



Environmental Protection Operations Directorate (EPOD)
Prairie and Northern Region
Eastgate Offices
9250 – 49th Street, NW
Edmonton, Alberta T6B 1K5

February 21, 2022

via email to: k.lewis@mandalayresources.com

Karyn Lewis
Project Manager Lupin Mine
Lupin Mines Incorporated (Mandalay Resources Corporation)
Suite 330 76 Richmond Street East
Toronto, ON, M5C 1P1

Dear Karyn Lewis:

RE: Recognized Closed Mine Status for Lupin Mine

In the Environment and Climate Change Canada (ECCC) letter to you, dated February 5, 2019, ECCC acknowledged your letter, dated January 30, 2019, notifying ECCC that:

- Lupin Mine Inc. (Mandalay Resources Corporation) owner/operator of Lupin Mine intends to close on January 30, 2022 and
- Lupin Mine Inc. stopped commercial operation (in Care and Maintenance), as of February 2005.

ECCC is also in receipt of a biological monitoring study originally submitted June 6, 2020, the addendum submitted January 28, 2022, and information entered in the Environmental Effects Monitoring Electronic Reporting (EEMER) system on February 8, 2022.

Subsections 32(1) and 32(2) of the *Metal and Diamond Mining Effluent Regulations* (MDMER) state:

32 (1) An owner or operator who intends to close a mine shall

(a) Provide written notice of that intention to the Minister of the Environment;

(b) maintain the mine's rate of production at less than 10% of its design-rated capacity for a continuous period of three years starting on the day on which



the written notice is received by the Minister of the Environment; and

(c) conduct a biological monitoring study during the three-year period referred to in paragraph (b) in accordance with Division 3 of Part 2 of Schedule 5.

(2) If the owner or operator has complied with all of the requirements set out in paragraphs (1)(a) to (c), the mine becomes a recognized closed mine after the expiry of the three-year period referred to in subsection (1).

Further to your letters and study, our records now indicate that the information has been received with regards to recognized closed mine as per section 32 of the MDMER. Recognized closed mines are subject to sections 32 and 33 of the MDMER. A number of measures are required to be taken in respect of a recognized closed mine, including, but not limited to, the owner or operator shall:

1. Notify the Minister of the Environment in writing at least 60 days before reopening the recognized closed mine (subsection 32(3));
2. Keep at any place in Canada all records, books of account or other documents required by the MDMER for a period of not less than five years beginning on the day they are made, and shall notify the Minister of the Environment in writing of their location (subsection 32(4)); and
3. Notify the Minister of the Environment of any changes made to the name and address of the owner or operator, or any parent company of the owner or operator, not later than 60 days after the change occurs (subsection 33(3)).

The above three points are a partial list of measures to be undertaken. Please refer to sections 32 and 33 of the MDMER for the complete measures to be carried out. In case of discrepancy between this letter and the MDMER, the Regulations shall prevail. A copy of the MDMER is available at the following website:

<http://laws.justice.gc.ca/eng/regulations/SOR-2002-222/>.

Facilities subject to the MDMER are required to report information to ECCC. Electronic reporting systems, known as the Mine Effluent Reporting System (MERS) and the Environmental Effects Monitoring Electronic Reporting (EEMER) system, allow the owner or operator of a facility subject to the MDMER to submit regulatory data to ECCC. These systems are accessible through the Single Window Information Management (SWIM) platform. You can submit most data through MERS and EEMER, but some information needs to be submitted directly to an inspector or ECCC. Information regarding how to submit regulatory information to ECCC, as well as User Guides for MERS and EEMER are available at the following website:

https://drive.google.com/drive/folders/15_zJYCILYJsU36SgfMkMBNkijK8s0JvM

In addition, please update your 'Facility Operation Status Type' in the 'Facility Information' part of MERS to reflect this mine's status. This can be done by selecting

'End of Commercial Operation', saving the page, then selecting 'Recognized Closed Mine'. Please refer to part 1.1 of the User Guide for MERS.

Finally, please be aware that any effluent discharged to any water or place referred to in subsection 36(3) of the *Fisheries Act* from the recognized closed mine is subject to the pollution prevention provisions of the *Fisheries Act*, including subsection 36(3) which states:

“Subject to subsection (4), no person shall deposit or permit the deposit of a deleterious substance of any type in water frequented by fish or in any place under any conditions where the deleterious substance or any other deleterious substance that results from the deposit of the deleterious substance may enter any such water.”

If you have any questions related to the MERS, email us at sdem-mers@ec.gc.ca. Should you have any other questions related to the MDMER, please contact Reg Ejeckam, Mining Projects Officer, at (431-275-1711 mobile, e-mail at reg.ejeckam@ec.gc.ca. The inspector responsible for your site is Olivia Smith and can be reached at 867-444-0512 (cell) or email at olivia.smith@ec.gc.ca

Sincerely,



Corinna Watt
A/Regional Director
Environmental Protection Operations Directorate
Prairie and Northern region

cc

Olivia Smith: Enforcement Branch - ECCC
Reg Ejeckam: Mining Project Officer -ECCC
Erik Allen: EEM Regional Coordinator -ECCC
MERS Admin (sdem-mers@ec.gc.ca)