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Nunavut Impact Review Board
PO Box 1360 Cambridge Bay, NU
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Attention: Kelli Gillard, Manager Project Monitoring

Comment Request for the Refining of the NIRB's Project Specific Monitoring Framework

Dear Kelli,

Thank you for the opportunity to comment on NIRB's planned refinement of the NIRB's project specific monitoring framework.

TMAC understands NIRB's goal as being to ensure that participation in the monitoring process is optimized, that it provides effective communication to all parties involved, and allows for maximum coordination among agencies. It remains unclear to TMAC what specific issues NIRB is seeking to address through this consultation, and so TMAC has restricted itself to the following general comments regarding the NIRB monitoring regime. If NIRB can provide further detail about the drivers of this consultation, TMAC may be in a position to provide additional information in future.

As we discussed at the NIRB Workshop during the Nunavut Mining Symposium, TMAC's general view is that it is important that monitoring and reporting provide meaningful data to NIRB, parties and to the public. While the current monitoring for our project is generally adequate, current reporting on such monitoring could be considered excessive. The NIRB monitoring framework should avoid overlap with monitoring already required under operational permits and plans. Duplication does not enhance public or NIRB understanding of the project. Unnecessary volume in reporting can act as a barrier for the public and regulators and can make it very difficult for reviewers to focus on matters of importance.

One example of this is reflected at Appendix D, 2(b) of the Doris North Project Certificate, which requires TMAC to summarize in its Annual NIRB Report information as follows:

"A summary of the results from the PEAMP, including: (i) An analysis regarding whether or not the project is operating in accordance with the predicted impacts identified in the FEIS or at the Final Hearing. This analysis should include:

- a) All relevant data (baseline and monitoring) to support impact predictions and effects conclusions
 - b) An analysis of the effectiveness of mitigation measures and discussion regarding any necessary adaptive mitigation strategies employed
 - c) Explicit conclusions related to whether or not the project is operating in accordance the predicted impacts identified in the FEIS or at the Final Hearing.
- ii. An analysis of the impact of the project upon the biophysical and socioeconomic environment
 - iii. Any modifications made to the PEAMP.

In TMAC's view, this requirement should be removed from Appendix D, as this information and conclusions are already described in comprehensive annual monitoring reports which satisfy the Terms and Conditions of the Project Certificate. Instead, we would propose providing a high level summary of these results in our Annual NIRB Report. TMAC's technical monitoring reports, submitted annually and made public, offer ample opportunity for subject matter expert review, without the need for duplicating and re-summarizing information.

Another important theme which received attention at the April 6th meetings was that the NIRB should not be placing terms and conditions or commitments in Project Certificates which duplicate the existing robust regulatory regime. NIRB appendices should scrupulously avoid overlap with specific requirements that are included in operational regulatory approvals and legislation (such as the *Metal Mining Effluent Regulation* and Fisheries Act Authorizations). Regulatory agencies have subject matter experts with experience in oversight and a regulatory mandate to evaluate and enforce a wide spectrum of associated mining activities that address human safety, technical aspects of mining and milling and environmental monitoring. It is therefore not necessary to add further NIRB oversight to such items that are already addressed by long standing, detailed and legally binding obligations of the proponent. This practice adds unnecessary length to both Project Certificates and associated reporting requirements, with no corresponding environmental benefit. Instead, the NIRB should be focusing monitoring efforts on items of importance which may not be explicitly covered by regulation, such as commitments to follow governmental policies which have not yet been adopted in legislation.

Our next comment is primarily procedural. In our view, it is appropriate for the NIRB to consider revisions to Project Certificate monitoring programs (including reporting, specific monitoring stations and parameters) from time to time, and NIRB and other parties should be able to propose such changes without a requirement to undertake a formal Project Certificate amendment process. This approach will continue to provide NIRB with the necessary flexibility to respond to monitoring information provided by proponents, parties, and the public.

Finally, proponents are legally required to undertake project-specific monitoring and baseline data collection under the terms and conditions of NIRB project certificates and project guidelines. Such monitoring and baseline data collection should not be characterized as "research" requiring NRI Scientific Research Licences ("SRL"), as is the current practice. The current practice has significant potential to delay the completion of required NIRB project certificate compliance activities (should the SRL be delayed). Proponents should continue to be required to obtain NRI Scientific Research Licences prior to undertaking research in the territory, but NIRB should clarify that monitoring required under a NIRB guidelines or a project certificate is not "research".

We hope these comments have been helpful to you. Should you have any questions about these comments, or wish to have further discussion about the monitoring framework, please do not hesitate to contact me at John.Roberts@TMACResources.com

Sincerely,



John Roberts

Vice President Environmental Affairs

cc. (electronic)

Oliver Curran, TMAC