

6 MS. COSTELLO: Thank you, Mr. Chair. I
7 apologize for my froggy sound. Head cold came to visit
8 over the -- over the evening.

9 Good morning, everybody. I wanted to verify -- my
10 name is Karen Costello with Indigenous and Northern
11 Affairs Canada. I wanted to verify certain exhibits at
12 present so I'll turn it over to David just to verify
13 that we have the appropriate exhibits on file with the
14 Board.

15 MR. ABERNETHY: Hello. David Abernethy with
16 Indigenous and Northern Affairs Canada. My
17 understanding that the outstanding exhibits are
18 executive summaries which are -- there are three
19 versions, one in English, another in Inuinnaqtun, and
20 the third in Inuktitut. The ones that I've submitted
21 so far by email and in hard copy are -- right now for
22 this presentation, the copy's in English, Inuinnaqtun,
23 and Inuktitut. That's for the technical presentation.
24 And then yesterday evening it was on the record that we
25 had the community presentation filed as exhibits in the
26 three languages too.

1 MS. MEADOWS: Thank you, Mr. Chair. Teresa
2 Meadows, legal counsel for the Nunavut Water Board. So
3 let the record show that I do have those six additional
4 exhibits that Mr. Abernethy referred to, and I also
5 have a revised reclamation estimate as well which, it's
6 my understanding, was generated overnight and has been
7 provided to the parties at this -- at this table, and I
8 also have a hard copy of that to mark as an exhibit.

9 I don't know, given that the parties have just had
10 a chance to take a look at the reclamation estimate,
11 whether there are any objections to filing this at this
12 point as an exhibit or whether anybody wants us to just
13 mark it as an exhibit and not yet enter it.

14 So, Christine and John?

15 MS. KOWBEL: Thank you. Christine Kowbel,
16 legal counsel for TMAC. No objections to marking that
17 as an exhibit.

18 MR. DONIHEE: Mr. Chairman, it's John
19 Donihee for the Kitikmeot Association. I now have it.
20 I suggest you file it and mark it only, and then we can
21 look at it. Thank you.

22 MS. MEADOWS: Thank you, Mr. Donihee. My
23 apologies. I was not aware that you didn't -- that you
24 hadn't received a copy at all.

25 Yes. So let the record show that I will mark that
26 as an exhibit, and then we will come back and have --

1 after the break and have the Kitikmeot Inuit
2 Association let us know whether or not they have
3 objections to it being entered. Thank you, Mr. Chair.
4 Teresa Meadows, legal counsel for the Nunavut Water
5 Board. I have nothing further.

6 EXHIBIT 23 - Hard Copy Executive Summary
7 INAC/AANC, TMAC Resources Inc. Amendment
8 Application No. 1 to Water Licence No.
9 2AM-DOH1323 September 13-14, 2016 (English)

10 EXHIBIT 24 - Hard Copy Executive Summary
11 INAC/AANC, TMAC Resources Inc. Amendment
12 Application No. 1 to Water Licence No.
13 2AM-DOH1323 September 13-14, 2016
14 (Inuinnaqtun)

15 EXHIBIT 25 - Hard Copy Executive Summary
16 INAC/AANC, TMAC Resources Inc. Amendment
17 Application No. 1 to Water Licence No.
18 2AM-DOH1323 September 13-14, 2016 (Inuktitut)

19 EXHIBIT 26 - Hard Copy PowerPoint
20 Presentation INAC/AANC Technical Presentation
21 Amendment Application No. 1 to Water Licence
22 No. 2AM-DOH1323 (English)

23 EXHIBIT 27 - Hard Copy PowerPoint
24 Presentation INAC/AANC Technical Presentation
25 Amendment Application No. 1 to Water Licence
26 No. 2AM-DOH1323 (Inuinnaqtun)

1 EXHIBIT 28 - Hard Copy PowerPoint
2 Presentation INAC/AANC Technical Presentation
3 Amendment Application No. 1 to Water Licence
4 No. 2AM-DOH1323 (Inuktitut)

5 EXHIBIT 29 - Hard Copy Comparison of Closure
6 Cost Estimates dated September 14, 2016,
7 Indigenous and Northern Affairs Canada Water
8 Licence No. 2AM-DOH1323, Amendment
9 Application No. 1 (English)

10 THE CHAIR: Whenever you're ready, INAC.
11 You have the option of doing your presentation in
12 English, Inuinnaqtun, or Inuktitut.

13 MS. COSTELLO: Thank you, Mr. Chair. We'll
14 take you up on your offer, and we'll present in
15 English.

16 THE CHAIR: Great.

17 MS. COSTELLO: My Inuktitut and Inuinnaqtun
18 is just a little bit rusty.

19 Presentation by Indigenous and Northern Affairs Canada

20 MS. COSTELLO: So my little bit of Inuktitut,
21 (OTHER LANGUAGE SPOKEN). Good morning. My name is
22 Karen Costello. I'm the Director of Resource
23 Management for Indigenous and Northern Affairs Canada
24 in the Nunavut regional office. I would like to thank
25 the Board for this opportunity to make a presentation
26 regarding -- and associated interventions regarding

1 TMAC Resources' application to amend its Type A water
2 licence for the Doris North Gold Mine Project.
3 Throughout this presentation, I will refer to
4 Indigenous and Northern Affairs Canada as the
5 department to save a little bit of time on
6 interpretation. I am joined here at the table by David
7 Abernethy, our Water Resources Regional Coordinator,
8 and supported by Tracy Carroll from the Department of
9 Justice, and Jane Doucette, the geotechnical engineer
10 with Amec Foster Wheeler that has been working with us
11 on the file. On behalf of the Department, I would like
12 to thank the Board for facilitating this licence
13 application review process and TMAC for responding to
14 our questions and concerns.

15 I will begin the presentation with an overview of
16 the Department's position on the submitted amendment
17 application. I will then review the Department's
18 mandated roles and responsibilities before David and I
19 speak to the technical review findings.

20 All but one of the technical comments raised by
21 the Department in the course of this amendment
22 application, which started with a completeness review
23 in the fall of 2015, have been resolved. In the
24 interest of time but for the benefit of the Board,
25 outstanding issues and certain resolved comments
26 considered to be important by the Department will be

1 presented, and, as I said and as spoken to by TMAC
2 yesterday, with the exception of the reclamation cost
3 estimate, we can confirm that all other outstanding
4 technical issues have been resolved to the satisfaction
5 of the Department.

6 A review of recommended revisions or consequential
7 amendments to the licence, security management
8 considerations, and the licensee's compliance record
9 will also be touched on. I'll also conclude with a
10 general recommendation. Just because it's early in the
11 morning and our eyes need a little bit of exercise,
12 we'll just remind everybody what we're talking about.
13 This is one of the classic shots of the Doris site with
14 its landmark mountain in the background.

15 I will start off right now by saying this slide
16 was presented -- was prepared -- this entire
17 presentation was prepared sometime ago. We made some
18 revisions and submitted it earlier this week. We've
19 had some further dialogue with the applicant so some of
20 my speaking points may not necessarily be aligned with
21 the text on the slide. The slide reads that TMAC has
22 adequately addressed most of the recommendations made
23 by the Department through the submission of
24 clarifications and commitments. It also indicates that
25 Indigenous and Northern Affairs Canada will continue to
26 work with TMAC to resolve outstanding issues.

1 As I have said, we have resolved all of the issues
2 except we're still in some final discussions on what an
3 appropriate reclamation cost estimate is for the
4 undertaking, but in general, the water licence
5 amendment application should be accepted with
6 consideration of the Department's comments.

7 As part of the overview, I wanted to touch on
8 security requirements under the water licence. Certain
9 numbers presented in this slide have been revised.
10 Under the existing water licence, based on the 2013
11 renewal, the water licence requires 13,090,000, and
12 that is currently held by the Minister of Indigenous
13 and Northern Affairs Canada. At the time of this
14 presentation, INAC's recommendation for a reclamation
15 cost estimate was that -- was \$36,826,102. We have
16 further refined our estimate, and the current number we
17 are discussing with TMAC is \$31,930,024. Our estimate
18 has been refined based on ongoing dialogue in
19 consideration of information presented earlier in this
20 hearing.

21 The Department is interested in having discussions
22 with the Kitikmeot Inuit Association on the
23 co-management and the co-sharing of reclamation
24 security. The Kitikmeot Inuit Association has
25 indicated that once we reached agreement with TMAC,
26 they would consider some discussions on this, but we

1 have not been able to get into the details of that
2 because we have not yet reached agreement with TMAC on
3 an appropriate reclamation cost estimate.

4 It's always a good point for us to identify the
5 roles and responsibilities of the Department.
6 Indigenous and Northern Affairs Canada works under a
7 number of laws and regulations to ensure the interests
8 of Nunavummiut are protected. These include the
9 Nunavut Waters and Nunavut Surface Right Tribunal Act
10 and the Nunavut Water Regulation, the Department of
11 Indian Affairs and Northern Development Act, the
12 Nunavut Land Claims Agreement Act, the Territorial
13 Lands Act and its associated regulations, and the
14 Arctic Waters Pollution Prevention Act and its
15 associated regulations.

16 My apologies, Mr. Chair. The Department
17 administers and enforces regulatory authorizations that
18 pertain to Nunavut's Crown land and freshwater
19 resources. As you can see by our attendance at this
20 hearing, the Department participates in water licensing
21 processes administered by the Board along with other
22 interested parties, and we provide technical advice and
23 other input for the Board's consideration.

24 The Department's work does not end when a licence
25 is issued. We have staff who inspect licence
26 activities to monitor a licensee's compliance with

1 licence terms and conditions. Staff also review annual
2 reports tracking the activities for overall impacts to
3 freshwater resources. In the case of this project, we
4 do have a lease for the jetty, and subject to
5 everything going through, there will be authorizations
6 for the marine outfall pipe and the activity of
7 discharging.

8 I will now turn things over to David to speak to
9 details of the Department's technical review.

10 MR. ABERNETHY: Thank you, Karen. David
11 Abernethy with Indigenous and Northern Affairs Canada.

12 I will begin by discussing the Department's
13 contribution to the amendment application review. On
14 the next three slides, you will see there's 15 rows,
15 and each -- these -- what is presented is the different
16 steps that the Department has participated in the
17 review. I won't go through them in detail, but they
18 began in August 2015 with a completeness review of the
19 application, and -- and right now -- well, with the
20 final written submission, but -- there's a step that's
21 missing today, the public hearing. So it has been a
22 lengthy review for everyone, and the Department has
23 participated and will continue to participate in this
24 licence amendment application.

25 Technical comments have been organized by seven
26 themes that were identified during the January Nunavut

1 Water Board technical meeting. These themes are
2 presented here and will be discussed throughout the
3 presentation. Each theme will have a table identifying
4 the number of the issues that the Department raised.

5 Sections F and G -- you'll see the bullets --
6 topics will be discussed that were not directly tied to
7 comments that had resolution status, but these comments
8 are considered important to the Department and were
9 part of our review.

10 In total, the Department had 73 comments during
11 the licence amendment application review. As Karen had
12 mentioned, all of these comments have been resolved
13 through discussions back and forth with the licensee.
14 These comments were generated from the completeness
15 review of the initial application, technical reviews,
16 and the review of five management plans, these being
17 the aquatic effects monitoring plan; the groundwater
18 management plan; the tailings impoundment area
19 operations, maintenance, and surveillance manual; the
20 waste rock and ore management plan; and the water
21 management plan.

22 The Department also reviewed the licensee's
23 interim dyke trade-off study. Three additional issues
24 were identified by the Department after reviewing the
25 licensee's responses to our final written submission.
26 Oh, Karen -- or, sorry -- okay. I'll move on. This

1 table simply shows the -- the terminology used
2 throughout the presentation for identifying comments.
3 You'll see "IR" stand for "information requests", "TC"
4 stands for "technical comments", and 'R' stands for
5 "recommendations" that were provided when reviewing
6 management plans.

7 For the theme of water quality and quantity
8 predictions, a total of 12 comments were raised. For
9 project planning, it is important to predict the
10 quantity of water collected in various retention ponds
11 and underground, as well as the quality of these waters
12 and those coming from the mill. This activity will
13 help ensure that all necessary measures are taken to
14 protect the water resources on and around the mine
15 site. Some topics covered in our review were the
16 Tailings Impoundment Area storage capacity and the
17 source terms for inputs into the water and load balance
18 model. All comments have been resolved.

19 This next theme is the Robert's Bay discharge
20 monitoring. We had submitted a comment on this early
21 in the review process; however, during the technical
22 meeting in January, it was determined that the
23 discharge into Robert's Bay, which is a marine
24 environment, was not applicable to our review under the
25 licence. Instead, discharge criteria and sampling will
26 be regulated under the Metal Mining Effluent

1 Regulations, and the Department will continue to work
2 with TMAC to figure out how the land use -- the
3 land-approval process will be administered.

4 Waste rock and tailings: In this Theme 18, issues
5 were identified, and following the submission -- once,
6 as mentioned earlier, we had also provided this
7 presentation, and at that time, one issue was
8 unresolved; however, it is now resolved. I will
9 mention a resolved comment. That's -- that's why
10 there's an asterisk beside 17 for the "resolved",
11 because this comment, although it's resolved, we would
12 like to discuss it and bring it to the Board's
13 attention. It concerns a proposed licence condition
14 that the licensee and the Department, to my
15 understanding, have agreed upon.

16 This is another photo break. I'm showing Doris
17 Lake, as this -- right in the centre and behind it is
18 the Tailings Impoundment Area with the north dam used
19 to hold back all the tailings. Another photo break.
20 This is a view from the north dam looking into the
21 Tailings Impoundment Area.

22 So the resolved comment that I wanted to speak to
23 was Information Request Number 12. We -- the -- we
24 recommend that the Board consider including a condition
25 to the amended licence. That was included in our
26 submissions, and I'll read it out loud: (as read)

1 The proponent or the licensee shall monitor
2 the underground backfill use and mine waste
3 placement underground during operations to
4 confirm the ultimate targets of returning all
5 waste rock, and leach tails underground can
6 be achieved.

7 This recommendation comes from the Nunavut Impact
8 Review Board project certificate amendment process, and
9 we're simply carrying it forward to the Water Board
10 because it could not be covered under the project
11 certificate amendment. Now, this monitoring is already
12 included in the licensee's waste rock and ore
13 management plan, and as I mentioned, it has been
14 committed to in the NIRB process. So this issue as --
15 it's -- it is resolved. I'm -- just one moment while I
16 gather my thoughts.

17 If needed, I might have to come back to this, but
18 we did have discussions with the licensee immediately
19 after returning -- coming to the Cambridge Bay, and
20 this issue was resolved, but my speaking notes have not
21 been updated, and I'm drawing a blank. But -- but my
22 understanding, and TMAC can confirm after, is that they
23 have committed -- that they will characterize tailings
24 that go into the Tailings Impoundment Area throughout
25 operations.

26 The fourth theme is mitigation measures.

1 Mitigation measures ensure the project's impacts are
2 minimized. This table -- and there are four issues
3 that were raised, and all four have been resolved.
4 Okay.

5 The first comment relates to lake sediment
6 sampling which can be used to monitor project effects
7 such as nutrient enrichment from runoff exposed to
8 nitrogen in explosives or metal enrichment from dust
9 deposition. Sediment characteristics such as particle
10 size and total organic carbon concentrations are also
11 important for understanding benthic and vertebrate
12 results.

13 The licensee has confirmed that they will maintain
14 the sampling parameters of the present aquatic effects
15 monitoring plan and will continue to collect adequate
16 sediment sampling for the -- under the -- their aquatic
17 effects monitoring plan. This issue is resolved.

18 The next comment is regarding dust suppressants.
19 As TMAC has already presented earlier in the public
20 hearing, they will use -- they proposed to use dust
21 suppressants that are approved for use in Nunavut, and
22 the Department is supportive of that recommendation.

23 Water treatment. In the area of water treatment,
24 we looked at the onsite laboratory. It was a previous
25 requirement under the licence, sewage treatment and
26 water treatment for the Tailings Impoundment Area. The

1 Department is satisfied with the responses to the
2 licensee to comments and questions that were raised in
3 the review, so all four comments were resolved.

4 Management plans and reports. The Department had
5 a total of 26 issues that were identified during the
6 review of updated management plans that were provided
7 early this summer in June, and all 26 have been
8 resolved. The Department also raised three new
9 comments following its review of the licensee's final
10 written submission. These comments were filed with the
11 Nunavut Water Board just this past Saturday but have
12 since been resolved following discussion with the
13 licensee. The first new or additional comment related
14 to monitoring the waste rock piles geotechnical
15 ability.

16 The licensee has committed to file an addendum to
17 its waste rock and ore management plan to clarify that
18 the geotechnical stability of its waste rock pile will
19 be inspected by an engineer and reported annually under
20 the licence which is consistent with the current
21 licence requirements.

22 The second additional comment concerned the
23 removal of semi-annual seep surveys for underground
24 backfilled stopes. This was included in the June 2015
25 waste rock and ore management plan but was removed from
26 the August 2016 version. The licensee has informed us

1 that this monitoring activity is included in a
2 different plan. It was moved to the groundwater
3 management plan. So the monitoring of underground
4 stopes is still covered.

5 The third new comment related to the calibration
6 frequency for the water and load balance model as
7 described in the water management plan. The plan has
8 been modified from requiring annual calibrations to
9 those being as required, but following discussions with
10 the licensee, they have committed to provide an
11 addendum to its -- their water management plan that
12 will retain the previous wording, that being "annual
13 calibration of its water and load balance model".

14 Here's a picture of Doris Creek which flows from
15 Doris Lake into Robert's Bay, and it's very important
16 to us and to others because Doris Lake is right within
17 the mine footprint, and we all have a shared interest
18 in protecting it and its downstream environment. So
19 three now resolved issues.

20 Recommendation 3 is about monitoring mine inflow
21 water quality. Modifications made to the groundwater
22 management plan integrate the water licence's
23 Schedule J monitoring requirements; however, it's been
24 noted that the plan does not include how monitoring
25 results will be shared with the Nunavut Water Board.
26 This -- this issue has been discussed earlier which --

1 with Environment and Climate Change Canada and the
2 proponent, and while the licensee has committed to
3 provide the monitoring results to the Nunavut Water
4 Board, however it's not -- my understanding, it's not
5 clear if that will be a condition of the water licence.
6 But the Department is satisfied that if the monitoring
7 results are provided to the Nunavut Water Board, our
8 issue is resolved.

9 The Department's recommendation on Doris Lake
10 sample stations is to keep -- to maintain two water
11 sampling stations on Doris Lake, these being stations
12 ST7 and Doris Lake North. The licensee has reinstated
13 the station in Doris Lake North, which was removed from
14 a previous versions of the aquatic effects monitoring
15 plan. They had proposed a reduced sampling frequency.
16 Following discussions, the licensee has committed to
17 sample water quality four times a year at the Doris
18 Lake North station, and this will be reflected in an
19 addendum to the aquatic effects monitoring plan. This
20 item has been resolved. We are satisfied that Doris
21 Lake North will remain as a monitoring station for
22 their aquatic effects and monitoring plan.

23 Recommendation 28 is about the Department's
24 concerns and how monitoring will be conducted should
25 the product go into care and maintenance. Monitoring
26 during care and maintenance is important because though

1 the interruption -- although mining activities will be
2 interrupted and this may lessen impacts to the
3 environment, there will be a less presence of people
4 onsite which will reduce the amount of monitoring for
5 the water management facilities. Following discussions
6 with the licensee, it has been determined that this
7 matter can be addressed through a modification to the
8 aquatic effects monitoring plan should the site go into
9 care and maintenance. So we will defer to updating the
10 aquatic effects monitoring plan for care and
11 maintenance until -- if and when that -- this situation
12 were to occur.

13 Doris Creek is the outlet of Doris Lake and
14 predicted -- oh, I will not read these notes. Okay.
15 Okay. For this recommendation R31, initially the
16 Department had maintained that the licensee should have
17 a hydrometric monitoring station on the creek to
18 monitor flow rates, but following discussions and
19 recognition of the Department's participation in the
20 Nunavut Impact Review Board process, we are satisfied
21 with the licensee's development of a model to predict
22 flow rates in Doris Creek, and it is unnecessary to --
23 for them to maintain and have a hydrometric monitoring
24 station on that creek, so this issue is resolved.

25 The next comment, Recommendation R35, is --
26 regards the sampling frequency for discharge from

1 surface sumps on the mine area, and those are from the
2 landfill, land-farm, fuel storage areas, reagent and
3 cyanide storage facilities, and the sedimentation pond.
4 The Department requested evidence that the water
5 quality remains within these sumps -- will remain
6 constant during discharge before agreeing to the
7 licensee's request to reduce the sampling frequencies.
8 Test results have been provided, and we are satisfied
9 that these holding areas have been well understood so
10 the sampling frequency can be reduced, and my
11 understanding is it's once annually.

12 But it should be noted that all those sumps will
13 report to the Tailings Impoundment Area so they are
14 going to a waste management facility which will be
15 monitored, so it's not being released into the
16 surrounding environment.

17 Okay. Reporting. This slide does not relate
18 directly to recommendations that were numbered on the
19 tables. The Department would like to reiterate its --
20 well, its recommendation that as monitoring --
21 monitoring of certain stations has been moved to
22 various management plans, the licensee should keep and
23 provide a single standalone document that lists
24 monitoring stations found in their management plans.
25 Through discussions with the licensee, it's understood
26 that they will maintain this document that will help us

1 be -- refer to the different monitoring activities that
2 have been moved from the licence to management plans.
3 This issue has been resolved.

4 The last theme for closure and reclamation
5 planning. In the area of closure and reclamation
6 planning, the Department is satisfied with the
7 licensee's responses to comments and questions that
8 were posed. Again, the asterisk signals that one
9 resolved issue will be discussed.

10 The licensee has proposed to modify its interim
11 closure and reclamation plan to address the
12 Department's comment regarding that ponding that may
13 occur along rock-fill pads closure. This -- the
14 ponding of water onsite at closure would be a problem
15 because it could lead to permafrost melting. The
16 Department is satisfied with the licensee's proposal or
17 commitment to update their interim closure and
18 reclamation plan to include measures that will prevent
19 ponding. It's noted that this plan has not been
20 updated, but I understand that it will be once security
21 has been resolved because the plan addresses security.

22 This next slide on security for the reclamation
23 cost estimate. Right now, as Karen has mentioned, the
24 Department holds \$13,090,000 in reclamation security.
25 As part of this amendment, the security requirements of
26 the licence are being re-evaluated, and the

1 Department's reclamation cost estimate is now
2 \$31,930,024.

3 I will now hand it over to Karen Costello to speak
4 further to security.

5 MS. COSTELLO: Thank you very much, David.

6 Mr. Chair, Karen Costello for Indigenous and Northern
7 Affairs Canada. As I mentioned earlier, this
8 presentation was developed based on some estimates that
9 we had in place a short time ago. The numbers have
10 been updated, and we have provided an updated -- some
11 updated information this morning. The total cost --
12 reclamation cost estimate is no longer the 36.8 million
13 that you see in this slide. It is \$31,939,024. The
14 direct cost that -- from based on INAC's estimate are
15 17 million, 6 hundred and 98 dollars -- 6 -- 698
16 thousand 944 dollars. The indirect cost, based on a
17 refinement of assumptions, have changed to \$14,786,391.
18 I'd like to take a few moment (sic) to speak to where
19 the refinements led to reductions.

20 We have looked at the mobe and demobe costs that
21 were prepared in -- by our consultant. We've
22 considered some -- the information presented, and
23 we're -- we have refined our mobe and demobe costs to
24 reflect that which was presented in TMAC's estimate.
25 The fuel costs, we have moved away from the default and
26 used costs that are more appropriate to the site.

1 A significant reduction, we looked at the
2 contractor support. Our estimate of person days
3 required to implement the reclamation plan TMAC had
4 estimated around 4,730 person days. Indigenous and
5 Northern Affairs estimate, as prepared by Amec, came up
6 to around 5,500 person days. Because of how we run
7 programs, there will be some additional support
8 personnel, and we have added approximately 2,400 person
9 days to that 5,500 number. So our previous estimate
10 had been presented for a global person days of 13,395,
11 has now been refined to 7,926. So that is -- that is
12 where we stand right now.

13 I'd like to take a few moments to talk a little
14 bit about reclamation security and our efforts to work
15 in this area. The Department has been engaged with
16 TMAC on discussions for some time. As TMAC mentioned
17 yesterday, the engagements range from telephone
18 conversations to teleconferences between our
19 consultants, and these discussions have been
20 constructed and have resulted in refinement of not only
21 INAC's estimate but in TMAC's because their initial
22 estimate has also changed. It has increased, and ours
23 has been decreased from the estimate that was discussed
24 at the technical meeting in January.

25 The Department made a submission to the Board on
26 September 12th that included an estimate generated by

1 Amec Foster Wheeler, consultants retained by the
2 Department to support our intervention in this process.
3 And this version of the Doris North Mine site reclaim
4 cost estimate was informed by information presented in
5 the amendment applications, as well as the outcome of
6 bilateral discussions. It considered the current
7 version of reclaim, the mine site reclamation policy
8 for Nunavut, and the mine site reclamation guidelines
9 for NWT.

10 When one examines the direct cost, the differences
11 are not that significant. It's about a difference of
12 5 percent. The -- it's in the indirect costs and
13 contingency that you see some differences. Should
14 someone other than the applicant have to reclaim a
15 site, there will be some costs, and that is required --
16 we need to consider this. This is consistent with our
17 mind site reclamation policy. Our policy says that
18 estimates of reclamation costs for the purposes of
19 financial security should be based on the cost of
20 having the necessary reclamation work done by a
21 third-party contractor if the operator defaults, and
22 the estimate should also include contingency factors
23 appropriate to the particular work being undertaken.

24 In the estimate of the direct cost, costs have
25 apportioned at 52.6 percent for water and 47.4 percent
26 for land. The Department does acknowledge that to a

1 certain extent any apportionment between land and water
2 is really subject to interpretation. We also
3 acknowledged that the Board favours a holistic
4 approach, and, really, that makes sense from a
5 practical standpoint. When you go into reclaim, you're
6 not reclaiming the land, you're reclaiming the water,
7 you're reclaiming the impacts of the activity.

8 Based on that, if we look at a global amount of
9 \$31,930,024, 52.6 percent equates to \$16,795,193. The
10 current holdings by the Minister under the water
11 licence are 13,090,000. So in order to reach that 52.6
12 percent, it would be an increase of \$3,705,193. But
13 there is a risk that the Department could be
14 undersecured. As you have heard from TMAC and the
15 Kitikmeot Inuit Association yesterday, there is an
16 interest in having discussions on a proposed approach
17 for the management of reclamation security for the
18 Doris project, but first we have to get agreement on
19 what is an appropriate reclamation cost estimate for
20 the undertaking as described in the amendment.

21 And just as a reminder, reclamation security is
22 financial assurance to guarantee the reclamation of any
23 adverse effects of a mine to people, property, and the
24 environment if ever there is a default of reclamation
25 obligations for any reason, including insolvency. You
26 may have heard from time to time the term

1 "overbonding". Overbonding occurs when the combined
2 reclamation security required from a mining company to
3 be provided to the Minister through the water licence
4 and to an Inuit landowner in a land lease exceeds the
5 total global reclamation cost estimate for a project.
6 And for that reason, the Department is interested in a
7 co-management and a co-sharing of security with the
8 landowner. We call this a security management
9 agreement because it is oriented towards joint
10 reclamation and joint -- and co-funding approach. It
11 would allow both the Inuit Association and the Crown to
12 collaborate on reclamation; to jointly fund, based on
13 their reclamation security holdings, any needed
14 reclamation while not fettering the Minister's
15 discretion under the water licence.

16 To be clear, the Minister's authority over any
17 reclamation security amount held under a water licence
18 cannot be fettered, and therefore any agreement where
19 her independent-decision making is constrained by the
20 agreement is not possible.

21 The key feature of the approach that the
22 Department favours through a security management
23 agreement is sharing the global security amount,
24 50 percent with the Minister under the water licence
25 and 50 percent with the private landowner under their
26 authorization. And, really, as I've said earlier, the

1 Department does acknowledge that parties have struggled
2 in the past with apportioning security, splitting it
3 land and water.

4 The premise of such a management agreement that we
5 would want to have in place is shared accountability
6 through sharing of financial resources. We do
7 recognize that the Board has taken a discounting
8 approach. In order for the total reclamation security
9 amount that hopefully we can agree on to be discounted
10 in a water licence, the Department is saying that
11 evidence must be presented that clearly shows that the
12 reclamation security instrument held by the private
13 landowner, in this case, the Kitikmeot Inuit
14 Association, is considered equal to the form that would
15 be held by the Minister.

16 So we just want to make sure that if the Kitikmeot
17 Inuit Association is holding security for reclamation
18 purposes related to the current plan, that it is for
19 that purpose, and we have heard that the Kitikmeot
20 Inuit Association currently holds approximately
21 11-and-a-half-million in some form. We have not seen
22 the lease, and right now I'm not expecting them to file
23 it. Ideally, for the Crown to be satisfied, I would
24 ask that our counsel be able -- if possible, be able to
25 review it and to give advice to us on that.

26 But the bottom line, without a security management

1 agreement, right now, we're looking at that 52 percent
2 of the reclamation cost estimate to be held under the
3 water licence. And, really, that's not the way we want
4 to go. We really want to get there, to some sort of
5 agreement with the Kitikmeot Inuit Association, and
6 that will -- if it's going to happen, it's not going to
7 be -- happen before this record -- this hearing is over
8 and the record is closed.

9 But we have been able to address that. We have,
10 on another file, about -- not that long ago we dealt
11 with a situation where the Board determined security.
12 They discounted, based on evidence, a certain amount
13 from the security requirements under the water licence,
14 and they considered what had been presented by us and
15 others and had a condition in a licence which allowed
16 for consideration of new evidence. In this case, it
17 was by the private landowner. An administratively
18 effective process through the -- this term and
19 condition in the licence was able to be done that still
20 allowed for the Minister to have sign-off.

21 Should the Board make a determination to increase
22 the holdings as we are proposing under the water
23 licence from the 13,090,000 to the \$16,795,193, there
24 is still a risk of being undersecured unless we're sure
25 the Kitikmeot Inuit Association has the rest.

26 I'd like to move on to compliance. As I've

1 mentioned earlier, our work does not end once the
2 licence is issued. The Department conducts regular
3 inspections. These are done by the Department's water
4 resource officers who are designated as inspectors
5 under the Nunavut Waters and Nunavut Surface Rights
6 Tribunal Act and also the Arctic Waters Act. The last
7 inspection was in April of 2016. The inspection report
8 noted winter use for winter-road construction needs
9 to -- needed to be reported separately from the licence
10 water usage, and the need for seasonal backhauls of
11 hazardous waste materials.

12 This inspection report, as with all inspection
13 reports by the Department with respect to water
14 licence, are posted on the Nunavut -- are distributed
15 to the Nunavut Water Board and posted on their public
16 registry along with responses from TMAC. As is perhaps
17 somewhat normal during -- on an active industrial site,
18 there have been a few minor spill reports, but matters
19 have been addressed promptly and in accordance with the
20 various management plans. TMAC is regularly engaged
21 with our inspection staff, and there are no major
22 issues.

23 A table or errata was included in our August 3rd
24 final written submission, and it presents some
25 suggested revisions to the existing water licence.
26 These are minor drafting errors comprising of basically

1 grammar, spelling, and incorrect references, and we
2 present them to the Board for their consideration.

3 MR. ABERNETHY: David Abernethy. I'm just
4 going to go back to a slide that we skipped. This is
5 just general comments about the Tailings Impoundment
6 Area final cover design. We're not asking for this
7 right now, but it's just this is an important issue for
8 the project because the Tailings Impoundment Area will
9 require closure at some point in time, and it's just a
10 general statement that we will all have to go back and
11 review the design before construction starts, and TMAC
12 committed to this. It's in the water licence, and it's
13 a given, but this issue was raised early in the review,
14 and it's confirmed that the licensee will provide the
15 design, and it will be reviewed and approved before any
16 cover is constructed. Thank you.

17 MS. COSTELLO: I'll blame that on the
18 combination of the Tylenol and the cold medication and
19 only one cup of tea so far this morning. Thanks,
20 David. Karen Costello for Indigenous and Northern
21 Affairs Canada.

22 So in conclusion, we had 73 items, plus new ones,
23 identified in our various submissions and all have been
24 satisfied, and on that basis, our recommendation is
25 that the water licence amendment application should be
26 accepted with consideration of the Department's

1 comments. The security requirements under the water
2 licence in the 2013 renewal, the security -- the Board
3 determined that the security requirements were
4 13,090,000, and based on refinement of INAC's estimate,
5 we are saying that the total reclamation cost estimate
6 right now is \$31,930,024 pending verification that the
7 current holdings of the Kitikmeot Inuit Association
8 security holdings are equivalent in purpose, tied to
9 the reclamation plan, and in a form that would be
10 acceptable to the Minister.

11 We are recommending an increase in security.
12 Based on evidence, we would support a discounting of
13 the -- any holdings, current holdings, by the Kitikmeot
14 Inuit Association, and in the absence of an agreement,
15 our interest is in ensuring that 52.6 percent of the
16 reclamation cost estimate is held under the water
17 licence as a -- at that minimum. That would represent
18 right now an increase of \$3,705,193.

19 But as I said, we share the Board's view that a
20 land/water split is less than ideal because, really,
21 you're reclaiming an undertaking, not just one or the
22 other. And we are very much -- the Department
23 continues to be interested and we started some
24 discussions, but haven't -- we've had to put them on
25 pause until we come up with an agreed-upon estimate
26 with TMAC, but we're very much interested in continuing

1 discussions with the Kitikmeot Inuit Association own
2 co-managing reclamation security. Thank you.

3 THE CHAIR: I guess you're done with your
4 presentation. We're ready for our break. Till what
5 time?

6 MS. MEADOWS: Do you want to do questions
7 first?

8 THE CHAIR: The questions first. Okay.

9 I shall go to the questioning by the applicant to
10 INAC.

11 Comments by TMAC Resources Incorporated

12 MR. ROBERTS: Thank you, Mr. Chairman. John
13 Roberts, TMAC Resources. We would defer questions on
14 reclamation security until after the break, and we have
15 no questions on other aspects experts of the INAC
16 presentation.

17 I do have one comment to make. With respect to
18 the matter of the compliance record and the backhaul of
19 hazardous waste from the site, TMAC has not backhauled
20 hazardous waste from the site since taking over the
21 site. As we were in care and maintenance and such, we
22 were preoccupied with organizing the care and
23 maintenance and the redevelopment of the site as has
24 proceeded at a pace during that time; however, over the
25 last month or two, we've been looking closely at
26 revising -- or reinitiating hazardous waste backhaul

1 from the site. We've received bids, and we would
2 anticipate that we would be hauling waste back from the
3 site possibly within the next few weeks. So we will
4 certainly get something done this years, just to make
5 note that we're paying attention to the inspector.
6 Thank you very much.

7 THE CHAIR: Thank you. Next we have
8 Kitikmeot Inuit Association.

9 MR. ROESCH: This is John Roesch for the
10 Kitikmeot Inuit Association. We will wait until after
11 the break to make comments.

12 THE CHAIR: Environment Canada Climate
13 Change (sic).

14 MS. DAHL: Mark Dahl for Environment and
15 Climate Change Canada, no questions or comments.

16 THE CHAIR: Thank you. Questions to the
17 INAC from the general public? General public? No.
18 Staff?

19 Nunavut Water Board Staff Questions Indigenous and
20 Northern Affairs Canada

21 MS. AUTUT: Thank you, Mr. Chair.
22 Stephanie Autut, Nunavut Water Board.

23 So, Karen, yesterday we heard from the Kitikmeot
24 Inuit Association, sort of a real-life example of how
25 impacts on the land had not been addressed through the
26 reclamation resources. Would the security agreement

1 that you're speaking of address the concerns of the
2 Kitikmeot Inuit Association with respect to potential
3 reclamation of impacts on the land?

4 MS. COSTELLO: Thank you very much,
5 Mr. Chair, for that question.

6 I can speak to security management agreements that
7 we have in place. There is a mechanism where
8 remediation of impacts from an activity would be
9 addressed, so, yes, there would be a way to address
10 that. One of the things is that with a security
11 management agreement, it's not just having the
12 agreement; it's having an implementation plan, and with
13 our -- with out existing security management
14 agreements, we -- we are working on implementation.
15 There's been very good discussions.

16 So such events that do require clean-up or that do
17 require attention by both parties, there would -- there
18 would be a forum -- there would be a way that those
19 types of things could be -- could be addressed. I hope
20 that answers the question to the Chair's satisfaction.
21 Thank you.

22 MS. AUTUT: Okay. Thanks for that.

23 Mr. Chair, we have no further questions. Oh,
24 Dave's changed his mind.

25 THE CHAIR: Go ahead, Dave.

26 MS. AREDES: Sonia Aredes, Nunavut Water

1 Board. David, you were talking about a single
2 standalone document that maintains all the station that
3 are already under the management plan that you
4 already -- with the -- can you explain a bit more about
5 that?

6 MR. ABERNETHY: Yes. David Abernethy. Hello,
7 Mr. Chair.

8 The recommendation is because Schedule J, I
9 understand, will be modified substantially because
10 monitoring requirements under the licence will be moved
11 out into management plans which are approved under the
12 licence. Our interest is that the monitoring occurs,
13 but without having every -- not everything, but, like,
14 what we have in the licence allows for a single point
15 of reference to look to where -- what the monitoring
16 requirements are.

17 So with this, the recommendation that the licensee
18 provide a standalone document, will be a reference
19 document for reviewers and regulators to just easily
20 find where the monitoring requirements are in the
21 management plans. It's -- it's to facilitate reviews
22 of the project and also for the general public to know
23 what monitoring is occurring. Because there are
24 several plans, and this will facilitate everyone's
25 review. It could be -- yeah, it would be simply an
26 index document.

1 MS. AREDES: Thank you.

2 Thank you. Thank you, Mr. Chair.

3 THE CHAIR: Thank you.

4 Teresa?

5 MS. MEADOWS: Thank you, Mr. Chair.

6 Teresa Meadows, legal counsel for the Nunavut Water
7 Board. Oh, my apologies.

8 MR. ROBERTS: John Roberts, TMAC Resources.

9 We've discussed this index document with INAC in the
10 past, and we're happy to provide this document and to
11 have it placed on the -- on the FTP site on the -- on
12 the public record, but it's a rather trivial matter.
13 We don't think it requires a condition in the licence.
14 We'll provide it by Friday.

15 THE CHAIR: Teresa?

16 MS. MEADOWS: Thank you, Mr. Chair. Teresa
17 Meadows, legal counsel for the Nunavut Water Board.
18 This question to Indigenous and Northern Affairs Canada
19 is really coming out of a submission from Environment
20 and Climate Change Canada yesterday where it was noted
21 that -- their recommendation that some of the
22 information that is being pushed into management plans
23 now is probably better put from the monitoring
24 perspective into Schedule J on the assumption that the
25 schedules that form part of the licence would not -- an
26 amendment to those schedules would not be an amendment

1 to the licence itself, and I was hoping that perhaps
2 INAC can provide us with their position with respect to
3 that because the licence -- my recollection, in 2013
4 when this licence was being amended and renewed -- was
5 that Indigenous and Northern Affairs' position was that
6 they preferred not to have that wording in the
7 schedule, that an amendment to the schedule is not an
8 amendment to the licence. So I'm just wondering if
9 their position has perhaps changed over time or whether
10 it has not.

11 MS. COSTELLO: Mr. Chair, again, Tylenol,
12 head cold and all that. So just to confirm, the
13 representation last time -- oh, Karen Costello for
14 Indigenous and Northern Affairs Canada. My apologies,
15 Mr. Chair.

16 So the recommendation last time was that these
17 changes were not to be in Schedule J, and they would
18 not constitute an amendment to the licence?

19 MS. MEADOWS: Mr. Chair, Teresa Meadows,
20 legal counsel for the Nunavut Water Board. My
21 apologies for not making it exactly clear. The general
22 position that Indigenous and Northern Affairs Canada
23 had taken, both in submissions and also in the
24 Minister's response to previous licences, was that any
25 amendment, any change to the licence, including in the
26 schedules, would be taken as an amendment to the

1 licence. That was the position that the Department
2 expressed regardless of what that chance may be.

3 The Board had begun to issue licences -- so I
4 believe Mary River was the first one -- where an
5 amendment to the schedule was determined by the Board
6 to be not necessarily an amendment to the licence
7 unless it was substantive. And so there were options
8 to change things like monitoring stations that were
9 listed in the schedule, monitoring frequency that was
10 listed in the schedule without necessarily constituting
11 an amendment to the licence, and INAC's position at
12 that time was that any change to the licence was an
13 amendment and should be dealt with as such.

14 We heard yesterday that Environment and Climate
15 Change Canada had suggested that perhaps this licence
16 should be amended to include a reference that a change
17 to the schedule is not necessarily an amendment to the
18 licence, to be treated as an amendment to the licence.
19 I just wanted to get perhaps INAC's position with
20 respect to that.

21 THE CHAIR: INAC?

22 MS. COSTELLO: Thank you, Mr. Chair. Been a
23 part of some of those discussions with regard to
24 changes to schedules, and, yes, the Ministerial
25 responses have touched on this. The principal areas
26 where the Department has been concerned have been

1 related to reclamation security. With the Chair's
2 permission, I would just like to do a quick check over
3 the break and just get back because I'm not aware of a
4 change, but this -- this interest in that, in ensuring
5 that any change to -- including schedules was a change
6 to a licence, was really being driven by the issue on
7 security.

8 So I just would like to confirm some of the record
9 and some of the items that we were considering and just
10 verify and report back to you after the break.

11 Thank you, Mr. Chair.

12 THE CHAIR: Any more?

13 Questions to INAC from the Board members? No.

14 Okay.

15 I guess we will see everyone back here at 1:30
16 this afternoon.

17 (LUNCHEON ADJOURNMENT AT 10:47 AM)

18 (PROCEEDINGS RECOMMENCED AT 1:34 PM)

19 THE CHAIR: Good afternoon. I'm told that
20 we'll be ready to go in another five minutes, so we'll
21 see in you five minutes.

22 (ADJOURNMENT)

23 THE CHAIR: That is a long five minutes if
24 you ask me. I guess we'll go right to -- right to
25 this. Number 1, the first question from INAC to follow
26 up to Teresa's question this morning.

1 Indigenous and Northern Affairs Canada Responds to
2 Deferred Questions

3 MS. COSTELLO: Thank you, Mr. Chair. Karen
4 Costello for Indigenous and Northern Affairs Canada.

5 As counsel for the Board has pointed out, the
6 Minister has expressed, in recent communication on
7 letters, the Department's position that schedules --
8 changes to schedules do require an amendment. That has
9 not changed, but we do recognize that there is a need
10 for flexibility on such things. And since -- I believe
11 something might be forthcoming with regard to a little
12 bit more time to talk about -- to respond to the
13 black-line version and the proposed changes for
14 Schedule J. So we might -- should that come forward,
15 we could expand a little bit on that, on our interest
16 in kind of some flexibility. Thank you, Mr. Chair.

17 THE CHAIR: Thank you.

18 Does that answer your question?

19 We will now return to the parties' submissions
20 with respect to security and the black-line copy of the
21 water licence marked as Exhibit Number 22 but not yet
22 entered into the public-hearing record. The Board
23 would like the parties to provide us with your comments
24 regarding the outcome of the discussions about
25 reclamation security with quantum and allocation
26 between the amount secured under the water licence and

1 your comments on the black-line copy of the amended
2 licence.

3 The applicant?

4 Discussion (Motion)

5 MS. KOWBEL: Christine Kowbel, legal
6 counsel for TMAC. I think that -- that the -- all the
7 parties made good use of the break, and there was good
8 discussions in that break. And one of the outcomes of
9 those discussions was that there was some agreement
10 that a motion should be made to the Board to permit
11 Environment Canada, Indigenous and Northern Affairs
12 Canada, and the Kitikmeot Inuit Association until next
13 Wednesday to provide further written comments to the
14 Board on the black-line water licence and then also
15 leave for TMAC to file a response to those written
16 comments on the black-line water licence by next
17 Friday. We would hope that that would be helpful to
18 the Board in its decision-making should -- when they
19 are considering what changes might be made to the
20 licence.

21 MS. MEADOWS: Thank you, Mr. Chair. Teresa
22 Meadows, legal counsel to the Nunavut Water Board.

23 So, Ms. Kowbel, my understanding then is that is
24 this a joint motion of all the parties to keep the
25 public-hearing record open for the purposes that you've
26 stated of supplying additional information?

1 MS. CARROLL: Tracy Carroll, legal counsel
2 for the Government of Canada. Yes, we would view this
3 as a joint motion. We support that extension.

4 MS. MEADOWS: Mr. Donihee?

5 MR. DONIHEE: John Donihee. I'm counsel for
6 Kitikmeot Inuit Association, and we too would benefit
7 from a little bit of extra time to review this
8 document, Mr. Chairman, so we're certainly in support
9 of that motion.

10 MS. MEADOWS: Teresa Meadows, legal counsel
11 to the Nunavut Water Board. So it's my understanding
12 then that this -- the exhibit would be marked -- now
13 marked as Exhibit Number 22 would be entered as
14 Exhibit 22 in its current form, and that the parties
15 would be given an opportunity by way of this motion to
16 provide their comments to the draft licence on
17 Wednesday, file those with the Board on Wednesday,
18 September 21st. And then there would be a followup
19 opportunity for TMAC as of Friday, September 23rd to
20 provide their reply to those further submissions; is
21 that correct?

22 MS. KOWBEL: Christine Kowbel, legal
23 counsel for TMAC. Yes, that is correct.

24 MS. MEADOWS: And with respect to the
25 quantum-of-security discussions, are -- are -- is it
26 going to be again a submission by Indigenous and

1 Northern Affairs Canada and TMAC or a single
2 submission? I'm essentially trying to figure out how
3 the number is going to come before the Board.

4 Submissions by TMAC Resources Incorporated (Motion)

5 MS. KOWBEL: Christine Kowbel, legal
6 counsel for TMAC. I'll leave -- I'll let TMAC and INAC
7 talk -- speak to issues respecting quantum, but I did
8 also want to make one further notion before I turn --
9 turn that over to John Roberts and Karen Costello.

10 TMAC would also like to make a second motion on
11 the issue of -- of the split, I guess, the overbonding
12 issue. We -- again, we considered the submissions this
13 morning from INAC on those points. They have come
14 quite late in the morning, and so TMAC would like to
15 take the opportunity to provide the Board with a
16 written submission on that narrow issue, again, due
17 next Wednesday, on the issue of -- of who may -- of
18 discounting and who should be holding the portions of
19 the global security amount once set by the Board.

20 Thank you.

21 MS. MEADOWS: Thank you, Mr. Chair. Teresa
22 Meadows, legal counsel for the Nunavut Water Board.
23 I'm assuming that the parties may also, given that the
24 allegation of security is definitely a live issue for
25 INAC and also for the KIA -- that they may also want an
26 opportunity to revisit their submissions on that point

1 and provide the Board with their direction as well.
2 But I'm not sure that that timeline is going to be
3 appropriate for them, so if I can have INAC and also if
4 I can have KIA's comments on that point, please.
5 Submissions by Indigenous and Northern Affairs Canada
6 (Motion)

7 MS. CARROLL: Tracy Carroll, legal counsel
8 for the Government of Canada. Yes, INAC would also
9 like the opportunity to provide some written comments
10 by next Wednesday on -- one -- yes, we would like to
11 submit -- INAC would like to submit written comments by
12 next Wednesday on those issues as well.

13 Submissions by the Kitikmeot Inuit Association (Motion)

14 MR. DONIHEE: Mr. Chairman, John Donihee for
15 the Kitikmeot Inuit Association. Since we're going to
16 see positions from both TMAC and INAC on Wednesday,
17 given the arrangements made, I guess, with respect to,
18 you know, the black-line, KIA's asking until Friday.
19 We need to see what the other two parties have said,
20 and we're -- at the moment, we're a little --

21 Mr. Roesch and I are a little uncertain of our
22 principles' availability, so Friday, Friday at the
23 least, would be of assistance to us. Thank you, Sir.

24 THE CHAIR: Teresa?

25 MS. MEADOWS: Thank you, Mr. Chair.

26 Teresa Meadows, legal counsel for the Nunavut Water

1 Board. I'm going to need a calendar to keep track of
2 these commitments, but so correct me if I'm wrong, and
3 I will solicit the response of all the parties to this.

4 But for those of us who have a score card and are
5 keeping track, on Wednesday, September 21st, the
6 submissions that the Board is expecting are at this
7 reply submissions to the black-lined copy of the
8 licence from INAC, Environment and Climate Change
9 Canada, and the KIA.

10 We are also expecting a submission from INAC and
11 TMAC with respect to the allocation of security, and we
12 are expecting on Friday, September the 23rd, a reply
13 submission from TMAC with respect to the black-line
14 comments received by the Board from the parties, and
15 reply submission from the Kitikmeot Inuit Association
16 with respect to the allocation-of-the-security
17 submissions received by the parties.

18 Ms. Kowbel, any comments or corrections on that
19 suggested schedule?

20 MS. KOWBEL: Christine Kowbel, legal
21 counsel for TMAC. I'll just ask for just a moment to
22 confer with the client.

23 Christine Kowbel, legal counsel for TMAC. Yes,
24 that -- that sounds -- we're in agreement with those
25 arrangements.

26 MS. CARROLL: Tracy Carroll, legal counsel

1 for the Government of Canada. We're in agreement as
2 well.

3 MR. DONIHEE: John Donihee, I'm counsel for
4 KIA, and those arrangements are acceptable.

5 THE CHAIR: We will adjourn for
6 approximately five, ten, minutes on these two motions.
7 (ADJOURNMENT)

8 Ruling (Motion)

9 THE CHAIR: Welcome back. The Board has
10 determined that it is reasonable to grant these two
11 motions, and so the hearing record will remain open
12 for the purposes and in accordance with the schedule
13 Teresa just laid out. We will follow up with
14 correspondence within the week. And we'll go back to
15 the security commissions that were discussed earlier.

16 MS. KOWBEL: Thank you, Mr. Chair.
17 Christine Kowbel, legal counsel for TMAC. I think TMAC
18 would like to request INAC to speak to that issue
19 first.

20 Submissions by Indigenous and Northern Affairs Canada

21 MS. COSTELLO: Thank you, Mr. Chair. There
22 have been -- we took advantage of the break. We had --
23 Karen Costello for Indigenous and Northern Affairs
24 Canada. My apologies, Mr. Chair.

25 We took advantage of the break to engage with TMAC
26 further. Based on the reclamation estimate that

1 Indigenous and Northern Affairs presented this morning
2 as part of its technical presentation, our estimate has
3 been modified from the \$31,756,060 to \$30,721,116.
4 This is a number that we worked with TMAC on, and it is
5 a number that represents an increase from TMAC's
6 estimate of approximately 29.1 million, and TMAC is in
7 agreement with this number.

8 And I would -- I don't have a table yet to put
9 together, but we can -- since we now have an
10 opportunity to speak to apportionment, we can provide
11 the detailed table in that submission. But at this
12 time, I'd like to invite TMAC to speak to the changes
13 that resulted in them agreeing with the 30.7 million
14 estimate now.

15 THE CHAIR: Just before we go into closing
16 remarks, for clarification, would the parties be
17 interested in five-, ten-minute break before we get
18 into closing remarks, or would you like to keep on
19 going?

20 TMAC?

21 MR. ROBERTS: Thank you, Mr. Chairman. John
22 Roberts, TMAC Resources. We will certainly accept your
23 offer of a ten-minute break. But if I may, to follow
24 up on Ms. Costello's comments regarding the -- our
25 agreement, I just thought I'd give a little more
26 texture to that, if that's -- if that's satisfactory?

1 THE CHAIR: Go ahead.

2 Submissions by TMAC Resources Incorporated

3 MR. ROBERTS: Thank you. All I can tell is
4 that while we are very confident in our estimate, we
5 worked with the -- with INAC and found areas where we
6 could adjust certain factors and amounts in the -- in
7 our estimate allowing us to move to a mutually
8 acceptable number. These adjustments represent
9 acceptances of various aspects of INAC's estimate in
10 the first place, and therefore we've really come to an
11 agreement on a fair number of elements.

12 On the matter of surface and groundwater
13 management, we have adjusted the number of pieces of
14 equipment to carry out the management of the water and
15 maintained our own maintenance and -- and mobilization
16 amounts, but that was very helpful in reaching our
17 goal.

18 In addition, in terms of interim care and
19 maintenance, we have added personnel in line with the
20 thoughts of INAC that, again, adjusts numbers of
21 personnel on the site and therefore additional costs.
22 We've also added bonding, an assurance amount of
23 1 percent agreeing with the amounts proposed by INAC.
24 And there were one or two other small items but hardly
25 worth speaking of.

26 But just to point out that we -- we have, with the

1 same sort of rigour and logic that we followed in our
2 own estimate, accepted some of the comments of INAC and
3 reached a mutually acceptable number of \$30,721,116.

4 Thank you.

5 THE CHAIR: Thank you. Do you want to
6 take a ten-minute break before we go into closing
7 remarks?

8 (ADJOURNMENT)

9 THE CHAIR: Welcome back. We will now
10 turn to the closing remarks of the parties. First we
11 will start with Kitikmeot Inuit Association,
12 Environment and Climate Change Canada, Indigenous and
13 Northern Affairs Canada, and finally the applicant,
14 TMAC.

15 So we'll go back to the top and start with
16 Kitikmeot Inuit Association to do their closing remarks
17 and whenever you're ready.

18 Closing Remarks by the Kitikmeot Inuit Association

19 MR. ROESCH: This is John Roesch for the
20 Kitikmeot Inuit Association. We wish to thank the
21 Board for our participation here today and for TMAC for
22 their collaboration with us. We will make a couple of
23 comments, one by me and the other by John Donihee, our
24 solicitor.

25 First comment is on the quantum amount reached by
26 TMAC and INAC. We think the amount of 30.7 million is

1 satisfactory, and we support it. And we are open to
2 discussing the split between land and water with INAC.
3 This is dependent on the availability of our director
4 of lands and environment, as well as our engineering
5 consultants, and to set up a conference call with INAC
6 on this matter.

7 So I'll let John Donihee comment on any further
8 comments we have on proposed changes to the licensing,
9 the water licence that TMAC has proposed.

10 MR. DONIHEE: Thank you, Mr. Chairman. John
11 Donihee, counsel for Kitikmeot Inuit Association. I
12 have relatively little to say, sir. The arrangements
13 made to allow KIA to make comment on the black-line
14 licence are acceptable. We -- the timelines are fine.
15 We will have our submissions into the Board as required
16 by the 21st of September. And I don't have more to say
17 than that. Other than to express KIA's appreciation to
18 the Board for the opportunity to contribute to this
19 proceeding. Thank you.

20 THE CHAIR: Thank you. Next we have
21 Environment and Climate Change.
22 Closing Remarks by Environment and Climate Change
23 Canada

24 MS. DAHL: Thank you, Mr. Chair. Mark
25 Dahl for Environment and Climate Change. Minor -- the
26 comment -- the only comment that we would make beyond

1 our appreciation, which I'll do in a moment, is to say
2 that we will also be delivering those documents, the --
3 our comments as Teresa's -- on Teresa's schedule.

4 As far as other comments, we really do appreciate
5 TMAC's -- the collaborative approach that we've been
6 enjoying throughout this process, and we found that we
7 can reach decisions and conclusions in a really timely
8 way that way. It's much easier than through email and
9 documents.

10 We would also like to thank them for arranging and
11 facilitating a site visit. The site visit was
12 excellent, and it gave us the context, and it will help
13 us with Phase 2 for sure. And, finally, I'd like to
14 thank the Board and the community for their
15 hospitality. We really appreciate it, and I look
16 forward to my next visit. Thank you.

17 THE CHAIR: Thank you. Next we have
18 Indigenous and Northern Affairs.
19 Closing Remarks by Indigenous and Northern Affairs
20 Canada

21 MS. COSTELLO: Thank you, Mr. Chair. I feel
22 like I just left this table. I really -- my thanks go
23 out to -- it's Karen Costello with Indigenous and
24 Northern Affairs Canada. Really -- my thanks go out to
25 the Water Board for facilitating this amendment
26 application process. The Department has been involved

1 in it right from Day 1, as one -- as we normally do.
2 We have worked extensively with TMAC both within Board
3 process and a lot of engagement outside of the process.
4 The net result is that we now have agreement on all of
5 the issues we have brought forward. We're satisfied
6 with the responses and the commitments made by TMAC.

7 And as you noticed, discussions on reclamation
8 cost estimates have been very fluid. A lot of effort
9 in -- goes -- it is something that is -- is important
10 to not only Indigenous and Northern Affairs Canada, but
11 it's also important for the public to have confidence
12 in the resource development sector. It is worth the
13 effort to have the discussions. We have now reached
14 agreement on a number, thankfully, and as John from the
15 Kitikmeot Inuit Association has expressed, they're now
16 open to a discussion, and we will continue, make
17 ourselves available for those discussions now that
18 we've all -- the parties have reached agreement on a
19 reclamation cost estimate, and we're happy to commit to
20 providing some submissions as per the timelines we've
21 discussed.

22 Working on a file, especially when you deal -- you
23 do get into the weeds -- because that's what a water
24 licence is; it is the operational licence for an
25 activity. It requires a lot of work. We've worked
26 extensively with TMAC and their consultants. We've

1 been engaged with the Board staff. We've had
2 conversations with our colleagues at Environment
3 Canada -- Environment and Climate Change Canada. A lot
4 of work, and it would be remiss of me not to
5 acknowledge the efforts of our team, David, Sarah,
6 Amjad and Amec. The last few days we've come a long
7 way, and I'm happy where we have arrived so far.

8 Cambridge Bay is always a great place for us to
9 visit. My third visit in five months. The community
10 graciously gives up this wonderful community hall and
11 provides great catering. As always, the Board's
12 support team, whether it's Ida at the front, the
13 interpreters, the court reporters, the sound
14 technician, Ryan, they make everything move so well, so
15 thanks to them.

16 There are some, as you say -- we'll make some
17 comments on the matter of the overbonding by next week,
18 and I'm hoping that the path forward for this file
19 is -- is -- still reflects the significant amount of
20 cooperation and collaboration that has been evident
21 throughout this process, and we really do look forward
22 to continuing to work with TMAC and the Kitikmeot Inuit
23 Association on this file. We appreciate the patience
24 and attention of the panel, and thank you very much for
25 everything. Matna.

26 THE CHAIR: Thank you. Next we have the

1 applicant, TMAC.

2 MS. KOWBEL: Christine Kowbel, legal
3 counsel for TMAC. Mr. Chair, I'd like to interrupt the
4 flow a little bit and just file a few remaining
5 exhibits in these proceedings with your leave.

6 Thank you, Mr. Chair. So the first exhibit we'd
7 like to file is an updated version of John Brodie's
8 resume. I filed an earlier version yesterday, and
9 we've been able to get a more current version since
10 then.

11 MS. MEADOWS: Thank you, Mr. Chair. Teresa
12 Meadows, legal counsel for the Nunavut Water Board.

13 Thank you, Ms. Kowbel. So that is an updated
14 version of the resume that was already -- that the
15 parties already accepted could be filed as exhibit, and
16 so we will be filing that as the next exhibit in this
17 public hearing. And I understand that you have several
18 of the deferred items that were referred to yesterday
19 that TMAC would be providing, so maybe if I can get you
20 to take me through what those are as well. Thank you,
21 Mr. Chair.

22 EXHIBIT 30 - Hard Copy Resume of John Brodie
23 (Formerly marked Exhibit 10 filed on
24 September 13, 2016) (English)

25 THE CHAIR: Go ahead.

26 MS. KOWBEL: Thank you, Mr. Chair.

1 Christine Kowbel, legal counsel for TMAC. So, yes,
2 these were -- these were some of the items that were
3 noted by INAC during their presentation as commitments
4 that TMAC had made, and that was one of the reasons
5 that these issue were resolved. And TMAC was actually
6 able to work very hard during these hearings and has
7 actually produced those updates that they committed to.
8 There were some on the Board's list and then some
9 additional ones that we had committed to that we
10 weren't sure we'd be able to get through, but we have
11 got those documents in hand now.

12 So the first of those is an addendum to the Doris
13 North Mine interim closure and reclamation plan, and
14 that's dated September 2016.

15 MS. MEADOWS: Thank you, Mr. Chair. Teresa
16 Meadows, legal counsel for the Nunavut Water Board.

17 So, Ms. Kowbel, I have marked that and will be
18 entering that as the next exhibit, which is Exhibit
19 Number 31 for any of you keeping track.

20 EXHIBIT 31 - Hard Copy Addendum of Doris
21 North Mine Interim Closure and Reclamation
22 Plan (English)

23 THE CHAIR: TMAC?

24 MS. KOWBEL: Thank you, Mr. Chair. The
25 second addendum is the Hope Bay Project, Doris North
26 Tailings Impoundment Area operations, maintenance, and

1 surveillance manual addendum dated September 2016.

2 MS. MEADOWS: Thank you, Mr. Chair. Teresa
3 Meadows, legal counsel for the Nunavut Water Board.

4 Thank you, Ms. Kowbel. So let the record show
5 that I will be marking that as the next exhibit in this
6 hearing.

7 EXHIBIT 32 - Hard Copy Addendum, Hope Bay
8 Project Doris Tailings Impoundment Area
9 Operations, Maintenance, and Surveillance
10 Manual (English)

11 MS. KOWBEL: Thank you, Mr. Chair.
12 Christine Kowbel, legal counsel for TMAC. The third
13 addendum is the water management plan addendum dated
14 September 2016.

15 MS. MEADOWS: Thank you, Mr. Chair. Teresa
16 Meadows, legal counsel for the Nunavut Water Board. So
17 I have that before me, and I will be marking the hard
18 copy as the next exhibit.

19 EXHIBIT 33 - Hard Copy Addendum Water
20 Management Plan, Hope Bay Project, Nunavut
21 (English)

22 MS. KOWBEL: Thank you, Mr. Chair. The
23 next addendum is the waste rock and ore management plan
24 addendum dated September 2016.

25 MS. MEADOWS: Thank you, Mr. Chair. Teresa
26 Meadows, legal counsel for the Nunavut Water Board. So

1 I'll be marking that as the next exhibit in this public
2 hearing.

3 EXHIBIT 34 - Hard Copy Addendum Waste Rock
4 and Ore Management Plan, Hope Bay Project,
5 Nunavut (English)

6 MS. KOWBEL: Thank you, Mr. Chair.
7 Christine Kowbel with TMAC. The final exhibit that I
8 propose to file is the Hope Bay project Doris North
9 effects monitoring plan dated September 2016.

10 MS. MEADOWS: Thank you, Mr. Chair. Teresa
11 Meadows, legal counsel for the Nunavut Water Board. So
12 let the record show that that will be marked as the
13 final exhibit in the public hearing to date, and while
14 I have everyone's attention with respect to exhibits, I
15 also want to confirm that I have conferred with the
16 parties and their legal counsel and have confirmed that
17 the two exhibits that were marked but were not yet
18 entered as exhibits have now been confirmed that they
19 can be entered as exhibits in this public hearing, and
20 so that would be Exhibit Number 22, which is the
21 black-line copy of the licence, and I believe Exhibit
22 Number 8 have been marked and now will be entered in
23 the official record as exhibits in this public hearing.
24 Thank you, Mr. Chair. I have nothing further.

25 EXHIBIT 35 - Hard Copy Addendum Hope Bay
26 Project, Doris Aquatics Effects Monitoring

1 Plan September 2016 (English)

2 Closing Remarks by TMAC Resources Incorporated

3 MR. ROBERTS: Thank you, Mr. Chairman. John
4 Roberts, TMAC Resources. I would like to start my
5 remarks by thanking the hamlet of Cambridge Bay for
6 being gracious hosts to all of us this week. It's
7 always nice to come to Cambridge Bay.

8 Thank you also to the Board and the Board staff
9 and legal counsel, to -- and to you, Mr. Chairman, for
10 running an efficient and effective and very productive
11 public hearing and application review process.

12 So we're now at the close of the hearing on the
13 amendment of the Type A water licence, which is a very
14 profound milestone for our company and for this team of
15 reviewers. This represents the final major approval
16 step that is required in order to proceed with the
17 economically sustainable mining of the Doris Mine, a
18 project which the Kitikmeot Region has been hoping for
19 since the project was first approved by NIRB in 2006
20 and what our company has been working very hard to
21 achieve since we acquired the project in 2013.

22 We recognize the tremendous amount of work that
23 has been invested by everyone in this room to get to
24 this point. And in response to Ms. Costello's
25 comments, we thank her for her comments on our
26 collaboration. We are -- we do try to be a

1 collaborative company, and we will continue our efforts
2 in that regard.

3 Formally, the various departments here are known
4 as "parties". I prefer to call us "the fellowship of
5 the amendment". The Kitikmeot Inuit Association have
6 continued to be vigorous but fair in their review of
7 this application. As we -- as we have come to know,
8 they were supported by a quality team of consultants,
9 and we appreciate their significant contribution to
10 this process. The federal reviewers, Indigenous and
11 Northern Affairs Canada, Environment and Climate Change
12 Canada, Fisheries and Oceans Canada have also been
13 professional and collaborative in their review, and we
14 appreciate each of the individual efforts by everyone
15 on their team. We think that the outcomes of our many
16 engagements on the -- this file have been helpful and
17 ultimately have resulted in a project that we are
18 confident will operate and be reclaimed in a way that
19 is protective of the -- of Nunavut lands and water.

20 Now, I personally would be remiss if I did not
21 also thank the TMAC team that sits around me here.
22 They're a tremendous group of individuals and work very
23 hard to follow TMAC's collaborative ethic and
24 extraordinarily hard to -- to keep this hearing moving
25 forward for all of us, and thank you very much to the
26 team.

1 As has been the hallmark of the regulatory and the
2 KIA review of the Doris Amendment to date, we are
3 pleased to note for the Nunavut Water Board that as a
4 group we have reached an overwhelming consensus that
5 the project should proceed and that the licence should
6 be amended. In particular, I would like to emphasize
7 that no party to these hearings -- to these proceedings
8 has suggested that the Board should not approve the
9 application and that all parties agree that the Board
10 should grant the licence amendment application.

11 We are confident that very few outstanding -- that
12 the very few outstanding matters at this point are
13 matters that are best left to the Board for final
14 resolution. I would add that there are a number of
15 smaller items that have been addressed in these
16 hearings and that have resulted in TMAC commitments to
17 provide certain information to the parties on a
18 voluntary basis. I would reiterate what I have said
19 before, that these need not be part of a term and
20 condition of the licence.

21 Before I provide a few final remarks on the matter
22 of security, I would like to make a few general
23 comments on our suggestions on the water licence
24 markup, which has been provided as Exhibit 22. We have
25 suggested a number of changes to the water licence.
26 Many of these arise directly as a result of the

1 amendment application and the mine changes, including
2 in particular the revised tailings management strategy
3 and the change to an ocean discharge as opposed to a
4 freshwater discharge.

5 We have also flagged certain provisions for the
6 Board's consideration where we believe that the
7 administrative enhancements should be considered. We
8 have also flagged provisions that we believe may be
9 outside the Board's jurisdiction as set out in the
10 Nunavut Waters and Nunavut Surface Rights Tribunal Act.
11 This is important. It is important that all regulatory
12 authorities work within the scope of their own
13 jurisdiction, and we believe it is particularly key for
14 bodies such as the Nunavut Water Board that have
15 limited personnel resources. We believe the Board
16 staff should not be further overloaded with additional
17 administrative burden which we argue helps neither the
18 proponents nor the public. We also emphasize that
19 activities such as ocean discharge are well covered by
20 the jurisdiction of INAC and Environment and Climate
21 Change Canada under federal legislation.

22 As the Board has agreed, INAC, Environment and
23 Climate Change Canada, and the KIA will all provide
24 written comments on the water licence markup document
25 next Wednesday, and TMAC will provide its final
26 response on that document on the following Friday.

1 We are also extremely pleased to have come to an
2 agreement on the quantum of security between the KIA,
3 INAC, and TMAC. TMAC is very confident in the estimate
4 that we provided to this Board and in the supporting
5 evidence for that estimate that included a third-party
6 review, which further validated the amount. However,
7 TMAC is willing to support the global-security amount
8 put forward by INAC, and that is 30 million, 721
9 dollars -- 721,116 -- so let me try that again.
10 \$30,721,116 in the interest of narrowing the issues
11 that require consideration for the Board. We thank
12 Indigenous and Northern Affairs Canada in particular
13 and their -- and their team leads Karen Costello, David
14 Abernethy, Amjad Tariq, and Sarah Forte, and their
15 consultants for their progress in working towards
16 the -- a more reasonable and justifiable reclamation
17 estimate. We recognize that this was a difficult task,
18 and though we do wish -- though we do wish that we had
19 gotten to this point earlier.

20 As we have just heard, the main outstanding issue
21 relates to the split of reclamation security with the
22 Board's leave, TMAC will be providing written
23 submissions on this issue to the Board next Wednesday.
24 However, I do emphasize that overbonding is a very
25 significant issue to us. We believe that the
26 circumstances do not justify requiring TMAC to post any

1 security in excess of the global-security amount under
2 the licence. We believe that KIA has proposed security
3 quantum of 16 percent to be held by the Minister, with
4 the balance held by the KIA, is the appropriate
5 approach in this case.

6 Finally, I'd like to add a few words on timing.
7 It is essential for TMAC to have an amended water
8 licence in place before the end of the year to meet our
9 final commitments. However, recognizing the reality of
10 the timing of the end of the year and getting
11 ministerial signatures, we believe this needs to be
12 concluded before the House of Commons rises for the
13 holiday and the relevant ministers disperse from
14 Ottawa. Therefore, we believe the target for the
15 Minister to sign the licence would be the end of
16 November. TMAC requests that the Board make its
17 efforts -- make its best efforts to make this decision
18 and recommendation to the Minister within 45 days from
19 today. We thank the Board and the Board staff for
20 significant efforts that you will put forward in
21 completing this work.

22 And with that, I'll wrap up my remarks, and thank
23 once again, Mr. Chairman, and safe travels to
24 everybody. Thank you.

25 Closing Remarks by The Chairperson

26 THE CHAIR: Thank you. Looks like I get

1 the best part. Closing remarks: The Board takes this
2 opportunity to thank the parties, especially the
3 applicant; the interveners; KIA; INAC; and ECCC; NWB
4 staff; interpreters, Ben Kogvik and Harry (sic) and
5 Ohokannoak; court reporter, Sara Anderson; Pido, Ryan
6 Dempster; all the community members acknowledged for
7 their valued participation in this hearing. Thanks
8 also to the hamlet of Cambridge Bay for its outstanding
9 hospitality and the patience with the Board.

10 As we are at the close of the hearing, I will make
11 some comments to let the parties know what happens next
12 to the application. The Board anticipates making a
13 decision on the application in approximately 30 to 45
14 days on the close of the public-hearing record on
15 September 23rd.

16 Have a good afternoon, and safe travels to all
17 visitors. The hearing is now adjourned in accordance
18 with these instructions. With that, I will ask Henry
19 Ohokannoak to do the closing prayer.

20 (CLOSING PRAYER)

21 (PROCEEDINGS ADJOURNED)

22 _____

23

24

25

26

1 CERTIFICATE OF TRANSCRIPT:
2

3 I, Sara Anderson, certify that the foregoing pages
4 are a complete and accurate transcript of the
5 proceedings, taken down by me in shorthand and
6 transcribed from my shorthand notes to the best of my
7 skill and ability.

8 Dated at the City of Calgary, Province of Alberta,
9 this 26th day of September 2016.

10

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13



14 Sara Anderson, CSR(A)

15 Official Court Reporter
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1	EXHIBITS ENTERED	
2	SEPTEMBER 14, 2016	
3		PAGE NUMBER:
4	EXHIBIT 22 - Hard Copy Black-lined Copy of	216
5	Licence 2AM-DOH0712 (sic), 2AM-DOH1323 and	
6	Proposed Amendments Draft Prepared by TMAC	
7	Resources, Current as September 14, 2016,	
8	AM	
9		
10	EXHIBIT 23 - Hard Copy Executive Summary	219
11	INAC/AANC, TMAC Resources Inc. Amendment	
12	Application No. 1 to Water Licence No.	
13	2AM-DOH1323 September 13-14, 2016	
14	(English)	
15		
16	EXHIBIT 24 - Hard Copy Executive Summary	219
17	INAC/AANC, TMAC Resources Inc. Amendment	
18	Application No. 1 to Water Licence No.	
19	2AM-DOH1323 September 13-14, 2016	
20	(Inuinnaqtun)	
21		
22	EXHIBIT 25 - Hard Copy Executive Summary	219
23	INAC/AANC, TMAC Resources Inc. Amendment	
24	Application No. 1 to Water Licence No.	
25	2AM-DOH1323 September 13-14, 2016.	
26	(Inuktitut)	

1	EXHIBIT 26 - Hard Copy PowerPoint	219
2	Presentation INAC/AANC Technical	
3	Presentation Amendment Application No. 1	
4	to Water Licence No. 2AM-DOH1323 (English)	
5		
6	EXHIBIT 27 - Hard Copy PowerPoint	219
7	Presentation INAC/AANC Technical	
8	Presentation Amendment Application No. 1	
9	to Water Licence No. 2AM-DOH1323	
10	(Inuinnaqtun)	
11		
12	EXHIBIT 28 - Hard Copy PowerPoint	220
13	Presentation INAC/AANC Technical	
14	Presentation Amendment Application No. 1	
15	to Water Licence No. 2AM-DOH1323	
16	(Inuktitut)	
17		
18	EXHIBIT 29 - Hard Copy Comparison of	220
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20	2016, Indigenous and Northern Affairs	
21	Canada Water Licence No. 2AM-DOH1323,	
22	Amendment Application No. 1 (English)	
23		
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26	on September 13, 2016) (English)	

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