

APPENDIX J REGULATORY HISTORY



Regulatory History: Lupin Mine Winter Access

The Tibbitt to Contwoyto Winter Road (TCWR) have been in seasonal operation since 1969. Below is a recent regulatory history associated with the TCWR in Nunavut, indicating that the winter road to Lupin, as described in the application NPC File #150434, has been referred to the Nunavut Impact Review Board (NIRB) multiple times in the past and the NIRB has indicated that the proposal may proceed without a Part 5 or 6 review. Attached are the supporting Screening Decision Reports from the NIRB and NPC, provided for reference.

NPC File # 148975, NIRB File # 19RN005 Nahanni Construction Ltd.

On January 14, 2019 the Nunavut Impact Review Board (NIRB) requested that the proponent Nahanni Construction Ltd. complete an online application form through the NIRB's public registry system and ensure, pursuant to s. 144(1) of the NuPPAA, that the information provided be sufficient to determine the scope of the project activities being proposed and that sufficient information has been provided to commence screening. On January 15, 2019 the NIRB received the required additional information and commenced the screening pursuant to Part 3 of the NuPPAA.

Following their assessment of all materials provided, the NIRB recommended that a review of Nahanni Construction Ltd.'s "Lupin Mine Winter Access" was not required pursuant to Article 12, Section 12.4.4(a) of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and s. 92(1)(a) of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA).

Subject to the Proponent's compliance with the terms and conditions as set out in below, the NIRB was of the view that the project proposal was not likely to cause significant public concerns, and it was unlikely to result in significant adverse environmental and social impacts.

The Board issued its screening decision report on Mar 4, 2019 (#19RN005) noting that the latest project scope, including an increase in water use volume and thus requiring a type B licence, determined the project to be exempt from screening.

NIRB File # 00RN085 RTL Robinson Enterprises Ltd

RTL applied for a Crown Land Use Permit (LUP) for a term of 2 years, December 1999 to April 2001, to construct the TCWR. Indian and Northern Affairs Canada (INAC) referred the application to the NIRB for screening. The NIRB received the referral on February 24, 2000. In their decision, the NIRB states:

The decision of the Board in this case is 12.4.4 (a): (a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval. Reflecting the primary objectives set out in Section 12.2.5;

Reasons for Decision:



NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- *the movement of vehicles and equipment, and their impact on wildlife;*
- *the movement of vehicles and equipment and their impact on the terrain;*
- *impact to archaeological and cultural landmarks;*
- *storage and disposal of fuel, garbage, and sewage; and*
- *clean up and restoration upon abandonment.*

NIRB File# 02RN037 Echo Bay Mines Ltd., BHP Diamonds Inc., Diavik Diamond Mines Inc.

Joint applicants applied to INAC for a 30-year renewal of the Licence of Occupation for the TCWR on November 5, 2001. This was referred to the NIRB for screening. In their decision, the NIRB states:

The decision of the Board in this case is 12.4.4 (a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval. Reflecting the primary objectives set out in Section 12.2.5;

NIRB File # 04RN111 Deton'Cho/RTL Corporation

Deton'Cho and RTL applied for a LUP from INAC for a period of 2 years, 2011-2013. INAC referred the matter to the NIRB for screening on January 11, 2011. In their decision, the NIRB states:

The decision of the Board in this case is 12.4.4 (a) the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5;

Reasons for Decision:

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- *the movement of vehicles and equipment, and their impact on wildlife;*
- *the movement of vehicles and equipment and their impact on the terrain;*
- *storage and disposal of fuel, garbage, and sewage; and*
- *clean up and restoration upon abandonment.*