

Ida Porter <ida.porter@nwb-oen.ca>

### 2BE-PBD-- Application, and outstanding obligations under 2BE-PEL0813

Phyllis Beaulieu <phyllis.beaulieu@nwb-oen.ca> To: Licensing Department < licensing@nwb-oen.ca> Wed, Sep 16, 2015 at 9:09 AM

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# Phyllis Beaulieu- & < > < >

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Forwarded message -

From: Brady MacCarl <br/>
<br/>
brady.maccarl@nwb-oen.ca>

Date: Mon, Aug 24, 2015 at 12:11 PM

Subject: 2BE-PBD- Application, and outstanding obligations under 2BE-PEL0813

To: Graham Gill <qillqeo1@hotmail.com>

Cc: Licensing Department < licensing@nwb-oen.ca>, Eva Paul < eva.paul@aandc-aadnc.gc.ca>

[Quoted text hidden]



Ida Porter <ida.porter@nwb-oen.ca>

#### 2BE-PBD-- Application, and outstanding obligations under 2BE-PEL0813

Graham Gill <gillgeo1@hotmail.com>

Mon, Aug 24, 2015 at 3:40 PM

Cc: Licensing Department < licensing@nwb-oen.ca>, Eva Paul < eva.paul@aandc-aadnc.gc.ca>

Hi Brady;

I am currently in Nova Scotia returning on the 26th of August. I will respond to your e-mail in more detail upon my return.

Graham

Sent from my Samsung device

---- Original message ----

Date: 08-24-2015 3:11 PM (GMT-04:00)
To: Graham Gill <gillgeo1@hotmail.com>

Cc: Licensing Department < licensing@nwb-oen.ca>, Eva Paul < eva.paul@aandc-aadnc.gc.ca>

Subject: 2BE-PBD- Application, and outstanding obligations under 2BE-PEL0813

Dear Graham,

As you are likely aware, AANDC Field Operations distributed its Inspection Report for Licence Number 2BE-PEL0813 on August 14, 2015, which recommended against the cancellation of the licence due to outstanding environmental issues in the project area, and asked that no new licence be issued in the work area until the stated environmental concerns are addressed. Furthermore, the Inspection Report stated that AANDC would not oppose, in principle, the assignment of the Licence to another Licensee as an alternative to pursuing the previous Licensee to meet its outstanding obligations. In light of the Inspector's conclusions, the NWB has discussed what options are available for Churchill to proceed with its Application.

First off, I should state, the NWB has no choice but to follow up with the Adamera on the outstanding issues, and the Licence cannot be closed out/cancelled until the outstanding obligations for appropriate decommissioning have been met and an Inspector has verified the decommissioning through an Inspection. Second, although AANDC suggested an assignment (presumably to Churchill) may be an option, this would be awkward to facilitate as the current licence is expired and thus the Board would be obligated to first ask Adamera to renew its licence—a proposal that it seems likely to reject.

Essentially, the Board holds the authority to refuse to issue a licence under the current circumstances; however, the Board normally only pursues this direction when there is a clear indication that an undertaking poses an unmitigated risk to water resources (or may exacerbate pre-existing risks). As it currently stands, all of the outstanding remediation obligations identified in the Inspection Report exist within the project area proposed under Churchill's application, and the Inspector—with reasonable justification—has assumed that other work sites associated with the Ademera licence are also likely to remain unremediated.

The Board requires further information under s. 48(3)(c) of the NWNSRTA regarding "the measures the applicant proposes to take to avoid or mitigate any adverse impact of the use of waters or the deposit of waste".

In this sense, to proceed with the current application the Board seeks clarification on how Churchill would conduct its activities such that they do not further cause or contribute to adverse impacts at these sites or otherwise mitigate the potential to harm. As Churchill bought the drilling data from Adamera, one option may be to modify the proposed work area associated with the current application, and demonstrate with an associated area map that the proposed project will not operate in areas where Adamera conducted its own activities under the current licence.

The NWB may also be open to imposing unique terms and conditions into any tentative licence issued to Churchill, where, rather than permanently exclude the drill, camp and storage areas utilized by Adamera, these areas would be temporarily excluded from the Licence until the Board receives verification that they have been properly remediated (likely through the confirmed cancellation of Licence 2BE-PEL0813).

Finally, the Board may consider accepting the unmodified project area identified in the current application if Churchill indicates in writing that it is willing to assume responsibility for outstanding environmental obligations where there is a discernible overlap between Adamera's project and Churchill's (such as the Amaruk Camp, or drill areas that are being reexamined).

In conclusion, the Board expects Churchill to demonstrate in an appropriate manner that it will not contribute to further outstanding environmental obligations in the area, and eliminate ambiguity between the environmental obligations of Adamera and those of Churchill by either a) definitively demarcating the proximity of the two work areas, or b) providing a clear indication that Churchill will assume responsibility for remediation in cases where ambiguity persists.

Please contact me with any further questions or concerns you may have.

#### Regards,



## Brady MacCarl, MSc->SΔΛ Lbbsc

Technical Advisor- Conseiller Technique

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