



95 Wellington Street
Suite 1010
Toronto, Ontario
M5J 2N7
416-628-0216

March 15, 2019

Ryan Barry
Executive Director
Nunavut Impact Review Board
P.O. Box 1360, 29 Mitik St.
Cambridge Bay, NU, X0B 0C0

Sent Via Email: info@nirb.ca

RE: Initial Comments on Draft Rules of Procedure and Draft Standard Impact Statement Guidelines Released by Nunavut Impact Review Board

Dear Mr. Barry,

On December 8, 2018, the Nunavut Impact Review Board (NIRB) released 'Draft Rules of Procedure' and 'Draft Standard Impact Statement Guidelines' for consultation Nunavut-wide. Comments were requested to be returned to the NIRB no later than March 15, 2019. The purpose of this correspondence is to provide TMAC Resources Inc.'s (TMAC) initial comment on the draft documents distributed.

It is TMAC's understanding the Draft Rules of Procedure dictate processes the NIRB will use when conducting proceedings, including:

- Public Hearings,
- Screening of Project Proposals,
- Review of Project Proposals, and
- reconsideration of the terms and conditions of an existing Project Certificate under the Nunavut Agreement Part 8: Flexibility in Relation to Certificates.

Once finalized, the Draft Rules of Procedure will replace the NIRB (2009) Rules of Procedure.

TMAC interprets the purpose of the Draft Standard Impact Statement Guidelines produced by the NIRB is to provide information to guide Proponents in the preparation of their impact statement documentation and to provide greater certainty for proponents.

Based on this, TMAC's initial comments on the Draft Rules of Procedure and the Draft Standard Impact Statement Guidelines can be found in Attachment A and Attachment B of this letter respectively, for consideration by the NIRB.

TMAC understands that the NIRB may hold a meeting at the Nunavut Mining Symposium in April to discuss and expand upon comments received from parties. As such, TMAC has aimed to highlight items that warrant further discussion and consideration from the NIRB and parties at this stage. TMAC looks forward to further discussion and consultation with the NIRB on items highlighted in this submission as well as those submitted by other parties.

Should you have any further questions please feel free to contact me at oliver.curran@tmacresources.com.

Sincerely,



Oliver Curran
Vice-President, Environmental Affairs
TMAC Resources Inc.

Cc:
Adam Grzegorzcyk (TMAC)
Shelley Potter (TMAC)
Ashley Mathai (TMAC)

Attachments:

Attachment A: TMAC's initial comments on NIRB Draft Rules of Procedure.

Attachment B: TMAC's initial comments on NIRB Draft Standard Impact Statement Guidelines.

Attachment A:

TMAC's initial comments on NIRB Draft Rules of Procedure

TMAC Resources Inc (TMAC) initial comments on the Draft Rules of Procedure (DRP) released by the Nunavut Impact Review Board (NIRB) on December 8, 2018 are summarized below.

Comment #:	TMAC-DRP-01
Subject:	Reconsideration of Project Certificate Terms and Conditions
Reference:	Draft Rules of Procedure (General)
Priority:	High
Background/ Rationale:	It is noted that although the DRP state that they are applicable to the Proceedings conducted by the NIRB during 'reconsideration of Project Certificate terms and conditions under the Nunavut Agreement, Article 12, Part 8 and ss. 112-114 of NuPPAA.', no specific or unique guidance is provided in this regard.
Recommendation to Address Issues:	Further discussion warranted and specific and/or unique process guidance should be developed by the NIRB.

Comment #:	TMAC-DRP-02
Subject:	Joint Public Hearings
Reference:	Draft Rules of Procedure, Joint Public Hearings (Item 121)
Priority:	Medium
Background/ Rationale:	Section states: "As set out in Article 13, Section 13.5.2 of the Nunavut Agreement and s. 193 of the NuPPAA, upon request, the Board may, as appropriate, coordinate the NIRB's Proceedings with the activities of the Nunavut Water Board, up to and including conducting joint Hearings." This statement allows for coordinated process and joint hearings with NWB and NIRB however there is uncertainty as to when a request is made for a coordinated process, what criteria must be met to determine if a coordinated process is available and further, what criteria must be met for a 'fully coordinated process' (similar to the Sabina Back River Project) vs. simply a 'coordinated process' (similar to the process undertaken for TMAC's Hope Bay Phase 2)
Recommendation to Address Issues:	Further discussion warranted and specific guidance should be developed by the NIRB.

Comment #:	TMAC-DRP-03
Subject:	Project Certificate Workshop
Reference:	Draft Rules of Procedure, Project Certificate Workshop (Item 127)
Priority:	Low
Background/ Rationale:	<p>Section states: "The Project Certificate Workshop will generally address the following topics:</p> <ul style="list-style-type: none"> • Clarifications with respect to the scope and content of the terms and conditions; • Identification of all the government departments and agencies responsible for implementing specific terms and conditions; • Clarifications regarding the timeline for implementation of terms and conditions; and • Discussion of whether any commentary or specific clarification is required to be added to the Project Certificate to support effective implementation." <p>This section prescribes what the objective of a project certificate workshop is however what criteria must be met for commentary or specific clarification to be incorporated into a Project Certificate remains uncertain.</p>
Recommendation to Address Issues:	Further discussion warranted and specific guidance should be developed by the NIRB.

Comment #:	TMAC-DRP-04
Subject:	Site Visits
Reference:	Draft Rules of Procedure, Site Visits (Item 134)
Priority:	Low
Background/ Rationale:	<p>Section states: "Following a site visit the Board shall issue the Board's Site Visit Report, which may be a standalone report or may be included as an Appendix to the Board's report on other Proceedings." This requires the Board to submit a report after each site visit but there is not prescribe timeline for report.</p>
Recommendation to Address Issues:	Provide a timeline for when the Board's Site Visit Report will be made available to the proponent upon conclusion of the site visit so the proponent has an opportunity to respond in a timelier and/or more meaningful way.

Attachment B:

TMAC's initial comments on NIRB Draft Standard Impact Statement Guidelines

TMAC Resources Inc (TMAC) initial comment on the Draft Standard Impact Statement Guidelines (DSG) released by the Nunavut Impact Review Board (NIRB) on December 8, 2018 are summarized below.

Comment #:	TMAC-DSG-01
Subject:	Future Development
Reference:	Draft Standard Impact Statement Guidelines, Future Development (Section 7.4)
Priority:	High
Background/ Rationale:	Section states: "The Proponent shall evaluate any foreseeable expansions of the current Project, the needs of required infrastructure, and associated ecosystemic and socio-economic impacts." This statement is subject to broad interpretation, including the need for a comprehensive project description and impact assessment on any foreseeable expansions. There needs to be a balance where foreseeable projects should be evaluated at the conceptual level thereby not detracting from the proposed Project. The limitations on evaluating foreseeable expansions from an eco-systemic and socio-economic perspective should be understood.
Recommendation to Address Issues:	Further discussion and direction of expectations and level of assessment required for any foreseeable expansions.

Comment #:	TMAC-DSG-02
Subject:	Significance Determination
Reference:	Draft Standard Impact Statement Guidelines, Significance Determination (Section 8.6.6)
Priority:	High
Background/ Rationale:	Section states: "In the process of significance determination, the Proponent is expected to communicate with potentially affected communities, including relevant individuals and organizations to solicit input and incorporate their views regarding the value placed on a VEC or VSEC, as well as associated significance of impacts. The Proponent shall describe how it will determine the significance that different parties assigned to each impact, and how it will proceed if different parties ascribe varying significance to VECs, VSECs or the associated impacts." Based on this statement, there is uncertainty on what the NIRB expectations are for significance determinations. In addition, there is uncertainty to what constitutes relevant individuals and relevant organizations and how views of each are weighted or considered by the NIRB in significance determinations and at what granularity.
Recommendation to Address Issues:	Further discussion and direction warranted on expectations.

Comment #:	TMAC-DSG-03
Subject:	Environmental Management Plan
Reference:	Draft Standard Impact Statement Guidelines, Environmental Management Plan (Section 10.1)
Priority:	Medium
Background/ Rationale:	Section states: "In its individual monitoring and mitigation plans, the Proponent shall also assess the likely effectiveness of mitigation measures and associated follow-up mechanisms for adaptive management. The Proponent shall provide a risk assessment of those economic (e.g., the global economy and international markets), or other conditions (e.g., ownership transfer) that might also impair the implementation or effectiveness of proposed mitigation measures or management." This would appear to be better placed in the discussion of mitigations and management of each VEC in the EIS and not inserted into each management plan. Management plans should outline what is to be done and not list potential scenarios that could impact on their effectiveness. Assessing the effectiveness of proposed mitigations and management should be discussed at the EIS level.
Recommendation to Address Issues:	Further discussion with examples of how this would be worked into an existing management plan.

Comment #:	TMAC-DSG-04
Subject:	Closure and Reclamation Plan
Reference:	Draft Standard Impact Statement Guidelines, Closure and Reclamation Plan (Section 10.2)
Priority:	High
Background/ Rationale:	Section states: "At a minimum, the plan submitted within the Impact Statement should include the following: ... Description of the estimated contaminant and other material (physical and chemical) levels in the environment as well as estimated doses to members of the public after closure and remediation". The Human Health Risk Assessment addresses estimated doses to members of the public. There is uncertainty on the value of placing this information in the Closure and Reclamation Plan which is approved and administered by the Nunavut Water Board. In addition, a requirement that all Closure and Reclamation Plans state the 'estimated contaminant and other material (physical and chemical) levels in the environment as well as estimated doses to members after closure and remediation' suggests that closure and reclamation will not be effective.

Recommendation to Address Issues:	Assessing potential impacts (doses) of a project post closure are addressed in the EIS. Proponents are required at the EIS stage to demonstrate that Projects can be closed in a manner that does not adversely impact people or the environment. Therefore, this recommended guideline should be targeted at the EIS and not a Closure Plan. Closure and Reclamation Plans are required and approved by the NWB through the water licencing process.
------------------------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------