



NIRB File No.: 12MN001
NWB File No.: 2BB-MAE----

May 29, 2015

Geoffrey Clark
Director, Lands, Environment and Resources
Kitikmeot Inuit Association
P.O. Box 360
Kugluktuk, NU X0B 0E0

Sent via email: Geoff@qiniq.com

Re: Follow Up With Respect to TMAC Resources Inc.'s "Madrid Advanced Exploration" project proposal

Dear Geoffrey Clark:

On December 29, 2015 the Nunavut Impact Review Board (NIRB or Board) received a submission from TMAC Resources Inc. (TMAC) describing the "Madrid Advanced Exploration Program" project proposal and referencing the Type "B" Water Licence Application as the "only territorial or federal permit that TMAC had identified as required in order to proceed with the Madrid Advanced Exploration Program". On this basis, TMAC expressed its view that the Madrid Advanced Exploration Program was likely exempt from NIRB screening as set out in Article 12, Section 12.10.2(a) and Schedule 12-1 of the *Nunavut Land Claims Agreement* (NLCA) and sought confirmation from the NIRB as to whether, in the NIRB's view, the project proposal was in fact exempt from the requirement for screening under Article 12 of the NLCA.

On January 15, 2015 the NIRB issued correspondence to TMAC indicating that, for the NIRB to consider the project proposal, a referral would be required from Government departments/agencies and/or the Regional Inuit Associations (in this case, the Kitikmeot Inuit Association) responsible for authorizing the proposed project works or activities.

On March 24, 2015 the NIRB received a referral from the Nunavut Water Board for a Type "B" water licence associated with this project proposal. However, the Board has not, to date received a response from the Kitikmeot Inuit Association (KIA) as to whether the KIA, as a central authority responsible for considering the proposed project works or activities and issuing land use permits or other authorizations required to proceed, wishes to refer the project proposal to the NIRB for screening or not. In requesting confirmation as to whether or not the KIA intends to refer the project proposal to the Board for screening, the NIRB is mindful of the fact that in contrast to mineral exploration/bulk sampling programs taking place on Crown lands where

NIRB screening is a requirement, the KIA is not obligated to forward project proposals to the NIRB for screening.

However, as you are aware from previous discussions on this point with the Board, the NIRB generally encourages Regional Inuit Associations to forward project proposals to the NIRB at this early stage of the authorization process. The Board finds that if the project proposal is not screened initially, the assessment process can become quite complicated if, at a later time, government authorizations trigger the requirement for a NIRB screening but the project proposal has already been granted the required authorizations from authorizing agencies such as the KIA or NWB. In addition, the NIRB works to ensure that the screening of project proposals benefits all authorizing agencies in their subsequent consideration of the project proposal by yielding findings regarding potential adverse ecosystemic and socio-economic effects and typically also providing recommendations for mitigating potential adverse ecosystemic and socio-economic effects of the proposed activities, including mitigation measures that the KIA may consider to mitigate the potential for effects on Inuit Owned Land.

For this project proposal specifically, it should be noted that if the KIA does not intend to refer the project proposal to the NIRB for screening, on the basis of the NIRB's current understanding that the only territorial or federal permit required to authorize the project proposal is a Type "B" Water Licence, the NIRB would consider this project proposal to be exempt from screening pursuant to item 5 of Schedule 12-1 of the Nunavut Land Claims Agreement (NLCA), *Types of Project Proposals Exempt from Screening*:

NLCA Schedule 12-1 (5):

"Water uses that do not require a public hearing under Section 13.7.3".

Therefore, if the KIA does not wish to refer this project proposal to the Board, as the Nunavut Water Board Type "B" Water Licence is exempt from the requirement for screening by the NIRB, and there are no other authorizations required that would trigger the requirement for NIRB screening, no assessment of the project proposal would be conducted by the NIRB at this time. The project proposal could then proceed to the next steps in the regulatory process of obtaining the authorizations associated with this project proposal, including the Water Licence, land use permits, etc.

Recognizing that the Board requested the referral of this project proposal from the relevant authorizing agencies in mid-January and that the Nunavut Water Board confirmed in late March that a Type "B" Application is being considered by the NWB, the Board requests that the KIA advise the NIRB as to whether or not it intends to refer the project proposal for screening on or before **June 15, 2015**. If the KIA does not advise the Board regarding the KIA's intentions by June 15, the Board will assume that no referral from the KIA will be forthcoming and will confirm with the Nunavut Water Board that the project proposal is exempt from the requirement for screening at this point.

The Board looks forward to receiving the KIA's confirmation in this regard, but if you have any questions or require additional clarification in the interim, please contact the undersigned directly at (867) 983-4619 or kgillard@nirb.ca.

Sincerely,



Kelli Gillard B.Sc., P.Ag.
Technical Advisor/Monitoring Officer for Doris North
Nunavut Impact Review Board

cc: John Roberts, TMAC Resources Inc.
Alex Buchan, TMAC Resources Inc.
Phyllis Beaulieu, Nunavut Water Board
Luigi Torretti, Kitikmeot Inuit Association
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