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NUNAVUT IMALIRIYIN KATIMAYINGI
NUNAVUT WATER BOARD
OFFICE DES EAUX DU NUNAVUT

File no. 1AR-NAN0208
(Previous File No. NWB1NAN0208)

June 7, 2007

Mr. Murray Markle
Site Manager, Nanisivik Mine
P.O. Box 225
Nanisivik, NU X0A 0X0
Email: mmarkle@nu.breakwater.ca

Re: Application for Amendment to CanZinco Limited's Type "A" Water License

Dear Mr. Markle:

On June 7, 2006, the Nunavut Water Board (NWB or Board) received an application to amend the Type "A" Water License issued to Can-Zinco, a Wholly-Owned Subsidiary of Breakwater Resources Limited (the Licensee). The proposed amendment is to streamline the monitoring requirements contained within the License.

The NWB distributed the amendment application to the public on August 17, 2006. Comments were received from the following interested parties: GN-DOE, INAC and EC. These submissions are available on the ftp site at: <http://nunavutwaterboard.org/ftp/> 1AR-Remediation / 1AR-NAN / 2006 Amendment. No further action has been taken by the NWB on this application.

As you know, there has been a change in the administration of the NWB and the Board is currently in the process of clearing a backlog of applications while ensuring that it meets its obligations under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act)*.

In accordance with s. 52 of the *Act*, the Board is required to hold a public hearing before it disposes of this application. A public hearing is also consistent with the NWB's commitment in its decision of October 10, 2002, to return to the community of Arctic Bay. The Board further notes that an amendment to change monitoring requirements may be the subject of a determination by the Nunavut Impact Review Board (NIRB) pursuant to section 12.4.3 of the Nunavut Land Claims Agreement (NLCA).

However, in light of the passage of time since the application was filed and the May 1, 2008 expiry date of the License, the Board is writing to seek CanZinco's views on proceeding with the amendment application at this time. The Board is prepared to either:

- 1) proceed with the application for amendment as expeditiously as possible within the requirements of the NWNSRTA and the NLCA, or
- 2) accept a withdrawal of the amendment application and consider the amendment in the upcoming renewal application process.

In either case, the Board will be required to send the application to NIRB for their advice within their impact assessment jurisdiction, and comply with the public hearing requirements pursuant to the NWNSRTA.

The Board requests you forward your views on this matter in writing to Phyllis Beaulieu, Manager of Licensing at licensing@nunavutwaterboard.org no later than **5:00 p.m (MST) June 15, 2007**.

Should you require clarification in this matter please do not hesitate to contact the undersigned at exec@nunavutwaterboard.org.

Regards,

Original signed by:

Dionne Filiatrault, P. Eng,
A/Executive Director

cc. Qikiqtani Distribution List