



Fwd: 2BE-KLG1116 - Followup on required submissions

Cynthia Ene <cynthia.ene@nwb-oen.ca>

Mon, Feb 6, 2017 at 4:21 PM

To: Christopher Pennimpede <cpennimpede@gmail.com>

Cc: Olivia Brown <olivia@ooleepeeka.com>, Ida Porter <ida.porter@nwb-oen.ca>

Good Afternoon,

It appears to the Board that all the licence renewal application project proposal documents submitted to NPC, NIRB and NWB associated with the licence renewal process all indicated that Northern Empire Resources is the Licensee. At the time that the Prosperity Goldfields Corp.'s type 'B' water licence expired on June 10, 2016 the Board had no notice or indication that it was your intention to renew the Licence and transfer it to a new owner and licensee. Under the legislation governing the Board, (the Nunavut Waters and Nunavut Surface Rights Tribunal Act or NWNSRTA) when a licensee with an unexpired licence sells or otherwise disposes of their interest in the licenced undertaking, section 44 of the NWNSRTA provides that the licensee must request that the Board authorize an assignment of the water licence to the new owner in order for the rights and obligations under the water licence to be assigned.

With respect to expired licences it is important to remember that the NWNRSRTA provides that upon a water licence expiring, the right of the licensee to use water and deposit waste ceases, and only the obligations imposed by the licence on the “holder” of the licence continue to exist (see s. 46 of the NWNRSRTA). Consequently, as the Board is not able to assign the rights to use water and deposit waste under an expired licence to a subsequent licensee and would only be assigning outstanding obligations, the Board typically does not grant assignments of expired licences. Instead, in a situation such as this where the prior Type “B” licence and renewal application were submitted under the name of a totally different licensee and subsequent corporate entity, the Board requests that once a transfer of the licenced undertaking has been completed to the new corporate entity, the new corporate entity should apply for a new water licence in their own name, rather than seeking the assignment of an expired licence.

It is the NWB's understanding from your earlier email dated January 23, 2017 (in response to INAC's review question to the NWB) that the undertaking licenced under expired Licence 2BE-KLG1116 has now transferred ownership to Montego Resources and the submitted plans now reference Montego Resources as opposed to Northern Empire Resources. If this is the case, and Montego Resources will be the licensee for the undertaking going forward, the NWB requests that the Board receive confirmation of the legal transfer of the undertaking from Northern Empire Resources combined with a request from Montego Resources to bring forward the renewal application materials and NPC and NIRB determinations filed with the Board to date in association with expired Licence 2BE-KLG1116 to be considered as an application for a new licence in the name of the new owner.

Please note that until a new licence has been issued, all water uses and waste deposits authorized under the expired licence must cease as set out in the NWNSRTA.

If you have any questions regarding this matter, please follow up with me directly.



Cynthia Ene, MBA, P.Eng.- ᠙᠐᠙᠘ ᠘᠘᠔᠑'

Technical Advisor- Conseillère Technique

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On Tue, Jan 31, 2017 at 8:25 AM, Christopher Pennimpede <cpennimpede@gmail.com> wrote:

Hi Cynthia,

Apologies you were somehow added to that email chain trying to organize a call on another matter.

Did you have a chance to review the edits I made?

Thank you,

Chris Pennimpede

On Jan 24, 2017 20:17, "Cynthia Ene" <cynthia.ene@nwb-oen.ca> wrote:
Good Morning Olivia and Chris,

I'm a bit uncertain if you are trying to also have me included in the call scheduled for 3:30. Please note that if you do want to have a call with me, next week would be best for me.

Sincerely,



Cynthia Ene, MBA, P.Eng. - ٢٠٢٤ ٢٠٢٤

Technical Advisor- Conseillère Technique

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On Tue, Jan 24, 2017 at 10:01 AM, Olivia Brown <olivia@ooleepeeka.com> wrote:
How about 3:30?

Olivia
(778) 895 - 8055

On Jan 23, 2017, at 8:59 PM, Christopher Pennimpede <cpennimpede@gmail.com> wrote:

Very busy with roundup etc. Give me a time.

On Jan 23, 2017 7:55 PM, "Olivia Brown" <olivia@ooleepeeka.com> wrote:
Hello John,

I am available tomorrow at 3:30 or 5. Do either of those times work for you?

Yours truly,

Olivia

Olivia Brown, BSc (Hons.), BEd, ADGIS
Ooleepeeka Consulting Ltd.
Suite 001 - 1290 Homer Street
Vancouver, BC V6B 2Y5

(778) 895-8055
olivia@ooleepeeka.com

On Mon, Jan 23, 2017 at 6:07 PM, John Bevilacqua <info@acquacapitalgroup.com> wrote:

Olivia and Chris

Can we have a call tomorrow to discuss?

Anytime after 9pm

Thanks

From: Olivia Brown [mailto:olivia@ooleepeeka.com]
Sent: January 23, 2017 12:26 PM
To: Cynthia Ene
Cc: Christopher Pennimpede; John Bevilacqua
Subject: Re: 2BE-KLG1116 - Followup on required submissions

Hello Cynthia,

Attached are the amended documents requested.

I just want to clarify that since originally submitting our application for renewal 10 months ago the property has switched ownership from Northern Empire Resources to Montego Resources. The change in ownership has not effected the project exploration plans or water use.

Given that the spring time is quickly approaching, can you please let us know when we can expect to receive approval should the most recent revisions suffice?

Yours truly,

Olivia

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olivia@ooleepeeka.com

On Tue, Jan 17, 2017 at 7:34 AM, Cynthia Ene <cynthia.ene@nwb-oen.ca> wrote:

Good Morning,

Thank you for your submission on January 10, 2017 of the Spill Prevention and Response Plan Appendix (1 to 5). These have now been uploaded to the NWB's ftp site. In order to complete the detailed technical review of your application, the following information and plan revisions are still required:

1. Update the Demobilization Plan and the Spill Prevention and Response Plan (SPRP) to reference the Northern Empire Resources Corp.
2. Section 3.1 of the Spill Prevention and Response Plan (SPRP) refers to a fuel truck on site. Additional information should be provided to clarify if it can be utilized in the event of an onsite spill.
3. Update the Kiyuk Demobilization Plan submitted on October 12, 2016, to include responses to the following:
 - how fuel and hazardous materials will be removed from site; and
 - in 2015, fuel spills were noted and reported to the Enforcement Branch Environment Canada. Include a schedule and plan of when and how contaminated soils from spills 15-379 and 15-382 will be re mediated.
 - remove the discussion on salvage value
4. Update the Environmental Restoration Costs – Complete Removal of Kiyuk Camp, submitted by Northern Empire Resources on October 12, 2016
 - the revised restoration cost estimate should be revised to include the labor and equipment cost for the cat train, and for the contaminated soil remediation activities required.

If you have any further questions please email me back and I will endeavor to respond.



Cynthia Ene, MBA, P.Eng.- ᐱᐱᐱᐱ ᐱᐱᐱᐱ

Technical Advisor- Conseillère Technique

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