



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
OFFICE DES EAUX DU NUNAVUT

File No. 2AM-LUP0008

Date: January 26, 2009

By Email

To: Lupin Distribution List

Subject: Board request for further submissions regarding the Lupin Mines Incorporated (LMI), application for renewal of a Type A Water Licence for the Lupin Mine

The Nunavut Water Board (NWB or Board) would like to take this opportunity to thank Lupin Mines Incorporated (LMI) and the Parties for their written submissions and closing statements that were submitted in accordance with the procedures established for the Hearing on the renewal of Type A Water Licence 2AM-LUP0008.

Further to the Board's Pre-Hearing Conference decision concerning the application for renewal of a Type A water licence for the Lupin Mine, dated November 24, 2008 and before closing of the Hearing record, the Board requests the following supplemental submissions:

1. Written confirmation from Indian and Northern Affairs Canada (INAC) that the Applicant has furnished and maintains with the Minister, security in the amount of \$25.5 million in a form that is satisfactory to the Minister.¹ If INAC is unable to provide this confirmation, the Board requests that INAC provide the details of any relevant outstanding matters. This supplemental submission is to be filed with the Board no later than 5:00 p.m. MST, Monday, February 2, 2009.
2. Written confirmation from the Kitikmeot Inuit Association (KIA) that the requirements of subsection 63(1) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* have

¹ In the Board's decision re: *Lupin Licence Security Amendment 2001*, dated December 19, 2001, the Board set security for the Lupin Water Licence at the \$25.5 million, to be paid over a 5 year time period, due as follows:

2001	\$2.92 million (already furnished)
January 31, 2002	\$1.58 million
July 1, 2002	\$2.0 million
January 1, 2003	\$3.5 million
January 1, 2004	\$4.5 million
January 1, 2005	\$5.0 million
January 1, 2006	\$6.0 million
Total	\$25.5 million

been satisfied.² If KIA is unable to provide this confirmation, the Board requests KIA provide the details of any relevant outstanding matters. This supplemental submission to be filed with the Board no later than 5:00 p.m. MST, Monday, February 2, 2009.

3. Written response from the Applicant, addressing the supplemental submissions above, to be filed with the Board no later than 5:00 p.m. Monday, February 9, 2009.

All submissions shall be made to:

Thomas Kabloona
Chairman
Nunavut Water Board
P. O. Box 119
Gjoa Haven, NU X0B 1J0
Fax: 867-360-6369
Email: licensing@nunavutwaterboard.org

Upon receipt, Phyllis Beaulieu, Manager of Licensing will acknowledge receipt, post the information to the NWB ftp site and notify all Parties that the supplemental submissions are available for review. Subject to matters that may arise from the supplemental submissions, the Board anticipates closing the record of this Hearing following the receipt of the Applicant's written reply to the supplemental submissions.

For additional information, please contact David Hohnstein, A/Director Technical Services (dts@nunavutwaterboard.org) for technical issues and Phyllis Beaulieu, Manager of Licensing (licensing@nunavutwaterboard.org) for any other matter related to the Hearing.

Sincerely,



Thomas Kabloona
 Chairman
 Nunavut Water Board

² Subsection 63(1) of the NWNSRTA states:

63. (1) The Board shall not issue a licence in respect of a use of waters or a deposit of waste that may substantially affect the quality, quantity or flow of waters flowing through Inuit-owned land, unless

(a) the applicant has entered into an agreement with the designated Inuit organization to pay compensation for any loss or damage that may be caused by the change; or

(b) where there is no agreement referred to in paragraph (a), the Board has, on the request of the applicant or the designated Inuit organization, made a determination of the appropriate compensation.