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NUNAVUT IMALIRIYIN KATIMAYINGI

File No: NWB2REP0305

May 21, 2003

Jeremy Howe
Logistics Co-Ordinator
BHP Billiton World Exploration Inc.
1400-1111 West Georgia Street
Vancouver, BC V6E 4M3
E-mail: jeremy.j.howe@bhpbilliton.com

RE: NWB Licence No. NWB2REP0305

Dear Mr. Howe:

Please find attached licence No. NWB2REP0305 issued to BHP Billiton World Exploration Inc. by the Nunavut Water Board (**Motion #: 2003-08**) pursuant to its authority under Article 13.5.5 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*. The terms and conditions of the attached Licence related to water use and waste disposal are an integral part of this approval.

Sincerely,

Philippe di Pizzo
Executive Director

Enclosure: Licence No. **NWB2REP0305**

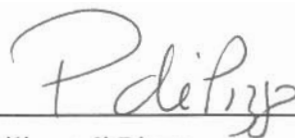
cc: Michelle McChristie, DIAND Iqaluit
Constantine Bodykevich, DIAND Inspector
Tongola Sandy, Lands Manager, Kivalliq Inuit Association
Gladys Joudrey, Nunavut Impact Review Board
Josee Gallipeau, Nunavut Wildlife Management Board
Colette Meloche, Environment Canada
Mike Fournier, Environment Canada
Earle Baddaloo, Department of Sustainable Development
Jordan DeGroot, Department of Fisheries and Oceans

APPROVAL FOR WATER USE AND WASTE DISPOSAL

Pursuant to Article 13 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to BHP Billiton World Exploration Inc. authorization to use water and dispose of waste into water in conjunction with camp operations and exploratory drilling operations near their Repulse Bay Property subject to the terms and conditions outlined herein and in the applicable land use permits.

APPLICATION NO:	NWB2REP0305
LICENSEE:	BHP Billiton World Exploration Inc. 1400-1111 West Georgia Street Vancouver, BC V6E 4M3 E-mail: jeremy.j.howe@bhpbilliton.com
START DATE:	May 12, 2003
EXPIRY DATE:	May 31, 2005
PURPOSE:	Water Use and Waste Disposal Associated with Camp Operations
LOCATION:	Repulse Bay Property, Kivalliq Region, Nunavut General Latitudes: 67°29'N General Longitudes: 93°09'W NTS Map#: 56K,M,N,O; 57A-G; 67A,D

This approval issued and recorded at Gjoa Haven includes and is subject to the annexed conditions.



Philippe di Pizzo
Executive Director

PART A: SCOPE, DEFINITIONS & ENFORCEMENT

1. Compliance with the terms and conditions of this approval does not absolve the Licensee from responsibility for compliance with all applicable legislation, guidelines, or directives.
2. This approval is issued subject to the conditions contained herein with respect to the taking of water and the depositing of waste of any type in any waters or in any place under any conditions where such waste or any other waste that results from the deposits of such waste may enter any waters, and with respect to any other impacts of the Licensee's activities on water quality, quantity or flow, including surface drainage.
3. Definitions:

"Combustible waste" means paper, non-treated wood products, and kitchen food waste;

"Drill waste" means all materials or chemicals, solid or liquid, associated with drilling of bore holes and includes bore hole cuttings;

"Sump" means a man-made pit, trench hollow or cavity in the earth's surface used for the purpose of depositing waste material therein; and

"Water Supply Facilities" means the area and associated intake infrastructure at the un-named Water Supply Lake, as described in the Application for Water Licence filed on 22 January 2003.
4. The Licensee shall maintain a copy of this Licence at the sites of operation at all times.
5. Enforcement
 - i. Failure to comply with this Licence will be a violation of the *Nunavut Water and Nunavut Surface Rights Tribunal Act*, exposing the Licensee to the enforcement measures and the penalties provided for in the Act.
 - ii. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Nunavut Water and Nunavut Surface Rights Tribunal Act*.
 - iii. Inspectors appointed under the *Nunavut Water and Nunavut Surface Rights Tribunal Act* enjoy-with respect to this Licence, and for the purpose of enforcing this Licence, and with respect to the use of water and deposit or discharge of waste by the licensee-all powers, privileges and protections that

are conferred upon them by the *Nunavut Water and Nunavut Surface Rights Tribunal Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. The Licensee shall file a report with the Board no later than March 31 of the year following the calendar year reported, which shall contain the following information:
 - i. A summary report of water use and waste disposal activities;
 - ii. A list of unauthorized discharges and a summary of follow-up actions taken;
 - iii. Revisions to the Contingency Plan for Material Spills;
 - iv. Progressive reclamation work undertaken;
 - v. Any other details on water use or waste disposal requested by the Board by November 1 of the year being reported.
2. The NWB shall be notified of any changes in operating plans or conditions associated with this project at least thirty (30) days prior to any such change.

PART C: CONDITIONS FOR THE USE AND PROTECTION OF WATER

1. The Licensee shall obtain water for drilling operations using the Water Supply Facilities, up to a maximum of 25 cubic metres per day.
2. If the drilling requires water in sufficient volume that the source water body may be drawn down the Licensee shall, at least 30 days prior to commencement of drilling, submit to the Board for approval the following: volume required, hydrological overview of the water body, details of impacts, and proposed mitigation measures. The use of streams is not recommended as a water source.
3. The Licensee shall equip all water intake hoses with a screen with an appropriate mesh size to ensure that there is no entrainment of fish.
4. The Licensee shall not remove any material from below the ordinary high water mark of any water body.
5. The Licensee shall not do anything that will cause erosion of the banks of any body of water on or adjacent to the land and shall provide necessary controls to prevent such erosion.

6. Sediment and erosion control measures shall be implemented prior to and maintained during the operation to prevent entry of sediment into water.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. Areas designated for waste disposal that may impair the quality, quantity, or flow of water shall not be located within thirty (30) metres of the ordinary high water mark of any water body, unless otherwise authorized by the Board.
2. The Licensee shall incinerate all combustible waste, and shall ensure that all hazardous wastes, waste oil and non-combustible waste generated through the course of the operation are backhauled and disposed of in an approved waste disposal site.

PART E: CONDITIONS APPLYING TO DRILLING OPERATIONS

1. All drill cuttings and drill waters that cannot be re-circulated shall be disposed of and contained on land in a sump located at least thirty (30) metres from the high water mark of any adjacent water body, at a site where direct flow into a water body is not possible and no additional impacts are created.
2. No land-based drilling is to be done within thirty (30) metres of the high water mark of any water body. Drill waste from on-ice drilling shall be removed from the drill site.
3. Drilling additives or mud shall not be used in connection with holes drilled through lake ice unless they are re-circulated or contained such that they do not enter the water, or are demonstrated to be non-toxic.
4. If artesian flow is encountered, drill holes shall be plugged and permanently sealed upon project termination.
5. The Licensee shall follow the *Interim Guidelines for On-Ice Drilling in the NWT* for all on-ice drilling operations. These are:
 - i. All drill cuttings shall be removed from the ice surface;
 - ii. The release of total suspended solids in the receiving environment shall be in compliance with the Guidelines for Total Suspended Solids contained in the *Canadian Council of Ministers of the Environment's (CCME) Canadian Water Quality Guidelines, Chapter 3 - Freshwater Aquatic Life*; and

- iii. For kimberlite targets, non-toxicity must be demonstrated; toxicity testing shall be done on the effluent from the drilling operation and the results shall be submitted to the Nunavut Water Board and/or an Inspector upon request.
- 6. The Licensee shall establish baseline water quality conditions before drilling through lake ice.

**PART F: CONDITIONS APPLYING TO SPILL PREVENTION AND
CONTINGENCY PLANNING**

- 1. The Licensee shall submit an up-dated Contingency Plan for Material Spills, to reflect contact information for spill response personnel in Nunavut, to the Board within 60 days of the issuance of this Licence.
- 2. If not approved by the Board, the plan referred to in Part F, Item 1 shall be revised and resubmitted within thirty (30) days of receiving notification of the Board's decision.
- 3. The Licensee shall revise their Contingency Plan for Material Spills annually to reflect changes in personnel, operations and/or technology or as directed by the Board.
- 4. The Licensee shall ensure that any chemicals, fuel or wastes associated with the project do not enter water. All sumps and fuel caches shall be located a minimum of thirty (30) metres from the normal high water mark of any adjacent water body.
- 5. If, during the duration of this Licence, an unauthorized discharge of waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - i. Employ the Contingency Plan for Material Spills;
 - ii. Report the spill immediately to the 24-Hour Spill Line at (867) 920-8130 and to the DIAND Water Resources Inspector at (867) 975-4298; and
 - iii. Submit to the DIAND Water Resources Inspector a detailed report, including the GPS location, on each occurrence no later than thirty (30) days after initially reporting the event.

PART G: CONDITIONS APPLYING TO ABANDONMENT AND RESTORATION

- 1. The Licensee shall submit to the Board for approval, within six (6) months of

issuance of this Licence, an Abandonment and Restoration Plan prepared in accordance with applicable sections of the "*Guidelines for Abandonment and Restoration Planning for Mines in the Northwest Territories (1990)*". The plan shall be revised annually to reflect changes in operation and/or technology.

2. If not approved by the Board, the plan referred to in Part G, Item 1 shall be revised and resubmitted within thirty (30) days of receiving notification of the Board's decision.
3. The Licensee shall backfill, and restore to the satisfaction of the Inspector, all sumps to the pre-existing contours of the land prior to the expiry of this permit.
4. The Licensee shall undertake progressive restoration for any components of the project no longer required for the Licensee's operations.
5. All disturbed areas shall be stabilized and re-vegetated as required, upon completion of work and restored to a pre-disturbed state

**GENERAL CONDITIONS FOR THE ADMINISTRATION OF LICENCES
ISSUED BY THE NUNAVUT WATER BOARD (NWB)**

The following conditions form an integral part of Licence No. **NWB2REP0305**:

1. At the time of issuance, a copy of the Licence is placed on the Water Register in the NWB Head Office in Gjoa Haven. **Documents in the Register are available to the public.**
2. If the Licensee contemplates the renewal of Licence No **NWB2REP0305**, it is its responsibility to apply to the NWB for its renewal. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then water use and waste disposal **must cease**, or the Licensee will be in contravention of the Nunavut Land Claims Agreement. The NWB recommends that an application for the renewal of Licence No **NWB2REP0305** be filed **at least three months** before the Licence's expiry date.
3. If Licence No. **NWB2REP0305** requires an amendment, **a public hearing may be required**. The Licensee should submit applications for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process may vary depending on the scope of the amendment requested.
4. Any communication with respect to this Licence shall be made **in writing** to the attention of:
 - (i) **Chief Administrative Officer:**
 Executive Director
 Nunavut Water Board
 P. O. Box 119
 Gjoa Haven, NU X0B 1J0
 Telephone: (867) 360-6338
 Fax: (867) 360-6369
 - (ii) **Inspector Contact:**
 Water Resources Officer
 Nunavut District, Nunavut Region
 P.O. Box 100
 Iqaluit, NU X0A 0H0
 Telephone: (867) 975-4298
 Fax: (867) 979-6445
5. The Licensee shall submit one paper copy and one electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.