



- Mine Plan, Version 1, April 2015;
- Ore Storage Management Plan, April 2015;
- Preliminary Mine Closure and Reclamation Plan, Version 1, April 2015;
- Public Engagement and Consultation Baseline Report, Version 4, April 2015;
- Quality Assurance and Quality Control, Version 1, April 2015;
- Risk Management and Emergency Response Plan, Version 4, April 2015;
- Roads Management Plan, Version 4, April 2015;
- Screening Report – Revised Project Design, Ver. 1, April 2015;
- Spill Contingency Plan, Version 4, April 2015; and
- Water Management Plan; Version 1, April 2015;

The NWB has conducted a preliminary review of your submissions and determined that the Application meets the requirements allowing for public distribution in support of an initial technical assessment. Further, the preliminary review confirms that the Application is for a Type “A” Water Licence which will require a public hearing in accordance with s. 52<sup>1</sup> of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTRA or Act). All public hearing matters will be carried out in accordance with the Board’s *Rules of Practice and Procedure for Public Hearing*, dated May 11, 2005 (NWB Rules).

The next step in processing your Application involves a completeness review and an initial technical assessment to determine if all of the necessary information and studies to evaluate quantitative and qualitative effects of your project on the freshwater environment have been provided. **Accordingly, by copy of this letter, the Board requests that interested parties review the Application for completeness and conduct an initial technical assessment, including identifying any Information Requests (IRs) that the reviewing party requests be filed to enable that party to complete their technical review of the Application. Further, the NWB invites interested parties to comment on the type of Technical Meeting-Pre-Hearing Conference to be held for the application (written, teleconference, or in person as outlined in steps 3 and 5 in the process overview set out below).**

All intervening parties should provide their submissions to the NWB’s Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) by **July 11, 2015 (5:00 p.m. ET)**.

Following receipt of comments, the NWB will determine whether the Application is complete, or whether additional information and studies are required (IR’s) to evaluate all quantitative and qualitative effects of the undertaking pursuant to s. 48 of the Act. The NWB will advise AEM of the Board’s determination at that time.

Once the Application has been deemed complete, the following general process will be undertaken; however, complete details on the NWB’s licensing process are available in NWB

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<sup>1</sup> *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, section 52 (1) Subject to subsection 37(2), a public hearing shall be held by the Board before it disposes of (a) any application in relation to a licence, unless the application is of a class that is exempted by the regulations from the requirement of a public hearing.

Guide 5<sup>2</sup> and the Board preserves the right to modify the licensing process, including timelines as may be required to appropriately process this Application.

#### **1. Notice of the Application**

A notice of the Application will be made in accordance with s. 55(1) of the Act. This notice will invite interested persons to make representation to the Board. Parties will be advised of the consequences of failure to respond as outlined in ss. 59 and 60(2) of the Act. Furthermore, the Board will distribute notice to the communities and interested parties affected by the application and shall publish the notice in a newspaper of general circulation in the areas that are affected. If there is no such newspaper, the Board shall publish the notice in such other manner as the Board considers appropriate.

#### **2. Detailed Technical Review**

Interested parties will be invited to undertake a detailed technical assessment or review of the complete application for the undertaking. Parties will be encouraged to work cooperatively to address technical issues identified during the review period. Generally, the Board provides at least thirty (30) days for a technical review in advance of a technical meeting. However, to assist the Board in expediting the technical assessment, parties are encouraged to begin their detailed technical assessment as early as possible.

#### **3. Technical Meeting (TM)/Pre-Hearing Conference (PHC)**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person. The Board anticipates setting a date for a TM-PHC shortly after the deadline for receiving technical review submissions. The PHC is typically scheduled to immediately follow the TM.

#### **4. Pre-Hearing Conference (PHC) Decision**

Following the TM/PHC, the NWB will issue a PHC decision and may outline any technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

#### **5. Public Hearing (PH)**

Sub-section 55(2) of the Act requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting and Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through

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<sup>2</sup> Guide 5 – Processing Water Licence Applications (April 2010).

this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the hearing will be determined and a notice will be published by the Board in advance of the public hearing and in a manner that promotes public awareness and participation in the hearing.

## **6. Public Hearing Decision**

Following the Public Hearing, the Board will issue a written decision with reasons (final decision) for the Application. The Board's final decision will be provided to the Minister of Aboriginal Affairs and Northern Development Canada (AANDC) for consideration. Interested and intervening parties will also be provided with a copy of the Board's final decision. The Minister of AANDC typically issues his/her response to the Board's final decision within 45 days of receipt, or if notifying the Board of an extension within the 45 days, within 90 days from the date of receipt.

The Licensee should note that as part of the NWB's process for the file, confirmation of pre-licensing requirements related to the Nunavut Impact Review Board's (NIRB) Environmental Assessment process and the Nunavut Planning Commission's (NPC) Land Use Conformity Determination will be required. While the Board is well-aware that the NPC<sup>3</sup> and NIRB decisions<sup>4</sup> issued for activities and undertakings related to the project proposal may be consistent with those included in the Application, the NWB still requires confirmation from both organizations on whether or not the entire scope of the Application was considered in the respective decisions issued. Therefore, by copy of this correspondence, the NWB requests that the Applicant provide confirmation that the NIRB and NPC pre-licensing requirements have been met for the Application. It should be understood that, in accordance with s. 39(1) of the Act, the NWB may not issue, renew, or amend a licence until the NIRB has completed the screening, reconsideration, or where a review is required, issued a Project Certificate.

Notwithstanding the NWB's recognition that final confirmation of the pre-licensing matters mentioned above has not yet been received, in the interests of ensuring that this Application is dealt with in a timely manner, the Board will continue with its processing of your application to the extent possible at this stage in the process, while the final confirmation of the completion of the conformity and assessment requirements of the NLCA remains outstanding.

On this basis, the NWB is inviting interested persons to comment on the following: 1) completeness of the Application based on their initial technical assessment; type of TM-PHC to be held; and 2) any Information Requests (IRs) related to the Application that must be provided to enable the parties to complete their full technical review. All comments, recommendations and any requests for IRs should to be submitted to the NWB's Manager of Licensing at [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca) no **later than July 11, 2015 (5:00 p.m. ET).**

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<sup>3</sup> NPC Conformity Determination for Meliadine Gold Project Proposal, June 8, 2011.

<sup>4</sup> NIRB Meliadine Gold Mine Project Proposal Project Certificate [No.: 006], February 26, 2015.

If you have any questions regarding the above or procedural matters, please contact Phyllis Beaulieu, Manager of Licensing, at (867) 360-6338 or by e-mail to [licensing@nwb-oen.ca](mailto:licensing@nwb-oen.ca). For inquiries related to Technical matters, please contact Karén Kharatyan, Technical Advisor, by email to [Karen.Kharatyan@nwb-oen.ca](mailto:Karen.Kharatyan@nwb-oen.ca) or David Hohnstein, Director of Technical Services, by email to [David.Hohnstein@nwb-oen.ca](mailto:David.Hohnstein@nwb-oen.ca).

Sincerely,

Phyllis Beaulieu  
Manager of Licensing

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Cc: Kivalliq Distribution