



NIRB File No.: 99WR055
NWB File No.: 2BM-ULU0008
(Previous NWB File No.: NWB1ULU0008)

November 19, 2008

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
c/o Spencer Dewar
Manager, Land Administration
Iqaluit, NU

Via email: dewars@inac-ainc.gc.ca

Re: Application Exempt from Screening under Section 12.4.3: Zinifex Canada Inc's Ulu Exploration (Renewal Type B Water Licence) project

Dear Spencer Dewar:

On November 12, 2008 the Nunavut Impact Review Board (NIRB) received a renewal application from the Nunavut Water Board (NWB) for Zinifex Canada Inc's "Ulu Exploration" project proposal. Be advised that this project proposal was previously screened (NIRB File No.: 99WR055) and the NIRB screening decision was to allow the project proposal to proceed subject to specific terms and conditions.

Please note that Section 12.4.3 of the Nunavut Land Claims Agreement (NLCA) states that:

"Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirement for screening by NIRB unless:

- (a) such component or activity was not part of the original project proposal; or
- (b) its inclusion would significantly modify the project."

The original water licence (#NWB1ULU0008) for this project proposal was issued for the purposes of authorizing the use of water and disposal of wastes into water in conjunction with exploration activities at the Ulu site. The project is currently at care and maintenance, and Zinifex Canada Inc. would like to maintain the class B licence until the decision is made in regards to the future of the project property. The NIRB is of the understanding that based on the NWB renewal application received on November 12, 2008, the project components have not changed and that the exceptions in 12.4.3(a) and (b) do not apply. Therefore, this application is exempted from screening, since the activities therein are subject to the terms and conditions recommended in the December 8, 1999 Screening Decision Report (attached). The NIRB requests that once Zinifex Canada Inc. determines it would be feasible to continue with the exploration activities at the site that all applications for exploration activities be forwarded to the NIRB for potential screening under Part 4 of the NLCA.

If you have any questions or concerns, feel free to contact NIRB's Technical Advisor Sophia Granchinho at sgranchinho@nirb.ca or 867-983-4607.

Best regards,



Jeff Rusk for:

Stephanie Autut, Executive Director

cc: David Stevenson, Zinifex Canada Inc.
Andrew Mitchell, Zinifex Canada Inc.
Aaron MacDonell, Zinifex Canada Inc.
Thomas Kabloona, Nunavut Water Board
Phyllis Beaulieu, Nunavut Water Board

Attachment: NIRB Screening Report Decision, File No.: 99WR055 (December 8, 1999)