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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI  
OFFICE DES EAUX DU NUNAVUT

**File No. 1BR-CUL1118  
Amendment No.1**

April 16, 2018

Allison Brown  
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**Subject: Licence No. 1BR-CUL1118 – Cullaton Lake (recognized closed gold mine);  
Amendment No.1**

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Dear Ms Brown,

Please find attached, the Amendment No.1 to Licence No. 1BR-CUL1118 Type “B” granted to Barrick Gold Inc. by the Nunavut Water Board (NWB) (Motion **2018-B1-002**) pursuant to its authority under Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)* and sec. 43(1)(b)(iii) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWSRTA), and in conjunction with the *Nunavut Waters Regulations (NWR)*. The terms and conditions of the original Licence related to the use of Water and the deposit of Waste are an integral part of this approval.

The pre-licensing regulatory requisites of the *Nunavut Agreement and the Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14 (NuPPAA) require that if a Proponent of a Project that was previously assessed under the *Nunavut Agreement* and NuPPAA proposes a significant modification to the Project, they must submit a Project Proposal to the Nunavut Planning Commission (NPC) in order to assess whether the proposed modifications conform to the applicable land use planning requirements. If the amendment is considered to be a significant modification to the previously assessed Project, the NPC would also provide directions regarding whether the amended Project Proposal should be subject to screening by Nunavut Impact Review Board (NIRB). In this case, the request for a short term amendment to Licence No. 1BR-CUL1118, dated January 29, 2018 is limited

to the term of the Licence and does not involve any change in activities related to the use of water or the deposit of waste, or management components of the Cullaton Lake Project. Consequently, the Nunavut Water Board does not consider the proposed short term amendment request to constitute a significant modification.

Further, the NWB is in receipt of correspondence from the NPC, issued on October 13, 2017 for a renewal/amendment application received by the NWB on October 30, 2017, with respect to the Cullaton Lake Project Proposal, indicating that the project proposal was previously reviewed by the NPC, with a conformity determination issued on October 19, 2008, which still applies. In addition, the activities were previously screened by the Nunavut Impact Review Board (NIRB), and has been exempt from the Nunavut Planning and Project Assessment Act (*NuPPAA*) under section 235 of that act, noting that it does not change the general scope of the original project activities, and the exceptions noted in section 12.4.3 (a) and (b) of the Nunavut Agreement do not apply.

Similarly, the subsequent NIRB Screening Decision Report with respect to the Project, issued on August 11, 2008 continues to apply to the proposed amendment of the licence term. On this basis, the NWB has concluded that the pre-licensing requirements of the *Nunavut Agreement*, the *NuPPAA* and the *NWNSRTA* have been met and has processed the amendment application accordingly.

The NWB recommends that the Licensee consult the comments received by interested persons on issues identified during the Application review period, and which apply to the renewal/amendment application currently before the Board. This information is attached for your consideration.<sup>1</sup>

Sincerely,

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Lootie Toomasie  
Nunavut Water Board Chair

LT/dh/ip

Enclosure: Licence No. **1BR-CUL1118 Amendment No.1**  
Comments – INAC

Cc: Kitikmeot Region Distribution List

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<sup>1</sup> INAC comments on submitted on January 31, 2018; 2017 INAC Final 2017 Mine Reclamation Cost Estimate, March 2017

## LICENCE AMENDMENT No. 1

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<b>Licensee:</b>	<b>BARRICK GOLD INC.</b>
<b>Licence No:</b>	<b>1BR-CUL1118</b>
<b>Licence Issued:</b>	<b>FEBRUARY 9, 2011</b>
<b>Amendment No. 1 Issued</b>	<b>APRIL 16, 2018</b>
<b>Licence Expiry Date:</b>	<b>JANUARY 31, 2018 (AMENDED TO OCTOBER 15, 2018)</b>

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### DECISION

Pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, with respect to an application for short term amendment (letter dated January 29, 2018), further to the original application received on October 20, 2017 for renewal/amendment, made by Barrick Gold Inc., the Board hereby grants the following Licence amendment.

The Licence issued on February 29, 2011 with an expiry date of January 31, 2018 shall be amended to reflect the written request of an additional one-hundred and eighty (180) days licence term (approximate) to take into consideration procedural matters required in processing the full Type “B” application for renewal/amendment, received October 20, 2017, at the request of the Applicant and intervener (INAC), and as outlined below.

### **Procedural History**

On October 20, 2017 the Nunavut Water Board (NWB or the Board) received an renewal/amendment application (the Application) submitted by Barrick Gold Inc. (Barrick or the Licensee) seeking an renewal of Water Licence 2BR-CUL1118 (the existing Licence) with amendments.

The Application included the following documents:

- Water Licence Application
- Inuktitut and English Summary
- Site Plans
- NPC and NIRB Correspondence
- Letter of Credit and Financial Statements
- Barrick Gold Inc. List of Current Officers
- Corporation Certificate of Registration
- Correspondence addressing recent INAC inspection report findings.
- Application fee payable to the Receiver General

On December 1, 2017, the NWB acknowledged receipt of the Application and following a

preliminary completeness check, the Board invited interested parties to make representations before the Board on or before January 8, 2018. On or before the comment deadline, an extension request was received from Indigenous and Northern Affairs Canada (INAC, the reviewer or the intervener) for an extension to January 16, 2018, and then corrected to January 26, 2018.

Following INAC's request for the extension and it being granted by the NWB, comments were received on January 31, 2018. The submission indicated that INAC did not have direct concerns with the renewal/amendment application, but did have a concern with the included closure plan and the associated closure cost estimate. INAC concluded their submission with two recommendations for the NWB regarding the concern highlighted with the closure plan and recommended that the NWB consider either:

- 1) Issuing a short-term renewal/extension to Barrick's current water licence, or
- 2) Issuing the water licence renewal with a term and condition that will allow time for the closure plan as well as the associated closure costs to be reviewed, discussed and approved.

In both of the scenarios, INAC recommended that a period of six months would be sufficient to engage with Barrick to discuss the closure plan and its associated closure costs (allowing time for a site visit if needed).

Prior to the receipt of comments from INAC on January 31, 2018, and following discussions between the Applicant and INAC, including email correspondence between the two parties, Barrick provided a formal request on January 29, 2018, with an attached recommendation from INAC, to amend the licence term only, for a period of approximately one-hundred and eighty (180) days, to allow for continued discussions between Barrick and INAC with respect to the revised closure plan and associated security amount.

In consideration of the above, and the need for further review, discussion and consultation with respect to the revised Closure and Reclamation Plan (and associated security cost estimate), the Board has determined that the application for renewal and amendment submitted on October 20, 2017 will remain active and in the NWB process, and has for the interim, decided to issue this short term amendment to amend the expiry date of the Licence.

**All remaining terms and conditions of Type "B" Licence No. 1BR-CUL1118, dated February 9, 2011 continue to apply.**

**This Licence Amendment No. 1 to Type "B" Licence No. 1BR-CUL1118, is issued and recorded at Gjoa Haven, NU on April 16, 2018.**

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Lootie Toomasie  
Nunavut Water Board, Chair