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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

File No.: 2AM-LUP0914

To: Lupin Distribution List

Date: December 1, 2014

Subject: Type “A” Water Licence 2AM-LUP0914: Pre-Hearing Conference Decision Regarding an Application for Renewal and Amendment

On November 28, 2014, by Motion #2014-20-P11-04, the members of the Lupin Panel (P11), duly appointed by the Nunavut Water Board (NWB or Board) to consider the Renewal and Amendment Application of the currently expired Type “A” Water Licence 2AM-LUP0914 approved and directed the release of this Pre-Hearing Conference Decision Report.

In order to facilitate the licensing process for considering the Type “A” Water Licence 2AM-LUP0914 Renewal and Amendment Application (Application), submitted to the Board by Lupin Mines Incorporated (LMI or the Applicant), the Panel directed that, in accordance with Rule 14 of the NWB *Rules of Practice and Procedure* (the Rules), the staff of the NWB hold a technical meeting (TM) and a Pre-Hearing Conference (PHC) for the Application.

The PHC was held on October 23, 2014, immediately following a Technical Meeting (TM) for the Renewal Application. Both the TM and PHC were held in person in the community closest to the undertaking, Kugluktuk, Nunavut. Due to travel issues, the Technical Meeting commenced at 2:00 p.m. on October 22, 2014 rather than at 8:30 a.m., as originally scheduled in the distributed Agenda, and the Pre-Hearing Conference continued until 3:30 p.m. on October 23, 2014. In addition to the Technical Meeting and Pre-Hearing Conference, the Board’s staff also hosted a Community Session regarding the Application on the evening of October 22, 2014. The TM/PHC/Community Session Agenda is attached as Appendix C.

As set out in Rule 14.1 of the Rules, the PHC dealt with the following matters relevant to the Renewal Application:

- Timetable for the Pre-Hearing exchange of information;
- Identification of interested parties;
- Submissions of interested parties;
- List of issues to be dealt with at the Hearing;
- Desirability of amending the Renewal for the purpose of clarification;



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- Procedures for the Hearing; and
- Identification of any other matters that may assist in the simplification and disposition of the Hearing.

Introduction and Registration

The following parties registered and participated in the TM/PHC:

- The Applicant, Lupin Mines Incorporated (LMI);
- The Kitikmeot Inuit Association; and
- Aboriginal Affairs and Northern Development Canada (AANDC).

Although not in attendance at the TM/PHC, Environment Canada did provide written comments with respect to the Application. In addition, a number of community members asked questions and provided comments about the Application at the Community Information session (the questions/comments provided by community members are summarized in Section 5.0 of this Report). The sign-in sheets for the TM/PHC/Community Sessions held in Kugluktuk on October 22 and 23, 2014 are attached as Appendix A to this Report.

1.0 The Application Before the Board

The Application by Lupin Mines Incorporated (LMI) involves the renewal and amendment of Type “A” Water Licence 2AM-LUP0914 (the Licence) that authorizes the use of water and deposit of waste associated with the Lupin Mine Project. The Lupin Mine is located in the Kitikmeot Region of Nunavut, approximately 285 km southeast of the nearest community, Kugluktuk. The mine site is on the western shore of Contwoyto Lake, approximately 60 km south of the Arctic Circle.

The operations at the Lupin Mine Site are currently suspended and the site has been in care and maintenance since 2005. In the Application, LMI requests renewal of the Licence for a 10-year term, and requests that the licence continue to allow LMI the flexibility of resuming mine operations when and if LMI’s parent company, Mandalay Resources Corporation, determines that it is economically feasible to do so.

The Lupin Mine is accessible by air from Yellowknife and the existing gravel airstrip is suitable for Boeing 727 and Hercules-sized aircraft. In addition, a facility to handle float-equipped aircraft is located on the shores of Contwoyto Lake and the Lupin Mine can be serviced by a winter road from Yellowknife that is currently operated between February and April by a consortium that services several diamond mines south of the Lupin Mine site. Although the spur of the winter road that would serve the Lupin Mine has been inactive for a number of years, LMI



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indicated in the Application that the Lupin spur could be reactivated to allow for the delivery of bulk items.

Application and Supporting Materials Submitted by the Applicant

On February 28, 2014 LMI's Application for Renewal and Amendment of 2AM-LUP0914 was received by the Board. Appendix B provides a specific listing of documents that were included as part of the Application package.

On July 7, 2014 the Applicant submitted correspondence that included a response to comments from Aboriginal Affairs and Northern Development Canada (AANDC) and Environment Canada (EC) regarding completeness and information requests concerning the Application.

On July 17, 2014 NWB received correspondence from Lupin Mines Incorporated requesting that the proposed date(s) for the TM/PHC be changed from September 1, 2014 to a later date so as to enable its senior management to participate.

On October 10, 2014 in response to technical comments received during the full review of the Application, LMI submitted the 2012 and 2013 Annual Geotechnical Inspection Reports generated for the Lupin Mine Tailings Containment Area and a summary of its responses to the various issues raised in the submissions from AANDC and the Kitikmeot Inuit Association (KIA) to the NWB.

On October 30, 2014 the Applicant submitted to the NWB a list of commitments from the Technical Meeting, as well as a response to an AANDC list of commitments.

Complete details on all submissions received or related to the Application and the file are available on the NWB's FTP site, which can be accessed using the following link (Username: *public* and Password: *registry*):

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP0914%20LMI/1%20APPLICATION/>

Scope of the Type A Renewal and Amendment Application

The Application before the NWB by LMI is for the Renewal and Amendment of Type “A” Licence 2AM-LUP0914. The Scope of the renewed and amended licence requested in the Application includes the existing general Scope set out in Part A: 1(a) of the Licence, as follows:

- Use of water for Mining and Milling and associated activities;
- Deposit of tailings slurry into the Tailings Containment Area (TCA);



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- Deposit of tailings paste into underground works;
- Deposit and treatment of sewage into Sewage Disposal Facilities;
- Discharge of effluent from the TCA;
- Discharge of effluent from Sewage Disposal Facilities;
- Progressive Abandonment and Reclamation of Mine facilities;
- Care and Maintenance of facilities;
- Monitoring programs;
- Operations of site infrastructure including:
 - Mining and milling structures;
 - Water intake and supply facilities;
 - Mine site camp facilities;
 - Tailings containment area;
 - Tailings line and associated facilities;
 - Sewage disposal facilities;
 - Mine site roads;
 - Mine site airstrip;
 - Breakwater and causeway; and
 - Fuel storage facilities.

The Application includes requested updates to Terms and Conditions of the Licence as follows:

- Changes to the legislative base governing characterization of the undertaking and fees as set out in the *Nunavut Waters Regulations* which came into force in April, 2013 (Licence items A1; B1);
- Updates to reflect changes to monitoring frequency and reporting while the undertaking is in the Care and Maintenance phase of operations (Licence items B1; B2);
- Updates to general conditions regarding the approval of specified Plans by the NWB under the Licence to ensure that project activities are not hindered or delayed by the Board’s planned review and approval processes (Licence items B12-16);
- Updates to the requirements for weekly inspections of dam(s), tailings line(s), catchment basin(s) and fuel containment facilities to reflect limited availability of on-site personnel during the Care and Maintenance phase of operations (Licence item E6);
- Update to reflect the management of hazardous wastes as proposed in the *Waste Management Plan (Solid and Hazardous) Care and Maintenance*, March 2013 (Licence item E14);
- Update to reflect approval of the Spill Contingency Plan that reflects the Care and Maintenance phase of operations (Licence item H1);



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- Update to reflect the requirements for bulk fuel storage and tank management under the National Fire Code, 2010 (Licence item H5);
- Update to reflect the revised Interim Abandonment and Restoration Plan and overall Care and Maintenance Plan developed for the site in 2013 (Licence items H6; I1-3); and
- Update water quality QA/QC plans and monitoring program to reflect Care and Maintenance phase of operations (Licence item J7).

2.0 Procedural History

Licence history

Licences Issued by the Northwest Territories Water Board (NWTWB)

The initial water licence for the Lupin Project was issued by the Northwest Territories Water Board (NWTWB) on June 1, 1981 and expired on May 31, 1987. The licence authorized the then Licensee, Echo Bay Mines Ltd. (EBM) to use water and dispose of waste in conjunction with a gold mining and milling operation. Two amendments were approved by the Northwest Territories Water Board during the term of the first licence:

1. Amendment No.1 modified waste disposal conditions to allow and set discharge limits for the disposal of sewage wastes separately from the tailings discharge;
2. Amendment No. 2 followed a public hearing and was approved to allow discharge of mine water to the Sewage Lakes system subject to specified criteria, and the licence was extended to May 31, 1990.

The water licence was further renewed in 1990 and 1995. The most significant amendment was made to the licence in 1994 to allow EBM to use paste backfill technology to return a portion of the mine's tailings back to the underground. The water licence was renewed again in 1995 for a period of five years (expiry on May 31, 2000). Although there were no modifications or amendments to the licence during this period, in January 1998, due to the decline of world gold prices, EBM entered into care and maintenance. At the end of March 2000, EBM notified the Board of resumption of operations, however, another temporary suspension in mining and milling activities occurred between 2003-2004. Then in 2005, the Lupin Gold Mine once again entered into care and maintenance and the site has remained in a state of care and maintenance from 2005 to today.



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Licences Issued by the NWB

Licence NWB1LUP0008:

- Issued to Echo Bay Mines Limited on July 1, 2000 and expired on June 30, 2008; and
- allowed for the direct water use of 1.7 million cubic metres annually and waste deposit associated with mining, milling and associated activities at the Lupin Gold Mine site.

This Licence was amended in 2001 to reduce the security furnished under Part B, Item 2 of the Licence from the original amount of \$29.2 million to \$25.5 million.

Licence 2AM-LUP0914:

- Issued to Lupin Mines Incorporated on February 25, 2009, amended May 25, 2009 and expired on March 31, 2014; and
- allowed for the direct water use of 1.7 million cubic metres annually and deposit of waste associated with mining, milling and associated activities at the Lupin Mine site.

Pre-Licensing Requirements

With respect to this Application, the following pre-licensing requirements were completed:

- February 26, 2014 – the Nunavut Planning Commission (NPC) issued correspondence indicating that as the project location is outside the boundaries of the two approved land use plans in Nunavut; therefore, no further review by the NPC was required; and
- June 9, 2014 – the Nunavut Impact Review Board (NIRB) issued correspondence confirming that as the NIRB had previously screened the Project in 1999 (NIRB File No.: 99WR053) and the scope of the Project has not been significantly modified, the Application was exempt from the requirements for further screening in accordance with section 12.4.3 of the NLCA. The NIRB reminded the Applicant that the activities proposed under the Application remain subject to the terms and conditions recommended by the NIRB in the original Screening Decision Report issued November 16, 1999.

On this basis, the Nunavut Water Board concluded that the conformity and environmental assessment requirements for the Application under ss. 38 and 39 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSRTA) have been met and the Application could be processed by the NWB.



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Procedural History - Current Type “A” Water Licence Renewal/Amendment Application

The following includes a brief overview of the procedural history for the Application. It should be noted that the following listing captures only the major procedural aspects of the Application. All documentation and the complete history of the NWB component of the licensing file are available from the NWB’s ftp site at the link identified above.

- **February 28, 2014**
 - NWB received from Lupin Mines Incorporated an application to renew Licence 2AM-LUP0914
- **March 17, 2014**
 - NWB acknowledged receipt of the renewal application
- **May 16, 2014**
 - NWB distributed the application publicly for a completeness check/initial technical assessment following an internal preliminary review, with deadline for submission set for June 9, 2014
- **June 9, 2014**
 - NWB received comments related to completeness/initial technical assessment of the application from Aboriginal Affairs and Northern Development (AANDC) Canada and Environment Canada (EC)
- **July 2, 2014**
 - NWB received correspondence from Lupin Mines Incorporated indicating that LMI’s response(s) to interveners’ comments on completeness was delayed
- **July 3, 2014**
 - NWB received an application from Lupin Mines Incorporated for an emergency amendment to Licence 2AM-LUP0914, which the NWB processed separately from the Application received on February 28, 2014
- **July 7, 2014**
 - NWB received LMI’s response to interveners’ comments on completeness/initial assessment of the application



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▪ **July 8, 2014**

- NWB issued public notice of the Application and commenced the technical review period, with deadline for submission set for August 14, 2014. The week of September 1, 2014 was proposed as a date for the TM/PHC in the notice

▪ **July 17, 2014**

- NWB received correspondence from Lupin Mines Incorporated requesting that the proposed date(s) for the TM/PHC be changed from September 1, 2014 to a later date so as to enable its senior management to participate

▪ **July 22 -25, 2014**

- NWB solicited feedback from EC and AANDC related to rescheduling of the TM/PHC;

▪ **August 21, 2014**

- NWB issued correspondence indicating that the TM/PHC had been rescheduled from September 1, 2014 to October 22-23, 2014 and the comment deadline period was extended from August 14, 2014 to September 19, 2014

▪ **September 19, 2014**

- NWB received technical review comments from AANDC, EC, and KIA on or before the extended comment deadline period.

▪ **September 29, 2014**

- NWB distributed a draft agenda for the TM/PHC for comments. The Applicant was also advised in the letter that its responses to the interveners' technical submissions should be submitted by October 10, 2014

▪ **October 10, 2014**

- NWB received Lupin Mines Incorporated's response (s) to intervener technical review comments for the application



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▪ **October 15, 2014**

- NWB distributed the Final Agenda for the TM/PHC; and the NWB received electronic copies of TM/PHC presentations from Lupin Mines Inc., AANDC, and KIA

2014 Emergency Amendment/Inspector’s Direction

On July 3, 2014, LMI contacted the Board with a request for the NWB to issue an emergency amendment to the Licence 2AM-LUP0914, as the Licence had expired on March 31, 2014 and LMI required authorization to discharge contact water that had accumulated within the Bulk Fuel Storage Facility and the Sewage Lakes Disposal Facilities (the Facilities) in order to maintain the integrity and function of those Facilities. In reviewing the Emergency Amendment Application, the NWB requested that LMI provide additional information, including water quality information for the water proposed to be discharged, in order for the Board to more fully assess the potential risks to the environment posed by discharges from the Facilities and the need for the proposed discharge.

LMI provided additional information on July 17, 2014 and this additional information included water quality information that indicated the water in the Facilities that would be discharged met the criteria for discharge from the Facilities under the now expired Licence. At that time LMI also narrowed the scope of the Emergency Amendment Application to only include discharge from the Sewage Pond, as there was no longer an emergency need to discharge the accumulated contact water from the fuel containment facility. On that basis, the scope of the Emergency Amendment Application considered by the Board involved the discharge of approximately 150,000 cubic metres of contact water that had accumulated in the Sewage Lakes Disposal Facilities.

While the Board was considering this request, the Board received an inspection report from Aboriginal Affairs and Northern Development Canada (AANDC) - Field Operations Division, which is responsible for enforcing the terms and conditions in the Water Licence. In the inspection report the Inspector made it clear that AANDC shared LMI’s concerns that a lack of freeboard space in the Facilities could affect the integrity of the Facilities. Subsequently, on August 19 the AANDC Inspector indicated that due to a significant rainfall event the water levels in the lower and upper cells of the Facilities had risen to the point whether there was a significant risk of accidental and uncontrolled discharge of effluent from the Facilities.

On August 19 the NWB Panel (P11 Lupin Panel), by motion 2014-P11-12-03, issued, on an emergency basis, the following:

[T]he grant of the amendment request submitted by Lupin Mines Incorporated to authorize the release of water meeting specified discharge criteria from the Lupin Mine Sewage Lakes Disposal Facilities to preserve the necessary freeboard space and maintain



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the integrity of the Facilities, before and/or during 2015 freshet period, in accordance with the terms and conditions of Part E, Items 8 and 10 in Licence 2AM-LUP0914 and all associated monitoring and reporting obligations.

The Emergency Amendment granted by the Board is limited to a period of one year and only allowed the Licensee to discharge water from the Facilities as specified in the Licence and did NOT extend to granting LMI any other rights for the use water or the deposit of waste provided for under the expired Licence 2AM-LUP0914.

On September 8, 2014 AANDC issued an Inspector’s Direction to LMI under s. 87(1) of the NWNSRTA requiring LMI to “immediately decant the Lower Sewage Lagoon and maintain the facility at a level that is consistent with safe operation” and requiring this discharge to be carried out in compliance with Part E, Items 4 and 8 of the expired Licence until such time as a new licence is issued.

On October 6, 2014 the Board received correspondence¹ that as set out under s. 56(2.2) of the NWNSRTA the Emergency Amendment was deemed to have been approved.

3.0 Technical Review Comments Received by the Board

Technical review comments specific to the Application were submitted to the Board on or before the extended deadline of September 19, 2014. Technical review comments were received from AANDC and the KIA. In addition, Environmental Canada (EC) provided initial review comments on the application despite not being available to participate in the TM/PHC.

Kitikmeot Inuit Association (KIA)

While recognizing that the KIA does not have authority over the Project as a landowner, the KIA provided comments and participated in the water licensing process by virtue of their mandate to “represent the interests of Kitikmeot Inuit by protecting and promoting our social, cultural, political and environmental and economic well-being”. The KIA also participated as the Designated Inuit Organization for Wildlife Compensation under Article 6 of the Nunavut Land Claims Agreement (NLCA), so issues of freshwater impacts with the potential to affect wildlife were within the ambit of KIA’s comments.

Specifically, KIA provided the Board with comments on the following issues:

- Water Management – Inspection frequency at the Tailings Containment Area;
- Water Management – Risk of uncontrolled releases;

¹ Letter from Greg McFarlane, Chief of Staff, Office of the Minister of Aboriginal Affairs and Northern Development, to Damien Côté, Executive Director, Nunavut Water Board, dated October 6, 2014.



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- Water & sediment chemistry in the receiving environment; and
- Continued tailings reclamation.

Aboriginal Affairs and Northern Development Canada (AANDC)

The following key issues were highlighted in AANDC’s technical comment submissions:

- Licence term -- AANDC proposed 3 years;
- Control and management of windblown tailings;
- Updates to security and reclamation cost estimates;
- Updates to A&R Plan, Fuel Containment Management Strategy, Spill Contingency Plan, Water Quality QA/QC Plan, and Waste Management Plan;
- Questions regarding the necessary updates to Licence terms and conditions to reflect the status of the mine under Care and Maintenance. Before the proposed changes to the Licence could be considered, AANDC stated that the licensee must address the issues raised in the SENES report, particularly related to windblown tailings, monitoring and progressive reclamation;
- Request for updated information on the extent and inventory of contaminated soils on-site, contaminated soil management measures, hazardous waste on-site and hazardous waste management and reporting, monitoring and assessment of efficacy of tailings cover; modifications to management plans and control of the site when unattended; and
- Questions regarding whether the scope of the expired Licence should be amended to include the use of an additional landfill, operation of a landfarm and open burning.

Environment Canada (EC)

Although not a participant in the TM/PHC, on June 9, 2014 EC provided initial review comments with respect to the Application regarding the following:

- Posing questions regarding the water use requirements of the site while in Care and Maintenance as distinct from active mining;
- Noting that EC would encourage the reclamation of project components which could not be re-commissioned in the event of a return to production on an on-going basis rather than awaiting a return to production;
- Requesting that detailed plans to govern the activities necessary for the mine to return to production should be provided to the NWB for approval prior to LMI initiating any activities that are outside the scope of the current approved Care and Maintenance activities;
- Noting that the Annual Report from 2013 does include a full report of the results of the required monitoring completed in the year; and



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- Providing comments related to specific migratory birds and species at risk in terms of overall compliance obligations of LMI, species, nest and habitat protection measures, setback distances and air traffic/flight restrictions during times when birds are present.

4.0 Technical Meeting (TM)

The TM for the Application was held in person in the nearest community, Kugluktuk, Nunavut on October 22 and 23, 2014. Due to weather delays, the TM did not commence at 8:30 am on October 22, 2014 as originally planned and set out in the Agenda for the TM included in Appendix C of this Report. Rather, the TM commenced at 2:00 pm on October 22, 2014 and continued again on the morning of October 23, 2014. As is the Board's practice, the TM was an informal meeting and was chaired by David Hohnstein, the Board's Director of Technical Services. The meeting was attended by the Board staff, the Applicant, Interveners and several community members. In addition, it should also be noted that, as is the Board's normal practice, the Panel Members of the Board (Lupin Panel P11), the decision-makers for the Renewal and Amendment Application, were not present at the TM, the Community Information Session or the subsequent Pre-hearing Conference (PHC).

At the commencement of the TM the objectives of the meeting were outlined by the NWB's Director of Technical Services as follows:

- Examine technical data and other materials submitted as part of the Application, including Interveners' submissions that the Board had received to date for the Application;
- Informally discuss and resolve – to the extent possible –, any technical matters / issues raised between Interveners and the Applicant, particularly those matters that could affect the Board's determination of any PHC issues, in advance of the PHC;
- Provide an opportunity for the Applicant and Interveners to identify for the Board the issues and concerns that have been resolved and to discuss any unresolved or ongoing issues related to the Application;
- Identify opportunities for streamlining the issues and process so as to eliminate existing or potential duplication or delay; and
- Document any commitments made by the various parties involved in the TM, with the aim of carrying forward those commitments to the PHC.

The TM participants were advised that upon completion of the TM, the Board expected any outstanding issues in respect of the Application would be resolved, or if not resolved, that some



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form of agreement, including commitments by the parties would be achieved by the parties to enable the Application to proceed to the next step of the licensing process, the Pre-Hearing Conference, notwithstanding any unresolved issues.

At the TM the following key issues were discussed:

- Possible mechanisms for a Renewed and Amended Licence to have varying monitoring, management and reporting obligations to reflect the status of mine operations from the current state of Care and Maintenance to full production (such as the establishment of notice requirements, NWB approval of changes in site status or the use of various water use thresholds to denote the progression from Care and Maintenance, a period of “ramping up” in advance of production and a return to full production);
- The incorporation of greater commitments to progressive reclamation of the site in the Interim Abandonment and Reclamation Plan, most notably more aggressive tactics to reclaiming exposed tailings;
- The basis for current updated security estimates and how discounting for security held under land leases may be undertaken;
- Issues associated with the management, disposal, generation and storage of legacy and newly generated hazardous wastes;
- Questions regarding the reporting of on-site fuel and chemical inventories;
- Issues in relation to the content, updating and timing of updates and approvals of various plans requiring NWB approval as set out in the Licence;
- Issues associated with tailings facility monitoring, reclamation, water quality and quantity monitoring;
- Discussion of the requirements for assessment, identification of effects and mitigation of potential effects from windblown tailings or esker materials;
- Discussing the express inclusion of the new proposed landfarm development and landfill in the renewed licence;
- Questions regarding whether the KIA can confirm that there are no outstanding water user compensation issues in respect of impacts to water quality or quantity on Inuit Owned Lands; and
- Issues with respect to communication between LMI, the KIA and the community of Kugluktuk with respect to activities at the site, monitoring results and the potential for a return to production.

At the completion of the TM it was confirmed by all participants that there were no outstanding issues that would prevent the Board from moving forward to a Public Hearing in respect of the Application. A number of commitments were identified during the TM and these commitments



have been summarized in the Commitment List provided as Appendix D and attached to this Report.

5.0 Community Information Session

As set out in Appendix C, the NWB hosted a Community Information Session regarding the Application on the evening of October 22, 2014 from 7:00-10:00 pm. Approximately 9 members of the public attended the Session. The Session commenced with an overview of the NWB process by the Board’s technical staff, an overview of the Application provided by the Applicant, Lupin Mines Incorporated (LMI) and short presentations summarizing their technical review comments from the Interveners.

The session concluded with a question and answer section, during which community members from Kugluktuk were invited to ask questions of the Applicant, Interveners and the Board staff and express their concerns and provide comments. Table 1 that follows provides a summary of the comments, issues and concerns expressed by members of the community throughout the TM/Community Session/PHC.

Table 1 Key Issues as Raised by Community Members

Subject	Issues/Concerns/Comments
Climate Change	How has climate change affected things like the water balance, water use, the levels of water in tailings ponds, etc.? Have models been updated to reflect climate change considerations?
Cold Storage	What happened to everything that was stored on-site—did you get rid of things or is everything still there?
Current Standards	Will the standards associated with this renewal be the practices in place in the 1970s or the new standards in place now? It should be the new and upgraded requirements.
Fish	There have been reports of fish being deformed in Bathurst Inlet, lesions on the skin and the mine feeds into the watershed—are these effects being caused by tailings water being released into the surrounding waters?
Inuit Owned Lands	Are there any parts of the mine/exploration or project in general that are on Inuit Owned Lands? What about the outpost camps?
Previous/Historical	Where are the records from the old licence?



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Subject	Issues/Concerns/Comments
Records	
Reclamation and Contamination	<p>If proper reclamation does not happen—there are concerns that it affects the entire ecosystem and not just to wildlife, but also the food sources, the vegetation, the insects, the small mammals</p> <p>Drums were removed from pumphouse in 2012 and now fish have been observed in the area surrounding the pumphouse</p> <p>How is information regarding reclamation plans going to be communicated to the community?</p>
Tailings Pond	<p>Concerns regarding tailings pond over topping the road and noted that there is black snow and black water associated with overtopping incidents (perhaps in the 1980s)</p> <p>Concerns that the tailings pond is leaking over time.</p>
Tailings (Windblown)	How are windblown tailings issues going to be addressed?
Terrestrial Wildlife and Habitat	<p>Have seen caribou going near the tailings pond and then see dead caribou not very far from the site</p> <p>Have concerns that the quality/safety of caribou meat and hides will be directly affected if they get into the tailings facility—how do they prevent this from happening?</p>
Waste Management	<p>Where is the waste being removed off-site?</p> <p>Where and how is waste (including hazardous waste) stored on-site?</p> <p>How do you transport it off-site/when?</p> <p>Will hazardous waste transported by truck be transported via ice road</p> <p>How do you deal with food waste?</p> <p>How will you do open burning at the site?</p>



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Subject	Issues/Concerns/Comments
Water Monitoring	<p>Are you familiar with where the water is flowing to; and where the water is coming from so that you can ensure that the annual monitoring identifies where there are problems before they are</p> <p>Want to have reporting back to the community regarding annual monitoring results.</p> <p>Please make sure whatever you do with your plans and mining that you do not cause effects on our vegetation, berries, and the water that the animals drink and the people’s drinking water too. We need to take good care of the land so that we don’t spoil the land and water, it is what we have.</p>
Wildlife Management	<p>Has the Proponent thought about management plans to mitigate the potential for effects associated with wildlife impacts such caribou migration?</p> <p>What happens if wildlife is harmed as a result of the mine (defence kills, etc.)—do hunters get compensation?</p>
Winter Road	How will accidents along the winter road be prevented and then addressed?



6.0 Pre-Hearing Conference (PHC)

As the parties confirmed in the Technical Meeting that there were no outstanding issues that would prevent the Renewal and Amendment Application from proceeding to the next step in the licensing process, a Public Hearing, the PHC portion of the Agenda proceeded on the afternoon of October 23, 2014.

The PHC was chaired by the Board’s Executive Director, Damien Côté, with the same parties as those who participated in the TM. The purpose of the PHC was to discuss the various matters as set out in Rule 14 of the Rules in preparation for the Public Hearing. Specifically, Rule 14 directs that the following matters be addressed through the PHC:

- To set a timetable for the Pre-Hearing exchange of information;
- To finalize the list of issues to be dealt with at the Hearing;
- To identify interested parties;
- To consider the desirability of amending the Application for the purposes of clarification;
- To finalize procedures to be followed in the Hearing; and
- To consider any other matters that may aid in the simplification and disposition of the application at the Hearing.

Timetable for Pre-Hearing Exchange of Information

It was noted at the beginning of this discussion that, as required by s. 55(2) of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, S.C. 2002, c. 10 (NWNSTRA), the NWB must give the public and parties a minimum of sixty (60) days’ notice in advance of a Public Hearing.

The Applicant and Interveners in attendance were polled regarding any outstanding information requirements that must be supplied in advance of a Public Hearing and indicated, that as outlined in the commitments and provided in Appendix D, the preparation and submission of additional information is not expected to delay a potential Public Hearing.

Although the Board reserves the right to revisit this timing in the event that parties are unable to meet the deadlines in the commitments outlined in Appendix D, at present, based on these commitments, and mindful that the parties and the Board indicated that the most feasible timing for an in person Public Hearing is likely mid-January to mid-February, the Board requires the participants to observe the following timetable:



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- On or before **Friday, November 28, 2014** LMI will submit the additional information as set out in the Commitments listed in Appendix D;
- On or before **Friday, December 5, 2014**, the NWB will issue Notice of the Public Hearing;
- All further and final written submissions provided by interveners must be filed with the Board on or before **Wednesday, January 4, 2015**;
- All further and final responses of the Applicant to the information filed to date must be filed with the Board on or before **Wednesday, January 21, 2015**;
- Any presentations (e.g. PowerPoint Presentations, etc.) upon which anyone intends to rely at the Public Hearing must be filed with the Board on or before **Wednesday, January 28, 2015**;
- If the interveners and/or the Applicant file additional written submissions, final responses and presentation materials as outlined above, they are also required to provide **an Executive Summary of their written submissions in both English and Inuinnaqtun and fully translated copies of their presentation materials in English and Inuinnaqtun at the same time** as they file the full submission; and
- The Board requires any party requesting French translation of the Executive Summary materials, presentation materials and/or requesting the Board to provide simultaneous French translation at the Public Hearing to make such requests to the Board in writing **on or before Wednesday, January 7, 2015**.

All submissions will be posted on the NWB’s ftp-site (<ftp://ftp.nwb-oen.ca/>) and in the public registry upon receipt. A copy of the public registry as it relates to the Application will be available for review at the Public Hearing.

Identification of Interested Parties

The sign in sheets identifying the attendees at the TM/Community Session/PHC are provided in Appendix A. During the PHC, the following parties confirmed their participation and attendance at the Public Hearing:

- The Applicant, Lupin Mines Incorporated;
- The Kitikmeot Inuit Association; and
- Aboriginal Affairs and Northern Development Canada (AANDC).

Further, the parties indicated that in addition to the general public notice, a specific invitation to the Public Hearing should be extended to the Kugluktuk Hamlet Council and the local Hunters and Trappers Organization, as well as Environment Canada, the Department of Fisheries and Oceans Canada and the Government of Nunavut, Department of Environment.



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Provision of Final Written Submissions from Interested Parties

Any additional information that the parties wish the Board to consider during their review of the Renewal-Amendment Application must be filed with the Board in advance of the Public Hearing and in accordance with the timelines outlined under the heading “Pre-hearing Exchange of Information” above.

List of Issues

The intervening parties in attendance at the TM/PHC confirmed that none of the unresolved or outstanding issues associated with the Renewal Application and the related information requirements should prevent the Board from proceeding with the Public Hearing.

At the end of the TM, the parties reviewed the following and agreed that, subject to additional issues identified when additional information is exchanged in advance of the Hearing, the following issues will be addressed at the Public Hearing:

1. Notification and thresholds (potential water use) for monitoring, inspection and reporting that will be consistent with the phases of activity at the site such as Care and Maintenance, underground exploration and drilling site ramp up and full mine and milling operations;
2. Review, comment and revision schedules for various Plans requiring Board approval under the expired Licence and the potential Licence, including the required approach to update;
3. Interim Abandonment and Reclamation Plans (completeness and approach, including progressive reclamation);
4. Updated requirements for security and discounting for security held under land leases;
5. On-site hazardous waste inventory including legacy wastes and newly generated hazardous wastes, disposal (including time window or schedule), generation and storage;
6. On-site fuel, chemical inventory by location / facility (could be in Spill Plan);
7. Tailings facility monitoring, reclamation, water quality and quantity monitoring (discharge criteria) e.g. hydrometric station and water balance;
8. Assessment and mitigation of potential for effects from windblown tailings or esker materials
9. Inclusion of new landfarm development and current landfill in the renewed licence;



10. Direct communication of monitoring results to the community of Kugluktuk.

Desirability of amending the Application prior to the Hearing

The parties discussed that LMI may wish to amend the Application by identifying specific water use thresholds for each of three operating conditions: Care and Maintenance; site ramp up leading to a return to operations; and operations. It was also identified that the new landfarm to be constructed in the footprint of the existing landfill should be expressly highlighted as an additional activity under the scope of the Amended and Renewed Licence.

Procedures for the Public Hearing

Parties were asked for their views with respect to the form of the Public Hearing (written, teleconference or in-person). Recognizing the history of the site and the fact that several residents of Kugluktuk had previously been employed at the mine site and as such have specific interest, insights and concerns with respect to the site that should be shared in this process, the Kitikmeot Inuit Association, Aboriginal Affairs and Northern Development Canada and members of the public in attendance favored an in-person Public Hearing. The Applicant favored a teleconference Public Hearing (with community representatives being given the opportunity to participate) or, alternatively, a written Public Hearing. In Environment Canada's submissions filed on June 9, 2014 Environment Canada indicated they favored a written Public Hearing. With respect to the location of a potential in-person Public Hearing, the parties indicated that the most directly affected community is Kugluktuk.

On the basis of the significant public interest associated with the Lupin Mine and whether it remains in Care and Maintenance or returns to production during the term of the Renewed and Amended Licence, the length of the term requested, the potential to establish thresholds tied to the operating status of the undertaking, the potential for changes to monitoring frequency, the significant public interest in the reclamation planning and reclamation security held under a Renewed and Amended Licence, the NWB Board Panel has determined that it is most appropriate for the Board to hold an in-person Public Hearing for the Application. By Motion #2014-20-P11-03, the Panel has decided that an in person Public Hearing should be held.

With respect to the location of the Public Hearing, on the basis of the significant public interest in Kugluktuk concerning whether this undertaking remains in Care and Maintenance or returns to production during the term, also recognizing the importance of the history and detailed knowledge of the site held by many of the former workers who reside in Kugluktuk, the Board has determined the Public Hearing be held in Kugluktuk. At present, based on the time commitments outlined in the discussion of the exchange of documents outlined above, the Public Hearing is tentatively scheduled for the **week of February 2-7, 2015**. These dates are subject to **final confirmation** by way of the Public Notice to be issued on December 5, 2014, however the Board reserves the right to adjust this schedule if Hearing logistics dictate, if the documentation required to be supplied in advance of the Hearing has not been provided, etc.



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The parties have confirmed that they do not anticipate that any deviations from the Board’s Rules of Practice and Procedure (May 2005) (Rules), will be required, and as such, the Board directs all parties that the Public Hearing will be conducted in accordance with Parts III and IV of the Board’s Rules.

Measures to Simplify the Disposition of the Application

No measures to simplify the disposition of the Application were identified at the PHC.

Steps following the Public Hearing

When the Panel has reached a decision, which is typically within thirty (30) to forty five (45) days of the close of the Hearing Record, the Board will issue its Record of Proceedings and Decision to the Minister of Aboriginal Affairs and Northern Development Canada. If the Panel recommends that the Renewal and Amendment Application be granted, a draft Licence would also be provided for the Minister’s consideration with the decision.

If you require additional information regarding this Application, the Board’s specific direction or the Board’s processes in general, please do not hesitate to contact the NWB’s Acting Executive Director and Director of Technical Services, David Hohnstein, david.hohnstein@nwb-oen.ca. For any administrative matters related to the Public Hearing, please contact the NWB’s Manager of Licensing, Phyllis Beaulieu, at licensing@nwb-oen.ca.

Regards,

David Hohnstein
Director Technical Services/Acting Executive Director
Nunavut Water Board

DH\sj\bm\pb

Attachments:

- Appendix A: Sign In Sheets, Technical Meeting, Community Session and Pre-Hearing Conference
- Appendix B: List of Application Submissions
- Appendix C: Technical Meeting, Community Session and Pre-Hearing Conference Agenda
- Appendix D: List of Commitments Generated during the Technical Meeting/Pre-Hearing Conference held October 22-23, 2014 for Licence 2AM-LUP0914, Renewal/Amendment Application



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NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

APPENDIX A: Sign in Sheets Technical Meeting, Community Session and Pre-Hearing Conference

In Person—October 22, 2014, Day 1 Technical Meeting

Registration Form

NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
1	Donald	Havioyak	MMG	Kugluktuk	982-3097	982-3098	
2	John	Ivarluk	Community	Kugluktuk			
3	John	Himiak	Community	Kugluktuk	982-4102		
4	Mona	Tiktalik	Interpreter	Kugluktuk	982-4140		
5	Mary	Algona	Community	Kugluktuk	982-4636		
6	Bobby	Algona	Community	Kugluktuk	982-4636		
7	George	Friesen	LMI	Yellowknife	446-9862		gfriesen@elginmining.com
8	Arlene	Laudrum	SRK for LMI	Yellowknife	445-3656		
9	Patrick	Downey	LMI				
10	Karen	Costello	AANDC	Iqaluit			
11	Eva	Paul	AANDC	Iqaluit			
12	Jean	Allen	AANDC	Iqaluit			

P.O. Box 119, Gjoa Haven, NU X0B 1J0, Tel: (867) 360-6338, Fax: (867) 360-6369



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NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
13	Luigi	Torretti	Kit-IA	Kugluktuk	982-4120		
14	Damien	Cote	NWB	Gjoa Haven	360-6338		
15	David	Hohnstein	NWB	Gjoa Haven	360-6338		
16	Teresa	Meadows	Legal Counsel - NWB	Edmonton			
17	Sean	Joseph	NWB	Vancouver			
18	Brady	MacCarl	NWB	Gjoa Haven	360-6338		
19	Ben	Kogvik	NWB	Gjoa Haven	360-6338		
20	Robin	Ikkutisluk	NWB	Gjoa Haven	360-6338		

In Person—October 22, 2014, Day 1 Evening Session
Registration Form

NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
1	Agnes	Allen	Community	Kugluktuk	982-4102		
2	Luigi	Torretti	Kit-IA	Kugluktuk	982-3310	982-3311	ltorretti@ainia.com
3	Donald	Havioyak	MMG	Kugluktuk	982-3097	982-3098	donaldhavioyak@mmg.com
4	Margaret	Havioyak	Community	Kugluktuk	982-4400		
5	Douglas	Ivarluk	Community	Kugluktuk			
6	John	Ivarluk	Community	Kugluktuk			



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NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
7	John	Himiak	Community	Kugluktuk	982-4102		
8	Douglas	Akollak	Community	Kugluktuk			
9	Ben	Kogvik	NWB	Gjoa Haven	360-6338	360-6369	
10	David	Hohnstein	NWB	Edmonton			
11	Damien	Cote	NWB	Gjoa Haven	360-6338	360-6369	
12	Sean	Joseph	NWB	Vancouver			
13	Robin	Ikkutisluk	NWB	Gjoa Haven	360-6338	360-6369	
14	Teresa	Meadows	NWB-Legal Counsel	Edmonton			
15	George	Friesen	LMI	Yellowknife	446-9862		
16	Steve	Lines	Tunaley & Lines Associates				
17	Arlene	Laudrum	SRK	Yellowknife			
18	Jean	Allen	AANDC	Iqaluit			
19	Karen	Costello	AANDC	Iqaluit			
20	Karyn	Lewis	LMI	Vancouver			
21	Patrick	Downey	LMI				
22	Brady	MacCarl	NWB	Gjoa Haven	360-6338	360-6369	
23	Lisa	Ayalik	Community	Kugluktuk	982-5041		



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NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
24	Phillip	Katik	Community	Kugluktuk	982-5720		
25	Mary	Klengenber	Community	Kugluktuk			

In Person—October 23, 2014, Day 2 Technical Meeting and Pre-Hearing Conference
Registration Form

NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
1	David	Hohnstein	NWB	Edmonton			
2	Damien	Cote	NWB	Gjoa Haven			
3	Sean	Joseph	NWB	Vancouver			
4	Teresa	Meadows	Legal Counsel - NWB	Edmonton			
5	Ben	Kogvik	NWB	Gjoa Haven			
6	Robin	Ikkutisluk	NWB	Gjoa Haven			
7	Arlene	Laudrum	LMI/SRK	Yellowknife			
8	George	Friesen	LMI	Yellowknife			
9	Karyn	Lewis	LMI	Vancouver			
10	Jean	Allen	AANDC	Iqaluit			
11	Eva	Paul	AANDC	Iqaluit			
12	Karen	Costello	AANDC	Iqaluit			



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NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
13	Stephen	Lines	LMI/TLA	Yellowknife			
14	Patrick	Downey	LMI				
15	Brady	MacCarl	NWB	Gjoa Haven			
16	MJ	Katiak	Community	Kugluktuk			
17	George	Atatahak	Community	Kugluktuk			
18	Agnes	Ayalik	Community	Kugluktuk			
19	Phillip	Katik	Community	Kualuktuk			
20	John Peter	Kuodluak	Community	Kugluktuk			
21	Jean	Kuodluak	Community	Kugluktuk			
22	John	Ivarluk	Community	Kugluktuk			
23	John	Himiak	Community	Kualuktuk			
24	Baba	Pedersen	AANDC	Kugluktuk	982-4306		
25	Doris Nancev	Ivarluk	Community	Kugluktuk	982-3378		dorisanancy.ivarluk@nulegalaid.com
26	Randi	Knapp	SENEC Consultants Limited				Joined by telephone
27	Agnes	Allen	Community	Kugluktuk			
28	Alice	Ayalik	Community	Kugluktuk			
29	Louie	Kakolak	Community	Kugluktuk			



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NO.	First Name	Last Name	Organization/ Representing	Address	Phone	Fax	E-mail
30	Colin	Adjun	Community	Kugluktuk			
31	Charlie	Hinanik	Community	Kugluktuk			
32	Jane	Hummiak	Community	Kugluktuk			
33	Doris	Elatiak	Community	Kugluktuk	982-5577		
34	Wynter	Kuliktana	KIA	Kugluktuk	982-3310		
35	Kayla	Pangon	Community	Kugluktuk			Kavla_Pangon@hotmail.com
36	Jorgen	Bolt	Community	Kugluktuk			
37	Norm	Canvanagh	Department of Justice				Joined by telephone
38	Amjad	Tariq	AANDC				Joined by telephone



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APPENDIX B: List of Application Submissions

1. Completed and signed Renewal Application Form;
2. Figures #1-4 to address **Block 5** of the Application Form;
 - a. Figure #1- Location Map
 - b. Figure #2- Lupin Site Plan Map
 - c. Figure #3- Lupin Mine Tailings Containment Area
 - d. Figure #4- Monitoring Program Stations
 - e. Figure #4- 2012 Satellite Image
3. Email correspondence from NPC regarding land use planning requirements under Article 11 of the N LCA to address **Block 7** of the Application Form;
4. Original NIRB Screening Determination dated May 6, 2008;
5. The following management plans to address **Block 9** of the Application Form:
 - a. Care and Maintenance Plan including the following appendices:
 - i. Appendix 1: Lupin Mine Waste Management Plan (Solid and Hazardous); Incinerator Operation and Maintenance Procedure
 - ii. Appendix 2: Lupin Mine Liquid Waste Management Plan; Water Quality Monitoring Plan Quality Assurance/ Quality Control Plan
 - iii. Appendix 3: Lupin Mine Wildlife Management Plan
 - iv. Appendix 4: Lupin Mine Fuel Containment Management Strategy
 - b. Interim Abandonment and Restoration Plan including the following appendices:
 - i. Closure Plan for Tailings Containment Area
 - ii. Studies Related to Water Licence Requirements and in Support of Reclamation Planning
 - iii. Ecological Risk Assessment for Lupin Mine Tailings
 - iv. Response to Technical Review Comments on Lupin TCA A&R Plan
 - v. Cycle 3 Environmental Effects Monitoring Report, Investigation of Cause Reports and Addendum
 - c. Spill Contingency Plan
6. The following Lab reports to address **Block 13** of the Application Form:
 - a. ALS Lab Report L1175954 and Taiga Lab Report (Contwoyto Lake, LUP-01)
 - b. ALS Lab report L1156206-1 (discharge from sewage lagoon, LUP-14) and
 - c. ALS Lab report L1209832 (discharge from TCA, LUP-10)
7. Irrevocable Standby Letter of Credit to address **Block 21** of the Application Form;
8. Updated Reclamation Liability Estimate to address **Block 21** of the Application Form;
9. Copy of LMI's Certificate of Incorporation to address **Block 22** of the Application Form;
10. Updated Compliance Assessment to address **Block 23** of the Application Form;
11. Executive Summary in English to address **Block 27** of the Application Form;
12. Executive Summary in Inuktitut to address **Block 27** of the Application Form;
13. Executive Summary in Inuinnaqtun to address **Block 27** of the Application Form;
14. Application fee of \$30 to address **Block 27** of the Application Form;
15. Water use fee deposit of \$30 to address **Block 27** of the Application Form;
16. Proposed updates to water licence terms and conditions.



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APPENDIX C: TM/Community Session/PHC Agenda October 22-23, 2014

AGENDA

Lupin Mine

NWB File No. 2AM-LUP0914

Technical Meeting / Pre-Hearing Conference & Community Session
Kugluktuk's Ulu Centre (Kugluktuk Heritage Visitor Centre and Museum)
(October 22 – 23, 2014)

October 22, 2014 (8:30 a.m. – 5:00 p.m., MST)

1. Introduction of participants and registration
2. Application before the Board, NWB's opening remarks
3. Purpose of the Technical Meeting/Pre-Hearing Conference (TM/PHC)
4. Technical review of the Application
 - a. Lupin Mines Incorporated presentation on current status of Project
 - b. Identification of Interested Parties
 - c. Presentations from Interested Parties
 - d. Identification of the parties' commitments to resolve technical issues
 - e. Formulation of outstanding issues

October 22, 2014 (7:00 p.m. – 10:00 p.m., MST)

5. Community Session
 - a. Overview of NWB process by NWB (15 minutes)
 - b. Presentation of Application by Applicant (30 minutes)
 - c. Presentation/statement by Intervening Parties (15 minutes)
 - d. Questions and comments from community

October 23, 2014 (8:30 a.m. – 2:00 p.m., MST, **may be extended only if required)

6. Pre-Hearing Conference
 - a. Identify issues preventing application from proceeding to a hearing
 - b. Discuss form, timing and location for any potential Public Hearing
 - c. Establish timetable for the pre-hearing exchange of information, including:
 - i. preparation and service of documents to parties (deadlines, form, public registry); and
 - ii. document translation requirements
 - iii. documentation to be included in the hearing record
 - d. Finalize list of issues to be dealt with at the Hearing
 - e. Identify interested parties
 - f. Identify any changes to Application for the purposes of clarification
 - g. Final procedures to be followed at the Hearing, including:
 - i. requested modifications to the applicable NWB Rules of Practice and Procedure for Public Hearing (May 2005)
 - ii. language requirements at the Hearing



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- h. Consider any other matters that may aid in the simplification and disposition of the Application at the Hearing
- 7. Other Issues
- 8. Closing of the Meeting

October 23, 2014 (6:30 p.m. – 10:00 p.m., MST, **only if required)

- 9. Community Session



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APPENDIX D: List of Commitments Generated during the Technical Meeting/Pre-Hearing Conference held October 23 and 24, 2014 for Licence 2AM-LUP0914, Renewal/Amendment Application

	Party	Party Requesting	Topic	Commitment	Timing
1	LMI	AANDC	Wind-blown tailings	LMI to provide follow up sampling of material deposited below Dam 6 in a 25 m grid pattern, to include grain size and metals analysis for every second sample collected from the grid row immediately adjacent to Dam 6. If these sampling results identify results inconsistent with background soil concentrations, LMI commits to identifying further actions and potential mitigation.	June-August 2015 December 2015
2	LMI	AANDC	Tailings containment area monitoring	LMI to continue to report readings from the current thermistors installed and operating in the covered tailings in the annual geotechnical monitoring report as described in LMI’s response October 10, 2014 to SENES comment 2.1.2 filed with the NWB in advance of the TM/PHC.	Annual Report (March)
3	LMI	AANDC	Tailings containment area monitoring	LMI will install piezometers within the esker sands. Water level data will be reported in the annual geotechnical monitoring report as described in LMI’s response October 10, 2014 to SENES comment 2.1.2 filed with the NWB in advance of the TM/PHC.	Annual Report (March)
4	LMI	AANDC	Tailings containment area monitoring	LMI will include water quality data from the tailings containment area’s internal ponds in the annual geotechnical monitoring report as described in LMI’s response October 10, 2014 to SENES comment 2.2.5 filed with the NWB in advance of the TM/PHC.	Annual Report (March)



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	Party	Party Requesting	Topic	Commitment	Timing
5	LMI	KIA	Seep Creek	<p>LMI will review the Environmental Effects Monitoring (EEM) water and sediment data for Seep Creek to determine if additional studies are merited, and the extent and timing of same.</p> <p>Any additional studies selected will be discussed with EC and implemented through the EEM program.</p>	Prior to the Public Hearing
6	LMI	AANDC, NWB	Hydrocarbon Impacted Soils	<p>LMI will submit a simplified landfarm management plan to include the addition of the landfarm facility that will be used to remediate hydrocarbon contaminated soils near the satellite tank farm.</p> <p>If the land farm management plan is approved by the NWB, LMI would then update the solid waste management plan and the spill contingency plan to reflect the use of an on-site facility for soil remediation along with the backhaul of contaminated soil.</p>	November 28, 2014
7	LMI	AANDC	Hazardous Waste Management	LMI will store waste hazardous waste in the existing lined and bermed facility as described in LMI’s response October 10, 2014 to SENES comment 2.1.4 filed with the NWB in advance of the TM/PHC.	On-going
8	LMI	AANDC	Hazardous Waste Management	LMI will continue to backhaul hazardous waste whenever possible on outbound flights as per existing practice, and when the winter road is available for backhaul as described in LMI’s response October 10, 2014 to SENES comment 2.1.4 filed with the NWB in advance of the TM/PHC..	On-going
9	LMI	AANDC, NWB	Hazardous Waste Management	LMI will include an update on hazardous waste inventories and backhauls in the annual report.	Annual Report (March)



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	Party	Party Requesting	Topic	Commitment	Timing
10	LMI	NWB	Management Plans	LMI will update management plans based on input received during the review process.	Commencing prior to the Public Hearing and on-going
11	NWB	LMI	Management Plans	When the NWB provides notice to LMI and intervening parties regarding the Management Plans reviewed and approved by the NWB, the Board will specify which parts of the Management Plans the Board considers to be within the NWB jurisdiction and the Board's approval will only apply to the specific parts of the Management Plans within the Board's jurisdiction.	When the NWB reviews and approves Management Plans
12	LMI	AANDC	Interim Abandonment and Reclamation Plan (IARP)	LMI will provide Errata to the IARP in to address the comments submitted by AANDC during the renewal application technical review process.	November 28, 2014
13	LMI	AANDC, NWB	Fuel Management	LMI will provide a current inventory of fuel in the on-site main tank farm.	Prior to the Public Hearing
14	LMI	KIA	Communication with KIA	LMI will provide the results of annual monitoring and geotechnical inspections directly to the KIA, and will remain open to discussing results as needed from time to time.	On-going
15	LMI	KIA	Communication with KIA	LMI will invite KIA representatives to site	2015
16	LMI	AANDC	Reclamation Security	LMI will provide AANDC with additional detail explaining the basis for the RECLAIM estimate. LMI will keep the NWB informed on discussions	Prior to the Public Hearing
17	KIA	NWB	Water User Compensation	KIA to confirm that there are no outstanding issues in relation to water user compensation under s. 63 of the <i>Nunavut Waters and Nunavut Surface Rights Tribunal Act</i> .	Prior to the Public Hearing