

Status of Issues Following the Technical Meeting/Pre-Hearing Conference for Water Licence 2AM-LUP0914

No.	Technical Comment	TM-PhC Presentation	LMI Response	Status (Addressed vs. Outstanding)
1	LMI requested a licence term of 10 years. Considering that a number of the terms and conditions of the existing water licence have not been met and considering that we do not have sufficient information at this point to adequately assess potential impacts and reclamation liability, AANDC recommends:			
a.	shorter licence term of 3 years;	LMI has made a number of commitments. If LMI can provide a formal list of commitments for the record and can provide the information requested prior to the Public Hearing, we may be in a position to adjust our recommendation regarding the licence term.	LMI provided a list of commitments to the NWB on October 30, 2014.	Outstanding The LMI list of commitments submitted to the NWB on October 30, 2014 is incomplete as it does not include all commitments made to date. Please see AANDC List of Commitments in Appendix 1 of the December 4, 2014 Response to the NWB PhC Decision. Considering that a number of issues remain outstanding at the time of this submission, AANDC is not in a position to adjust our recommendation regarding the licence term.
b.	that the renewed licence include prescriptive timelines for additional monitoring, updated studies, submission of plan updates, and progressive reclamation	Directed to the NWB	No response. Directed to the NWB	AANDC recommends that the NWB consider this request.
2	AANDC recommends that the renewed licence specify a timeline for implementation of a cleanup plan for areas affected by windblown tailings, and the progressive covering of all tailings, applicable even during care and maintenance.	In July, LMI committed to complete and submit an evaluation and action plan for windblown tailings by the end of August, 2014, to detail a monitoring plan, cleanup methodology, tailings surface stabilization plan and a schedule for implementation. In October, LMI committed to undertaking testing, complete remediation, control the source, update their operational practices to control windblown tailings and modify the spill contingency plan to address future windblown tailings. AANDC is satisfied with the response and requests that this commitment be included in the water licence. AANDC Inspectors have requested documentation showing that the material outside of the tailings containment area is esker material and not tailings by November 15, 2014. In our October 16 meeting, LMI confirmed that they will submit documentation by October 31, 2014. This information is required to clarify any potential impacts to the environment and should be provided to all parties as evidence prior to the Public Hearing.	The only potential wind-blown material since the covering of the tailings in 2005 is esker sand from the perimeter dam and soil cover. Limited areas of exposed tailings are saturated in low lying areas of the facility and therefore are not a source of wind-blown material. A recent independent review of the sample results obtained by AANDC in 2012 stated that the analytical results represent arsenic and metal concentrations consistent with the background soil concentrations specific to the site. It also stated that the result of this single soil sample does not indicate that further remedial efforts are warranted. The report states that the 2012 AANDC sample does not document the occurrence of ongoing windblown tailings being spread into the environment. However, LMI will conduct follow up sampling in June - August 2015 to characterize the material deposited below Dam 6. Samples will be collected in a 25 m grid pattern. Grain size analysis along with metals analysis will be conducted on every other sample collected from the grid row immediately adjacent to the dam. Based on sampling results, further actions and potential mitigation would be outlined as necessary by December 2015.	Outstanding LMI was provided the opportunity to prove that the material blown outside the TCA is esker material rather than tailings and refused to conduct the sampling by the November 15, 2014 deadline. As a result, AANDC recommends that a precautionary approach be used when setting the financial security and that it is based on the assumption that this material is tailings, until proven otherwise. LMI committed verbally during the TM-PhC to sample a larger extent outside the TCA than just Dam 6, at the request of the Inspector, due to the ESA addendum that has been outstanding since 2012. The Inspector has stipulated the study criteria in separate correspondence that was copied to the Board on November 27, 2014. AANDC requested that a study framework be provided and reviewed by parties prior to the Public Hearing. This has not yet been received. A study framework for the windblown material is requested for review and approval prior to issuance of a licence. Depending on the results, LMI has committed to submit a monitoring plan, a clean-up plan and a schedule. AANDC requests that this commitment be reflected in a renewed water licence. Please refer to No. 2.1 of the final submission for the full recommendation.
				LMI committed at the TM-PhC to providing a historic study done on windblown tailings. This has not yet been provided.
3	AANDC recommends that the water licence require the Licensee to provide a monitoring and assessment program to:	LMI has agreed to provide monitoring data from thermistors in the covered tailings, monitor water levels in the esker sands over the covered tailings, to install		See below

a.	monitor variability of the active permafrost zone within the tailings;	piezometers within the esker sands, and to provide surface water quality data from the internal ponds in the tailings containment area. While the Department is satisfied with the response, this commitment should be reflected in the water licence. The Department notes that	LMI will 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.	Addressed AANDC recommends that this commitment is reflected in a renewed water licence.
b.	monitor water levels in the esker sands over the covered tailings	LMI did not include monitoring of porewater quality in the covered tailings. However, LMI did clarify in the October 16 meeting, that they commit to monitoring porewater quality. The Department requests that these commitments are included in the water licence to confirm cover performance.	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.	Addressed AANDC recommends that this commitment is reflected in a renewed water licence.
c.	monitor porewater quality in the covered tailings and internal pond water quality; and		LMI no longer commits to monitoring porewater quality.	Outstanding LMI originally committed to monitoring porewater quality on October 16, 2014 via teleconference. Since the TM-PHC, there is no longer a commitment to monitoring porewater quality in the TCA. AANDC recommends that porewater quality monitoring of the tailings cover be a requirement of the water licence. Refer to No. 2.2 of the final submission for the full recommendation.
d.	assess the progression of water quality in the tailings porewater and ponds to verify conditions are improving.		LMI will include water quality data from the tailings containment area's internal ponds in the annual geotechnical monitoring report.	Addressed AANDC recommends that this commitment is reflected in a renewed water licence.
4	The site has accumulated a large inventory of hazardous materials. AANDC recommends:	LMI provided a manifest summary indicating the material that was backhauled but no information was provided on quantities of material in storage and quantities of material removed from site. In our October 16 meeting, LMI committed to providing a copy of their current inventory of hazardous waste on site and agreed that this inventory should be updated annually. The Department requests that these commitments be reflected in the water licence. The Department also recommended annual removal of hazardous waste to prevent over-accumulation of hazardous materials on site. LMI responded saying this is an onerous request but that they commit to backhauling hazardous waste every opportunity available. The Department recommends annual removal of hazardous waste, as feasible, to prevent the over-accumulation of hazardous waste on site and that the storage of accumulated hazardous waste on site is adequately reflected in the reclamation cost estimate.	See below	Outstanding LMI stated that the removal of 2 truckloads of hazardous waste is included in the reclamation costs estimate for the reclamation of the mine site. AANDC is waiting for LMI to identify where in the estimate this cost is located. AANDC strongly recommends that the storage of hazardous waste on site is limited to 2 truckloads of hazardous waste, and that the size of the 'truckloads' be specified for clarity. The storage of accumulated hazardous waste on site should be adequately reflected in the reclamation cost estimate. Should more than two truckloads remain on site at the end of each year, the reclamation cost estimate should be adjusted accordingly. Refer to No. 2.3 of the final submission for the full recommendation.
a.	that the Waste Management Plan be updated to include a current inventory, the location and design of the proposed storage facility, and a schedule for removing the inventory of hazardous waste from the site;		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.	Outstanding An inventory of hazardous waste has not yet been received. Until the inventory is submitted and reviewed by interested parties, this remains outstanding. AANDC recommends that an inventory of hazardous waste and a schedule for removing the hazardous waste from site be provided prior to proceeding to a Public Hearing. Refer to No. 2.3 of the final submission for the full recommendation.
b.	the licence stipulate that the inventory of hazardous waste must be updated annually as part of the annual report; and		LMI will include an update on hazardous waste inventories and backhauls in the annual report.	Addressed AANDC recommends that this commitment is reflected in a renewed water licence.

c.	The licence require annual removal of hazardous waste to prevent over-accumulation of hazardous materials on site.		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.	<p>Outstanding</p> <p>AANDC recommends that LMI be required to submit a plan for the removal of accumulated hazardous waste and that the licence require regular removal of hazardous waste to prevent the overaccumulation of hazardous waste at the site.</p> <p>AANDC further recommends that the Licensee abide by the GN Environmental Guideline for the General Management of Hazardous Waste.</p> <p>Refer to No. 2.3 of the final submission for the full recommendation.</p>
5	There is no information on the quantities or characteristics of hydrocarbon contaminated soil or on how it will be managed. AANDC recommends that the licensee be required to:	See below		
a.	conduct a site assessment to define the extent and to characterize the type of contamination of hydrocarbon-contaminated soils; and	LMI suggested that the 2005 survey is still valid and that no additional contamination has occurred. Provided that this assessment was done over 9 years ago and given that there was some level of activity on site (exploration, etc.), the Department requests that the licence require an updated site assessment to determine more accurate estimates of contaminated soils at the site so that we can generate a more accurate estimate of reclamation liability associated with the site. However, it is known that there is a significant spill outside the Satellite Tank Farm that was not included in this survey.	See below	<p>Outstanding</p> <p>An updated site assessment is required or a larger contingency should be considered as a precaution. There is no commitment to do an updated site assessment to determine more accurate estimates of contaminated soil and waste rock that may have potential for ARD or ML.</p> <p>AANDC strongly recommends that a commitment to conduct a site assessment in 2015 be a condition of the water licence and that the reclamation cost estimate is adjusted accordingly.</p>
b.	submit a revised Waste Management Plan including details on the management of hydrocarbon contaminated soils.	LMI committed to submit a revised waste management plan, and LMI clarified in the October 16 meeting, that the landfarm management plan was not submitted as indicated in their October 10 response but LMI did commit that the plan will be provided following the Technical Meeting. LMI clarified that they will continue to backhaul contaminated soil until a landfarm is commissioned. The Department requests that the revised Waste Management Plan also includes their plan to backhaul contaminated soil. In LMI's response to the July 15, 2014 Inspection Report, it is stated that there are plans for decommissioning the satellite tank farm and that a mitigation plan was approved by Environment Canada. AANDC requests that this plan and any other detailed plans regarding the decommissioning of the satellite tank farm also be provided to the NWB. In their October response, LMI committed to revising the Waste Management Plan to describe how contamination outside the satellite tank farm will be characterized and remediated. The Department requests that this commitment be reflected in the water licence.	LMI committed to submit a simplified landfarm management plan in November 2014. Initially this proposed facility will be used to remediate the hydrocarbon contaminated soils located by the satellite tank farm. Upon approval of the land farm management plan, LMI would 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>Outstanding</p> <p>The landfarm plan was distributed to parties on December 5, 2014. Comments and recommendations are included in Section 1.2 of the final submission.</p> <p>The decommissioning and mitigation plans for the satellite tank farm or the revised Waste Management Plan have not yet been received for review.</p> <p>AANDC recommends that all commitments to date regarding contaminated soil be reflected in a renewed water licence.</p>

6	AANDC requests that the Licensee submit a fully updated Interim Abandonment and Restoration Plan. The updated plan should:	LMI addressed all points raised by SENES (which addresses 1 of a 4 part question). LMI did commit to submitting an erratum to correct errors and that a subsequent revision will incorporate the corrections. The Department requests that LMI also submit an addendum to address all the points on this slide and that it is circulated to interested parties for a 30 day review prior to the Public Hearing. The Department further requests that the plan not be approved until it is fully updated to incorporate all corrections identified during the review process.	LMI will provide Errata to the IARP in November 2014 to address the comments submitted by AANDC during the renewal application technical review process.	<p>Outstanding</p> <p>LMI initially committed to providing an updated plan prior to the Public Hearing. LMI later committed to providing an erratum to the plan in November 2014. A list of corrections to the IARP was distributed to parties on December 5, 2014. Comments and recommendations are provided in No. 1.3 of the final submission.</p> <p>AANDC recommends that the licence require an updated IARP within 90 days of licence issuance.</p>
a.	remove inconsistencies and outdated information;			
b.	provide accurate information on current site conditions;			
c.	include a plan for progressive reclamation; and			
d.	provide information requested in the technical review.			
7	The quantity and quality of fuel is unknown. AANDC recommends that:	LMI confirmed there is 2.3 ML of fuel left on site and that it is of excellent quality. While they did provide the total amount of fuel, the type and quantity of fuel in each tank remains unclear. LMI confirmed that the residual fuel in tank M16 was transferred to tank M17 and will be analyzed to determine the best method of disposal. This information should be incorporated in an updated plan and further updates should be provided in annual reports.		
a.	The updated plan include:			
i.	an updated inventory of the quantity and quality of all fuels in each tank on site; and	LMI committed to providing us a copy of their fuel inventory. AANDC requests that this commitment is reflected in the water licence and that the licence require annual reporting of the quantity and quality of fuel in each tank.	LMI will provide AANDC current inventory of fuel in the on-site main tank farm .	<p>Outstanding</p> <p>An inventory of fuel was distributed to interested parties on December 5, 2014. While LMI provided an inventory of fuel stored in tanks, they did not include an inventory of fuel stored in other vessels including drums. Until a complete inventory is submitted and reviewed by interested parties, this remains outstanding.</p> <p>AANDC recommends that a complete fuel inventory be provided prior to the Public Hearing. AANDC further recommends that the licence require a more detailed inventory in 2015 as well as annual updates to the fuel inventory as part of their annual reporting requirements under Part B, Item 2 of the water licence.</p> <p>Refer to No. 1.1 of the final submission for the full recommendation.</p>
ii.	recent upgrades to the Fuel Storage Facilities.		No response.	Any modifications should be done in accordance with the water licence.
b.	the renewed licence require the annual reporting of the quantity and quality of fuel in each tank on site.		No response.	AANDC recommends that the NWB consider this request for annual updates to the quantity and quality of fuel in each tank on site.
c.	The Licensee inspect fuel facilities in accordance with the plan and water licence.		No response	Fuel facilities should be inspected in accordance with the water licence and not a proposed schedule in a management plan.
8, 9	AANDC recommends that:			

a.	the Spill Contingency Plan be updated to include updated quantities of fuel (i.e. diesel) and lime on site; and	LMI clarified, at the October 16 meeting, that there is currently 2.3 ML of fuel and that there are 850 25kg bags of lime on site.	No further response.	Addressed AANDC recommends that the Spill Contingency Plan is updated to include the maximum quantity of chemicals on site.
b.	that the licence require the licensee to submit an updated Spill Contingency Plan within 60 days of licence renewal.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
c.	The Licensee implement the Spill Contingency Plan			The purpose of the Spill Contingency Plan is that it needs to be implemented in the event of a spill on site. The spill reported in 2012 at the satellite tank farm is to be addressed and cleaned up in accordance with the plan by August 31, 2015 as required by the AANDC Inspector.
10	AANDC recommends that the Water Quality Monitoring Plan and Quality Assurance/Quality Control Plan be updated to include internal monitoring of the ponds and tailings porewaters and submitted to the Board for approval within 60 days of issuance of the licence renewal.	LMI confirmed that they do conduct internal monitoring of water quality in the interior ponds and commit to include monitoring data in annual reports. LMI committed to monitoring porewater quality at the October 16 meeting. The Department requests that the plan be updated to include internal monitoring of the ponds and tailings porewaters and that these commitments to collect and submit internal monitoring data is incorporated into the water licence	LMI no longer commits to monitoring porewater quality.	Outstanding LMI originally committed to monitoring porewater quality on October 16, 2014 via teleconference. Since the TM-PHC, there is no longer a commitment to monitoring porewater quality in the TCA. AANDC recommends that porewater quality monitoring be a requirement of the licence. Refer to No. 2.2 of the final submission for the full recommendation.
11	AANDC recommends that:			
a.	Interested parties be given 30 days prior to the Final Hearing to review the Landfill Management Plan;	LMI submitted a Landfill Management Plan in July 2014. The Department is satisfied with the plan and requests that the water licence include standard terms and conditions for landfill management (so long as it is within the scope of the existing licence).		Addressed LMI submitted the plan in July 2014 and AANDC was able to conduct a review of the plan prior to the Public Hearing.
b.	the Waste Management Plan be updated to include the Landfill Management Plan before the Final Hearing;		LMI will update management plans based on input received during the review process and direction to be provided by the NWB upon receipt of the renewed water licence.	Addressed Considering a landfill management plan was submitted, AANDC would be satisfied if the water licence required LMI to update the Waste Management Plan post issuance to include landfill operations.
c.	the licence include standard terms and conditions for landfill management.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
12	AANDC recommends that:			
a.	the Licensee provide an open burning quality assurance plan as part of the update to the Waste Management Plan; and	LMI submitted a Landfill Management Plan in July 2014 which includes plans for open burning. AANDC is satisfied with the plan and requests that the water licence include standard terms and conditions for open burning (as recommended by the Field Operations Division in a proposal submitted to the Board in December 2013).	LMI will update management plans based on input received during the review process and direction to be provided by the NWB upon receipt of the renewed water licence.	Addressed An open burning plan was submitted as part of the Landfill Management Plan. As above, AANDC would be satisfied if the water licence required LMI to update the Waste Management Plan post issuance to include open burning operations.
b.	the licence include standard terms and conditions for open burning.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
14	AANDC recommends that LMI provide an updated RECLAIM estimate for review prior to the Final Hearing	LMI has committed to undertaking a re-evaluation of the reclamation cost estimate and to providing additional information to address technical issues on closure costing by the end of August 2014. This information has not yet been provided but in their October 10 response, LMI committed to providing an updated detailed estimate prior to the Public Hearing. In our October 16 meeting, LMI committed to providing the cost estimate at the Technical Meeting.	LMI will work with AANDC prior to the final hearing to further explain the basis for the reclaim estimate. LMI will keep the NWB informed on discussions	Outstanding LMI initially committed to submitting an updated reclamation estimate in August 2014. AANDC received the updated estimate for review on October 18, 2014 and a further revised estimate on December 12, 2014. Please see below for the status of each part.
a.	using the most current version of RECLAIM (version 7);		LMI clarified that the current version of RECLAIM was not used.	AANDC recommends that the most current version of RECLAIM is used in future updates to the reclamation cost estimate.
b.	adjusted for unit costs applicable to the site; and		LMI will work with AANDC prior to the final hearing to	Outstanding

c.	accounting for the deficiencies identified.		further explain the basis for the reclaim estimate. LMI will keep the NWB informed on discussions.	<p>AANDC provided the review memo identifying deficiencies to LMI on October 24, 2014 and we participated in a teleconference meeting with LMI on November 24, 2014. LMI committed to providing additional information and an updated reclamation cost estimate (LMI committed to providing a timeline for submission by December 1, 2014). A revised cost estimate was submitted by LMI on December 12, 2014 and distributed to interested parties on December 17, 2014.</p> <p>As stated at the TM-PHC, AANDC strongly recommends that a renewed licence is not issued until LMI submits for review, an updated reclamation cost estimate that accounts for all deficiencies identified throughout the application process.</p> <p>Refer to No. 1.4 of the final submission for the full recommendation.</p>
15	AANDC recommends that the renewed licence allow the Nunavut Water Board to "discount" any amount of reclamation security held under a Crown land lease from the total amount of reclamation security required to reclaim the mine undertaking, when setting the security requirement under the water licence.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
16	AANDC recommends that:			
a.	commencement of mining operations be subject to Board approval;		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
b.	the Licensee be required to provide the Board with sufficient notice of the desire to resume mining to allow a 60 day review period by interested parties; and		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
c.	the notice provided to the Board should include the following:	In the October 10 response to Table 1 (proposed change to Part I, Items 7 and 8), LMI responded by stating the request for mandatory plan revisions is onerous. AANDC is of the opinion that plans should be reviewed and revised as required and notes that an update every time may not be necessary.	LMI will update management plans based on input received during the review process and direction to be provided by the NWB upon receipt of the renewed water licence.	AANDC recommends that the NWB consider this request.
i.	updated management plans for review by interested parties and approval by the NWB;			
ii.	an updated reclamation cost estimate for review and approval by the NWB;			
iii.	any change in the amount of water use; and			
d.	a schedule of planned activities.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
17	AANDC recommends that the Board consider the increase in environmental risks at the mine site and the licensee's failure to meet licence requirements over the term of the previous licence when setting terms for the new licence.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
18	AANDC recommends that:	LMI states that this is onerous and shared that geotechnical engineers stated (in 2012 and 2013 reports) that weekly inspections should not be required from a safety or technical viewpoint. Consideration should be	At the TM-PHC, LMI committed to consider the option to apply to the NWB for differing thresholds for water use, inspection and monitoring frequency, etc. during Operations vs. Care and Maintenance. No further response	<p>Outstanding</p> <p>AANDC is of the opinion that monitoring requirements should remain as is during Operations but agree that separate monitoring/inspection requirements during C&M could be</p>
a.	LMI retain a full time presence at the site during freshet to complete daily inspections of key facilities;			

b.	LMI retain a weekly presence on site during the open water period; and	given to the fact that the Licensee is requesting the flexibility to resume operations at any time so, unless the	was provided since the TM-PHC.	considered.
c.	LMI be required to implement all measures included in Section 1.4 of the Mine Site Reclamation Guidelines for the Northwest Territories (INAC, 2007) during Care and Maintenance.	Licensee would prefer a water licence for care and maintenance without the flexibility to resume operations, a reduction in monitoring requirements should not be considered at this time. However, we could be in a position to consider separate monitoring and inspection requirements in the water licence for operations and care and maintenance		LMI committed to submitting a request for differing thresholds during C&M vs. Operations which may address this issue. A request for water use and monitoring frequency during operations, ramp-up, and C&M was submitted on December 12, 2014 and distributed to interested parties on December 17, 2014. AANDC agrees with the proposed water use for all activity levels and monitoring frequencies during operations and C&M but clarification is required regarding monitoring frequency during ramp-up. Refer to No. 2.5 of the final submission for the full recommendation.
Additional Comments				
19	The definition for Care and Maintenance in the licence should be updated to be consistent with the Mine Site Reclamation Guidelines		LMI stated that this is onerous.	Outstanding It is not unduly onerous to care and maintain the site and it is not unduly onerous to be expected to follow policies and guidelines established by regulators.
20	Management Plans		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
a.	Submission timelines for all plans should provide adequate time for review and approval of plans.			
b.	The Care and Maintenance Plan, the Interim Abandonment and Reclamation Plan and the Reclamation Cost Estimate should be submitted for review before the issuance of a licence.			
c.	Plans that will either be submitted or revised following issuance of the water licence:			
i.	Should be circulated for review by interested parties prior to approval; and			
ii.	Should be approved, in writing, prior to commencement of related proposed activities;			
21	Water Quantity Monitoring	The Department is currently covering the cost of a hydrometric station at Contwoyto Lake. It is arguably incumbent on individual mining projects, including LMI, to make a contribution to regional monitoring in development of a long-term hydrometric record that will support future decision-making on water use and ensure that potential project-specific impacts to water quantity and flow are adequately addressed. It is unclear what hydrometric monitoring is currently being conducted by the Licensee at the Lupin Mine site. AANDC requests information regarding their hydrometric network on site and whether the data meets national	LMI stated in an email on October 31, 2014 that LMI will not commit to providing any hydrometric information since it is voluntary.	Outstanding AANDC is requesting information on their current hydrometric network and whether the data meets national standards and can be made available to the public. LMI has not committed to providing any hydrometric information because it is voluntary. Thus, it is unclear how LMI can determine whether the Project is impacting water quantity and flow.
	Water quantity information is required to:			
a.	understand changes to water quantity and flow on Inuit-owned land			
b.	support water management during mining			
c.	understand changes in regional water availability			
d.	The Department recommends that the licensee operate at least one continuous hydrometric station that will meet national standards for data quality and that data be made available to the public through the Water Survey of Canada.			
22	Progressive Reclamation			
a.	LMI was required to implement progressive reclamation under 2AM-LUP0914.		No response.	General statement. No response required.

b.	AANDC recommends that the licensee provide a schedule with clear objectives and timelines for progressive reclamation, particularly of exposed and windblown tailings, to be conducted during the licence period, applicable whether the mine is operational or in Care and Maintenance.		LMI did not agree to address exposed tailings except as part of the final reclamation.	<p>Outstanding</p> <p>Due to the potential risk that the mine does not resume operations during the life of the proposed licence, AANDC recommends that progressive covering of the exposed tailings during C&M be included as a condition of the licence and that a schedule is included so that work is completed in a timely way following issuance of a renewed licence.</p> <p>Refer to No. 2.6 of the final submission for the full recommendation.</p>
c.	AANDC recommends that LMI identify all infrastructure and equipment on site that is no longer useable, and include reclamation of unusable infrastructure in its reclamation schedule.	LMI state that facilities and equipment were brought to normal working conditions in 2012 and 2013. AANDC recommends that the licence identify infrastructure and equipment on site that is no longer useable in annual reports and that the reclamation cost estimate is updated accordingly.	LMI is not aware of any such buildings or equipment. Should LMI determine that any buildings/equipment are at a stage of degradation beyond repair or use it will be reflected in any updated RECLAIM estimate.	<p>Addressed</p> <p>AANDC recommends that LMI's commitments are reflected in a renewed water licence.</p> <p>AANDC further recommends that the water licence require annual updates of unuseable facilities or equipment on site (as required) and the requirement to reclaim anything that is deemed unuseable.</p> <p>Outstanding</p> <p>Refer to No. 3.2 of the final submission for a recommendation regarding asbestos.</p>
d.	AANDC recommends that the licence prescribe timelines for meeting progressive reclamation objectives.		No response. Directed to the NWB.	AANDC recommends that the NWB consider this request.
23	Financial Security			
a.	The Mine Site Reclamation Policy for Nunavut (INAC, 2002) requires that security at any time during the life of the mine should be equal to the outstanding reclamation liability.	The application should not proceed further without an updated reclamation cost estimate to ensure that the financial security is equal to the total outstanding reclamation liability during the life of the project.	LMI will work with AANDC prior to the final hearing to further explain the basis for the reclaim estimate. LMI will keep the NWB informed on discussions.	<p>Outstanding</p> <p>AANDC is of the opinion that the existing financial security held under 2AM-LUP0914 is insufficient to cover the outstanding reclamation liability associated with the mine site.</p>
b.	AANDC reviewed the estimate provided in the 2012 Annual Report and it appears to be insufficient to cover the total outstanding reclamation liability of the mine site.			<p>Outstanding</p> <p>AANDC reviewed the updated reclamation cost estimate (December 12, 2014) and the majority of deficiencies identified were not addressed. Comments and recommendations are provided in No. 1.4 and Appendix 1 of the final submission.</p>
c.	LMI committed to re-evaluate the reclamation cost estimate and provide additional information by the end of August 2014.			<p>Outstanding</p> <p>LMI submitted an updated reclamation estimate on October 18, 2014 and AANDC provided preliminary comments on October 24, 2014. LMI submitted a revised estimate on December 12, 2014 (circulated by the NWB on December 17, 2014). AANDC conducted a preliminary review of the December 2014 estimate and provide comments and recommendations in No. 1.4 and Appendix 1 of the final submission.</p>
d.	The application should not proceed further without an opportunity for a thorough review of the updated reclamation cost estimate.			<p>Outstanding</p> <p>AANDC recommends that the NWB consider our request that the application not proceed further and that a licence is not issued until the requested information is provided by LMI before January 14, 2015. This will allow sufficient time to review new information provided prior to the Public Hearing.</p>