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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

NWB File No: 2AM-LUP1520

March 29, 2019

Karyn Lewis, Project Manager
Lupin Mines Incorporated
76 Richmond Street East, Suite 330
Toronto, ON M5C 1P1

Email: k.lewis@mandalayresources.com

Subject: Type 'A' Water Licence 2AM-LUP1520; Application for Amendment and Renewal; Lupin Mines Incorporated; Lupin Mine Project.

Dear Ms. Lewis:

Further to the Nunavut Water Board (NWB or Board) correspondence of February 6, 2019¹, with respect to the determination of completeness of the 2AM-LUP1520 Water Licence Amendment and Renewal Application and supporting documentation (Application) submitted by Lupin Mines Incorporated (LMI or Applicant) for Lupin Mine Project, the Board received comments on March 4, 2019, from the Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC). A response to CIRNAC's comments were provided by LMI on March 19, 2019. CIRNAC confirmed on March 25, 2019, that they were satisfied with LMI's responses to their comments and considers the responses and information sufficient to enter into the full technical review phase of the application. Up to this point, the NWB has not received any indication that the Application should not proceed through the regulatory process.

Copies of the comments received from Intervening parties, submissions from the Applicant, and all documents associated with the Application have been placed in the Board's Public Registry and made available through the NWB's FTP site using the following link:

[ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP1520%20LMI/1%20APPLICATION/2019%20Renewal Amendment/](ftp://ftp.nwb-oen.ca/registry/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP1520%20LMI/1%20APPLICATION/2019%20Renewal%20Amendment/)

Based on the scope and nature of undertaking, the Application has been deemed to be a complete application for a Type "A" Water Licence. As such, it will require a public hearing as required by the Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSTRTA). All public hearing matters will be carried out in accordance with the Board's *Rules of Practice and Procedure for Public Hearing* dated May 11, 2005 (NWB Rules).

¹ Letter from Richard Dwyer, NWB, to Karyn Lewis, LMI, Re: Licence No. 2AM-LUP1520; Amendment and Renewal Application by Lupin Mines Incorporated; Lupin Mine Project, February 6, 2019.

NWB Notice of Application and Commencement of Technical Review

The NWB has determined through the completeness and preliminary assessment, which took into consideration the Application, Interveners' submissions, and the Board's initial review, that the Application submitted by LMI generally constitutes an administratively and materially complete Application in accordance with the Guides². The Board has therefore decided that the application can proceed to the next stage(s) of the licensing process, subject to any outstanding pre-licensing considerations that may be associated with the Application. The NWB retains the rights, however, to request additional information and studies pursuant to s.s. 48(2) of the NWNSRTA or to issue additional guidelines for the provision of information pursuant to s.s. 48(3) of the NWNSRTA, if it becomes necessary.

In accordance with s. 55(1) of the NWNSRTA, the **Board gives notice of the Application** and invites interested persons to make representation to the Board no later than **April 29, 2019** (3:00 p.m., MST). Notice of the Application will also be forwarded to the council of each municipality in the area(s) most affected by the Application and shall be published in a newspaper of general circulation in the area(s) affected or, if there is no such newspaper, in such other manner as the Board considers appropriate. Parties are advised that the consequences of failure to respond are outlined in s. 59 and s. 60(2) of the NWNSRTA³.

By copy of this letter to the distribution list, all interested parties or persons are requested to complete a thorough technical assessment of the Application for the renewal of the Type "A" Water Licence 2AM-LUP1520, available from the NWB Public Registry or by directly contacting Ms. Karyn Lewis, LMI, at k.lewis@mandalayresources.com.

Next Steps in the Process

The next steps in the Board's consideration of the Application in respect of the Lupin Mine Project, have been outlined as follows for the information of all parties. Please note that the Board reserves the right to revise the next steps and timelines if circumstances dictate:

Steps Preceding Technical Meeting

March 29, 2019:	Commencement of the technical review period; parties are asked to provide their technical review comments to the Board
April 29, 2019:	Submission of technical review comments and representations to the Board.
May 13, 2019:	LMI to provide response(s) to technical review comments.

² The minimum information requirements set out in the NWB Guidance Documents: Guide 4 – Completing and Submitting a Water Licence Application for a New Licence, July 2015, see Table 1; and Guide 5 – Processing Water Licence Applications, July 2015, see Table 1.

³ Section 59: In the circumstances described in paragraph 58(b), an applicant need not compensate the person under section 58 if the person fails to respond to the notice of application given under subsection 55(1) within the time period specified in the notice for making representations to the Board. Section 60(2) Subsection (1) does not apply in respect of a person referred to in that subsection who fails to respond to the notice of application given under subsection 55(1) within the time period specified in that notice for making representations to the Board.

Notice of Application and Commencement of Technical Review

	Parties given an opportunity to review responses from Applicant
May 17, 2019:	Circulation of draft agenda for the Technical Meeting.
May 24, 2019:	Submission of Applicants and Interveners presentations for the proposed technical meeting (including translated versions). Confirmation of attendance and draft agenda.
May 29, 2019:	Circulation of final agenda for the Technical Meeting / Pre-Hearing Conference.

Steps including and following Technical Meeting**1. Technical Meeting / Pre-Hearing Conference (TM/PHC): June 5-6, 2019**

Rule 14 of the NWB Rules permits the Board, through its staff or in conjunction with staff, to hold a Technical Meeting (TM) and Pre-hearing Conference (PHC) with interested parties, either in writing, by teleconference, or in person.

The Board has directed the staff of the NWB, in accordance with the NWB Rules, to hold the TM-PHC for the Application, in person, on the week of June 3, 2019 (tentatively on **June 5-6, 2019**). Interested persons should note that these dates are tentative and could be changed by the Board with a notice provided to parties. In advance of the date on which the TM-PHC will be held, the NWB will issue correspondence that will confirm dates and provide other relevant details.

2. Pre-Hearing Conference (PHC) Decision

Following the TM/PHC, the NWB will issue a PHC decision and may outline the technical commitments of the Applicant and the administrative and procedural requirements for a Public Hearing.

Public Hearing (PH) Notice

Sub-section 55(2) of the NWNSRTA requires that a minimum notice period of sixty (60) days be provided for a Public Hearing (PH). As with the Technical Meeting / Pre-hearing Conference, the Board has the ability to conduct its Public Hearing in writing, by teleconference, or in person. Once the Board has received all information requested through this process and is satisfied that the Public Hearing should proceed, the type or place, date, and time of the hearing will be determined, and a notice will be published by the Board in advance of the Public Hearing and in a manner that promotes public awareness and participation in the hearing.

3. Public Hearing Decision

Following the Public Hearing, the Board will issue a final written decision with reasons (final decision). The final decision will be provided to the Minister of Intergovernmental and Northern Affairs and Internal Trade (Minister) for the Minister's decision. Interested and intervening parties will also be provided with a copy of the Board's final decision as well as the Minister's decision.

Throughout the technical review phase, interested parties are encouraged to work cooperatively with LMI to discuss issues in advance of the proposed Technical Meeting / Pre-hearing Conference. The NWB, however, requests to be kept informed of any issues and any agreement reached between the parties on specific issues related to the Application. The Board also asks that all technical review comments, particularly for matters such as air quality, noise, and wildlife, be provided within the limits of the NWB's jurisdiction over the use of waters and the deposit of waste in waters or that may enter waters.

All submissions pertaining to this file should be provided to the NWB's Manager of Licensing by email to licensing@nwb-oen.ca prior to Monday, April 29, 2019 (3:00 p.m., MST).

If you have any questions regarding procedural matters related to the file, please contact Richard Dwyer, Licensing Manager, at richard.dwyer@nwb-oen.ca or by phone at (867) 360-6338 (ext. 27). For any technical inquiries, please contact Derek Donald, Technical Advisor at derek.donald@nwb-oen.ca or by phone at 867-360-6338, ext. 32 or Karén Kharatyan, Director of Technical Services, by e-mail to karen.kharatyan@nwb-oen.ca.

Sincerely,

Stephanie Autut
Executive Director
NUNAVUT WATER BOARD

SA/dd/rqd

Cc: Distribution List – Lupin