



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

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NUNAVUT WATER BOARD  
NUNAVUT IMALIRIYIN KATIMAYINGI

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August 10, 2001

Mr. Bill Danyluk  
General Manager, Lupin Mine  
Echo Bay Mines Ltd., Lupin Operations  
9818 Edmonton International Airport  
Edmonton AB T5J 2T2

Subject :                      Application for Amendment – Licence **NWB1LUP0008**

Dear Mr. Danyluk:

Further to our letter of July 24, 2001, I wish to confirm that the Nunavut Water Board has rescheduled the upcoming Hearing on the above-noted Application for amendment to **November 15, 2001** in Kugluktuk. Please see the attached proposed agenda and revised notice of Hearing.

The NWB has received and reviewed the comments regarding the two issues raised in your correspondence of July 11, 17 and 25, 2001 and subsequent reply of August 1, 2001 from Mr. Lee F. Webber, Justice Canada counsel representing DIAND. These two issues are:

- (1) Whether a document filed less than 15 days before a hearing may nevertheless be relied on;
- (2) Should Brodie Consulting Ltd. be disqualified from serving as the Board's independent technical advisor?

Having reviewed the submissions, the Board is of the opinion that the answers to these questions are:

- (1) Yes, but only in exceptional circumstances, i.e., subject to procedural fairness and the balancing of interests of all of the parties, including in particular the Inuit who are not as familiar with the formal rules of evidence;
- (2) The Board believes that Mr. Brodie should be released in this case, not due to normal rules that apply to judges or board members of quasi-judicial tribunals but because the integrity of the Board's hearing, in the Board's mind, would be clouded with doubt due to the serious allegations made by Echo Bay through its counsel. The Board has

reached this conclusion whether or not it agrees with the allegations of Echo Bay – which it does not. Indeed, but for the suspicions raised by Echo Bay, which might even be dropped by Echo Bay in this proceeding, the Board would have continued to press on with Mr. Brodie, for all of the reasons given by Mr. Webber in his outstanding legal brief.

A couple of matters remain. First, any documents already filed by Mr. Brodie, and therefore released to the parties, will remain on the record; the Board will allow comments on this work based on their weight, not their admissibility. Second, the meeting between Brodie and Echo Bay will not be arranged by the Board for all the reasons listed by Mr. Webber on page 7, point (c) of his submission, which the Board adopts in its entirety. Finally, if the Board eventually decides to retain another independent expert, we will give notice and opportunity to all parties to provide comments on the Board's intentions.

Sincerely,

***Original signed by:***

Philippe di Pizzo  
Executive Director

Enclosure (Agenda and Notice)

c.c. Distribution List

**Echo Bay Mines –NWB1LUP0008 – August 10, 2001**

Echo Bay Mines	Bill Danyluk	<a href="mailto:bdanyluk@lupin.echobay.com">bdanyluk@lupin.echobay.com</a> (780)890-8766
	Martin Ignasiak	<a href="mailto:martin.ignasiak@fmc-law.com">martin.ignasiak@fmc-law.com</a> (780)423-7276
NTI	Carson Gillis	<a href="mailto:cgillis@polarnet.ca">cgillis@polarnet.ca</a> (867) 983-2723
NTI	Stefan Lopatka	<a href="mailto:slopatka@polarnet.ca">slopatka@polarnet.ca</a>
NIRB	Gladys Joudrey	<a href="mailto:gladys@polarnet.ca">gladys@polarnet.ca</a> (867) 983-2594
Kit-IA, Lands	Jack Kaniak	<a href="mailto:jkaniak@polarnet.ca">jkaniak@polarnet.ca</a> (867) 982-3311
KIA-Consultant	Feisal Somji	<a href="mailto:fsomji@meridiangeoscience.com">fsomji@meridiangeoscience.com</a>
KIA-Legal Counsel	John Donihee	<a href="mailto:donihee@acs.ucalgary.ca">donihee@acs.ucalgary.ca</a>
Kit-HTO	Executive Director	(867) 982-3903 (867) 982-4047
NWMB	Jose Galipeau	<a href="mailto:jgalipeau@nwmb.com">jgalipeau@nwmb.com</a> (867) 979-7785
DIAND-Iqaluit	Paul Smith	<a href="mailto:smithp@inac.gc.ca">smithp@inac.gc.ca</a> (867)975-4560
DIAND-Legal Counsel	Lee Webber	<a href="mailto:lee.webber@justice.gc.ca">lee.webber@justice.gc.ca</a> (867) 0625
DFO-Iqaluit	Jordan deGroot	<a href="mailto:degrootj@dfo-mpo.gc.ca">degrootj@dfo-mpo.gc.ca</a> (867) 979-8039
EC-YK	Paula Pacholek	<a href="mailto:paula.pacholek@ec.gc.ca">paula.pacholek@ec.gc.ca</a> (867) 873-8185
EC-Iqaluit	Lawrence Ignace	<a href="mailto:Lawrence.ignace@ec.gc.ca">Lawrence.ignace@ec.gc.ca</a>
DSD	Earle Baddaloo	<a href="mailto:ebaddaloo@gov.nu.ca">ebaddaloo@gov.nu.ca</a> (867) 975-5980
Kit-Health Board	Robert Phillips	<a href="mailto:rphillips@gov.nu.ca">rphillips@gov.nu.ca</a> (867) 983-4088
CG&T	Doug Sitland	<a href="mailto:dsitland@gov.nu.ca">dsitland@gov.nu.ca</a> (867)979-5811

Hamlet of Cambridge Bay: 983-2193  
 KIA & CLARC: Cambridge Bay: 983-2701  
 HTO Cambridge Bay: 983-2427

Hamlet of Kugluktuk: 982-3060  
 KIA & CLARC-Kugluktuk: 982-3311  
 HTO- Kugluktuk: 982-5912

Outpost Camp of Bathurst Inlet  
 Outpost Camp of Umingmaktuk

Brodie Consulting: John Brodie [mjohnbrodie@home.com](mailto:mjohnbrodie@home.com)