



Department of Justice
Canada

Ministère de la Justice
Canada

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March 31, 2000

Nunavut Water Board
P.O. Box 119
Gjoa Haven, Nunavut
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**BY FAX to 867-360-6369 and
BY E-MAIL to rbecker@polarnet.ca**

Attention: Mr. Thomas Kudloo, Chairperson

Dear Mr. Kudloo:

**Re: Applications by Echo Bay Mines Ltd. for renewals of Lupin and Ulu water licences;
Schedule for post-hearing submissions**

Toward the end of the proceedings in Kugluktuk on March 29th, you addressed the matter of post-hearing written submissions with respect to two documents:

- (1) Mr. Brodie's report regarding the Lupin operation; and
- (2) the applicant's document setting forth comments on the interventions regarding the Lupin and Ulu applications.

In the case of document (1), you indicated that the applicant and the other interested parties would have an opportunity (specifically, two weeks) to comment on the report, and that the applicant and the other interested parties would then have an opportunity (one week) in which to reply to first-round comments.

Where document (2) was concerned, you indicated that there would be an opportunity to comment on this item as well. I believe you did not explicitly identify the schedule which would apply; however, my understanding is that the periods allotted for the comments relating to document (1) would also be the periods for submission of comments relating to document (2).

I am concerned that a schedule which provides for only two rounds of submissions may result in a situation in which one party (for example, DIAND) is in effect deprived of the opportunity to respond to some other party's assertions. For instance, this might happen if the other party makes no submissions during the first round, or if the other party makes first-round submissions which are insubstantial. **Accordingly, I respectfully propose that the Board provide for a third round of submissions. I propose that, following the second, one-week period, a party would be entitled to submit a rejoinder to any of the comments relating to a particular document made during the second round, if the party has – either in the document itself or**

in the first or the second round – previously been forthcoming as to its views relating to the document. I propose that the party would have one week in which to submit the rejoinder.

Thank you for your consideration of this proposal.

Yours very truly

“Lee F. Webber”

Lee F. Webber
Legal Counsel to the
Intervenor DIAND

cc. (by fax): Brian Collins, DIAND, at 867-669-2716
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Echo Bay Mines Ltd., Attention Dave Hohnstein, at 780-890-8814
Environment Canada, Attention Anne Wilson, at 867-873-8185
Department of Fisheries and Oceans, Attention Lyndon Kivi, at 867-669-4941

William Tilleman, Legal Counsel, Nunavut Water Board, at 403-297-4152

Copies will also be forwarded, to the persons listed, by E-mail