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The NWB conducted an internal review and on August 15, 2019, the NWB distributed the information package to interested parties inviting them to submit comments by September 12, 2019. On or before this date, comments were received from the Kitikmeot Inuit Association (KIA), Environment and Climate Change Canada (ECCC), and Crown-Indigenous Relations and Northern Affairs (CIRNA). In their submissions, all three interveners requested that TMAC provide additional information with respect to the use of NE CRP waste rock for construction, and specifically to justify and validate the 70 ppm arsenic criterion for the use of waste rock, and the mitigation measures that will be employed to ensure environmental protection.

On October 2, 2019, TMAC responded to the intervener comments providing the requested information and confirmed that,

The kinetic test database (HC and barrel tests) provides the required data to derive the site-specific arsenic criterion of 70 ppm, e.g. flushing rates for arsenic in relation to the geochemical controls for neutral pH arsenic leaching, specifically gersdorffite and arsenic content. As such, TMAC maintains that a arsenic criterion of 70ppm remains appropriate... all waste rock used as construction rock will be subjected to a verification monitoring program, including ABA and trace element content as analyzed by a commercial laboratory, and annual seepage monitoring...

By October 10, 2019, the KIA, ECCC, and CIRNA had indicated that TMAC had fully addressed their comments; however, the KIA suggested in its written submission that a conference call be held to discuss the arsenic criterion for the use of waste rock, and to confirm the ML/ARD management program has provisions to monitor leachate chemistries following placement of waste rock for construction.

On November 1, 2019, the NWB hosted a conference call. The Board provided the meeting minutes on November 5, 2019 that outlined two commitments made during the call:

1. to include the locations of NE CRP waste rock placement in all future seep surveys and
2. to investigate the need for seep surveys following large rain events.

The NWB has reviewed the request to implement site-specific geochemical criteria to be used to determine the suitability of waste rock produced from Naartok East (NE) Crown Pillar Recovery (CPR) for construction and related submissions and finds the information functional and generally satisfying Licence requirements. By copy of this letter, the Board approves The Request, dated August 14, 2019, through the Board Motion No. 2019-A1-009, dated November 19, 2019, in accordance with Licence conditions for Water Licence No. 2AM-DOH1335.

Should you have any questions or require any clarification with respect to the above, please feel free to contact the undersigned via email at Derek.Donald@nwb-oen.ca or phone (867) 360-6338 (Ext. 32).

Sincerely,

NWB Technical Review
File: 2AM-DOH1335



Derek Donald
Technical Advisor
Nunavut Water Board

Attachment: Comments by KIA, ECCC, and CIRNA
Cc: Distribution list – Doris North