

Appendix E

Correspondence related to Nunavut Planning Commission conformity determination

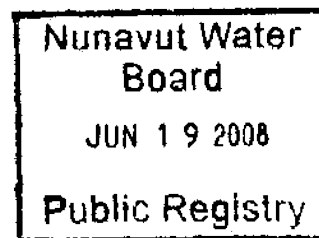


June 19, 2008

Phyllis Beaulieu
Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU
FAX (867) 360-6369

Jeffrey Howell
A/Manager
Indian and Northern Affairs Canada
P.O. Box 100
Iqaluit, Nunavut X0A 0H0
Fax # (867) 975-4286

Leslie Payette
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU
FAX (867) 983-2574



Dear Ms. Beaulieu, Mr. Howell, Ms. Payette,

**Re: [NWB 1AR NAN0208 Nanisivik Project – Canzico Limited – Site
Reclamation, Nanisivik Mine, Nanisivik, North Baffin, Nunavut**

The NPC has completed its review of the above noted project proposal. It conforms to the North Baffin Regional Land Use Plan (NBRLUP), subject to the attached.

By this letter and additional enclosures, the NPC is forwarding the project proposal with this determination to NIRB for screening.

The applicant has undertaken to comply with the attached requirements. The authorizing agencies to which this letter is addressed are responsible under the *Nunavut Land Claims Agreement* to implement any of the attached requirements by incorporating the requirements directly, or otherwise ensuring that they must be met, in the terms and conditions of any authorizations issued.

My office would be pleased to discuss with these agencies how best to implement these requirements and to review any draft authorizations that the agencies wish to provide for that purpose.

And, this conformity determination applies only to the above noted applications as submitted. Therefore, the proponent must ensure other applications for a permit under this project proposal not listed above are forwarded to NPC for a conformity

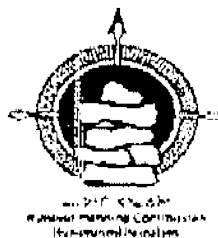
determination against the NBRLUP, and notify the NPC immediately if any material to the project proposal is changed before authorizations are issued.

Yours truly,

A handwritten signature in black ink, appearing to read 'Tommy Owljoot', written in a cursive style.

Tommy Owljoot
Regional Planner, NPC

Robert Carreau, Canzico Limited



FAX TRANSMISSION

DATE: May 28/08

FROM: ~~TO~~ NAME: Mr. Robert Curran

DEPARTMENT: CAN JINCO

FAX NUMBER: 416-363-1315

Number of pages to follow: 3

Original to follow: Yes X No

Comments: File # NWB IAR-NAN6202 - Re-fax

TO: ~~FROM~~ Brian Aglukark, Director, Regional Planning
Annie Ollie, Interpreter/Administrator
Bobby Suluk, Co-ordinator, Regional Planning
Tommy Owlfoot, Regional Planner X

Nunavut Planning Commission
P.O. Box 419
Arviat, Nunavut
XOC OEO
Office: (867) 857-2242
Fax: (867) 857-2243

Please note:
The documents accompanying this transmission may contain confidential information. If you receive this transmission in error, kindly notify us immediately and return the original to the sender as soon as possible.

NUNAVUT PLANNING COMMISSION
APPLICATION TO DETERMINE CONFORMITY
WITH THE NORTH BAFFIN REGIONAL LAND USE PLAN

NUNAVUT PLANNING COMMISSION
BOX 419, Arviut, Nunavut
X0C-0E0

All applicants for a project proposal shall comply with the requirements listed below. The relevant sections of the plan are noted in each requirement.

GENERAL

2. **Environmental Protection:** s3.13.8: The applicant undertakes to prevent any new occurrences of pollution, garbage and contamination at the site of the development.

☒ Yes

No

4. **New Site Restoration and Clean Up:** s3.13.1 and Appendix H, s1: The applicant undertakes to clean up the site and restore the site to its natural condition to the greatest extent possible.

☒ Yes

No

5. **Old Site Restoration and Clean Up:** s3.13.2: The applicant undertakes to clean up the site and restore the site to its original condition to the greatest extent possible, including any work required due to the applicant's action prior to this application.

☒ Yes

No

22. **Code of Good Conduct for Land Users:** Appendix H: The applicant undertakes to adhere to the code of Good Conduct at all times.

☒ Yes

No

I, Robert Carreau for CanZinc Ltd (name of applicant), certify that the information I have given in this application is true and correct and hereby make the above undertakings which form part of my application for a project proposal within the meaning of the Nunavut Land Claims Agreement.

Date:

June 19/07

Signature of Applicant:



Skoglund, Johan

From: Christopher Tickner <ctickner@nunavut.ca>
Sent: Wednesday, June 12, 2013 1:49 PM
To: Skoglund, Johan
Cc: Brian Aglukark
Subject: NPC conformity determination requirements for renewal of water license 1AR-NANA0914 (Reclamation and Post-Closure Monitoring of the Nanisivik Mine Site)

Good afternoon Mr. Skoglund,

RE: NPC conformity determination requirements for renewal of water license 1AR-NANA0914 (Reclamation and Post-Closure Monitoring of the Nanisivik Mine Site)

Sharon Ehaloak has forwarded the attached letter to me for response.

I understand that you are seeking clarification from the Nunavut Planning Commission (NPC) with regards to its conformity determination process and, in particular, if proponents are required to secure land use plan conformity determinations directly from the NPC and, if so, what type of information and/or application forms and guidance are available for assisting proponents with submissions. Further, you would like to know if information provided in a Nunavut Water Board (NWB) water license application is generally sufficient for the NPC to carry out its conformity determination process.

Generally, where a proposed project occurs within an approved NPC Land Use Plan region and requires an authorization or license, the project proposal is forwarded directly to the NPC by the authorising/licensing agency. Upon receipt, the NPC will review the project proposal for conformity with the approved land use plan(s) and provide its determination directly to the authorizing/licensing agency. The proponent will be copied on the NPC's determination.

The NPC does not have a specific application form and relies on the information submitted to the authorising/licensing agency. The NPC will contact the proponent directly should additional information be required. In most instances the information submitted to the authorising/licensing agency is sufficient for the NPC to carry out its conformity determination process.

With regards to the project proposal described in the attached letter, it is worth noting that the NPC issued a positive conformity determination as part of the original water license application. Another conformity determination will only be required if the scope of the original project has changed. A determination as to whether the scope of the project has changed will be made by the NPC upon receipt of the renewal application from the NWB. I would be pleased to discuss what may constitute a change in scope prior to submission should you require.

In order to expedite the NPC process, I would encourage you to copy Brian Aglukark, Director of Implementation (copied with this email) and me when the application is submitted to the NWB.

Please don't hesitate to contact me should you have any questions.

Regards,

Christopher

Christopher Tickner MCIP, RPP

Senior Planner
Nunavut Planning Commission
P.O. Box 2101 Cambridge Bay, NU X0B 0C0
Phone: (867) 983-4634
Fax: (867) 983-4626
Website: www.nunavut.ca



May 30th, 2013

Ms. Sharon Ehloak
Executive Director
Nunavut Planning Commission
Cambridge Bay, NU

By email: sehaloak@nunavut.ca

Dear Ms. Ehloak

**Re: NPC Conformity Determination Requirements for Renewal of Water Licence
1AR-NANA0914 (Reclamation and Post-Closure Monitoring of the Nanisivik Mine Site)**

Background

On March 31st, 2014, CanZinco Limited's "Type A" water licence (1AR-NANA0914) for reclamation and post-closure monitoring activities at the former Nanisivik Mine will expire. A water licence renewal is required in order to complete the remaining reclamation work and to continue monitoring the site. CanZinco's parent company, Nyrstar Canada (Holdings) Ltd., has begun preliminary work in advance of its application to the Nunavut Water Board (NWB). Nyrstar anticipates submitting an application to the NWB in early August, 2013. The proposed scope and requirements of the new licence are likely to be similar to that of the existing licence. Specifically, a renewed licence would authorize Nyrstar to continue to:

- Discharge effluent from the West Twin Disposal Area;
- Conduct geotechnical and water quality monitoring; and
- Complete remediation of petroleum hydrocarbon (PHC) contaminated soil in the former fuel tank farm area.

Nyrstar is of the opinion that a "Type B" water licence with a three-year term would be an appropriate regulatory authorization to facilitate the remaining reclamation work, while also permitting the monitoring necessary for confirming stable hydrological and geotechnical conditions. Under the new licence, Nyrstar expects to replicate the water quality monitoring program such as has been implemented since 2009. With respect to geotechnical monitoring, there may be an opportunity to focus future geotechnical monitoring on the crucial active period of July to September as the winter and spring monitoring currently carried out has established stable geothermal trends.

NPC Involvement and Requirements in the Water Licensing Process

The site of the former Nanisivik Mine is located in the area subject to the *North Baffin Regional Land Use Plan*, and previous water licence applications for undertakings at Nanisivik have been reviewed by the NPC for conformity with the land use plan. While Nyrstar expects the current licence renewal to also require review by the NPC, clarification is being sought in relation to certain aspects of the NPC's conformity determination process. Specifically:

- The NWB's guidelines¹ advise proponents to secure land use plan conformity determinations directly from the NPC as part of the pre-application process. Does this align with the NPC's understanding or does the NPC have to wait for a water licence application to be forwarded to it from the NWB before it can commence the conformity determination?
- If Nyrstar is able to address land use planning matters with the NPC in the *pre-application* stage, we seek clarification regarding the information needed to carry out the conformity determination. Will the NPC require a completed draft water licence application, or will a more abbreviated information package suffice? If the latter is the case, could you please provide Nyrstar with any relevant application forms/guidance documents to assist in preparing our submission to the NPC.

I thank you in advance for considering this matter and look forward to your response.

Sincerely,



Johan Sköglund
Group Environment Manager, Americas

Copied:

Arlene Laudrum, SRK Consulting
Patrick Duxbury, RT Associates

¹ NWB Guide #5 - Processing Water Licence Applications (2010)