



P.O. Box 119
GJOA HAVEN, NU X0B 1J0
TEL: (867) 360-6338
FAX: (867) 360-6369

ᓄᓇᐅᑦ ᐃᓕᓂᐱᑦ ᑲᑎᓕᐱᑦ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYIT
OFFICE DES EAUX DU NUNAVUT

File No.: 1AR-POL0311 (formerly NWB1POL0311)

November 17, 2011

To: Distribution List

Subject: Request for Comments from Parties Regarding Licensee's Proposed Approach to Expiry of Licence 1AR-POL0311

Dear Parties:

The Nunavut Water Board (NWB or Board) received on October 17, 2011, from Teck Metals Ltd. (Teck) suggesting that the NWB consider canceling the existing Type "A" Water Licence¹ for the Polaris mine, which is set to expire on December 31, 2011. Teck would then apply for a new Type "B" Water Licence that would have much more restrictive terms than the current Type "A" Licence and that would focus solely on the terms and conditions applicable to on-going post closure and reclamation monitoring of the mine site. Please refer to the attached letter for more details.

Teck also indicated that it is their position that because the on-going monitoring activity does not involve a "use" of fresh water or the active depositing of waste, in fact no licence under the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRA or Act) is required. However, Teck would still be willing to seek a Type "B" Licence as a temporary measure until the Nunavut and Federal Governments determine what further regulatory instrument or policy is required to address the post-closure and mine reclamation circumstances.

Although Teck's inquiry appears to be an administrative question to the NWB as to how best to address the situation, given the significant implications of the suggested approach for the

¹ Type A Water Licence NWB1POL0311 issued to Teck Cominco Limited on March 2, 2003 with expiry date of December 31, 2011 for Industrial water use and waste disposal for closure and reclamation.

eventual closure of all projects in Nunavut that currently hold an active water licence, as well as the significant implications for the land owners, holders of reclamation security and the licensee of canceling or allowing the Type “A” Water Licence to expire, the Board considers it necessary to request comments from these parties before deciding on the process that best addresses this situation.

While the Board recognizes that the expiry of Teck’s Type “A” Licence is imminent (December 31, 2011), the Board also notes that the process moving forward has wider implications and must be informed by the public interest and a broader view of the long-term impacts of licensed activities. Accordingly, the Board is requesting that comments from the parties and public be provided to the Board on or before **December 7, 2011**.

In general, the Board must clearly establish that Teck has met all the terms and conditions of the Water Licence and that the licensed undertaking is in a stable state and has been reclaimed in a manner that ensures the objects of the Licence and the NWNSRTA are met.

In particular, the Board invites comment on the following issues:

1. The appropriateness of canceling the existing Type “A” Licence (recognizing that under s. 46 of the NWNSRTA, the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence);
2. Further, prior to considering cancellation of the Type “A” and/or issuance of a Type “B” water licence, what information should be required by the NWB beyond the current license compliance reporting documentation and normal Type “A” renewal or Type “B” water licence application information?;
3. Whether, if the Type “A” Licence is cancelled, the on-going post-closure and reclamation monitoring activity is such that the Board can issue a Type “B” Licence to regulate only that activity; and
4. For those parties holding reclamation security, direction regarding the effects (if any) that the cancellation of the Type “A” Water Licence may have on the reclamation security that is held (including any changes to the amounts and mechanisms for releasing security in whole or in part).

Should you have any questions, please feel free to contact the undersigned at 867-360-6338 or

dionne@nunavutwaterboard.org David Hohnstein, Director of Technical Services at 780-443-4406 or dts@nunavutwaterboard.org at your earliest convenience.

Yours truly,



Dionne Filiatrault
Executive Director

Attachment: Letter from Teck Metals Ltd to NWB dated October 17, 2011

cc: Distribution List – Qikiqtani
Mohan Denetto (AANDC)
Gilles Binda (AANDC)