



File No: **8BW-LUP2429**

November 28, 2024

Frazer Bourchier
President and Chief Executive Officer
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RE: NWB Renewal/Amendment Water Licence No: 8BW-LUP2429

Dear Frazer Bourchier:

Please find attached Licence No: **8BW-LUP2429** issued to Lupin Mines Incorporated (LMI or Licensee or Applicant), a wholly owned subsidiary of Mandalay Resources Corporation, by the Nunavut Water Board (NWB or Board) pursuant to its authority under Article 13 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in Right of Canada (Nunavut Agreement)*. The terms and conditions of the attached Licence related to the use of Water and the deposit of Waste are an integral part of this approval.

If the Licensee contemplates continuing this Undertaking after the Licence expires, it is the responsibility of the Licensee to apply to the NWB for a renewal water licence. The past performance of the Licensee, new documentation and information, and issues raised during a public hearing, if the NWB is required to hold one, will be used to determine the terms and conditions of the Licence renewal. Note that if the Licence expires before the NWB issues a new one, then the use of Water and the deposit of Waste must cease, or the Licensee may be in contravention of the *Nunavut Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act)*. However, the expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the Licence. The NWB recommends that an application for the renewal of this Licence be filed at least **three (3) months** prior to the Licence expiry date.

It should be noted that in accordance with s. 75(1)(a) of the *Nunavut Planning and Project Assessment Act (NuPPAA)*, the Board is not allowed to issue a permit or authorization for any project proposal that has not been submitted to the Nunavut Planning Commission (NPC) in accordance with s. 76 of *NuPPAA*.

If the Licensee contemplates or requires an amendment to this Licence, the NWB may decide, in the public's interest, to hold a public hearing. The Licensee should submit an application for amendment as soon as possible to give the NWB sufficient time to go through the amendment process. The process and timing may vary depending on the scope of the amendment, however, a minimum of **sixty (60) days** is required from the time of acceptance by the NWB. It is the responsibility of the Licensee to ensure that all application materials have been received and are acknowledged by the Manager of Licensing.

The NWB strongly recommends that the Licensee consult the comments received by interested persons on issues identified. This information is attached for your consideration.¹

Sincerely,

Lootie Toomasie
Nunavut Water Board,
Chair

LT/ns/rqd

Enclosure: Water Licence No: **8BW-LUP2429**

Comments – CIRNA, ECCC

Cc: Distribution List – Kitikmeot

¹ Crown-Indigenous Relations and Northern Affairs Canada's Review of the Lupin Winter Access Road application for water licence renewal 8BW-LUP1924, CIRNA, November 15, 2024; 8BW-LUP1924 – Lupin Mines Limited – Tibbet to Contwoyto Winter Road – Type B Water License Application, ECCC, November 14, 2024.

TABLE OF CONTENTS

DECISION	ii
I. PROJECT OVERVIEW	iii
II. FILE HISTORY	iii
III. PROCEDURAL HISTORY	iii
IV. GENERAL CONSIDERATIONS	iv
Term of the Licence	iv
Annual Reports	v
Water Use	v
Waste Disposal	v
Monitoring Plan	v
Management Plans and Related Information	v
Summary of Comments	vi
WATER LICENCE	1
PART A: SCOPE, DEFINITIONS AND ENFORCEMENT	2
1. Scope	2
2. Definitions	2
3. Enforcement	4
PART B: GENERAL CONDITIONS	4
PART C: CONDITIONS APPLYING TO WATER USE	6
PART D: CONDITIONS APPLYING TO WASTE DISPOSAL	7
PART E: CONDITIONS APPLYING TO CONSTRUCTION AND OPERATIONS	8
PART F: CONDITIONS APPLYING TO MODIFICATIONS	9
PART G: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING	10
PART H: CONDITIONS APPLYING TO RECLAMATION AND CLOSURE	10
PART I: CONDITIONS APPLYING TO THE MONITORING PROGRAM	11

DECISION

LICENCE NUMBER: 8BW-LUP2429

This is the decision of the Nunavut Water Board (NWB) with respect to an application submitted on August 26, 2024, and updated on November 21, 2024, for a renewal and amendment type B Licence made by:

LUPIN MINES INCORPORATED

to allow for the use of Water and the deposit of Waste for the construction of winter road and associated water crossings to facilitate the ongoing reclamation works at the Lupin Mine located approximately 300 km southeast of Kugluktuk and 450 km southwest of Cambridge Bay, in the Kitikmeot Region, Nunavut, within the following geographic coordinates:

Latitude: 65° 46' 45.01" N	Longitude: 111° 14' 02.97" W
Latitude: 65° 01' 50.98" N	Longitude: 109° 43' 09.97" W

DECISION

After having been satisfied that the Application is for a proposal that falls outside of an area with an approved land use plan, and is not subject to screening as activities with the current proposal were previously screened by the Nunavut Impact Review Board (NIRB)² as determined by the Nunavut Planning Commission (NPC)³, the NWB decided that the Application could proceed through the regulatory process. In accordance with s. 55.1 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA or Act)* and Article 13 of the *Nunavut Agreement*, public notice of the Application was given and interested persons were invited to make representations to the NWB.

After reviewing the submission of the Applicant and considering the representations made by interested parties, the NWB, having given due regard to the facts and circumstances, the merits of the submissions made to it and to the purpose, scope and intent of the *Nunavut Agreement* and of the *Act*, waived the requirement to hold a public hearing, and determined that:

Water Licence No: 8BW-LUP1924 be renewed as Licence 8BW-LUP2429 subject to the terms and conditions contained therein. (Motion #: 2024-B1-014)

Signed this 28th day of November, 2024 at Gjoa Haven, NU.

Lootie Toomasie
Nunavut Water Board, Chair

LT/ns/rqd

²Nunavut Impact Review Board (NIRB) Screening Decision dated March 04, 2019.

³Nunavut Planning Commission (NPC) Conformity Determination dated June 11, 2024.

I. PROJECT OVERVIEW

The application for renewal and amendment (Application) is by Lupin Mines Incorporated (LMI), a wholly owned subsidiary of Mandalay Resources Corporation to construct and operate a transboundary winter ice road from the Ekati Mine turnoff on Lac de Gras in the Northwest Territories to the Lupin Mine in Nunavut, traversing 95 km in the Northwest Territories and 118 km in Nunavut (213 km in total), along the previously established Tibbitt to Contwoyto Winter Road route, effectively connecting the Lupin Mine to the city of Yellowknife, and with the ultimate purpose of assisting in the final closure and remediation of the Lupin Mine.

The purpose of the road is to transport equipment and supplies for the ongoing reclamation of the Lupin Mine site. LMI plans to continue reclamation work over the field seasons of 2024, 2025, and 2026. However, the Applicant has requested a five-year licence term to accommodate any unforeseen delays or schedule changes.

Construction of the road will take place every December and January, while operations will run from January to April, depending on ice conditions. The road will close seasonally when ice travel is deemed unsafe, typically in April.

II. FILE HISTORY

In 2019 LMI contracted Nahanni Construction Ltd. to obtain the necessary permits to construct a winter road to support reclamation work at the Lupin Mine. The NWB issued water licence 8BW-LUP1924 to Nahanni Construction Ltd on December 04, 2019, for the construction and operation of this winter ice road. However, by the time of renewal of the existing licence, the LMI desired to take full responsibility for that licence. Therefore, the licence 8BW-LUP1924 was assigned to LMI on October 28, 2024, as per the Application for Assignment dated September 27, 2024.

III. PROCEDURAL HISTORY

The Board received an application for renewal of the licence 8BW-LUP1924 from Lupin Mines Incorporated (LMI) on August 26, 2024. The Application consisted of the following documents:

- AppA_MND_Lupin Winter Road_Articles of Incorporation
- AppA_MND_Lupin Winter Road_Legal Structure Chart_Jun 14 2024
- AppB_MND_Lupin Winter Road_TCJV Support Letter
- AppC_MND_Lupin Winter Road_Security Calculation
- AppD_MND_Lupin Winter Road_Financial Statements_Q1_2024_Final
- AppD_MND_Lupin Winter Road_Financial Statements_Q4_2023_Final
- AppE_MND_Lupin Winter Road_Directors and Officers_202040808
- AppG_MND_Lupin Winter Road_Project Description
- AppG_MND_Lupin Winter Road_Project Summary
- AppH_MND_Lupin Winter Road_Plain Language Summary_Inuinnaqtun
- AppH_MND_Lupin Winter Road_Plain Language Summary_Inuk
- AppI_MND_Lupin Winter Road_Map

- AppJ_MND_Lupin Winter Road_Regulatory History
- AppK_MND_Lupin Winter Road_NPC Exempt from Screening
- AppL_MND_Lupin Winter Road_Email from NIRB Confirmation of Exemption
- AppM_MND_Lupin Winter Road_Effects Assessment
- AppO_MND_Lupin Winter Road_Engagement Log
- AppP_MND_Lupin Winter Road_Wildlife Protection Management Plan
- AppQ_MND_Lupin Winter Road_Abandonment and Restoration Management Plan
- AppR_MND_Lupin Winter Road_Spill Contingency Management Plan
- AppS_MND_Lupin Winter Road_Waste Management Management Plan
- AppT_MND_Lupin Winter Road_Wildlife Protection Management Plan
- MND_Lupin Winter Access Road_Application_22Aug2024
- MND_Lupin Winter Road_Cover Letter_22Aug2024
- Letter of Authorization

Since the previous licence 8BW-LUP1924 was issued to Nahanni Construction Ltd. (Nahanni), an assignment of the water licence from Nahanni to LMI was completed on October 28, 2024, prior to the processing of the renewal application.

On October 29, 2024, the Board distributed the renewal/amendment application for a three-week review and comment period with the deadline for submission set for November 19, 2024. Comments were received from Crown-Indigenous Relations and Northern Affairs (CIRNA) and Environment and Climate Change Canada (ECCC) on November 15, 2024 and November 14, 2024, respectively. LMI provided its responses to comments on November 21, 2024, including updated management plans as per Intervenors' recommendations. On November 25, 2024, CIRNA and ECCC confirmed that they were generally satisfied with the responses and additional information provided by LMI.

Additionally, since the project is transboundary, the Applicant has stated that a land use application has been submitted to the Mackenzie Valley Land and Water Board and confirmed that a water licence is not required in the Northwest Territories as the estimated quantity of water required is less than ninety-nine (99) cubic metres per day.

The NWB has placed in its Public Registry copies of the Application and all supporting documentation. This information can be accessed using the following link:

<https://public.nwb-oen.ca/registry/8%20MISCELLANEOUS/8B/8BW%20-%20Watercourse/8BW-LUP2429%20LMI/>

IV. GENERAL CONSIDERATIONS

The following sections provide a general overview of the rationale for some of the main terms and conditions included under this Water Licence.

Term of the Licence

In accordance with s. 45 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSRTA or Act), the NWB may issue a licence for a term not exceeding twenty-five (25) years. In determining an appropriate term for a renewal licence, the Board generally takes into

consideration several factors including the Intervenors' comments, the Licensee's compliance history, as well as the rationale contained in the application.

The Applicant had initially requested a three (3) year term for the licence, with a proposed expiry date in November 2029. However, in response to technical review comments, the Applicant requested a five (5) year term for the renewal licence. The Board, in examining the requirements and past performance of the Applicant, felt that a five-year term was appropriate. The Board has therefore granted the term requested by the Applicant.

Annual Reports

Under Part B, Item 1 of the Licence, the Licensee is required to submit Annual Reports for the purpose of ensuring that the NWB has an accurate annual update of activities related to Water use and Waste disposal during each calendar year. This information is maintained on the Public Registry and is available to interested parties upon request. A "Standardized Form for Annual Reporting" is to be used by the Licensee and is available from the NWB site under the Public Registry link at the NWB Website:

<https://public.nwb-oen.ca/other%20documents/Standardized%20Forms/>

Water Use

The Applicant has indicated that Water use in Nunavut will be from Contwoyto Lake and Pellatt Lake and the water withdrawn will be less than 10% of the available water in the lakes. Water will be frozen onto the surface of the lakes and remain in the waterbody following thaw. Portages between water bodies may be constructed by compacting snow with a snowcat or equivalent and applying water to create a durable surface.

The Board has authorized the Licensee to use a maximum of two hundred and ninety-nine (299) cubic metres of water per day under Part C, Item 1 of the Licence.

Waste Disposal

Sewage and greywater will be buried in a sump. All other solid waste generated by the Project will be disposed of at an approved waste disposal facility in the Northwest Territories, or the Lupin Mine in Nunavut. Terms and conditions for waste disposal are included in Part D of this Licence.

Monitoring Plan

To ensure impacts from construction are detected in a timely fashion, the NWB has imposed appropriate terms and conditions under Part I of the Water Licence.

Management Plans and Related Information

The Applicant has submitted the following plans which are being approved with the issuance of this Licence:

- Spill Contingency Management Plan: Lupin Mine Winter Access Road Project, dated May 2024;
- Waste Management Plan: Lupin Mine Winter Access Road Project, dated May 2024;
- Abandonment and Restoration Management Plan: Lupin Mine Winter Access Road Project, dated May 2024.

As per Interveners and NWB recommendations, these management plans were further updated and submitted to the NWB on November 21, 2024.

The updated management plans stated above are being approved with the issuance of this Licence. However, to address some of CIRNA's comments the Licensee is required to submit an updated Spill Contingency Management Plan at least sixty days prior to the construction of the winter road.

Summary of Comments

Crown-Indigenous Relations and Northern Affairs (CIRNA)

On November 15, 2024, CIRNA recommended the following:

- *CIRNAC recommends that the Applicant provides an estimated total water withdrawal forecast from each source for construction and operation.*
- *CIRNAC recommends that the Applicant provide the board with specific and detailed spill contingency plan. In particular, the plan has to present specific information about roles and responsibilities, spill kit details, spill in situ combustion.*

On November 21, 2024, the Applicant responded as follows:

- *Calculations for Nunavut water usage fees were based on 56 project days at 99m3/day, totaling 5,544 m3. Contwoyto Lake and Pellatt Lake are the only water sources in Nunavut and are expected to be evenly distributed between the 2 sources. this value will be confirmed during Construction and Operations Program.*
- *Mandalay will, within 30 days of construction, update the Spill Contingency and Management Plan to include these specific details, focussed on Roles and Responsibilities, Requisite Qualifications, Spill kit contents and spill response procedures for each type and volume of spill that could occur as part of these proposed works.*

On November 25, 2024, CIRNA confirmed that the response addressed their comments.

Environment and Climate Change Canada (ECCC)

On November 14. 2024, ECCC recommended that NWB ensure the Proponent:

- *Update their list of Species at Risk in the Wildlife Management Plan.*
- *Implement mitigation and monitoring measures that are consistent with applicable listed species Recovery Strategies and Action Plans or Management Plans.*

Where the Proponent may encounter a listed species, the primary mitigation measure should be avoidance. ECCC recommends the Proponent:

- *Submit monitoring reports to the appropriate regulators and organizations with management responsibility for that species. Monitoring should include recording the timing and location of observed listed species, their behavior when encountered, and actions taken by the Proponent to avoid disturbance to the species, its habitat, and/or its residence.*

On November 21, 2024, the Applicant responded as follows:

The intended use of this water license application is for the winter months when conditions are amenable for winter road construction. Mandalay does not anticipate interacting with any of these species provided by ECCC during the time frame in which the winter road would be constructed and operated construction and operation phases. This expectation has been confirmed by a Wildlife Biologist in BC who is familiar with the species listed and their winter habitat range.

On November 25, ECCC responded that they have no further comments.



NUNAVUT WATER BOARD WATER LICENCE

Licence No: 8BW-LUP2429

Pursuant to the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*, the Nunavut Water Board, hereinafter referred to as the Board, hereby grants to

LUPIN MINES INCORPORATED C/O MANDALAY RESOURCES CORPORATION
(Licensee)

SUITE 3720 – 155 UNIVERSITY AVENUE, TORONTO, ON M5H 3B7
(Mailing Address)

hereinafter called the Licensee, the right to alter, divert or otherwise use water or dispose of Waste for a period subject to restrictions and conditions contained within this Licence:

Licence Number/Type: **8BW-LUP2429 / TYPE B**

Water Management Area: **QUEEN MAUD GULF WATERSHED (30) AND BACK WATERSHED (31)**

Location: **KITIKMEOT REGION, NUNAVUT**

Classification: **OTHER UNDERTAKING**

Purpose: **USE OF WATER AND DEPOSIT OF WASTE**

Quantity of Water use not to Exceed: **TWO HUNDRED AND NINETY-NINE (299) CUBIC METRES PER DAY**

Effective Date: **DECEMBER 04, 2024**

Expiry of Licence: **DECEMBER 03, 2029**

This Licence, issued and recorded at Gjoa Haven, Nunavut, includes and is subject to the annexed conditions.

**Lootie Toomasie
Nunavut Water Board, Chair**

PART A: SCOPE, DEFINITIONS AND ENFORCEMENT

1. Scope

This Licence allows for the use of Water associated with the construction and operation of a winter ice road for an Undertaking classified as Other as per Schedule 1 of the *Regulations* for the Lupin Winter Access Project, located in the Kitikmeot Region, Nunavut. The scope of the Licence does not include the development of a quarry or granular sources, which the Board may potentially consider under a future amendment to the Licence.

- a. This Licence is issued subject to the conditions contained herein with respect to the taking of Water and the deposit of Waste of any type in any Waters or in any place under any conditions where such Waste or any other Waste that results from the deposits of such Waste may enter any Waters. Whenever new Regulations are made or existing *Regulations* are amended by the Governor in Council under the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, or other statutes imposing more stringent conditions relating to the quantity or type of Waste that may be so deposited or under which any such Waste may be so deposited, this Licence shall be deemed, upon promulgation of such Regulations, to be subject to such requirements; and
- b. Compliance with the terms and conditions of this Licence does not absolve the Licensee from responsibility for compliance with the requirements of all applicable Federal, Territorial and Municipal legislation.

2. Definitions

In this Licence No: 8BW-LUP2429

“Act” or “Act” means the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Addendum” means the supplemental text that is added to a full plan or report usually included at the end of the document and is not intended to require a full resubmission of the revised report;

“Amendment” means a change to original terms and conditions of this Licence requiring correction, addition or deletion of specific terms and conditions of the Licence; modifications inconsistent with the terms of the set terms and conditions of the Licence;

“Applicant” means the Licensee;

“Board” means the Nunavut Water Board established under the *Nunavut Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*;

“Engineer” means a professional engineer registered to practice in Nunavut in accordance with

the *Consolidation of Engineers and Geoscientists Act S. Nu 2008, c.2* and the *Engineering and Geoscience Professions Act S.N.W.T. 2006, c.16* Amended by *S.N.W.T. 2009, c.12*;

“**Freshet**” means a term commonly used to describe the spring thaw resulting from snow or ice that may yield a rise or overflowing of a stream;

“**Greywater**” means all liquid Wastes from showers, baths, sinks, kitchens and domestic washing facilities, but does not include toilet Wastes;

“**Hazardous Waste**” means materials or contaminant which are categorized as dangerous goods under the *Transportation of Dangerous Good Act* (1992) and/or that is no longer used for their original purpose and is intended for recycling, treatment, disposal or storage;

“**High Water Mark**” means the usual or average level to which a water body rises at its highest point and remains for sufficient time so as to change the characteristics of the land (ref. Department of Fisheries and Oceans Canada, Operational Statement: Mineral Exploration Activities);

“**Inspector**” means an Inspector designated by the Minister under Section 85 (1) of the *Act*;

“**Licensee**” means the holder of this Licence;

“**Modification**” means an alteration to a physical work that introduces a new structure or eliminates an existing structure and does not alter the purpose or function of the work, but does not include an expansion;

“**Monitoring Program**” means a monitoring program established to collect data on surface water and groundwater quality to assess impacts to the freshwater aquatic environment of an appurtenant undertaking;

“**Nunavut Agreement**” or “**Nunavut Agreement**” means the “*Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada*”, including its preamble and schedules, and any amendments to that agreement made pursuant to it;

“**Petroleum Hydrocarbon-Impacted Soil**” means soil in which the primary petroleum product present, as determined by laboratory analysis consistent with that described in the Canada-Wide Standards for Petroleum Hydrocarbons in Soil, consists of fuel oil and/or diesel fuel and /or gasoline and/or jet fuel;

“**Regulations**” or “**Regulations**” means the *Nunavut Waters Regulations* SOR/2013-69 18th April, 2013;

“**Secondary Containment**” means an impermeable structure, external to and separate from primary containment, which prevents unplanned spills of hazardous materials and provides a minimum capacity of 110% of the original vessel. Where multiple vessels are stored within the

containment, it must provide a minimum capacity equal to the sum of the largest vessel and 10% of the aggregate volume of all other vessels located in the containment. This structure shall also provide containment and control of hoses and nozzles;

“**Sewage**” means all toilet wastes and greywater;

“**Spill Contingency Plan**” means a Plan developed to deal with unforeseen petroleum and hazardous materials events that may occur during the operations conducted under the Licence;

“**Toilet Wastes**” means all human excreta and associated products, but does not include greywater;

“**Undertaking**” means an undertaking in respect of which water is to be used or waste is to be deposited, of a type set out in Schedule I of the *Regulations*;

“**Use**” means use as defined in S.4 of the *Act*;

“**Waste**” means, as defined in s. 4 of the *Act*, any substance that, by itself or in combination with other substances found in water, would have the effect of altering the quality of any water to which the substance is added to an extent that is detrimental to its use by people or by any animal, fish or plant, or any water that would have that effect because of the quantity or concentration of the substances contained in it or because it has been treated or changed, by heat or other means;

“**Water**” or “**Waters**” means waters as defined in section 4 of the *Act*;

“**Winter Road**” means a road constructed of snow or ice over land or Water.

3. Enforcement

- a. Failure to comply with this Licence will be a violation of the *Act*, subjecting the Licensee to the enforcement measures and the penalties provided for in the *Act*;
- b. All inspection and enforcement services regarding this Licence will be provided by Inspectors appointed under the *Act*; and
- c. For the purpose of enforcing this Licence and with respect to the use of Water and deposit or discharge of Waste by the Licensee, Inspectors appointed under the *Act*, hold all powers, privileges and protections that are conferred upon them by the *Act* or by other applicable law.

PART B: GENERAL CONDITIONS

1. The Licensee shall file an Annual Report on the Undertaking with the Board no later than March 31st of the year following the calendar year being reported, containing the

following information:

- a. A summary report of all winter road construction and operation activities;
 - b. All monitoring information required under Part I;
 - c. A list of unauthorized discharges and summary of follow-up action taken;
 - d. A summary of any abandonment and restoration work completed during the year and an outline of any work anticipated for the next year;
 - e. Any revisions to approved plans and manuals as required by Part B, Item 9, submitted in the form of an addendum;
 - f. A summary of any studies or reports requested by the Board that relate to Water use and Waste disposal or restoration, and a brief description of any future studies planned; and
 - g. Any other details on Water Use and/or Waste disposal requested by the Board by the 1st of November of the year being reported.
2. The Licensee shall notify the NWB of any changes in operating plans or conditions associated with this Project at least thirty (30) days prior to any such change.
 3. The Licensee shall comply with the Monitoring Program described in this Licence, and any amendments to the Monitoring Program as may be made from time to time, pursuant to the condition of this Licence.
 4. The Monitoring Program and compliance dates specified in the Licence may be modified at the discretion of the Board.
 5. The Licensee shall, for all Plans submitted under this Licence, include a proposed timetable for implementation. Plans submitted, cannot be undertaken without subsequent written Board approval and direction. The Board may alter or modify a Plan if necessary to achieve the legislative objectives and will notify the Licensee in writing of acceptance, rejection or alteration of the Plan.
 6. In the event that a Plan is not found acceptable to the Board, the Licensee shall, within thirty (30) days of notification by the Board or as otherwise indicated in the Board's notification provide a revised version of the Plan to the Board for review and/or approval in writing.
 7. The Licensee shall, for all Plans submitted under this Licence, implement the Plan as approved by the Board in writing.
 8. Every Plan to be carried out pursuant to the terms and conditions of this Licence shall become a part of this Licence, and any additional terms and conditions imposed upon approval of a Plan by the Board become part of this Licence. All terms and conditions of the Licence should be contemplated in the development of a Plan where appropriate.
 9. The Licensee shall review the Plans referred to in this Licence, as required by changes in

operation and/or technology, and modify the Plan accordingly. Revisions to the Plans shall be submitted in the form of an Addendum to be included with the Annual Report.

10. The Licensee shall ensure a copy of this Licence is maintained at the site of operations at all times. Any communication with respect to this Licence shall be made in writing to the attention of:

(a) Manager of Licensing:

Nunavut Water Board
P.O. Box 119
Gjoa Haven, NU X0B 1J0
Telephone: (867) 360-6338
Fax: (867) 360-6369
Email: licensing@nwb-oen.ca

(b) Inspector Contact:

Inspector Contact:
Manager of Field Operations, CIRNA
Nunavut District, Nunavut Region
918 Nunavut Drive
Iqaluit, NU X0A 3H0
Telephone: (867) 975-4284

11. The Licensee shall submit an electronic copy of all reports, studies, and plans to the Board. Reports or studies submitted to the Board by the Licensee shall include a detailed executive summary in Inuktitut.
12. The Licensee shall ensure that all documents or correspondence submitted by the Licensee to the NWB are received and acknowledged by the Manager of Licensing.
13. This Licence is assignable as provided for in Section 44 of the *Act*.
14. The expiry or cancellation of this Licence does not relieve the Licensee from any obligation imposed by the Licence, or any other regulatory requirement.

PART C: CONDITIONS APPLYING TO WATER USE

1. The Licensee shall obtain all Water for the construction, maintenance and operation of the winter road including on-ice portions and portages from Contwoyo Lake and Pellatt Lake. The volume of Water for all purposes under this Licence shall not exceed two hundred and ninety-nine (299) cubic metres per day.
2. The withdrawal of Water from any source shall not exceed ten (10) per cent of the

available water in each source.

3. The Licensee shall submit to the Board for approval in writing, the following information at least thirty (30) days prior to the use of Water of a sufficient volume that the source water body may be drawn down: volume required, hydrological overview of the water body, details of impacts, and proposed mitigation measures.
4. The Licensee shall equip all Water intake hoses with a screen of an appropriate mesh size to ensure that fish are not entrained and shall withdraw Water at a rate such that fish do not become impinged on the screen.
5. The Licensee shall not remove any material from below the ordinary High Water Mark of any water body unless approved by the Board in writing.
6. The Licensee shall not cause erosion to the banks of any water body and shall provide necessary controls to prevent such erosion.
7. Sediment and erosion control measures shall be implemented prior to and maintained during the undertaking to prevent the entry of sediment into Water.
8. The Licensee shall undertake appropriate corrective measures to mitigate impacts in surface drainage resulting from the Licensee's activities.
9. The Licensee shall cease activities each year prior to the start of freshet.

PART D: CONDITIONS APPLYING TO WASTE DISPOSAL

1. The Board has approved the Plan entitled *Waste Management Plan: Lupin Mine Winter Access Road Project* dated October 24, 2024, which was submitted as additional information with the Application.
2. The Licensee shall not practice on-site landfilling of domestic Waste unless otherwise approved by the Board in writing.
3. The Licensee shall contain all Greywater in a Sump located at a distance of at least thirty-one (31) metres above the ordinary High Water Mark of any water body, at a site where direct flow into a water body is not possible and no additional impacts are created, unless otherwise approved by the Board in writing.
4. The Licensee shall contain all Toilet Wastes in latrine pits or use incineration, chemical, portable or composting toilets. Latrine pits shall be located at a distance of at least thirty-one (31) metres above the ordinary High Water Mark of any water body, treated with lime and covered with native material to achieve the pre-existing natural contours of the land prior to abandonment.

5. The Licensee shall backhaul all waste generated by the Project to an approved waste disposal facility in the Northwest Territories, or at the Lupin Mine in Nunavut.
6. The Licensee shall maintain records of all Waste backhauled and records of confirmation of proper disposal of backhauled Waste. These records shall be made available to an Inspector upon request.
7. The Licensee shall remove and treat any hydrocarbon-contaminated snow and soil generated by the Project at an approved facility for treatment and/or disposal.

PART E: CONDITIONS APPLYING TO CONSTRUCTION AND OPERATIONS

1. The Licensee shall not store material on the surface of frozen streams or lakes including the immediate banks except what is for immediate use.
2. The Licensee shall notify the Board and the Inspector annually at least 30 days prior to the start of winter road construction and following seasonal closure.
3. The Licensee shall submit to the Board for review, for-construction drawings stamped and signed by an Engineer, at least sixty (60) days prior to the construction of any dams, dykes or structures intended to contain, withhold, divert or retain Water or Wastes.
4. The Licensee shall, within ninety (90) days of completion of construction activities, submit to the Board for review a Construction Summary Report that includes as-built plans and drawings stamped and signed by an Engineer, explanation for any deviation from construction drawings, and consideration of construction and field decisions and their effects on the performance of engineered facilities.
5. The Licensee shall not erect camps or store material on the surface of frozen streams or lakes including the immediate banks except what is for immediate use. Camps shall be located such as to minimize impacts on surface drainage.
6. The Licensee shall conduct all activities in such a way as to minimize impacts on surface drainage and the Licensee shall immediately undertake corrective measures in the event of any impacts on surface drainage.
7. The Licensee shall construct all winter lake and stream crossings, including ice bridges, entirely of Water, ice or snow. The Licensee shall minimize disturbance by locating ice bridges in an area that requires the minimum approach grading and the shortest crossing route. Stream crossings shall be removed or the ice notched prior to spring break-up.
8. The Licensee shall not mobilize heavy equipment or vehicles for trenching or other activities unless the ground surface is capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles shall be

suspended if rutting occurs.

PART F: CONDITIONS APPLYING TO MODIFICATIONS

1. The Licensee may, without written consent from the Board, carry out Modifications to the Project provided that such Modifications are consistent with the terms of this Licence and the following requirements are met:
 - a. the Licensee has notified the Board in writing of such proposed Modifications at least sixty (60) days prior to beginning the Modifications to include:
 - i. a description of the facilities and/or works to be constructed;
 - ii. the proposed location of the structure(s);
 - iii. identification of any potential impact on the receiving environment;
 - iv. a description of any monitoring required including sampling locations, parameters measured and frequencies of sampling;
 - v. schedule for construction;
 - vi. drawings and engineered structures, signed and stamped by an Engineer; and
 - vii. proposed sediment and erosion control measures.
 - b. such Modifications do not place the Licensee in contravention of the Licence or the *Act*;
 - c. such Modifications do not constitute “significant modifications” that require conformity assessment by the Nunavut Planning Commission and/or impact assessment by the Nunavut Impact Review Board before consideration by the NWB;
 - d. within sixty (60) days following notification of the proposed Modifications, the Licensee, Nunavut Planning Commission, Nunavut Impact Review Board, designated Inuit organization or responsible regulatory authority has not indicated that any conformity determination, impact assessment, compensation negotiations or other consideration of the Modification that must be completed before the NWB can consider the Modification will take longer than 45 days; and
 - e. within sixty (60) days following notification of the proposed Modifications, the Board has not indicated that a written approval is required or rejected the proposed Modifications.
2. The Modifications for which all of the conditions referred to in Part F, Item 1 have not been met can be carried out only with written approval from the Board.
3. The Licensee shall provide as-built plans and drawings of the Modifications referred to in this Licence within ninety (90) days of completion of the Modification. These plans and drawings shall be stamped by an Engineer.

PART G: CONDITIONS APPLYING TO SPILL CONTINGENCY PLANNING

1. The Board has approved the Plan entitled *Spill Contingency Management Plan: Lupin Mine Winter Access Road Project* dated November 2024, which was submitted as additional information with the Application.
2. The Licensee shall, at least sixty (60) days prior to the construction of the winter road, submit for Board review an updated Spill Contingency Management Plan. The updates shall address the Intervener's recommendations made during the licensing process.
3. The Licensee shall prevent any chemicals, petroleum products or Wastes associated with the Project from entering Water. All Sumps and fuel caches shall be located at a distance of at least thirty-one (31) metres from the ordinary High Water Mark of any adjacent water body and inspected on a regular basis.
4. The Licensee shall conduct any equipment maintenance and servicing in designated areas and shall implement special procedures (such as the use of drip pans) to manage motor fluids and other Waste and contain potential spills.
5. If during the term of this Licence, an unauthorized discharge of Waste occurs, or if such a discharge is foreseeable, the Licensee shall:
 - a. Employ the approved Spill Contingency Plan;
 - b. Report the spill immediately to the NWT/NU 24-Hour Spill Line at (867) 920-8130 and to the Inspector at (867) 975-4284; and
 - c. For each spill occurrence, submit to the Inspector, no later than thirty (30) days after initially reporting the event, a detailed report that will include the amount and type of spilled product, the GPS location of the spill, and the measures taken to contain and clean up the spill site.
6. The Licensee shall, in addition to Part G, Item 5, regardless of the quantity of releases of harmful substances, report to the NWT/NU 24-Hour Spill Line if the release is near or into a water body.

PART H: CONDITIONS APPLYING TO RECLAMATION AND CLOSURE

1. The Board has approved the updated *Abandonment & Restoration Management Plan, Lupin Mine Winter Access Road Project* dated May 2024, which was submitted as additional information with the Application.
2. The Licensee shall complete all restoration work prior to the expiry of this Licence including the removal of all infrastructure, site materials, fuel caches, drums, barrels, buildings and contents, docks, water intakes, pumps and lines, material and equipment from the site.

3. The Licensee shall carry out progressive reclamation of any components of the Project no longer required for the Licensee's operations.
4. The Licensee shall backfill and restore all sumps, sewage/wash water pits to the pre-existing natural contours of the land.
5. The Licensee shall re-establish vegetation and/or stabilize exposed soils before removing erosion control measures.
6. Measures shall be implemented to minimize erosion and sedimentation following each winter season.
7. Areas that have been contaminated by hydrocarbons shall be reclaimed to meet objectives as outlined in the Government of Nunavut's Environmental Guideline for Site Remediation, 2010. The use of reclaimed soils for the purpose of back fill or general site grading may be carried out only upon consultation and approval by the Government of Nunavut, Department of Environment and an Inspector.
8. All disturbed areas shall be contoured and stabilized upon completion of work and restored to a pre-disturbed state.

PART I: CONDITIONS APPLYING TO THE MONITORING PROGRAM

1. The Licensee shall measure and record, in cubic metres, the daily quantities of any water withdrawn for all purposes.
2. The Licensee shall provide the GPS coordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where sources of Water are utilized for all purposes.
3. The Licensee shall determine the GPS coordinates (in degrees, minutes and seconds of latitude and longitude) of all locations where Wastes are deposited.
4. The Licensee shall monitor all activities for signs of erosion and shall implement and maintain sediment and erosion control measures prior to and following the undertaking to prevent entry of sediment into any Water body.
5. The Licensee shall include in the Annual Report required under Part B, Item 1 all data, monitoring results and information required by this Part.
6. Additional monitoring requirements may be requested by the Inspector and the NWB.