

NUNAVUT WATER BOARD

TYPE 'A' WATER LICENCE NO. 2AM-LUP0914,  
RENEWAL-AMENDMENT APPLICATION

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PUBLIC HEARING/COMMUNITY SESSION  
VOLUME 2

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KUGLUKTUK, NUNAVUT  
KUGLUKTUK COMMUNITY HALL  
FEBRUARY 5, 2015

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1 February 5, 2015

2

3 NUNAVUT WATER BOARD

4 T. Kabloona Chair of Hearing

5 M. Nartok Board Member

6 B. Dean Board Member

7

8 NUNAVUT WATER BOARD STAFF

9 T. Meadows Legal Counsel

10 D. Hohnstein Director of Technical Services

11 S. Joseph Technical Services Advisor

12 B. MacCarl Technical Services Advisor

13 B. Kogvik Secretary to the Board

14 R. Ikkutisluk Licence Administrative

15 Assistant

16

17 APPLICANT

18 P. Downey Lupin Mines Incorporated

19 K. Lewis

20 S. Lines

21 A. Laudrum

22 C. Kowbel

23

24 INTERVENERS

25 K. Costello Aboriginal Affairs Northern

26 Development Canada

1 E. Paul

2 R. Knapp

3 N. Cavanagh

4

5 L. Torretti Kitikmeot Inuit Association

6

7 INTERPRETERS/TRANSLATORS

8 M. Tiktalek Inuktitut

9 B. Kogvik

10

11 C. Longacre, CSR(A) Official Court Reporter

12

13 C. Francis Sound Technician

14

15 (PROCEEDINGS COMMENCED AT 6:49 PM)

16 THE CHAIR: Welcome back, everyone. We're  
17 able to carry on with where we left off yesterday with  
18 AANDC during their presentation. I believe it was  
19 Slide 40 or 41. You're more than welcome to keep going  
20 where you left off yesterday, Karen.

21 Presentation by AANDC

22 MS. COSTELLO: Thank you, Mr. Chair. Karen  
23 Costello for Aboriginal Affairs Northern Development  
24 Canada. In the interest of brevity, I will not do a  
25 recap of Slides 1 through 40. I'm sure we've all had  
26 ample time to review them over our storm delay.

1 THE CHAIR: If I may interrupt, I  
2 understand we have a procedural matter before we  
3 proceed with this. Teresa?

4 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
5 Meadows, legal counsel for the Nunavut Water Board. In  
6 the interim, during the -- I was going to call it the  
7 "storm delay", but that sounded like this was more a  
8 sporting event rather than a public hearing. So during  
9 the adjournment, we did receive -- as I had indicated  
10 on Wednesday morning, we had provided a question to  
11 Environment Canada with respect to the issues that  
12 remained outstanding. I believe all the parties were  
13 copied with a response to that e-mail from Environment  
14 Canada, and we will be marking it as an exhibit. It  
15 was sent out by e-mail yesterday by -- or this morning  
16 by Environment Canada directly. All right. Well,  
17 everyone is advising me now that -- that they hadn't  
18 received it. My apologies. I thought that everyone  
19 had received it; on the carbon copy line, everyone's  
20 addresses were in. So Environment Canada had  
21 circulated that today. And what I will do is, at the  
22 break, I will undertake to save it onto -- onto a stick  
23 so that everyone can take a look at it, and then we'll  
24 mark it as an electronic exhibit in the file. But I  
25 will get everyone to take a look first before we mark  
26 it as an exhibit.

1 EXHIBIT 6 - Electronic copy of letter

2 provided by Environment Canada

3 The second thing, Mr. Chair, is that with

4 respect to the continuation of -- of --

5 before AANDC continues their presentation,

6 the -- we now have the hard copy of the

7 Exhibit 3 that was filed by LMI, and if

8 anyone would like to see the hard copy of

9 that exhibit, we now have it here, and I will

10 be marking it, subject to AANDC's

11 determination about whether or not they want

12 to object to it being filed as an exhibit.

13 MR. CAVANAGH: Mr. Chairman, Norm Cavanagh,

14 Justice Canada. I haven't been keeping track of what

15 the exhibit numbers are. What is Exhibit 3, please?

16 MS. MEADOWS: Exhibit 3 was the -- the --

17 the SEDAR filing that you received in electronic form.

18 MR. CAVANAGH: Thank you very much,

19 Mr. Chair. Norm Cavanagh, Justice Canada. Thank you

20 very much, Mr. Chairman. We did receive a copy of that

21 one.

22 MS. MEADOWS: And the third procedural

23 matter that I have, Mr. Chair, is that I have the

24 consolidated interim financial statements of Mandalay

25 Resources Corporation that demonstrate the legal status

26 of Lupin Mines Incorporated and the Elgin Mines, and I

1 think that was a clarification from -- from  
2 Ms. Kowbel's statement yesterday. So I'll let her  
3 address that.

4 MS. KOWBEL: Christine Kowbel. Yes, we can  
5 confirm that Lupin Mines Inc. and Elgin Mining are  
6 wholly owned subsidiaries of Mandalay, and that  
7 Mandalay is the parent company and is responsible for  
8 its subsidiaries. The reclamation bond will continue  
9 in the name of Elgin Mining, and it remains in place  
10 with an automatic annual renewal. And as I said, we --  
11 we filed with the Board a -- an electronic and paper  
12 copy of the most recent audited financial statements of  
13 Mandalay, and you'll find a note of the Lupin Mines  
14 transaction within those financial statements, and we'd  
15 like that marked as an exhibit in these proceedings.

16 MS. MEADOWS: Teresa Meadows, legal counsel  
17 for the Nunavut Water Board. So we will mark this as  
18 Exhibit 4 in these proceedings, subject to anyone's  
19 objection.

20 THE CHAIR: Any objections?

21 MR. CAVANAGH: No objection, Mr. Chairman.

22 MS. MEADOWS: Teresa Meadows, legal counsel  
23 for the Nunavut Water Board --

24 MS. COSTELLO: Mr. Chair, Karen Costello for  
25 Aboriginal Affairs. I'm just a bit confused on the  
26 numbering system. When we started our presentation,



1 our presentation was listed as Exhibit 4, based on the  
2 record yesterday.

3 MS. MEADOWS: My apologies. Yes. This will  
4 be marked as Exhibit 5. Thank you.

5 EXHIBIT 5 - Condensed consolidated interim  
6 financial statements of Mandalay Resources  
7 Corporation

8 THE CHAIR: Thank you. Please carry on  
9 with your presentation. And I'll try not to interrupt  
10 this time.

11 MS. COSTELLO: Thank you, Mr. Chair. No  
12 worries on that. I'm sure legal counsel wants to make  
13 sure we follow procedure.

14 So I'm going to resume the presentation on Slide  
15 41. And this is where we're just continuing some of  
16 our final review comments. The licensee is required to  
17 implement progressive reclamation, including the  
18 covering of tailings and re-vegetation under Part I,  
19 Item 9 of the existing water licence, yet there has  
20 been no evidence of progressive reclamation since 2006.

21 The Department recommends that LMI be required to  
22 reclaim exposed and windblown tailings to be conducted  
23 during a proposed licence term applicable whether the  
24 mine is in operational (sic) or in care and  
25 maintenance. LMI does not agree to address exposed  
26 tailings except at final closure. Due to the potential

1 risk that the mine does not resume operations during  
2 the life of the proposed licence, Aboriginal Affairs  
3 has recommended that the licence require covering of  
4 exposed tailings and that an updated progressive  
5 reclamation plan be submitted as part of the update to  
6 the interim abandonment and reclamation plan.

7 LMI responded to our recommendation of progressive  
8 covering by saying that progressive reclamation only  
9 applies to facilities that can no longer be used. The  
10 tailings containment area will not be covered until  
11 final closure, and as we heard yesterday, they stated  
12 that it has some capacity left, should the mine ever  
13 resume production.

14 LMI has carried -- has indicated that the  
15 progressive reclamation they have undertaken such as  
16 the backhaul of waste and the submission of a landfarm  
17 management plan is meant to support the cleanup of the  
18 historic spill at the satellite tank farm.

19 With regard to the Department's comments on  
20 progressive reclamation, the Department considers the  
21 issue outstanding, since there was no agreement  
22 regarding the progressive cleanup of windblown tailings  
23 and covering of exposed tailings.

24 LMI stated that the tailings containment area will  
25 not be covered any further until final closure, and  
26 there is no evidence to suggest that the covering of

1 the remaining exposed tailings is an urgent matter.  
2 Aboriginal Affairs notes that there is no evidence that  
3 covering of the remaining exposed tailings is not  
4 required to ensure protection of the surrounding  
5 environment. The Department maintains that covering of  
6 the exposed tailings should be required as a  
7 nondiscretionary licence condition. This could include  
8 use of a temporary stabilizer, as proposed in the  
9 care-and-maintenance plan, to mitigate the risk of  
10 windblown tailings while still enabling future use of  
11 the tailings containment area.

12 I will now present some additional findings  
13 included in our final review that have not been  
14 presented in our technical review so far. These  
15 comments and recommendations are included in Section  
16 3.0 of the final review submission and are presented  
17 under three headings: Acid generating waste rock,  
18 asbestos, and updated environmental site assessment.

19 The environmental site assessment was -- done by  
20 Morrow in 2006 reported that about 44 percent of the  
21 waste-rock samples had already become acidic, and  
22 elevated levels of metals were observed. Additional  
23 groundwater quality sampling was recommended, but we  
24 have no evidence that it was done. The actual quantity  
25 of acid generating waste rock that may require  
26 management is not known, and additional study is

1 required. The Department requested a detailed rock  
2 characterization study to address the acid rock issue  
3 and its potential effect on the environment. LMI  
4 agrees that additional studies are required and  
5 proposed to complete a more detailed options evaluation  
6 prior to closure. The Department also requested that  
7 LMI address groundwater contamination, but no response  
8 was provided.

9       So with regard to our comments on acid generating  
10 waste rock, the Department considers this issue only  
11 partially resolved. This is because LMI does agree  
12 that studies are required, but LMI did not provide a  
13 response regarding groundwater monitoring, and there is  
14 disagreement with the timeline proposed. LMI agrees  
15 that additional studies are required, but we believe  
16 that prior to closure -- but we believe the studies  
17 need to be implemented within the term of the licence.  
18 Aboriginal Affairs is requesting that the licence  
19 include requirements to conduct a detailed rock  
20 characterization program within the term of the licence  
21 to identify the total quantity of potentially acid  
22 generating waste rock at the Lupin mine site and  
23 address groundwater contamination as previously  
24 identified.

25       With regard to asbestos, the Department had a  
26 couple of comments. Given the age of the structures at

1 the site, there was concern that asbestos could be  
2 present as insulation in buildings and possibly other  
3 sites. The Department recommended that an  
4 investigation be conducted to confirm whether or not  
5 asbestos was present at Lupin. LMI confirmed that  
6 investigations were done, that a number of buildings  
7 contain asbestos, and that the reclamation cost  
8 estimate does consider the need for special handling of  
9 these materials. In our final comments, we understand  
10 that the presence of asbestos was considered in the  
11 demolition plans, but clarification is requested where  
12 the plans include the disposal of materials containing  
13 asbestos -- sorry, is requested whether the demolition  
14 plans include the disposal of materials containing  
15 asbestos. So, really, the Department is looking for  
16 evidence that the demolition costs for buildings  
17 incorporate specific costs for management of asbestos.

18 The Department had comments on the need for an  
19 updated environmental site assessment. While this  
20 comment was not presented as a stand-alone comment in  
21 the final review submission, it was identified in the  
22 completeness review, Number 2 .6; the technical review,  
23 AANDC Number 5(a); and SENES Number 2.1.3; and the  
24 final review, 3.1. It is also an outstanding  
25 compliance issue as it was required as a result of the  
26 2012 inspection and agreed to by LMI at the time. The

1 Department requested an updated site assessment, since  
2 the last site assessment was conducted in 2005. LMI  
3 has suggested the 2005 survey or assessment is still  
4 valid and that no additional contamination has  
5 occurred.

6 The Department would like to note that this  
7 assessment was done over nine years ago, and as we move  
8 into 2015, that's now ten years. There has been some  
9 activity since that time at the site. There's also a  
10 significant known spill and the questions of the  
11 tailings cover. The company agreed to conduct this  
12 assessment as a result of the 2012 inspection but did  
13 not fulfill that commitment. As such, the Department  
14 requests that the licence require an updated site  
15 assessment in 2015 to determine more accurate estimates  
16 of contaminated soils, potentially acid generating  
17 waste rock, uncovered tailings, and windblown tailings  
18 at the site. This will generate a more accurate  
19 estimate of reclamation liability associated with the  
20 site. The Department considers this issue outstanding,  
21 since there is disagreement that an update to the  
22 last -- the historic site assessment is required. And  
23 just as a reminder, the addendum to the last site  
24 assessment was requested by the inspector in 2012 and  
25 committed to by LMI to be provided by March 31st, 2013.

26 Failure to undertake work and provide information

1 as required by the inspector is significant  
2 noncompliance. LMI has since reduced this commitment,  
3 that it will be done prior to resuming mining  
4 operations; however, LMI requests that the licence have  
5 the flexibility to resume operations at any time. The  
6 Department feels that the environmental -- updated  
7 environmental site assessment should be done in 2015,  
8 and it should address legacy hazards contamination  
9 issues as required by the inspector's 2012 report.

10 For other considerations, the Department has a few  
11 points it would like to bring to the Board's attention.  
12 As requested by the Board, the Department provided  
13 comments on proposed changes to terms and conditions of  
14 the existing water licence in Table 1 of our technical  
15 review submission. An updated table that includes  
16 dialogue between ourselves and LMI regarding the  
17 proposed changes was provided been October 31st, 2014,  
18 and in Appendix 3 of our December 4th, 2014,  
19 submission. A list of commitments was provided on  
20 October 29th, and in Appendix 1 of our December 4th,  
21 all dates 2014. A status -- status of issues -- the  
22 status of issues identified between the completeness  
23 review and the technical review was provided in Table 2  
24 of our technical review submission and in Appendix 3 of  
25 the December 4th submission. The status of issues from  
26 the technical review onward was provided in Appendix 2

1 of the December 4th submission and Appendix 2 of the  
2 July 5th submission -- January 5th submission, sorry.

3 The Department has updated the list of commitments  
4 and the status tables following LMI's last submission  
5 on January 22nd, 2015, to reflect where agreement has  
6 been reached and where issues remain unresolved, and  
7 we -- and request that they are considered by the  
8 Nunavut Water Board. And I have a hard copy to enter  
9 as evidence, as well as an electronic copy.

10 So just going over the bullets on this slide as to  
11 how all of this translates into other considerations,  
12 Aboriginal Affairs has suggested proposed changes to  
13 terms and conditions of the existing licence  
14 commitments, as well as the absence of commitments,  
15 need to be considered prior to issuing a licence. The  
16 outstanding issues and the existing level of  
17 uncertainty need to be considered prior to issuing a  
18 licence or assigning security. The Department suggests  
19 that more prescriptive terms and conditions are  
20 required to ensure water is adequately protected and  
21 the water licence should include schedules for studies,  
22 monitoring, and progressive reclamation. And the  
23 responsibility for monitoring and care and maintenance  
24 is that of the licensee.

25 I will now turn things over to Eva Paul, who will  
26 speak to compliance considerations.



1 MS. PAUL: Thank you, Mr. Chair. Eva  
2 Paul. Is that better? Thank you.

3 I was asked to speak to compliance with respect to  
4 this file. On November 27th, 2014, I submitted two  
5 documents to LMI and to the Board regarding LMI's  
6 compliance with the recently expired water licence and  
7 with the inspection conducted on July 15th, 2014.  
8 These documents were an assessment of the compliance  
9 with the 2014 inspection requirements and also a  
10 response to the 2014 plan for compliance that LMI  
11 submitted with the application.

12 I was asked to speak to compliance to inform this  
13 licencing process. From the plan for compliance, I  
14 looked at conditions that I consider to be relevant to  
15 the current operational compliance. That means  
16 mitigating the risks to the environment and to water,  
17 including the current and relevant management plans for  
18 the site. So out of all of the licence, I determined  
19 that 50 conditions, not including the subsections, were  
20 relevant to operational compliance. Out of these 50  
21 conditions, LMI is compliant with 26 and noncompliant  
22 with 21 of the conditions. Three I wasn't able to make  
23 a determination.

24 A continuing challenge that I've faced is the  
25 significant issue of tailings management, and this has  
26 been raised in every inspection report since 2011.

1 This is characterized as chronic noncompliance. LMI  
2 made commitments in 2012 and 2013 to address these  
3 issues. Both LMI representatives I spoke to during the  
4 inspections on site agreed to undertake work to remedy  
5 the uncovered tailings.

6 In 2012, I first requested a plan -- a plan for  
7 compliance as a way to work towards voluntary  
8 compliance due to the many issues that were identified  
9 on site. LMI was new to the site, as was I; this  
10 seemed a sensible solution. This plan for compliance  
11 was submitted in late 2012. However, LMI has  
12 subsequently disregarded the deadlines that were set  
13 and their own commitments and has failed to carry out a  
14 significant portion of the work. In addition,  
15 commitments made in the -- in 2012 have simply fallen  
16 off the table in this 2014 plan for compliance that was  
17 submitted by LMI.

18 With respect to the July 15th, 2014, inspection,  
19 there were six actions that were requested of LMI as a  
20 result of the inspection. If you have really good  
21 eyesight, you can read them on this slide. The first  
22 was to prevent the overtopping of the sewage lagoon,  
23 and this has been resolved through the issuance of a  
24 direction. Because of the absence of a water licence,  
25 made it impossible for them to discharge waste.

26 The following two submissions, which are an

1 inventory of hazardous waste and the backhaul of  
2 hazardous waste, were expected to be addressed in the  
3 annual report; however, in the case of the hazardous  
4 waste inventory, LMI has already indicated that they  
5 did not conduct the inventory as required. This is a  
6 contravention of the Act as there is an obligation to  
7 provide information that is reasonably requested as  
8 part of an inspection. This was requested in July.  
9 The Department has already spoken to our request to  
10 have these items required as conditions of the licence.

11 The fourth issue was geotechnical inspections. In  
12 the licence, there is only requirement to conduct  
13 geotechnical inspections of the tailings containment  
14 area, and as we haven't seen reports on the other  
15 structures, I requested these for the main and  
16 satellite tank farms and for the upper and lower sewage  
17 lagoons and the waste containment areas because these  
18 were of concern to me.

19 This issue is now partially resolved. A  
20 geotechnical inspection was conducted for the sewage  
21 lagoon and the fuel storage areas, but the report was  
22 not accompanied by plans or timelines to implement the  
23 engineer's recommendations. This was explicitly  
24 required. My understanding from the sewage lagoon  
25 geotechnical report is that maintenance and monitoring  
26 are required of this facility, and there is work

1 recommended to prevent further degradation of the  
2 structure. The Department recommends that annual  
3 inspections of the fuel and waste facilities be  
4 required by the licence.

5 As discussed previously in the presentation,  
6 progressive reclamation of the tailings containment  
7 area, as per Part I, Item 9 of the licence, is  
8 required. During the two inspections that I conducted  
9 where LMI representatives were on site, verbal  
10 commitments were made to address the uncovered  
11 tailings, which has left me with the question of why  
12 these commitments were made, both verbally and in  
13 writing, but no action has been taken, particularly as  
14 LMI has made no mention to me, either in 2012 or in  
15 correspondence in 2013, of their intent to resume  
16 production, which would then require the capacity in  
17 the tailings containment area. As a result, this work  
18 simply has not been done. So this requirement from the  
19 last licence remains outstanding.

20 The last issue was the spill outside of the  
21 satellite tank farm. And it was required to be  
22 remedied, as per their spill contingency plan. This  
23 spill was actually identified in 2012, and still no  
24 remedial work has been undertaken. No investigation as  
25 to the source of the spill was undertaken; however, one  
26 of LMI's contractors discovered in September of 2014

1     that the piping was leaking outside the satellite tank  
2     farm. If this is the source of this spill, it's been  
3     ongoing for more than three years. The Department asks  
4     that the inspector's requirements to remediate the area  
5     impacted by this spill by August 31st, 2015, be  
6     incorporated into the licence.

7             Since I began inspecting this site in 2012, LMI  
8     has failed to undertake the remedial work and to  
9     address the requirements of the inspector has not  
10    respected timelines, even those set by the company, and  
11    has failed to implement the plans that they submitted.  
12    Therefore, as an alternative to enforcement action on  
13    these outstanding compliance issues, the Department  
14    requests that the Board include these specific  
15    conditions and that LMI meet the outstanding  
16    requirements from the last licence, as was identified  
17    in the 2012 and 2014 inspections to the satisfaction of  
18    the inspector within two years of licence issuance. We  
19    feel this is a reasonable amount of time to address  
20    these concerns.

21            Thank you, Mr. Chair. I'll pass it back to Karen  
22    Costello.

23    MS. COSTELLO:                   Thank you, Mr. Chair. I'd  
24    like to offer some conclusions based on the  
25    Department's interventions so far.

26            By incorporating the Department's recommendations,

1 the applicant will be in a better position to minimize  
2 water issues on site. As has been stated earlier by  
3 LMI, the financial security currently held by the  
4 Minister under the expired licence is 25.5 million.  
5 That is an irrevocable letter of credit that was issued  
6 by Elgin Mining.

7 A new estimate prepared in accordance with Reclaim  
8 and the Department's mine site reclamation policy for  
9 Nunavut shows an increase in the reclamation cost  
10 amount from the previous licence. This new estimate is  
11 43.5 million. The financial security required under a  
12 new licence can be adjusted by the Board in the future  
13 with the submission by LMI of an updated environmental  
14 site assessment that reflects current conditions and  
15 demonstrates effectiveness of the cover and a fully  
16 itemized reclamation cost estimate consistent with the  
17 most current version of Reclaim and the Department's  
18 mine site reclamation policy.

19 A summary of all outstanding and partially  
20 outstanding issues can be found in our updated status  
21 table that we mentioned a few moments ago that we'd  
22 like to submit to the Board.

23 The Department is recommending a five-year term to  
24 the water licence during which the following must  
25 occur: Compliance issues must be addressed within two  
26 years of licence issuance, and an updated environmental

1 site assessment is to be conducted. And we are asking  
2 for the environmental site assessment to be conducted,  
3 as the last was done almost ten years ago. Since that  
4 time, no reclamation has been undertaken, and no  
5 investigations of environmental site conditions has  
6 been completed. An updated environmental site  
7 assessment that reflects current conditions and  
8 demonstrates effectiveness of the tailings cover would  
9 inform an updated reclamation cost estimate.

10 Additionally, the renewal application states the  
11 project will remain in care and maintenance until  
12 economic feasibility is determined. When we prepared  
13 this slide, we said that there was no evidence before  
14 the Board that a mineable reserve or resource exists to  
15 support resumption of mining activities.

16 Yesterday, LMI submitted two documents, and  
17 following conclusion of this presentation, I would ask  
18 that we be given an opportunity to ask LMI questions on  
19 those submissions.

20 This review process has been extensive and long.  
21 It started back in the spring, and while we may not  
22 have reached resolution on the issues, I would like to  
23 acknowledge the efforts of everyone on this file. LMI,  
24 we've engaged with them on a number of occasions; the  
25 Water Board staff and Aboriginal Affairs staff and our  
26 consultants. Thank you, Mr. Chair. That concludes the

1 presentation.

2 One moment, Mr. Chair. We have one more comment  
3 from our -- closing remark from our consultant.

4 MR. KNAPP: Randy Knapp. Mr. Chairman,  
5 I'd like to correct the record. I made a statement  
6 yesterday in my presentation where I gave the  
7 impression or indication that, in some way, the  
8 estimate that was prepared by LMI may have -- I think  
9 someone -- I don't know the exact quotation, but was  
10 prepared -- that Mr. Downey needed to please the  
11 shareholders. And I should never have made that  
12 statement, and it was certainly inappropriate, and that  
13 was certainly never what I meant to say. As a matter  
14 of fact, I said on a number of occasions that I thought  
15 the estimate was extremely well done, and we used all  
16 of the data basically that was prepared in that  
17 estimate in order to prepare our estimate. So I would  
18 certainly want to apologize if that was taken the wrong  
19 way because certainly that certainly was not what we  
20 meant.

21 And if you really look at the estimate, there's  
22 really only two areas in which we have major  
23 differences, and they relate with the way fuel is  
24 handled and the contingencies that are associated with  
25 those things. If you take those out, the actual  
26 differences are really quite small.



1 MS. COSTELLO: Thank you, Mr. Chair. That  
2 concludes Aboriginal Affairs' presentation. Thank you.

3 THE CHAIR: Thank you. We will defer any  
4 questions to AANDC, and we will go to the community  
5 session, if that's okay with LMI.

6 MR. DOWNEY: Patrick Downey, LMI. So you  
7 want to start the community session now; is that what  
8 I'm hearing?

9 MS. MEADOWS: Mr. Chair, it's Teresa  
10 Meadows, legal counsel for the Nunavut Water Board.  
11 Out of respect for the community members that are here,  
12 we'll defer the questions -- we will get to your  
13 questions for sure before the record closes. We may  
14 have a discussion about how we do that afterwards, but,  
15 absolutely, you'll be given the opportunity to question  
16 AANDC on their presentation. But right now we'd like  
17 to proceed, while we have community members with us,  
18 and get to the community session, which we'll have a  
19 very short presentation from the Water Board, and then,  
20 LMI, you'll have an opportunity to present to the  
21 community.

22 Opening Remarks by the Chair

23 THE CHAIR: Thank you, Teresa.

24 Before I go to the community sessions, good  
25 evening, everyone. Welcome to the community session  
26 for the Nunavut Water Board's public hearing of the

1 renewal and amendment application filed by Lupin Mines  
2 Incorporated with the Nunavut Water Board for expired  
3 Water Licence 2AM-LUP0914. The licence in this public  
4 hearing is related to the use of water and deposit of  
5 waste associated with the mining and milling  
6 undertaking at the Lupin gold mine site, which is  
7 currently in a state of care and maintenance.

8 My name is Thomas Kabloona. I am the Chair of the  
9 Nunavut Water Board. Before we proceed with tonight's  
10 session, I would like to ask our Board member,  
11 Bernadette, to do the opening prayer.

12 (OPENING PRAYER)

13 THE CHAIR: For those of you who were not  
14 here when we started the public hearing, I have a few  
15 housekeeping and introductory remarks, and then I will  
16 turn the microphone over to the staff of the Nunavut  
17 Water Board, the applicant and the intervenor in this  
18 application, Aboriginal Affairs and Northern  
19 Development Canada.

20 Firstly, there will be interpretation available  
21 throughout the hearing and earpieces are available from  
22 the table located to my right. Channel 1 is English,  
23 and Channel 2 is Inuktitut. Secondly, the Board  
24 appreciates it if everyone signs in on the sign-in  
25 sheet located at the table just as you come in. This  
26 is an important record of the hearing, and we

1 appreciate your help in making sure it is complete.

2 The washrooms are located just as you -- outside  
3 the hall, and the exit is located just where you come  
4 in, and there will be coffee, tea, and snacks located  
5 at the tables at the front of the hall. During breaks,  
6 please help yourself to the food at the back. There  
7 are agendas for the hearing available at the table as  
8 you come in. Please pick one up and follow along.

9 Now I would like to introduce all of the Board and  
10 staff before we proceed to the presentations in this  
11 agenda. I will be chairing this panel, and with me  
12 today are members of the panel -- are Board members  
13 Makabe Nartok on my right, and to my left is Bernadette  
14 Dean.

15 Several staff members who have contributed to the  
16 NWB's administration and the technical review of the  
17 application are present, along with legal counsel to  
18 the Board, and I will introduce the individuals  
19 attending today. When I say their name, I ask that you  
20 wave so that people know who you are. David Hohnstein,  
21 Director of Technical Services; Ben Kogvik, Secretary  
22 and interpreter to the Board; Sean Joseph, Technical  
23 Advisor; Brady MacCarl, Technical Advisor; Robin  
24 Ikkutisluk, Licencing Administrator; and Teresa Meadows  
25 with Shores Jardine LLP, legal counsel to the NWB.

26 In addition, we have two interpreters available

1 for simultaneous interpretation: Ben Kogvik,  
2 interpreter/translator and Board Secretary; and Mona  
3 Tiktalek, who is from Kugluktuk.

4 For audio, we have Corey Francis from PIDO  
5 Productions Limited with us. If you have any  
6 difficulties with your headsets, he will be able to  
7 provide assistance. So please see Corey.

8 To ensure an accurate record of the proceedings  
9 kept, we have with us a court reporter, Christy  
10 Longacre from Dicta Court Reporting. To assist  
11 Christy, I ask that all parties please state their name  
12 prior to speaking.

13 Tonight's session will involve a presentation by  
14 the Nunavut Water Board's technical staff; a  
15 presentation by the applicant, Lupin Mines  
16 Incorporated; and a presentation by the intervenor,  
17 Aboriginal Affairs and Northern Development Canada.

18 Following the presentation by Lupin Mines  
19 Incorporated and Aboriginal Affairs and Northern  
20 Development Canada, I will invite anyone who wishes to  
21 ask questions or provide the panel with their comments  
22 to step up to the microphone and speak on the record.  
23 I encourage everyone with questions to please step up  
24 and ask to make sure the public hearing record is  
25 accurate, and to assist our court reporter and the  
26 interpreters before speaking, please wait until you

1 have a microphone to speak and state your name and  
2 speak directly, clearly, and slowly into the  
3 microphone. Please be mindful of the interpreters as  
4 you go, and avoid the use of acronyms and abbreviations  
5 if you can. We appreciate your participation and  
6 assistance in making sure we are all heard and  
7 understood in this hearing.

8 I will now turn the microphone to the Board's  
9 technical staff to walk you through how this  
10 application has progressed to this point.

11 MR. HOHNSTEIN: Thank you, Mr. Chair. It's  
12 David Hohnstein, Director of Technical Services for the  
13 Nunavut Water Board. Thanks, everybody, for coming out  
14 this evening. I know it was kind of a last-minute  
15 announcement, and we tried to get as much information  
16 out as we could today, due to our delay in the weather  
17 of the last couple days and having to defer our  
18 community meeting on the Lupin Mines application for  
19 renewal of their water licence to this evening. So I  
20 appreciate that those who have managed to make it out  
21 are here, and we're hoping more will -- will join us  
22 later on throughout the evening. I appreciate the --  
23 the efforts and like to recognize the community members  
24 that have come out and elders that have managed to come  
25 out as well that, you know, we appreciate the  
26 attendance, and we hope that this evening will be

1     informative, both from -- from the Nunavut Water  
2     Board's perspective as far as licencing and process and  
3     the -- the application that the Water Board has before  
4     it.

5             So with that said, I'd like to invite our  
6     technical advisor, Sean Joseph, to go through a small  
7     short presentation on the Nunavut Water Board and its  
8     processes and having -- having made sure that everybody  
9     else's presentations are on the computer that we've got  
10    for the projector here, we neglected to load our own  
11    on. So we're just in the process of copying it over.  
12    So if you can bear with us for a couple minutes, we'll  
13    get our presentation up and we'll continue. Thanks  
14    very much.

15   THE CHAIR:                     Please go ahead. Sean?

16             We'll take a five-minute break.

17   (ADJOURNMENT)

18   THE CHAIR:                     You ready? Proceed with your  
19   presentation.

20   MR. JOSEPH:                    Thank you, Mr. Chairman. My  
21   name is Sean Joseph, and I will be doing the  
22   presentation on behalf of the Nunavut Water Board. So  
23   I would like to welcome the community members to the  
24   NWB community session presentation for Type A Licence  
25   2AM-LUP0914, a renewal amendment application for Lupin  
26   Mine project. So here's a list of the topics that we

1 would cover in the presentation. Since we'll be  
2 covering it, I will not dwell on or state them  
3 individually.

4 So the Nunavut Water Board is an institution of  
5 public government established under Article 13 of the  
6 Land Claim Agreement. The responsibilities of the  
7 Nunavut Water Board are to regulate the use of water in  
8 the Nunavut settlement area and freshwater in  
9 particular. So the object of the NWB are to provide --  
10 are to provide for the utilization -- the utilization  
11 of water as well as the conservation of water in the  
12 Nunavut settlement area as well as in the -- in  
13 national -- except, sorry, in national park in a manner  
14 that would provide optimum benefit for the -- the  
15 residents of Nunavut, as well as the residents of  
16 Canada.

17 Based on the mandate of the NWB, the NWB can issue  
18 at least three authorizations: Approval without the  
19 licence; Type B Water Licences; and Type A Water  
20 Licences. This week's public hearing, the public  
21 hearing that we had this week for the Lupin Mines  
22 project is for a Type A Water Licence, and it was filed  
23 by Lupin Mines Incorporated, as I mentioned earlier  
24 already.

25 Here is just a flowchart of the Type A licencing  
26 process for the -- for the application that is before

1 the Board currently. The application was submitted  
2 back in February, and this is a process that it  
3 actually went through to get to this stage. We  
4 wouldn't go through the process step by step because  
5 members of the audience do have copies of the  
6 presentations, and basically they would be able to --  
7 to look at the process. So I'll just move on to the  
8 next slide in the interest of time.

9 So the next slide, again, we've gone through all  
10 that process. This last slide here with respect to  
11 this process outline states where we are. Currently,  
12 we are holding the public hearing for the -- for the  
13 Type A Licence, and after that, the Board would be  
14 issuing a decision with respect to the project. The  
15 decision would go to the Minister for approval, and the  
16 Minister has four choices or usually has four choices  
17 in terms of the decision that he would render. He can  
18 either approve the licence; another option he has, he  
19 could not approve the licence if he wants. He could  
20 approve the decision, or he could not approve the  
21 decision. So these are the four choices that the  
22 Minister would typically make for a Type A Licence.

23 So I'm going to touch a little bit on the scope of  
24 the application that is before the Board because we  
25 think it's important that community members know what  
26 it is that the applicant submitted in terms of renewal



1 for its licence. The applicant is asking for a  
2 ten-year licence, a ten-year renewal licence, to  
3 continue the operation of its project. And currently  
4 the project is under care and maintenance, but the  
5 applicant would want the flexibility to go back into  
6 operation if suitable financial conditions exist.

7 The applicant is also asking for changes to the  
8 frequency of monitoring and inspection at the site, the  
9 establishment of a landfarm facility to treat petroleum  
10 hydrocarbon contaminated soil, authorization to use an  
11 existing landfarm facility -- sorry, landfill facility.  
12 And that is specifically for the disposal of  
13 nonhazardous waste.

14 In terms -- I just went through a little bit of  
15 the procedural history of the application. We wouldn't  
16 touch on everything. We'll just touch on the main  
17 points here. So on January the 28th, 2014, we received  
18 the renewal application. In May 2014, we distributed  
19 the application for completeness check, and we did get  
20 back comments from several parties, including  
21 Environment Canada, EC, as well as the -- the -- the  
22 KIA, which we haven't included on this slide here. On  
23 September the 19th, 2014, we basically distributed the  
24 application for a technical review period, and we  
25 received comments from Aboriginal Affairs and Northern  
26 Development Canada, Environment Canada, and the KIA.

1           Following that, we received -- we received  
2   responses from the intervenor -- from the, sorry, the  
3   applicant to intervenors' comments, and in October, we  
4   held the technical meeting and prehearing conference  
5   for the application. We issued a decision on December  
6   the 1st, 2014, for the application, and I'll just move  
7   on to the other slide. We are here today -- just move  
8   on to the other slide here where we -- we received  
9   copies of presentations on the 30th of January prior to  
10   coming here for this public hearing, and the public  
11   hearing started yesterday, and it continues on today.

12           So throughout the -- the entire process, we've  
13   received feedback from intervenors such as Environment  
14   Canada and the KIA, and they have contributed  
15   significantly to the review process for the file.  
16   We've also received feedback from the applicant with  
17   respect to comments that were provided by intervenors.  
18   We appreciate the participation of all parties that  
19   actually took part in the review process.

20           In terms of public participation, we got very good  
21   participation from the public when we came here back in  
22   October for the technical meeting and prehearing  
23   conference, and the Board was very encouraged by the  
24   participation and the input that it got from the  
25   community. And we are hoping that we'll get the same  
26   kind of input tonight here at this community session.

1           So I'll just touch a little bit on the -- the  
2    setup here today. The -- the actual session is chaired  
3    by the panel, a Board panel, and the Chairman of the  
4    Board is -- is the head of that panel. He's chairing  
5    the meeting today. After we finish the meeting,  
6    we'll -- the Board will compile all the evidence that  
7    it received throughout the -- the -- the two-day  
8    hearing here and the technical -- and this community  
9    session, and the Board will deliberate over this, and  
10   then the Board would issue a decision usually within 30  
11   or 45 days subsequent to the hearing.

12           So I'll just touch a little bit on the -- I  
13    wouldn't go in-depth in terms of the licences that was  
14    issued to the project, but currently we've issued, how  
15    many, two licences to the project in the past. The  
16    Northwest Territories issued the initial licences for  
17    the project, which include the exploration and the  
18    mining licence. The -- I'll just move on to the -- in  
19    the interest of time, the most up-to-date licence that  
20    we have, the one that is being renewed. We're looking  
21    at Licence 2AM-LUP0914. And that one was issued back  
22    in February 2009, and it expired in March 2014. And it  
23    allows for 1.7 million cubic metres of water per year  
24    for milling and mining activities.

25           We granted a couple amendments to the licence, as  
26    well as assignments. The most recent -- the most

1 recent amendment made to the licence was back in August  
2 2014 to allow for an -- to allow for the discharge  
3 of -- of water that had accumulated on site.

4 So this is just a brief overview. We know this  
5 session is for the community, and we would like to get  
6 maximum participation from the community. So we  
7 wouldn't like to delay further. I'll just touch a  
8 little bit on how you can contact us, and then we'll  
9 leave a little bit of room for questions from the  
10 community. So this is our contact information here.  
11 This is the office. The next slide is the office  
12 contact information. And we're at a stage now where we  
13 would like to ask the community whether or not it has  
14 any questions with respect to the application or any  
15 questions for the Board.

16 And, lastly, I would just like to say that there  
17 are copies of the presentation at the front. Robin has  
18 many copies available. So if our community members  
19 want to get a copy, they can do so. And any time  
20 during the night session, if they have any -- if the  
21 community members have any questions for the Board,  
22 please feel free to do so. We are here to answer your  
23 questions. And by raising your hand, we'll come to you  
24 and we'll get your -- we'll take your question. So  
25 feel free to do so. So thank you for your time. We  
26 really appreciate you coming out here, and we look

1 forward to a very engaging session.

2 THE CHAIR: Any questions from the public,  
3 community members?

4 LMI, any questions to the Water Board?

5 Please go ahead. My apologies.

6 The Public Questions the Nunavut Water Board

7 MONA TIKTALEK: Hello, the residents of  
8 Kugluktuk. Thank you, the Nunavut Water Board.  
9 They've come here to listen to the hearing. They  
10 struggle hard for our water and our wildlife. They  
11 probably have a lot to say, but sometimes after a  
12 meeting is held and we leave the building, we tend to  
13 think why didn't I -- what's my opinion? But, as I  
14 indicated, the wildlife and the animals that we live  
15 on, as well as the water we -- we consume for  
16 ourselves, our grandchildren, and our  
17 great-grandchildren in the future. I thank you very  
18 much for coming out, and making a presentation and have  
19 a good trip back. Thank you very much.

20 MR. HOHNSTEIN: Thank you very much for those  
21 comments. Anything more from our community members  
22 here this evening to start off just questions to the  
23 Water Board on our -- on our process, on our  
24 responsibilities?

25 ALICE AYALIK: Is this off? No. Thankful --  
26 we'll always be thankful when the miners come to our

1 town long time ago. When the mines are first coming,  
2 we used to be worried about their blasting for our  
3 animals, our birds, and our berries, and long time ago  
4 when we were still young, when we were first heard  
5 about the mines, we used to get worried. But now I'm  
6 older, and I'm thankful that the elders tried to keep  
7 the water clean, our environment, our animals, and all  
8 the peoples. We use the water every day. We drink it  
9 as tea. We cook with it. And for our future, they  
10 will be using it.

11 If you -- if anybody spill anything, they should  
12 come and clean it up. So our water could be clean. It  
13 was too stormy today so I got late. Have a good trip  
14 going back home. That's all I have to say.

15 MR. HOHNSTEIN: It's David Hohnstein with the  
16 Nunavut Water Board. Thanks very much for those --  
17 those comments, and we appreciate the -- the effort to  
18 come out this evening. Yesterday evening was a little  
19 too much for everybody to -- to travel and risk coming  
20 out to the centre here. So we're glad you could make  
21 it out this evening, and thanks again for those  
22 comments.

23 Anybody else?

24 THE CHAIR: Anybody else?

25 MR. HOHNSTEIN: Thanks very much, Mr. Chair.  
26 David Hohnstein again. I think we'll take questions

1 throughout the evening's session here, but in essence  
2 of our timing, we'll look to the company, LMI, to do  
3 their presentation on their application and the  
4 project, and we'll take questions again from everybody  
5 in our audience following their presentation. By all  
6 means, if you've got questions during the presentation,  
7 I believe our presenter here is willing to look to  
8 answering those questions as we go through.

9         So we'll turn things over to Lupin Mines  
10 Incorporated, and, Patrick, I think the floor is yours.

11 THE CHAIR:                     Please go ahead.

12 Presentation by the Applicant

13 MR. DOWNEY:                    Thank you, Mr. Chairman.

14         My name is Patrick Downey from Lupin Mines Inc. I  
15 think some of you will recognize me, but I see some new  
16 faces here, which is always good to see, and it's very,  
17 very good to come out on such a stormy evening,  
18 February evening, in Nunavut.

19         I'm going to give a short community presentation.  
20 I will also include a little bit about the mine plan.  
21 There have been some questions here about that. And I  
22 have included it so that the community can also see  
23 that as well of (sic) some of the other participants.  
24 Today we have myself, Patrick Downey; on my right is  
25 Karyn Lewis, also from Lupin Mines Inc. We have a  
26 number of consultants: Arlene Laudrum from SRK;

1 Stephen Lines from Tunaley Lines; and Christine Kowbel  
2 from Lawson Lundell.

3 So Lupin Mines is a wholly owned subsidiary of  
4 Mandalay. Who are Mandalay? Mandalay was formed in  
5 1997 and restructured under the current management in  
6 2009. We have three operating mines in the world. We  
7 have a silver, gold, zinc mine in Patagonia, Chile,  
8 South America. We have a gold mine in southern  
9 Australia. And we have another gold mine in Sweden, as  
10 well as the Lupin project, and a Chilean development  
11 project in the Atacama Desert of (sic) the middle of  
12 Chile. All of these are essentially in very  
13 environmentally sensitive regions of the world.

14 Cerro Bayo is in the middle of -- on the edge of a  
15 national park in a major trout fishing area of southern  
16 Chile, Patagonia, a world-renowned area. Costerfield  
17 is in a sheep farming area just north of a major city,  
18 25 kilometres, again, highly environmentally sensitive.  
19 And Bjorkdal is in northern Sweden, in fact, almost as  
20 north as Kugluktuk. So quite interesting that this  
21 mine is almost the same as Kugluktuk. And it is a gold  
22 mine in Sweden, again, in a farming community in  
23 Sweden. Even though it's that far north, we do have  
24 trees and cattle and things growing because of the Gulf  
25 stream. So Bjorkdal was recently recognized as the  
26 cleanest mine in Europe, for which we are immensely



1 proud.

2 We have a strong international management team, a  
3 strong balance sheet, we make positive cash flow, which  
4 means every quarter we continue to make money, provided  
5 the metal prices are strong, and we have approximately  
6 \$70 million in the bank at this moment in time.

7 I think you all know Lupin gold mine, but I'll  
8 give a little history. Lupin Mines owns 100 percent  
9 Lupin Mine -- Lupin Mines Incorporated, pardon me. We  
10 commenced work in 2011. We purchased it in 2011 to put  
11 it back into operation. So we -- we have actually  
12 spent quite a bit of money, and I'll show you at the  
13 end what we have done.

14 We have spent 54 million in a period of 2011 to  
15 2013 as part of this restart -- planned restart. We  
16 have staffed up during that period, and then,  
17 obviously, the gold price declined. And I think  
18 everybody here would have witnessed that. I think one  
19 of the other operations that was progressing at the  
20 time was Hope Bay, and it dropped its activities more  
21 or less at the same time as we did as well, mainly  
22 because the gold price dropped by \$500 an ounce in a  
23 period of two months.

24 In 2011, we raised \$9 million on the market to  
25 complete drill programs. Again, you don't raise money  
26 in the market to close a mine, you raise money in the

1 market to open a mine. So we did that. We drilled a  
2 lot of targets. I'll show you those later on. We  
3 hired an exploration, geological, and environmental  
4 team, and we spent approximately 36 million in 2011.

5 In 2012, we really continued the drill program.  
6 We continued to increase our technical capability, our  
7 environmental staff, we completed an in-house design  
8 just to see exactly how we would mine this and what we  
9 would do. We purchased a mining fleet, including  
10 drills, loaders, trucks, scissor lifts, man carriers to  
11 ship into site in 2013. We reached an agreement to  
12 ship those in on the ice road. I think you all know of  
13 the ice road to Lupin. And then we also completed  
14 significant work on the camp, the offices, the mill,  
15 and the associated infrastructure. During that period,  
16 we spent just under \$12 million.

17 I won't spend much time on this, but this is the  
18 world that I live in. The gold price was here one day,  
19 and then very soon afterwards, it was here. I think if  
20 you like skiing, that would be a lovely slope, but if  
21 you're in the gold mining business, it's a very bad  
22 slope. And so it hasn't really recovered since then,  
23 and we're hoping -- we see signs that it is recovering,  
24 and we hope that it will recover and get stronger again  
25 in 2015 and 2016. But, in the meantime, we do live in  
26 a lower gold price environment.

1           So what have we achieved as Lupin Mines Inc.? I  
2 think the mine infrastructure is now in a much safer  
3 condition. Site is much more orderly. Housekeeping  
4 has improved, as has safety. Systems have been  
5 upgraded, including the fuel management systems. And  
6 environmental management has improved. We have shipped  
7 hazardous waste off of site, we have cleaned up the  
8 mill, we have cleaned up the offices, we have  
9 consolidated our hazardous waste, and completed other  
10 work on site.

11           So we really just have to wait until the gold  
12 price rebounds, provided we have the licence to  
13 proceed. And more importantly, I think, besides Lupin,  
14 it creates opportunities in other nearby exploration  
15 targets. There are many, many exploration projects  
16 that surround Lupin, but that don't have a mill to --  
17 to process the ore, that don't have the opportunity,  
18 and may not be big enough to do that. But having Lupin  
19 there may create that opportunity to continue to  
20 develop those resources.

21           So we have requested a licence term that will  
22 provide us the opportunity to reopen the mine. It is a  
23 very viable mine; logistics are known, the ice road is  
24 there, the mine, mill, and all associated  
25 infrastructure is there. I'll show it to you in  
26 photographs. We were permitted. We're going through

1     that process right now. And work can continue in  
2     maintenance and facility upgrades on all areas of the  
3     operation.

4             Opportunities for job creation will remain if the  
5     licence is renewed. Opportunities will remain for  
6     exploration in the area, and I would think it would  
7     continue to facilitate additional exploration. The  
8     Lupin airstrip would remain for use of people in the  
9     area and for third parties. Is this the right  
10    presentation? Yeah, it is.

11            So what does it look like today? This is the --  
12    the mine and mill, office, shops, and warehouse  
13    complex. You can see it's very clean and neat, things  
14    are ordered in rows. This is the fuel storage system,  
15    sewage lagoons. So we keep it in a very neat and  
16    orderly manner.

17            This is the mill, what it looks like. The lights  
18    are all up -- lights are on, mill has been cleaned up,  
19    all equipment has been accounted for and inventoried.  
20    This is the powerhouse. This is the workshop, all  
21    working, capable of repairing and maintaining all of  
22    our fleet. And this is some of our fleet that we have  
23    on site. And, again, you can see how good of a  
24    condition these buildings and equipment are in. This  
25    is the ramp to underground. This is the offices as  
26    they are today. As you can see, we have cleaned them

1 up, they're ready for restart, for bringing people in  
2 to plan the restart.

3 We have -- sorry, an exploration camp powerhouse  
4 that's separate from the main powerhouse. Significant  
5 investment. Offices and the camp and kitchen. And  
6 this is the camp accommodations; new beds, all upgraded  
7 shower facilities. So quite a modern camp. I believe  
8 we have 150 beds available at this point in time, which  
9 was all part of the planned restart.

10 So we did give a presentation in October to the  
11 community. There were a number of key concerns raised.  
12 Climate change was one, and how do we plan for climate  
13 change? That's a very good question. I think that  
14 it's difficult to predict climate change. The design  
15 at the facilities do take this into consideration in --  
16 in the areas of tailings management. Having been here  
17 today, I don't see much evidence of climate change, but  
18 it can happen, and it is something that will have to be  
19 managed.

20 Tailings pond. I think the tailings pond has been  
21 in operation since 1982. I believe there was one  
22 incident at one point; I'm not that familiar with it.  
23 I think we keep things -- it's mostly covered, where  
24 the tailings were deposited. We plan to continue to  
25 use that at a later date. We have had several  
26 discussions about the windblown tailings or potential

1 windblown tailings, and that continues.

2 Wildlife habitat. We have a very strong wildlife  
3 habitat management program and how things are done.  
4 And that continues. We cooperate fully with all the  
5 various bodies in that regard. I think on fish, there  
6 were specific questions on fish, reports of fish being  
7 deformed in Bathurst Inlet, et cetera. Again, I have  
8 no record of that. We have looked since then, was  
9 there any record in these comments; we have not found  
10 any. But there was concerns raised, and I'm not saying  
11 that they aren't legitimate concerns, but we have found  
12 no record or anything about that. So if we do,  
13 obviously we will take that very seriously.

14 Inuit-owned lands. We cooperate very closely with  
15 our Inuit neighbours. We give full access to the land  
16 at any time. Anybody comes through, we -- we obviously  
17 treat them as guests, and we will continue to do that.  
18 We are there at your leisure. This is Crown land, but  
19 we -- we understand fully where we live and where we  
20 work.

21 Reclamation and contamination. Again, I think we  
22 stated that there are very detailed reclamation plans,  
23 and they're very well managed. The water monitoring is  
24 to the highest standards and very well managed, as is  
25 waste management. So I think we answered a lot of  
26 those questions at the time, but I welcome any further

1 questions or any further questions on these topics or  
2 any other topics that you may have in regards to the  
3 operation. We have invited the KIA to site, so that  
4 will be an important visit, when they come to see  
5 exactly what we have been doing and how we have been  
6 doing it.

7       So, in summary, we have committed a significant  
8 amount of our capital, our money, over the past three  
9 years to advance Lupin. The mine and facilities have  
10 been upgraded. In the right gold price environment, it  
11 is a very viable operation. A restart will help  
12 facilitate discovery of more ore bodies in the area.  
13 I'm very convinced of that. We're committed to  
14 continue to work with our neighbours, the authorities,  
15 and our stakeholders to maintain a safe site at Lupin  
16 as we await more favourable market conditions to  
17 restart operations.

18       I'd just like to maybe just slip right into a  
19 little presentation on the project, the mine, and what  
20 the mine will look like. There's been a number of  
21 questions on this, and I'd like to just answer those.  
22 And this is in response -- I think, Luigi, you had some  
23 questions on the viability, and I think it's important  
24 to show that and what we've done. It's not in great  
25 technical detail because I don't want to swamp you with  
26 a lot of detail, but it gives you a pretty good

1 understanding of the operation, I hope. It's also in  
2 response to Environment Canada's e-mail of 2015,  
3 clarification on the approach of updating operation of  
4 plans.

5 So very quickly, Lupin is a very famous ore body.  
6 It's a banded-iron formation. It continues like a --  
7 like a -- a folded nose. This is what was mined. The  
8 surface is here. This is what was mined up until 2006.  
9 It remains open, and I'll show you that later on.

10 This is the area that we have been actively  
11 looking at to restart operations, and this is the  
12 area -- another area that we have explored quite  
13 successfully. And I'll show you that. The shaft is  
14 essentially here. All the infrastructure is on top, on  
15 surface.

16 So -- hm -- not sure what happened here. But this  
17 is the plan of the -- of the surface. We drilled along  
18 here from surface. That green part would've been  
19 there. And these are the results. So these are not  
20 part of our current resource. But, as you see, the  
21 grams per tonne, 1.2 metres of 19 grams; 3.2 metres at  
22 21 grams; 1.5 of 10; 4.4 of 9 and a half; 8.9 metres of  
23 6 grams; 5 metres of 22; you can see, we got very  
24 excited about this operation. We really felt that  
25 there was a lot of potential here. None of this, as I  
26 say, is included in the resources, but this is near



1 surface. So the drill results were very, very positive  
2 for the operation.

3 We drilled another Zone L19 from surface, just  
4 outside the geologist's office, actually, quite  
5 interesting. So there, we had results of 6 metres of 6  
6 grams; 5 metres of 7 grams; 3 metres of 12 grams; 15  
7 metres of 5 grams; 3 metres of 28 grams. So, again, we  
8 were very excited about the -- this is very high-grade  
9 ore, and quite typical of the ore that Lupin was  
10 mining. So we were quite impressed by what we were  
11 getting in terms of results. So this gave us the  
12 confidence that we would restart the operation.

13 This is the mine -- this is the area that was  
14 mined. This is the area that we plan to mine. As you  
15 can see, it actually was historically mined. So we  
16 know that it is a viable mine. It was mined in the  
17 past, just this one small area here. We drilled here.  
18 Those results I showed you are from there. Echo Bay  
19 and Kinross put in exploration drifts and drilled here  
20 and here and drifted on it here. So the continuity is  
21 quite well defined. What we need to do is go  
22 underground and drill in between. Oops. We're quite  
23 confident it's there, but we need those drill results  
24 to put a final stoping plan together.

25 So here's the drill results underground. Again,  
26 very strong, 8 grams over a metre; 20 grams over 2.6;

1 20 grams over 1.1; 13 grams over 2.6; drifting along 13  
2 grams of a true width of 3 metres for 28 metres right  
3 into the zone, followed by another 8 metres of  
4 7-and-a-half grams. Another zone over here, which  
5 were -- was mined, and we would look -- want to go in  
6 and mine it again as the McPherson (phonetic) or M1, M2  
7 zone. More drill results at depth -- oops -- 11 grams  
8 over 3.3; 20 grams over 2; 36 grams over 2; 23 grams  
9 over 2. So, again, very high grade, and we're quite  
10 excited about this zone.

11 This is it here. This is what was mined. And,  
12 again, there are other drill results out here that have  
13 never been followed up on. For example, there's 20  
14 grams over 6 metres; 9 grams over 15 metres. No  
15 follow-up because there's no access there. Again, we  
16 get underground and mine; we plan to drift over and  
17 drill these zones.

18 So those zones are relatively unexplored, they  
19 have significant strike extent -- oops -- oops -- and  
20 we have drilled part of them with very good results in  
21 2012. So, also, we believe the mine is still open at  
22 depth. There's the area that was mined. You can see  
23 it's mined down to approximately here. This is the  
24 zone that we want to mine that has not been mined yet,  
25 but there are a lot of drill results from here that  
26 have never been mined or developed. A little close-up

1 of that to show you the drill results. No mining or  
2 development in this area. None of these are in the  
3 resource, by the way, so they have never been put into  
4 a resource. But the results indicate that the system  
5 does continue. 16 metres of 15 grams; 2 metres of 5;  
6 14 of 11; 1.58 of 10; 8 metres of 16; 6 metres of 7.  
7 So you can see that, again, very, very strong results.  
8 So we believe once we go underground, that we'll be  
9 able to drift down there and continue to mine this.  
10 Why was it not mined in the past? The price of gold  
11 and the price of fuel. That's what stopped it being  
12 mined in the past. There was no reason not to continue  
13 mining, except the price of gold. And these are some  
14 of the deep zones. Again, you see the grades here as  
15 well. So very strong grades.

16 Quickly on the mine plan. So, Luigi, this is the  
17 main zone that was mined. This is the shaft. There  
18 are drifts over to here. We plan to put in a ramp in  
19 between, and likely LMI might mine this or long-hold  
20 mine it. In the meantime, when we can get on these  
21 levels, we will drill this off into a reserve. So this  
22 has all been laid out in a mining block. So -- done by  
23 our in-house mining engineers. So that's all been done  
24 and laid out, costed, et cetera.

25 As well, we went into the deep area. There is a  
26 winze that's stored in Edmonton. And we would deepen

1     that and go after this central zone, which remains  
2     un-mined but very strongly mineralized. The first  
3     thing we would do, we'd drift on it, drill it off to --  
4     to closer centres, and then develop it. That would  
5     come up the winze, and then up the existing hoist  
6     system. So that's essentially how we would plan to  
7     mine the zone. This is still open at depth, but there  
8     isn't really enough detail in there for -- to allow us  
9     to continue to put any mine plan around that,  
10    conceptual or otherwise.

11           One other thing -- question was, were we serious  
12    about restarting this operation? This is a  
13    presentation that I was giving to the public, that I  
14    was giving to my shareholders, that I was giving to  
15    banks in regards to our plans for Lupin. This was  
16    given in 2012, it was on the public record. Probably  
17    could still be found in the public record because all  
18    presentations that you give to the public must be put  
19    on your website.

20           So we had planned to do a lot of work in 2013,  
21    underground development and reserve drilling, Phase 1  
22    infrastructure and cleanup. We were actually going to  
23    ship equipment in on the winter road in Q1. Complete  
24    detailed capital and operating cost estimates. Buy all  
25    of our winter road material to look to restart  
26    operations in Q4 2014.

1           So this is a public presentation that I gave to  
2   many shareholders and investment banking people. So I  
3   think you can understand that we weren't out there  
4   having a mine under care and maintenance. We were  
5   actively out there stating what we were going to do and  
6   how we were going to do it with a schedule that went  
7   with it.

8           So I hope that gives you some confidence about  
9   what our plans are on how we plan to do things. I hope  
10   it's not too technical, but I do believe, based on some  
11   questions that were asked, that it is important to show  
12   that we had done this work, and we weren't necessarily  
13   just waiting for a better day.

14          So clarification of Environment Canada. Is this  
15   the forum to give that or not? Okay? In June 2014,  
16   Environment Canada stated that the proponent -- that's  
17   us -- is contemplating changes to activities which are  
18   outside the scope of approved care and maintenance or  
19   exploration. Detailed plans should be submitted. We  
20   did respond to that, that we would notify as soon as  
21   practically possible of any change in the care and  
22   maintenance. There is a 60-day notice period in the  
23   previous water licence. We had to give -- said we  
24   would likely give a six or eight-month notice because  
25   we have to ship bulk materials into site. So we can't  
26   really wait 60 days.

1           So we did state that. We haven't heard anything  
2   or no response since then. They didn't attend the  
3   technical meeting or bring anything up at the technical  
4   meeting. They submitted something on February the 5th  
5   that -- sorry, a statement on February the 5th that any  
6   construction or activity geared towards restart of the  
7   project should trigger a water licence amendment. Our  
8   response to that is -- and I think I've shown it  
9   here -- the existing infrastructure is available to  
10   support the restart. There is no new construction  
11   required for this project. We don't need to build a  
12   new mill, we don't need to sink a new shaft. We're  
13   going to use the existing ramp and ventilation systems.  
14   We're going to use the existing tailings facilities,  
15   the existing power generation and fuel systems.  
16   Nothing new. We will update operational management  
17   plans prior to restart for approval, and the previous  
18   licence terms and conditions fully address the water  
19   use and waste disposal during operations.

20           I want to thank you all for being very patient  
21   with me, and I will pass it back to the Chairman, and  
22   hopefully you understood and have some questions, which  
23   I will take pleasure in answering. Thank you very  
24   much.

25   THE CHAIR:                   Thank you. Any questions from  
26   the community members, public?

1 Questioning of the Applicant by the Community

2 IAN OVILOK: Good evening. I'm Ian. Thank  
3 you for coming here and supporting us in the community.  
4 Thank you for the -- this meeting. I wonder how long  
5 it's going to take for you guys to get this mine  
6 operation going again?

7 THE CHAIR: LMI?

8 MR. DOWNEY: Assuming -- sorry, should I  
9 state my name? Patrick Downey. That's a very good  
10 question. Assuming we had a reasonable gold price, it  
11 would take about two years to get it back into  
12 operation. That would include a winter season, a  
13 winter-road shipment of all of our bulk materials, and  
14 then approximately eight to ten months after that, we  
15 believe we could have it up in operation after we had  
16 all of our bulk materials on site. So -- but it would  
17 take approximately two years. We would drill off  
18 reserves, complete our mine plan, ship our materials  
19 in, and then make sure that everything was operating  
20 properly and start the mine.

21 THE CHAIR: Thank you. Any further  
22 questions from the public?

23 ALLEN KUDLAK: Good evening. If you are  
24 going to start up Lupin again, are you in the process  
25 of reconditioning the shaft and the cables for the  
26 hoist?

1 THE CHAIR: What is your name, please?

2 ALLEN KUDLAK: Allen.

3 THE CHAIR: Thank you. LMI?

4 MR. DOWNEY: LMI, Patrick Downey. Thank

5 you, Allen. Yes, we would have to bring in new cables

6 for the hoist. The hoist itself is in -- would be

7 in -- brought into working condition. We have examined

8 that. We wouldn't start the hoist right away. We

9 would actually use the ramp to do most of the work, and

10 then once we are at a certain level, we would restart

11 the hoist in probably middle of Year 1 of operations.

12 THE CHAIR: Thank you. Any further

13 questions from the community members, public?

14 JOHN IVARLUK: Thank you. During your -- if

15 you can start mining there, is the rotation going to be

16 the same, two weeks in, two weeks out, and if so, is

17 the employees going to be mostly white or 50/50, native

18 and white?

19 MR. DOWNEY: Thank you, John. Patrick

20 Downey, LMI. Based on the operating clause that we

21 have completed, it is based on a

22 two-week-in-two-week-out operation; that is correct.

23 That's what we would use. And I think the answer to

24 you would be we would maximize the -- the local hiring.

25 If we could make it more than 50/50, we will happily do

26 that. I can't say 50/50; I can't say 60/40; I can't



1 say 40/60. But our policy will be to absolutely  
2 maximize hiring of locals.

3 THE CHAIR: Thank you. Anybody else from  
4 the community?

5 We will move on to a short presentation by AANDC.

6 Thank you. I will move on to KIA.

7 MR. HOHNSTEIN: Thanks, Mr. Chair. KIA  
8 indicated that they will do a short few statements  
9 after AANDC's presentation.

10 THE CHAIR: Thank you. Go ahead, AANDC.  
11 Presentation by Aboriginal Affairs and Northern  
12 Development Canada

13 MS. COSTELLO: Thank you, Mr. Chair. My name  
14 is Karen Costello. I'm with Aboriginal Affairs and  
15 Northern Development Canada. And with apologies to the  
16 Board, I will quickly go and wave to the people behind  
17 me because I don't like them seeing my back for the  
18 evening.

19 So, as I said, my name is Karen Costello, and I am  
20 the Director of Resource Management with Aboriginal  
21 Affairs and Northern Development Canada with the  
22 Nunavut regional office based in Iqaluit. Aboriginal  
23 Affairs appreciates the opportunity that Nunavut Water  
24 Board has given it to present to the community  
25 regarding our intervention into the Lupin Mines  
26 Incorporated's application to renew and amend their

1 Type A Water Licence application. That should get rid  
2 of the echo.

3 I'm joined by Eva Paul, the Water Resource Officer  
4 with the Field Operations Division. I'd also like to  
5 introduce Randy Knapp from SENES Consultants, who's  
6 just behind me; and Norm Cavanagh from the Department  
7 of Justice, who have joined us here today. Randy and  
8 Norm have provided advice to the Department throughout  
9 the process.

10 I'd like to express our thanks to the community of  
11 Kugluktuk for welcoming us in their community. We also  
12 appreciate that coming out during those darn windy days  
13 is sometimes a challenge, and we appreciate their  
14 attendance this evening.

15 So just a few housekeeping matters. Throughout  
16 this presentation, you will hear me refer to Aboriginal  
17 Affairs and Northern Development Canada as "the  
18 Department" or simply "AANDC", the Nunavut Water Board  
19 as "the Board", and Lupin Mines Incorporated as "LMI".  
20 To shorten the number of words I say, instead of saying  
21 "the Type A Water Licence renewal application", I'll  
22 simply say "the application". I'll give a very brief  
23 overview of the Department's responsibilities with  
24 respect to the application and our contribution so far,  
25 and I'll be as brief as I can going over our final  
26 review comments and other considerations for the Board

1 and a brief conclusion.

2       Aboriginal Affairs and Northern Development Canada  
3 has a role in ensuring that development takes place in  
4 a responsible, sustainable manner through processes  
5 laid out in the Nunavut Land Claims Agreement and  
6 through acts and regulations of the Government of  
7 Canada. Lots of energy. Aboriginal Affairs is  
8 responsible for the management of federal public land  
9 through the issuance of land use permits and leases, as  
10 well as quarry permits and leases.

11       We have a role in the management of freshwater  
12 resources. We participate in the review of water  
13 licence renewal and amendment applications, providing  
14 advice and feedback to the Nunavut Water Board. And in  
15 this case, our advice and feedback is with regard to  
16 the application for the Lupin mine. The Department  
17 also inspects and enforces water licences in Nunavut,  
18 including all water licences associated with the Lupin  
19 mine project.

20       So as part of our contributions to the review,  
21 we've had a number of submissions to the Water Board,  
22 everything from a completeness review, technical  
23 review, we attended the technical meeting and  
24 prehearing conference organized by the Nunavut Water  
25 Board here in Kugluktuk in October. We've had a couple  
26 of teleconferences with Lupin Mines, and we have made

1 submissions to the Nunavut Water Board in December,  
2 commenting on their prehearing conference report and  
3 also our final written submission on January 5th. And  
4 for those of you who were here earlier, we've also made  
5 a final presentation at this public hearing.

6 I will first summarize our review of new  
7 information submitted by the applicant on December --  
8 in December, including: The fuel inventory, the  
9 landfarm management plan, and an erratum to the interim  
10 abandonment and restoration plan and the revised  
11 reclamation cost estimate.

12 An inventory of fuel on site was requested by the  
13 Department. While quantities were provided for the  
14 fuel tanks, the quantity of all other fuel on site, for  
15 instance, fuel that might be in barrels, remains  
16 unknown. Lupin Mining has committed to providing a  
17 complete inventory of fuel in 2015. The company has  
18 submitted a landfarm management plan, and while it is  
19 sufficient as a preliminary plan, more detail is  
20 required in an updated plan prior to construction of  
21 the landfarm.

22 As I mentioned a few moments ago, the company  
23 provided an erratum to the interim abandonment and  
24 reclamation plan in December. This erratum addressed  
25 much of the confusion that the Department had based on  
26 their earlier submission, but the plan needs to be

1 updated soon after licence approval. The company has  
2 agreed to submit a revised interim abandonment and  
3 reclamation plan 90 days following licence issuance.

4 The reclamation cost estimate is used to set the  
5 amount of security that is required for the project.  
6 Reclamation security is held by the Minister in case a  
7 company defaults on its commitments to clean up a mine  
8 or an exploration site. If that was the case, the  
9 federal government would reclaim the site.

10 The Department requires the reclamation cost  
11 estimate to be calculated using a specific format.  
12 This is called "Reclaim". And the reclamation cost  
13 estimate must satisfy the requirements of the  
14 Department's mine site reclamation policy.

15 In the case of the Lupin mine, the project is 100  
16 percent on Crown land, and it is covered by Crown  
17 leases. The Minister does not hold security on the  
18 leases. The Minister currently holds \$25.5 million as  
19 reclamation security under the expired licence.

20 Lupin Mines Incorporated believes that the  
21 reclamation estimate that they have provided of 24.1  
22 million is complete. We are of the opinion the  
23 estimate is insufficient to address the environmental  
24 liabilities on site and that the total reclamation  
25 liability is closer to 43.5 million. The Department  
26 has requested the company to address missing and

1     unclear information. While LMI did address some  
2     questions and partially addressed others, the  
3     Department still considers the company's estimate to be  
4     deficient. We asked for this information before the  
5     final hearing, but LMI considers their submissions to  
6     be complete. And as I said earlier, the Department  
7     currently holds 25.5 million as financial security of  
8     the expired Type A Licence.

9             Some of our final review comments were presented  
10     under three themes. The first is windblown tailings.  
11     The Department requested evidence on whether windblown  
12     material observed outside the tailings containment area  
13     is tailings. A study is proposed for 2015, but a study  
14     framework is required prior to licence issuance to  
15     ensure that parties agree with the proposed  
16     methodology.

17             The company has stated that the windblown material  
18     outside of the tailings facility may not be tailings.  
19     The Department has requested evidence to support the  
20     company's statement, but no data has been provided.  
21     LMI has made a commitment that they will provide this  
22     information by the end of December 2015, and, as I  
23     said, the Department has requested a study framework to  
24     ensure parties agree on the proposed methodology.

25             The second issue we commented on was poor water  
26     quality monitoring. So the mine tailings are covered

1 by sand and material in order to keep the tailings wet  
2 so they do not generate acid that might enter the  
3 environment and to keep the tailings from getting blown  
4 out of the tailings containment area. Monitoring of  
5 poor water quality in the sand cover was requested by  
6 the Department as a confirmatory measure, as done in  
7 the past to ensure the cover is functioning as  
8 designed. Lupin Mines Incorporated has not committed  
9 to this, but has committed to monitoring poor water  
10 levels and surface water quality of ponds within the  
11 tailings area.

12 A third set of comments related to hazardous waste  
13 management. A current inventory of hazardous waste was  
14 requested in July 2014 by the inspector, and has not  
15 yet been provided. A requirement to submit an  
16 inventory prior to the 2015 seasonal shutdown is  
17 recommended, and LMI has committed to providing an  
18 inventory in 2015. A restriction to the amount of  
19 hazardous waste stored on site is also requested by the  
20 Department, to ensure that the reclamation liability of  
21 the site does not fall to Canada. So we're looking for  
22 a requirement to regularly remove hazardous waste to  
23 prevent the overaccumulation of materials on site. The  
24 Department recommends staged removal of historic  
25 hazardous waste for the duration of the licence term  
26 and annual removal of new hazardous waste to prevent

1 accumulation on site. The Department has asked LMI to  
2 provide confirmation that removal of hazardous waste is  
3 fully accounted for prior to licence issuance. This is  
4 an outstanding issue related from inspections by our  
5 water resource officer.

6 The fourth area AANDC commented on was on  
7 management plans. The Department requested a number of  
8 conditions, including a requirement to update plans 60  
9 days after licence approval. LMI agreed, but proposed  
10 to submit plans within 90 days of licence approval.  
11 The Department has agreed to the 90 days.

12 The Department had a number of comments on care  
13 and maintenance. Thresholds during different activity  
14 levels were proposed by the company in a submission to  
15 the Board on December 12th. Aboriginal Affairs agreed  
16 with the water use proposed during all levels of  
17 activity, but does not agree that the same monitoring  
18 frequency is appropriate for ramp-up as care and  
19 maintenance. During ramp-up, 100 times more water will  
20 be used during activities. The camp will be  
21 accommodating more people and producing more waste  
22 during ramp-up. So the Department is recommending that  
23 monitoring during the ramp-up period should be the same  
24 as during operations.

25 The sixth group of our comments related to  
26 progressive reclamation. Progressive reclamation is



1 required under the expired licence. The Department  
2 recommended progressive covering of the remaining  
3 exposed tailings as a requirement under the new  
4 licence, as it was also a requirement under the expired  
5 licence. Lupin Mining states that it will not cover  
6 the exposed tailings until final closure. LMI also  
7 states there is no evidence that tailings continue to  
8 be blown out of the tailings containment area. The  
9 Department believes that evidence is required to  
10 confirm that tailings are not blowing out of the  
11 facility before concluding that covering of the exposed  
12 tailings is not required, and the Department maintains  
13 that covering of the exposed tailings should be  
14 required as a mandatory licence condition.

15 We submitted some additional comments in our final  
16 review of the application in January of this year.  
17 These final comments related to acid generating waste  
18 rock, asbestos, and an updated environmental site  
19 assessment. The first issue is acid generating waste  
20 rock. This is a potential concern at the site, and the  
21 actual amount of rock that may require management is  
22 unknown. A study was recommended, and LMI agrees that  
23 additional studies are required and proposes to  
24 complete more detailed options' evaluation prior to  
25 closure. The Department requests that the licence  
26 include a requirement to conduct a detailed waste rock

1     characterization program within the term of the licence  
2     and to address groundwater contamination.

3             The second issue is asbestos. Given the age of  
4     the buildings, there was concern that asbestos may be  
5     present on site. LMI has confirmed that investigations  
6     were done confirming that there is asbestos on site and  
7     has stated that the handling of asbestos materials was  
8     considered in the reclamation cost estimate. For now,  
9     it is unclear to the Department where in the estimate  
10    the disposal of asbestos was accounted for, and we ask  
11    that it be specifically identified.

12            The third issue is an updated environmental site  
13    assessment. An update to the historic environmental  
14    site assessment done in 2005 was requested by the  
15    Department's inspector in 2012 and 2014 to address  
16    legacy hazards and contamination issues. It has also  
17    been brought up in a number of our recent submissions.  
18    An updated environmental site assessment was requested  
19    to obtain more accurate information on contaminated  
20    soil and potential acid generating waste rock. The  
21    company believes that the last site assessment done  
22    almost ten years ago remains valid, but more accurate  
23    estimates of soil and waste rock that may require  
24    management of closure are required. The Department is  
25    recommending that the licence include -- require an  
26    updated site assessment to be conducted in 2015,

1 basically within the first year of licence issuance, in  
2 order to better understand the current hazards to the  
3 environment and to fulfill the commitments that LMI  
4 made in 2012.

5 Here we provide some additional information  
6 regarding the renewal application for the Board's  
7 considerations, and this is under the title "Other  
8 Licencing Consideration". The Department has suggested  
9 updates to several terms and conditions of the expired  
10 licence, as well as some definitions. The Department  
11 is asking the Board to incorporate commitments made by  
12 the company as terms and conditions within the new  
13 licence, and the Department believes that the  
14 outstanding information and unresolved issues should be  
15 resolved before the Board issues a licence. And if  
16 they're not resolved, then that uncertainty will be  
17 factored into our reclamation estimate.

18 So the Department is recommending a five-year  
19 licence term, not the ten that the applicant has  
20 applied for, with strict timelines to address the  
21 outstanding issues from past inspections as terms and  
22 conditions in the new licence.

23 To conclude our presentation, I'd like to note the  
24 following: Up until this -- earlier this evening, LMI  
25 has not provided evidence that Lupin is likely to  
26 return to mining operations. With regard to the review

1 of the application before us, while some information  
2 has been provided by Lupin Mining, we believe there are  
3 a number of outstanding issues, that information,  
4 particularly information regarding the reclamation cost  
5 estimate, should be required prior to renewal of the  
6 licence.

7 The Minister currently holds 25.5 million in  
8 security under the expired licence. So based on the  
9 Department's requirements, which include an estimate to  
10 be consistent with the Reclaim model, which is the  
11 method the Department uses to calculate reclamation  
12 cost estimates and the Department's mine site  
13 reclamation policy, the Department feels the existing  
14 financial security of 25.5 million is insufficient to  
15 cover the total outstanding reclamation liability, and  
16 as such, a significant increase is recommending -- is  
17 recommended. The Department has recommended an  
18 increase to 43.5 million, based on the Reclaim model  
19 and the Department's policy. The reclamation security  
20 required under this licence must take into account the  
21 remaining uncertainties and be adjusted accordingly.  
22 The company can apply to the Board for a reduction in  
23 security during the term of the licence with the  
24 provision of evidence at any point during the term.

25 That concludes the presentation from Aboriginal  
26 Affairs. I thank the community for their attention.

1 Thank you, Mr. Chair.

2 THE CHAIR: Thank you. Before we move on  
3 to the questioning by the community and public, I'd  
4 like to suggest a five-minute break.

5 (ADJOURNMENT)

6 THE CHAIR: Welcome back. I would now  
7 like to ask the public if they have any questions for  
8 AANDC. Community members, public? Any questions to  
9 AANDC from community members or the public? Okay.  
10 Thank you.

11 I will now ask KIA to make ...

12 Presentation by Kitikmeot Inuit Association

13 MR. TORRETTI: Thank you, Mr. Chair. Luigi  
14 Torretti, Kitikmeot Inuit Association. (OTHER LANGUAGE  
15 SPOKEN) for coming to this community session, and I  
16 apologize for my back being towards you. We don't  
17 really have a presentation for this evening. The KIA  
18 is not a responsible authority for this project. This  
19 project is entirely on Crown land. So the KIA doesn't  
20 actually issue any licences or have any direct  
21 authority on the project; however, the KIA has been  
22 involved in this licencing process because obviously we  
23 know how important Conwoyto or Tahikyoak is for (OTHER  
24 LANGUAGE SPOKEN) and others in -- in the Kitikmeot.  
25 Historically, it's been a very, very important location  
26 for fish and for wildlife. And so the -- the -- the

1 link, the connection to the land is extremely  
2 important, and as a result, we've been involved.

3 We know that there are some water quality  
4 concerns, and we have brought those up at the  
5 prehearing conference. Many of those concerns that KIA  
6 has brought up were also brought up by other  
7 organizations, including AANDC, Aboriginal Affairs.

8 At this point in the process, the KIA is really  
9 interested in the -- the -- the site, and if the site  
10 were to go into closure, is there going to be  
11 sufficient monies to clean up the site? Don't get me  
12 wrong, we know that Inuit have worked at Lupin for --  
13 for many, many years; some individuals here have --  
14 have had very long careers at Lupin. And the KIA would  
15 love for the site to re-emerge and -- and employ a  
16 significant number of Inuit. We would love for that to  
17 happen. We are also looking beyond that, and some of  
18 the questions that we've asked are specific to  
19 reclamation of the site: Is there going to be enough  
20 money there to be able to clean up the site properly?  
21 So we've asked a lot of questions to that effect. We  
22 are hopeful that the -- the plant -- the -- the -- LMI  
23 is -- may be able to find the quantities of -- of gold  
24 and minerals that they need to start up operations, but  
25 we're also looking beyond, as previously mentioned. So  
26 that is essentially our goal at this section, this --

1     this -- this part of the process, and if you have any  
2     questions, I'd be glad to answer them.

3     THE CHAIR:                     Any questions?

4             I will now -- if there are no questions from  
5     community members or the public, I will now turn the  
6     microphone over to our legal counsel.

7     Discussion

8     MS. MEADOWS:                 Thank you, Mr. Chair.   Teresa  
9     Meadows, legal counsel for the Nunavut Water Board.  I  
10    have a few procedural matters, primarily housekeeping  
11    matters, and then a couple of procedural matters for  
12    the parties with respect to the conclusion and  
13    questions of the -- from the technical portion of the  
14    hearing.

15            Mr. Chair, we have several materials you saw, the  
16    presentations that were put up.  It is our standard  
17    practice in community sessions to mark those as  
18    exhibits.  But we were also given several things over  
19    the break that parties want -- want to file.  And so  
20    I'll start with the presentation materials, and then  
21    I'll talk about some of the other materials that may be  
22    subject to being marked but not yet entered as the  
23    parties look at them.

24            So the next exhibit will be Exhibit Number 8.  It  
25    is Lupin Mines Incorporated community session  
26    presentation.  So those materials were filed in advance

1 with the Board and are going to be entered as Exhibit  
2 Number 8.

3 EXHIBIT 8 - Hard copy PowerPoint presentation  
4 titled "Lupin Gold Mines Incorporated  
5 2AM-LUP0914 Community Session"

6 MS. MEADOWS: Exhibit Number 9 is one  
7 where -- that is the Lupin gold mine reply submission  
8 to the Nunavut Water Board. It's my understanding that  
9 that is new information that has not been filed with  
10 the Board before, and Aboriginal Affairs and Northern  
11 Development Canada and the other intervenors here may  
12 have an opportunity to take a look at that and decide  
13 whether or not they have an objection to that being  
14 filed. So my recommendation is to mark that as Exhibit  
15 9, but not yet enter it.

16 EXHIBIT 9 - Hard copy PowerPoint presentation  
17 reply submission to the NWB (Marked But Not  
18 Entered)

19 MS. MEADOWS: The next exhibit is Aboriginal  
20 Affairs and Northern Development Canada, the  
21 presentation material that they provided for the  
22 community session which was filed in advance. So that  
23 will be entered as Exhibit Number 10.

24 EXHIBIT 10 - Hard copy PowerPoint  
25 presentation Aboriginal Affairs and Northern  
26 Development Canada community session



1 MS. MEADOWS: And Exhibit Number 11 is the  
2 electronic form of the lease summary that Aboriginal  
3 Affairs had prepared in response to a question from  
4 LMI.

5 And -- and I believe that you have an electronic  
6 copy of that now, LMI; is that correct, the lease  
7 summary the one-page lease summary?

8 MR. DOWNEY: A paper copy.

9 MS. MEADOWS: You have a hard copy of it?

10 MR. DOWNEY: Yes.

11 MS. MEADOWS: Do you have an objection of  
12 that being marked, Ms. Kowbel? I have it marked as  
13 Exhibit Number 11, but I can enter it if you have no  
14 objections.

15 MS. KOWBEL: Christine Kowbel. We have no  
16 objections.

17 MS. MEADOWS: All right. Let the record  
18 show that that will actually be marked and entered as  
19 Exhibit Number 11.

20 EXHIBIT 11 - Electronic form of the lease  
21 summary prepared by Aboriginal Affairs and  
22 Northern Development Canada in response to a  
23 question from Lupin Mines Incorporated

24 MS. MEADOWS: And that concludes the marking  
25 of exhibits and entering of exhibits where there are no  
26 objections.

1           It is my understanding, Ms. Kowbel, that you have  
2           potentially an objection to the updated status table  
3           that was provided and has been marked as Exhibit 7 that  
4           Aboriginal Affairs and Northern Development Canada  
5           provided in support of their presentation today, and so  
6           we've -- we've let the -- let the record show that  
7           we've marked that and not yet entered it, and we'll  
8           give you an opportunity to speak to that as we talk  
9           about the procedural matters going forward.

10           EXHIBIT 7 - Hard copy Aboriginal Affairs and  
11           Northern Development Canada Lupin Gold Mine  
12           Type 'A' Water Licence Renewal Hearing  
13           Updated Compliance and Commitments (Marked  
14           But Not Entered)

15       MS. MEADOWS:                   Mr. Chair, it's my suggestion  
16       that, given the time, that we do go now to the deferred  
17       questions that LMI had for Aboriginal Affairs and  
18       Northern Development Canada, and we will proceed with  
19       that. It's my understanding that we need to adjourn  
20       likely within the next 30 minutes or so. And just  
21       before we do that, we will have a brief discussion of  
22       the next steps for the procedure, recognizing that we  
23       will not be closing the record in the public hearing  
24       and that -- it's our understanding you have about an  
25       hour and a half of questions, potentially, for  
26       Aboriginal Affairs and Northern Development Canada, and

1 we likely will not have time to conclude them tonight.

2 So with that, Mr. Chair, I would turn it over to  
3 the deferred questions for LMI for Aboriginal Affairs  
4 and Northern Development Canada.

5 THE CHAIR: Thank you, Teresa.

6 LMI, please go ahead.

7 Questioning of Aboriginal Affairs and Northern  
8 Development Canada by the Applicant

9 MR. DOWNEY: Patrick Downey, LMI. Thank  
10 you.

11 Before we get into the questions and before  
12 everybody disperses, I do want to extend our sincere  
13 thank you to all the members of the Nunavut Water Board  
14 and technical staff, and particularly, the translators  
15 for your supporting communication during these hearings  
16 and your patience, and also the recording -- recorder,  
17 with all our various accents.

18 I want to thank AANDC and the consultants and the  
19 KIA. And I also want to thank the elders of the  
20 community and the people of the community who came out  
21 over the past number of days for these hearings. We do  
22 look forward, and it's an honour and a privilege to  
23 hear your knowledge of the area, and we do look forward  
24 to continuing to receive your knowledge and input as  
25 the project continues to develop. And a little special  
26 thanks to the staff here at the venue, who have worked

1 extremely hard to provide the refreshments and  
2 hospitality under typical Nunavut weather. So I'd just  
3 like to get that out before everybody just disperses  
4 here.

5 I'll be going through these in a bit of a random  
6 order, but I think there's a few important ones I want  
7 to get out this evening. If I could take you to Slide  
8 49, please. Oh, sorry. It's not -- I think it would  
9 be good to get it up.

10 I will direct this question to the inspector, in  
11 regards to the environmental site assessment update.  
12 In your July inspection, did you ask for a risk  
13 assessment or environmental assessment?

14 MS. PAUL: Eva Paul, Water Resources  
15 Officer. July of which year?

16 MR. DOWNEY: July of 2012.

17 MS. PAUL: I will go back to it. The  
18 inspection was conducted July 5th and 6th, 2012, and  
19 the request was a risk assessment is to be conducted to  
20 identify the highest risks to the outside and receiving  
21 environment. Delineation of contamination through  
22 sampling is to be included, not limited to those  
23 suggested in this report.

24 MR. DOWNEY: Thank you. Patrick Downey,  
25 LMI. Again, for the inspector, did LMI ever seek  
26 clarification on this matter?

1 MS. PAUL: Thank you, Mr. Chair. Eva  
2 Paul. Yes. I believe there were several  
3 back-and-forth e-mails that resulted from that request.  
4 I was in the field for all of the month of August.  
5 Inspector Melissa Joy (phonetic) had attended the site  
6 with me, and she fielded some of those e-mails. But  
7 there -- there were several subsequent communications,  
8 as clarification was sought.

9 MR. DOWNEY: Thank you. Patrick Downey,  
10 LMI. Did LMI advise -- sorry, to the inspector -- that  
11 they had an extensive ESA already on file?  
12 Environmental site assessment, pardon me.

13 MS. PAUL: Eva Paul. I'm speaking -- not  
14 looking at my e-mails from three years ago -- or two  
15 years ago at the moment, but I believe subsequent  
16 e-mails included communications with Arlene Laudrum,  
17 and the existing ESA was discussed, and the agreement  
18 that was put in writing was that there would be an  
19 addendum to the existing ESA provided to the inspector.  
20 I can look up the dates if you like.

21 MR. DOWNEY: Thank you. Patrick Downey,  
22 LMI. And did LMI submit a risk assessment of the TCA  
23 on the 15th of March 2013?

24 MS. LEWIS: Just March.

25 MR. DOWNEY: March.

26 MS. PAUL: Thank you, Mr. Chair. Eva

1 Paul. What I have on record that was submitted with  
2 the 2012 annual report was a geotechnical inspection  
3 follow-up risk assessment and water quality review,  
4 which was a document that assessed the risk of failure  
5 of the 'M' dam or 'L' dam within the tailings  
6 containment area, and it did not bear relevance to the  
7 request that was made during the inspection. Thank  
8 you.

9 MR. DOWNEY: Thank you. Patrick Downey,  
10 LMI. I believe Slide 52, please. I'd like to read you  
11 Part I, Item 9 of the last water licence -- sorry,  
12 the -- sorry, Patrick Downey, LMI. It states that:  
13 (as read)

14 Progressive reclamation, including  
15 progressive covering of the tailings and  
16 re-vegetation as soon as realistically  
17 possible.

18 And on Schedule B, the general conditions of annual  
19 reporting in the same document, it states: (as read)

20 For care and maintenance, provide an updated  
21 status of any progressive reclamation as it  
22 relates to tailings cover remediation and  
23 justification for not proceeding to full  
24 reclamation under Part I, Item 5.

25 So, Eva, I think -- or, sorry, I think you stated that  
26 you were not aware that Lupin Mines was planning to go

1 back into production until, more or less, this session,  
2 I believe is what you stated; is that correct?

3 MS. PAUL: Thank you, Mr. Chair. I  
4 stated something to that effect -- Eva Paul. I stated  
5 something to that effect, yes.

6 MR. DOWNEY: I'd like to read you the  
7 sections from our annual reports in regards to the  
8 reclamation.

9 THE CHAIR: Can I have a name?

10 MR. DOWNEY: Patrick Downey, LMI. (as  
11 read)

12 No reclamation activities as it relates to  
13 tailings cover occurred in 2011. LMI is  
14 currently investigating options to restart  
15 mine operations. Until such time as this  
16 work is advanced, the property will remain  
17 under care and maintenance. Formal  
18 reclamation works will not be initiated.  
19 2012, I can read the same, but more or less exactly the  
20 same. 2013: (as read)

21 LMI continues to monitor the global economic  
22 climate and evaluate the feasibility of  
23 operating the Lupin mine, along with the  
24 potential for identifying additional  
25 resources through its exploration activities.  
26 In the interim, the site remains in care and

1 maintenance, and a decision with respect to  
2 Part I, Item 5 was not contemplated in 2013.

3 I was wondering how would it not be known that we were  
4 planning to go back into operations when we were  
5 reporting it every year in our annual report?

6 THE CHAIR: AANDC?

7 MS. PAUL: Eva Paul. Thank you,  
8 Mr. Chair. Can you rephrase the question, Patrick?

9 I'm not -- I have read the annual reports and I  
10 understood the material in them, but the company was  
11 still in care and maintenance.

12 MR. DOWNEY: My statement -- Patrick  
13 Downey, LMI. My statement was in regards to the fact  
14 that I believe we always stated we were going back into  
15 production. We -- we reported it in our annual  
16 reports, and we gave a good and valid reason why we  
17 were not covering the tailings in -- in -- in  
18 progressive reclamation. We were doing other  
19 progressive reclamation work, but not specifically on  
20 the tailings, and we noted that in each report. I have  
21 no further points in that regard.

22 THE CHAIR: AANDC?

23 MS. PAUL: Thank you, Mr. Chair. Eva  
24 Paul. I would just bring this back to the  
25 environmental site assessment and the request that the  
26 company examine and prioritize risks to the receiving



1 environment to determine the mechanisms that could  
2 cause contamination to leave the site footprint and  
3 assess whether or not contamination is present or  
4 occurring and determine mitigation measures to prevent  
5 further contamination. While covering the tailings was  
6 one potential solution, I don't think that any other  
7 solutions were looked at or proposed as an alternative  
8 during that time. Thank you.

9 THE CHAIR: LMI?

10 MR. DOWNEY: Patrick Downey, LMI. Can we  
11 move to Slide 17, please. I'll address this directly  
12 to Randy.

13 Randy, I just wanted to confirm that you have not  
14 been to site since 2002, and I'd like you to confirm  
15 that you have not been to site in order to complete a  
16 closure cost estimate; is that correct?

17 MR. KNAPP: That's absolutely correct. I  
18 relied on the information -- Randy Knapp. That's  
19 correct. I relied on the information provided by LMI  
20 and documentation provided.

21 MR. DOWNEY: Thank you. Patrick Downey,  
22 LMI. Randy, in your presentation, you stated several  
23 times that several of your numbers are based on your  
24 opinion. In some cases, you stated you had no basis  
25 for this number or it was essentially a guess or that  
26 this could be more than what is in the estimate or it

1 is only your personal opinion.

2 So, Randy, you did not have access to site to  
3 prepare the AANDC closure cost estimate. LMI -- as I  
4 stated -- 's estimate is based on detailed engineering  
5 reports, extensive site knowledge, and input from  
6 experts in this field, and the work of industry  
7 contractors with experience on the site and in the  
8 north. So I just want to take you through some of  
9 those areas so we can discuss them.

10 So perhaps we could go to Slide 18. Randy, have  
11 you read the final TCA report?

12 MR. KNAPP: Randy Knapp. Yes, I have.

13 MR. DOWNEY: Patrick Downey. Thank you.

14 So we talked about planting in the esker, and you  
15 understand that this was not just putting a plant in  
16 the esker from that report?

17 MR. KNAPP: I know that there were test  
18 plots put up there, and that was my understanding as to  
19 what those were, yes.

20 MR. DOWNEY: Well, these were, in fact, sod  
21 islands that incorporated seeds and plants that were  
22 transplanted along with blocks of soil. This did not  
23 expand as hoped. It was then noted in the closure plan  
24 for the TCA that the lack of soil and nutrients for  
25 post-use reclamation made it impossible to re-vegetate  
26 on the esker without transplant of soil. As stated in

1 the TCA plan, it does not make sense to cause a  
2 disturbance in untouched tundra to try and re-vegetate  
3 the esker that does not grow vegetation naturally. It  
4 also stated that it would be impossible to grow plants  
5 naturally with a 1-metre esker cover without putting  
6 transplanted soil. Furthermore, the placement of sod  
7 for the restoration of one site did not justify the  
8 removal of sod from another established area, and  
9 therefore re-vegetation was not considered. Would you  
10 agree with that?

11 MR. KNAPP: Randy Knapp. That's certainly  
12 an opinion based on lots of good, factual information;  
13 however, I have yet to see any tailings facility that  
14 could not be vegetated without the -- with the proper  
15 amendments and additions to the surface, whether or not  
16 the allowance of \$200,000 is -- is rational or  
17 reasonable, I have -- I do not know at this point in  
18 time.

19 MR. DOWNEY: Thank you.

20 There's also a question in regards to the cost of  
21 the -- of the esker cover, and I think I actually want  
22 to explain exactly the basis of that so that you can  
23 understand where -- where we got it. I think you may  
24 have misunderstood the basis of this. So the actual  
25 number was based on the final product. It actually  
26 placed in place graded, compacted. So it was --

1    whatever quantity it took to give us a 1-metre cover  
2    compacted in place, that was the measured number at the  
3    end, and we used that number -- we gave the quantities  
4    to the contractor, we showed him the pictures of how to  
5    do it, and it may take 1.5 metres to get 1 metre. I  
6    don't disagree with that. Absolutely not. What we  
7    have is the actual, final in-place cost. So we know  
8    what we covered, we know what it cost. So if it was  
9    1,000 metres and it cost \$100,000 to -- to finalize  
10   that cover in place, it was \$10 a metre squared. And  
11   that's what we used. And that was the -- that was the  
12   basis of -- of the number. It wasn't, Okay, let's hope  
13   we put a metre on, and that's what it is. So that's --  
14   those reports were given to the contractor, the  
15   photographs were given to the contractor, and he used  
16   that cost.

17   MR. KNAPP:                    I fully understand how that  
18   was done. Randy Knapp. Sorry, Mr. Chair. I fully  
19   understand how it was done, and all's we've done is  
20   we've tried to -- that number was from 2005. Its  
21   relevance today, I'm not sure, given the activity that  
22   was on site during that period of time. I think the  
23   number was 7.28 or something. We used 7.08 slightly  
24   lower, and we've allowed for 25 percent contingency for  
25   additional material. I really don't think those are  
26   particularly materially different numbers. And it's a

1 number from your unit rate table in your appendix that  
2 we've used to do that. To me, that's a totally  
3 rational and reasonable thing to do.

4 MR. DOWNEY: Thank you, Randy. Patrick  
5 Downey, LMI. I just want to also clarify that the  
6 number in 2005 was not 7.20. It was \$6. We used an  
7 inflation factor agreed to by the contractor.

8 MR. KNAPP: Randy Knapp. I understand  
9 that it certainly was escalated and -- and used to  
10 that, yes.

11 MR. DOWNEY: Patrick Downey, LMI. Randy,  
12 when you stated that the tailings cover was not  
13 functioning as it's designed, we do not agree. I think  
14 there were lots of evidence it is functioning as  
15 designed. The pH issue raised as a flag that the  
16 facility is not functioning is, in our opinion,  
17 incorrect. The reason for the pH levels you flagged is  
18 that the system is not completely closed. I think  
19 we've -- we've argued that one to death over this  
20 two -- two, three days, and therefore the low pH in  
21 metals have to be dealt with from those areas. The  
22 water currently in the system is treated to adjust the  
23 pH prior to discharge. That is part of the management  
24 required, and that was part of -- of ongoing management  
25 at every part of this tailings cover. There is a very  
26 detailed report on the cover design, the -- the Lupin

1 tailings containment closure plan.

2 Specifically with respect to your comment on data,  
3 or, actually, you said only a little bit of data  
4 gathered, I want to read you a statement from that  
5 time. It's from Holubec: (as read)

6 Lupin started to cover exposed tailings in  
7 completed cells in 1988 and monitoring the  
8 covered tailings to assess the effectiveness  
9 of the covers. As a result, Lupin has  
10 collected the most extensive and  
11 longest-observed performance records of  
12 covered cells in permafrost areas. Data  
13 collected includes ground temperatures, water  
14 levels within the cover, water quality within  
15 the cover, slope of the tailing surface,  
16 thickness of tailings deposition, moisture  
17 content of the cover, and particle-size  
18 analysis of tailings and cover materials.  
19 Various studies have determined the  
20 durability, physical and chemical, of the  
21 cover material; water balance within the  
22 cover during drought conditions; and poor  
23 water expulsion potentials from the compacted  
24 tailings during thaw conditions. Test pits  
25 excavated through the cover to the tailing  
26 surface were examined for evidence [and I

1       hope the translator gets this] cryoturbation,  
2       oxidation at the tailings interface, presence  
3       of ice lenses, and condition of the tailings  
4       cover interface.

5       In 2004, Lupin continued to monitor the  
6       various covered cell instrumentation and has  
7       collected additional information to validate  
8       the effectiveness of the saturated zone  
9       cover.

10      We also believe -- and I'm not now quoting -- that our  
11      current monitoring continues to validate the above, and  
12      the results continue to show the above.

13           The final TCA closure plan which includes detailed  
14      reports from Holubec, Ecomatrix, and Golder clearly  
15      demonstrate that the system will operate as planned  
16      once final closure and cover is complete. This is  
17      based on sound scientific and engineering data recorded  
18      since 1988 with data analysis to this day.

19           So perhaps having been reminded of this statement  
20      from the TCA closure plan, are you still of the opinion  
21      that there is only a little bit of data?

22      MR. KNAPP:                   I think we should -- Randy  
23      Knapp. We should clarify that statement, Number 1. I  
24      said since 2005 there's been very little data collected  
25      on the performance of the cover. And there has been,  
26      to my knowledge, no data collected on the performance

1 of the cover. The work that had been -- up until that  
2 date was on test areas, and it had not been covered  
3 to -- most of the covering was done in 2005 and 2006,  
4 and that has never been investigated, tested, or had  
5 any instrumentation or -- to my knowledge, anyway, from  
6 all the information that I've asked for in the past.

7 So just to clarify -- let me also clarify. I'm in  
8 full support of the design of the cover. It's, to me,  
9 the first saturated cover that I am aware that's ever  
10 been applied on a -- on a -- an area.

11 May I continue, Mr. Chairman?

12 THE CHAIR: Hold that thought.

13 MR. KNAPP: So -- and there are many very  
14 positive things that are shown in that data. We see  
15 very low levels of metals in the ponds, and that's a  
16 very strong encouragement. It does still -- we've  
17 also, based on the information that -- in discussions  
18 we've had in the past related to windblown tailings,  
19 we've said those tailings that are not covered remain  
20 saturated, and if they remain saturated, that's  
21 effectively the same as a saturated cover, which means  
22 they shouldn't be leaching metals. And in 2005, 2006,  
23 we had alkaline conditions throughout the basin, which  
24 was the result of operations and discharging of  
25 alkaline material. Since that time, at every location,  
26 things have declined in pH. Now, there may be other



1 rations and reasons for that. I don't know. But it  
2 certainly raises a flag to me that this is something we  
3 need to investigate. That's one of the reasons we ask  
4 for poor-water monitoring, because if we collected  
5 poor-water monitoring at the -- at the groundwater  
6 table, which is just below the interface of the  
7 tailings, we would know if indeed we are seeing any  
8 progression after ten or -- ten years of that material  
9 being covered. And if we don't see it, it would give  
10 us positive indication that this is indeed working as  
11 designed.

12 So to -- my personal opinion is I don't have  
13 enough information from 2005 to today that it is  
14 working as designed; however, the only information I  
15 have been provided with or seen suggests to me we're  
16 still getting acid conditions forming in the basin.  
17 And you may be correct as to the reason for that, but  
18 the explanation, to me, isn't valid because these  
19 tailings are -- aren't -- they're either saturated or  
20 they aren't saturated. If they're saturated, they  
21 shouldn't be producing acidic drainage.

22 MR. DOWNEY: Thank you. With respect to  
23 the fuel slide and slide -- Slide 16, sorry. Pardon.  
24 Sorry. Patrick Downey, LMI. We believe that there is  
25 no reason to consider the fuel on site as -- as  
26 unusable. We used it this past summer. AANDC

1 contractors used it last summer, and the fuel is of  
2 standard quality. LMI have also consulted engineers  
3 familiar with Reclaim, and nowhere does it say that the  
4 proponent cannot use the fuel. SRK has confirmed that  
5 it is permissible under Reclaim to assume use of fuel  
6 already on site for Reclaim purposes.

7 MS. COSTELLO: Mr. Chair, Karen Costello for  
8 Aboriginal Affairs. We heard a statement. We did not  
9 hear a question. I'm just asking for clarification.

10 MR. DOWNEY: Patrick Downey, LMI. My  
11 statement was that the fuel -- that there's -- nowhere  
12 in Reclaim does it say that the proponent cannot use  
13 the fuel, and SRK has confirmed that it is permissible  
14 under Reclaim to assume use of fuel already on site for  
15 reclamation purposes, and therefore, that is why it was  
16 included within the Reclaim estimate.

17 MS. COSTELLO: Karen Costello for Aboriginal  
18 Affairs. Consistent with the mine site reclamation  
19 policy in our guidelines, it has to be assumed for  
20 purposes of reclamation that fuel would have to be  
21 brought to site.

22 MR. DOWNEY: Patrick Downey, LMI. We're  
23 stating there is fuel at site, but that -- I don't  
24 really have anything further to add on that point.

25 Patrick Downey, LMI. Slide 19, please. Again,  
26 Randy, I think this is essentially a clarification

1 error. We talked about the amount of acid rock  
2 drainage, and you used a cost of 7.08, which is exactly  
3 the cost of loading, hauling, dumping, grading, and  
4 compacting esker material to a final 1-metre cover.  
5 Our unit rate, which was provided by the contractor, is  
6 based on selectively digging and end dumping the waste  
7 rock in an excavated hole. And so that is the reason  
8 we have that number.

9 We just want to confirm that you did not obtain  
10 your cost from a contractor or you applied -- and you  
11 applied LMI's rate from a different operating task; is  
12 that correct?

13 MR. KNAPP: Randy Knapp. That's correct.  
14 And in doing that, I had this reviewed by our  
15 decommissioning engineer, and he felt that \$4.70 was  
16 inadequate to do that work at that -- if you had to  
17 haul it, place it, and do something with it, he felt it  
18 was inadequate. And --

19 MR. DOWNEY: Patrick Downey --

20 MR. KNAPP: One final thing. He also said  
21 this was going to be -- in your submission, the -- the  
22 deposition of this was to be underground or -- and --  
23 and about 137. I don't know how you could move that  
24 material underground at \$4.70 a cubic metre.

25 MR. DOWNEY: Patrick Downey, LMI. That's  
26 what -- the rate the contractor gave me. I -- I really

1     can't --

2     MR. KNAPP:                     Can -- well, as a -- as an  
3     engineer who has worked in mining, could you take that  
4     material down the ramp and place it in empty stopes at  
5     \$4.70 a cubic metre?

6     MR. DOWNEY:                  Well, I haven't got the exact  
7     rate, but I will answer that we were putting  
8     backfilling material in Sweden in our stopes for about  
9     a buck 40.

10    MR. KNAPP:                    That's an operational mine.  
11    We could have this debate forever so we'll let it go.  
12    But -- and my personal opinion is it cannot be done for  
13    that price.    Period.

14    MR. DOWNEY:                  Okay.   Slide 20, please.

15    THE CHAIR:                    Name, please.

16    MR. DOWNEY:                  Patrick Downey, LMI.   Slide  
17    20, please.   We want to point out that LMI's  
18    contingency is based on a detailed analysis and this 10  
19    percent; however, we want to note that there's an  
20    additional 1.4 million over and above our estimate that  
21    remains.   So, effectively, brings the contingency to 19  
22    percent, which I want to state is very precautionary  
23    and conservative, given the level of knowledge about  
24    this site.   We never included it as part of the  
25    contingency, but it is a sum of money that remains  
26    within the bond and would likely be included as some

1 form of contingency. So it is a point to note.

2 You also estimate a cost for two mobilizations,  
3 and we have a line item for one, which, again, was a  
4 quote from a contractor that has completed reclamation  
5 in the north. Would you agree that your assumption  
6 (sic) is based on your opinion or assumption and not on  
7 a quote?

8 MR. KNAPP: It's based -- my -- it's  
9 totally based on a quote, and it's your quote.

10 MR. DOWNEY: Okay.

11 MR. KNAPP: And there's only one  
12 mobilization included and one demobilization included.  
13 I did state that I don't believe it can be done in one  
14 year, but did not make any allowances for that, on the  
15 basis we have, I believe, more than adequate  
16 contingency to deal with that.

17 MR. DOWNEY: Thank you, Randy. Patrick  
18 Downey, LMI. Probably another area for debate, but  
19 engineering at 10 percent. Based on current  
20 engineering rates, your engineering estimate would --  
21 or AANDC's engineering estimate would equate to 31,000  
22 man hours or 15 engineers working on this project full  
23 time for an entire year. I don't find that reasonable.  
24 Would you -- would you agree that you find that 15  
25 engineers working on the project full time for an  
26 entire year would be required?

1 MR. KNAPP: That sounds to me awfully --  
2 Randy Knapp. Sorry, Mr. Chairman. That does sound  
3 excessive to me. I don't know how many engineers would  
4 need to be on site during cover placement, demolition,  
5 and others, but 10 percent engineering is not an  
6 unusual number to include for any design. So ...

7 MR. DOWNEY: Thank you. In regards to  
8 that, LMI has allowed just for clarification -- Patrick  
9 Downey, LMI.

10 THE CHAIR: Patrick Downey, Mr. Chairman.

11 MR. DOWNEY: Mr. Chairman, Patrick Downey,  
12 LMI. My apologies. Sorry, Randy, just to clarify, LMI  
13 has allowed 400,000 for the development of a final  
14 abandonment and reclamation plan permitting and review  
15 in our engineering line item. Again, we believe this  
16 is a precautionary and conservative estimate, given the  
17 work completed to date because a lot of the work has  
18 already been completed in that regard. You have  
19 suggested that if AANDC completes this work, it would  
20 cost an additional 900,000.

21 We believe AANDC will complete this work for the  
22 same cost as any third party doing the work, and there  
23 should be no additional AANDC permitting contingency.  
24 AANDC would be subject to the same consultation and  
25 public regulatory process as LMI in terms of permitting  
26 and review in Nunavut. Wouldn't you agree that the

1 government should be held to the same high standards as  
2 proponents?

3 MR. KNAPP: I would -- Randy Knapp,  
4 Mr. Chairman. I would agree, the government should be  
5 held to a higher standard than -- than LMI.

6 Typically -- and that is typically what they do. And  
7 based on my experience with other properties where  
8 we've had to prepare final ARPs, going through the  
9 permitting process, environmental review, consultation,  
10 it is not unreasonable to suggest a budget of \$900,000.

11 MR. DOWNEY: Thank you. I just want to --  
12 Patrick Downey, LMI, Mr. Chairman.

13 THE CHAIR: Thank you.

14 MR. DOWNEY: I just want to finally clarify  
15 on -- essentially on Slides 15 and 16. You know, we  
16 have provided what we believe as all outstanding  
17 information. I think it is important to explain what  
18 Reclaim is. It is a computer spreadsheet that has  
19 entries programmed to accept unit costs and volume  
20 estimates. As stated in the condition of the use, the  
21 reclamation estimating model was prepared to serve as a  
22 guide for government agencies, mining companies, and  
23 others to estimate the cost of mining reclamation. It  
24 is recognized that one model cannot cover the full  
25 range of possibilities encountered during reclamation.  
26 It is expected, however, that this model is

1 sufficiently comprehensive and flexible to provide the  
2 user with a forecasting tool to meet most reclamation  
3 studies and situations. The model is not intended to  
4 replace reclamation planning or to be used to  
5 determine the activities required to reclaim a site.  
6 So the LMI's estimate was -- was converted into  
7 Reclaim, and as a common practice --

8 MS. MEADOWS: Mr. Chair, we've just been  
9 hailed by the transcriptionist and the interpreters for  
10 you to please slow down.

11 MR. DOWNEY: Thank you. Did you want me to  
12 read that again?

13 Mr. Chairman, Patrick Downey. I can actually give  
14 her a printed copy of what I've written here. Would  
15 that suffice?

16 MS. MEADOWS: Mr. Chair, Teresa Meadows,  
17 legal counsel for the Nunavut Water Board. Yes, if you  
18 can provide us with that in writing, it would be much  
19 appreciated for the final transcript.

20 MR. DOWNEY: Thank you, Mr. Chairman.  
21 Thank you, Teresa. Patrick Downey. LMI's estimate was  
22 converted into Reclaim. This is a common practice.  
23 Even SRK, who developed Version 1 of Reclaim in the  
24 '90s, now use a different model and convert it to  
25 Reclaim. So I believe that the -- I don't think  
26 there's any question about this, but I just want to --



1 to -- to state that our model follows that format.

2 MS. COSTELLO: Mr. Chair. Karen Costello for  
3 Aboriginal Affairs Northern Development Canada. In  
4 response to the statement that LMI's estimate was  
5 converted to Reclaim and that was standard practice,  
6 from the Department's -- what the Department requires  
7 is that it should be done using the most up-to-date  
8 version of Reclaim or equivalent. And we appreciate  
9 that LMI did convert its estimate to Reclaim, but we  
10 still find that there are some areas of difference, as  
11 have been articulated in the presentation today. Thank  
12 you.

13 THE CHAIR: LMI?

14 MR. DOWNEY: Thank you. Patrick Downey,  
15 LMI, Mr. Chairman. I'd like to take you back to Slide  
16 7, please. One of the things AANDC has said is that  
17 verbally AANDC has been asking for a fuel update and  
18 that our inventory is insufficient. We have responded  
19 to this issue in the written response in the January  
20 21st, 2015, submission. And see AANDC response 1.1 on  
21 page 11 of 41. We would like to make clear that there  
22 was no request for vessel fuel volumes until January  
23 the 5th, 2015, after we submitted the main tank farm  
24 and additional fuel volumes in response to earlier  
25 requests which were clearly articulated in the  
26 technical meeting by the Nunavut Water Board.

1    Regardless, there is no uncertainty with respect to  
2    fuel volumes and reclamation liability at site. The  
3    quantum of fuel in the vessels is extremely low. Less  
4    than 2,000 litres exist in those small vessels. And  
5    such a low quantity has no bearing on the security  
6    amounts.

7           Would AANDC agree that this low volume stored  
8    within secondary containment would have insignificant  
9    bearing on the closure cost estimate, particularly  
10   since they are within stored vessels or double-walled  
11   tanks?

12   THE CHAIR:                           AANDC?

13   MS. COSTELLO:                       Thank you, Mr. Chair. Karen  
14   Costello for Aboriginal Affairs. Just to clarify, we  
15   are now being presented with information that you do  
16   know the volume of fuel on site in these vessels, and  
17   that was something that had been asked for before.

18   MR. DOWNEY:                         I think if you go back to your  
19   slide, you'll see that we did give you an approximate  
20   estimate based on the first time that we saw vessels.  
21   That's what I'm referring to. Slide 7, I think.  
22   You've got that stated on your slide.

23   MS. COSTELLO:                       You said -- yeah, 0.1 percent  
24   of the total inventory. But just -- you just mentioned  
25   now less than 2,000 litres. So I just wanted to make  
26   sure that we now have a litre number versus a

1 percentage number.

2 MR. DOWNEY: I said approximately 2,000  
3 litres, which is approximately 0.1 percent of the total  
4 volume of fuel on site. Patrick Downey, LMI.

5 MS. COSTELLO: Thank you. Thank you,  
6 Mr. Chair. The issue of the volume -- Karen Costello  
7 for Aboriginal Affairs. The issue of how much is -- is  
8 stored is insignificant. What the issue is, is the  
9 preparation for a spill and any issues that might be  
10 related to -- to satisfying the -- the commitments of  
11 the licence.

12 MR. DOWNEY: Patrick Downey, LMI,  
13 Mr. Chairman. I'd like to clarify that these tanks are  
14 stored within secondary containment or are  
15 doubled-walled tanks, per the code.

16 Patrick Downey, LMI. Slide 8, please. Oh, sorry,  
17 Slide 8 is there. The spill contingency plan indicates  
18 that an inventory would be done in 2013 under Schedule  
19 H, Item G. I think that's actually not quite correct,  
20 but I know exactly what you were asking, and this was  
21 never fulfilled.

22 The quantity provided in the 2013 spill  
23 contingency plan was 2 [thousand] 762,519 litres of  
24 fuel on site as of the end of 2012. This was followed  
25 up with an e-mail report sent to the inspector on May  
26 13th, 2013, stating 2 [thousand] 219,181 litres of

1 diesel, 167,249 litres of jet fuel, and approximately  
2 52 litres of waste motor oil and approximately 1,000  
3 litres of glycol on site. We also advised the  
4 inspector that it was all properly stored.  
5 Furthermore, during this renewal process an updated  
6 comprehensive inventory and site was provided.

7 Would you agree that based on the above, the  
8 inventory was completed and provided in 2013?

9 THE CHAIR: AANDC?

10 MS. PAUL: Thank you, Mr. Chair. Eva  
11 Paul. What was the date of that e-mail again, sorry?

12 MR. DOWNEY: Patrick Downey, LMI. The date  
13 of the e-mail was May 13th, 2013.

14 MS. PAUL: Thank you, Mr. Chair. Eva  
15 Paul. Thank you for that information. I clearly  
16 overlooked that while we were preparing this. Thank  
17 you.

18 MR. DOWNEY: Thank you. Slides 9 and 10,  
19 please. LMI does confirm that the plan and objectives  
20 submitted for the landfarm management are consistent  
21 with territory and federal guidelines and legislation,  
22 including the CCME. The landfarm management plan was  
23 developed based on the Nunavut Water Board requirements  
24 outlined in the Supplemental Information Guideline for  
25 Landfarms.

26 Slide 12. Patrick Downey, LMI. Slide 12. We

1 wish to clarify this statement at Bullet (e) that the  
2 precautionary approach should be used where sufficient  
3 information is not provided in the IARP. We recognize  
4 the scope of the Board's discretion set out in the Act  
5 in setting security. We are of the view that LMI's  
6 approach to the estimate is precautionary, and  
7 sufficient information has been provided based on sound  
8 engineering data and scientific study, which we have  
9 shown in other slides.

10 MR. CAVANAGH: Mr. Chair, Norm Cavanagh,  
11 Justice Canada. This is supposed be a questioning of  
12 AANDC, not a presentation of additional evidence by  
13 LMI. So if Mr. Downey could limit his questions to  
14 questions instead of providing additional evidence, it  
15 will be much appreciated.

16 THE CHAIR: Thank you.

17 MR. DOWNEY: Thank you. Patrick Downey,  
18 LMI. Slide 23, please. With respect to point (a), LMI  
19 has agreed to do a study, and the framework is clear  
20 and was articulated in Commitment Number 1 on the  
21 Nunavut Water Board prehearing conference decision. We  
22 do not believe that a study framework is required in  
23 that regard.

24 MR. CAVANAGH: Mr. Chair, Norm Cavanagh  
25 Justice Canada. Again, this is not a question. It's a  
26 statement. That is not my understanding of what this

1 part of the process is about. They're supposed to be  
2 asking questions of AANDC, not providing rebuttal  
3 statements.

4 THE CHAIR: Thank you.

5 MS. KOWBEL: Mr. Chair, Christine Kowbel.

6 I think it is actually within the -- the -- it is  
7 helpful to the Board where we've noted errors on the --  
8 on -- on the characterization of LMI's response, that  
9 we correct the record about what our response is, and  
10 where Mr. Downey's making these statements, it's where  
11 we disagree with the statement -- with the  
12 characterization of LMI's response on this slide.

13 Thank you.

14 THE CHAIR: Teresa?

15 MS. MEADOWS: Teresa Meadows, legal counsel  
16 for the Nunavut Water Board. I'd just like to remind  
17 everyone that points of clarification are not to be put  
18 to a witness if they are still in disagreement with  
19 that. So if you're going to put that to a witness, it  
20 should be in the form of a question to them, as to  
21 whether or not there is a misunderstanding, whether  
22 your clarification is in fact the way that AANDC  
23 understood your response. So if you can form it in the  
24 form of a question, if you're going to put it to a  
25 witness. If you're not going to be putting it to a  
26 witness and you're just giving additional evidence, we

1 would like to confine that to your closing remarks and  
2 not the -- not be questioning a witness on the basis of  
3 statements that you would like to get into the record.

4 Thank you.

5 MR. DOWNEY: Thank you. Slide 29, please.

6 Patrick Downey, LMI. We'd like to ask what technical  
7 data providing water levels in the ponds provides to  
8 the performance of the TCA?

9 MR. KNAPP: Mr. Chairman, Randy Knapp.

10 What we would just like to verify, the poor water -- is  
11 that the water table is indeed near surface and that  
12 the tailings remain saturated. What we really should  
13 be asking for is the full moisture profiles, but we  
14 tried to minimize the requirements for additional  
15 testing.

16 MR. DOWNEY: Thank you. Patrick Downey,  
17 LMI. So just for clarification, are you asking for  
18 water level in the ponds?

19 MR. KNAPP: Mr. Chairman, Randy Knapp.

20 We're asking for water levels within the tailings  
21 underneath the cover.

22 MR. DOWNEY: Patrick Downey, LMI. So are  
23 you referring to the piezometer readings?

24 MR. KNAPP: Yes.

25 MR. DOWNEY: Thank you.

26 Patrick Downey, LMI, Mr. Chairman. Slide 44,

1 please. Item C. Would you consider that seep  
2 monitoring would provide us with the equivalent data as  
3 groundwater monitoring as -- sorry, groundwater  
4 monitoring as requested?

5 MR. KNAPP: Mr. Chairman, Randy Knapp.  
6 That is a possibility, that it may be. One of the  
7 problems we have with many of these areas is because  
8 they are semiarid in many areas, it's almost impossible  
9 to get seep surveys, and unless you're there -- happen  
10 to be there on the exact day that it rains, you may  
11 never, ever see seeps. If there are flowing seeps,  
12 they would be reasonably representative of groundwater  
13 in the area, and my personal feeling is that is as good  
14 as groundwater sampling. But my experience is that, in  
15 almost every case, we end up having to -- to install  
16 either -- either test pits or wells in order to collect  
17 water that's leaving the -- the dumps.

18 MR. DOWNEY: Thank you. Patrick Downey,  
19 LMI, Mr. Chairman. Could I just have one moment just  
20 to run through a final review with my team very  
21 quickly?

22 THE CHAIR: Please do so.

23 MS. KOWBEL: Mr. Chair?

24 THE CHAIR: Go ahead.

25 MS. KOWBEL: Mr. Chair, I believe LMI has  
26 no further questions for AANDC. Oh, sorry. My



1     apologies. I've spoke too soon. We have one more  
2     question for AANDC.

3             Mr. Chair, we have no further questions, but --  
4     but I did want to note for the record that, as we said  
5     earlier, we hadn't had a chance to look at what has  
6     been marked as Exhibit 7, and we -- I think that  
7     addresses the slide that AANDC put up about the  
8     compliance. We may file a written response to that  
9     table in these proceedings. Thank you.

10    THE CHAIR:                     Teresa?

11    MS. MEADOWS:                 Thank you, Mr. Chair. Teresa  
12    Meadows, legal counsel for the Nunavut Water Board.  
13    Recognizing several factors coming together in -- I  
14    would say a "perfect storm", but it seems a little too  
15    soon. So I'm not going to say a "perfect storm".  
16    Mr. Chair, there are a number of procedural matters  
17    that remain outstanding with the hearing, and assuming  
18    that those are all your oral questions, I think that  
19    from a procedural perspective, it seems to me that  
20    there are still some open questions with respect to  
21    documentary information. I know that AANDC had a  
22    deferred question that they wanted to ask with respect  
23    to the reserves document that was filed, and so I would  
24    recommend that we go to AANDC with those questions  
25    right now while we're in person. But there is a  
26    recognition to all the parties here that we will likely

1 not be in a position to close the record tonight and  
2 that there will be an expectation that further written  
3 submissions will likely be provided, including and not  
4 limited to the written submissions with respect to the  
5 three disputed exhibits that have been marked. So I'll  
6 go through that after AANDC has asked their question  
7 to the -- the deferred question to the filing, and then  
8 we'll talk about the exhibits, and then we'll talk  
9 about next steps. Thank you, Mr. Chair.

10 THE CHAIR: Thank you.

11 AANDC?

12 Questioning of the Applicant by Aboriginal Affairs and  
13 Northern Development Canada

14 MS. COSTELLO: Thank you, Mr. Chair. Karen  
15 Costello for Aboriginal Affairs and Northern  
16 Development Canada. Thank you for this opportunity to  
17 ask some questions about the SEDAR document, and here  
18 I'm referring to the technical report on the Lupin mine  
19 property. It's by G.H. Herrin (phonetic), and the  
20 signing date is March 2nd, 2012.

21 MS. MEADOWS: Mr. Chair, for the record,  
22 Teresa Meadows, legal counsel Nunavut Water Board.  
23 That has been marked but not entered as Exhibit 3 in  
24 this hearing.

25 MS. COSTELLO: During -- as I was reading  
26 this report -- or, sorry, Karen Costello for Aboriginal

1     Affairs, Mr. Chair. In reading this report, on Table  
2     3, page 13, the Table 3 says: (as read)

3             Proven and probable reserves summary at  
4             December 21st, 2002.

5     So these were the reserves as of the end of 2002. And  
6     it's classified into two categories: Proven and  
7     probable. In -- Table 4 refers to inferred mineral  
8     resources as of December 31st, 2002. And these were  
9     prepared by B.H. Martin Consultants, as the report  
10    references. The report also references by the end of  
11    2004, which was also when mining ceased at Lupin,  
12    Martin reported that the proven and probable reserves  
13    were 3,200 -- 32,000 tonnes grading eight six (sic) per  
14    grams per tonne gold. And then measured and indicated  
15    mineral resources were estimated at around 450,000  
16    tonnes grading 9 grams per tonne gold and inferred  
17    mineral resources at 325,000 tonnes at 8.6 grams per  
18    tonne gold. We have heard statements and LMI has said  
19    that there's mineable resources.

20            Has there been any change since this document to  
21    the statement that's provided at the end of those two  
22    tables? And I will read the statement in. It says:  
23    (as read)

24            While the Martin reserve and resource  
25            estimate is believed to be reliable, the  
26            author has not done sufficient work to

1       classify this historical estimate as a  
2       current mineral resource or mineral reserve.  
3       Elgin Mining does not treat this historical  
4       estimate as a current reserve or resource  
5       estimate, and the reader is cautioned to not  
6       rely on this reserve or resource estimate. A  
7       current --

8   And then it goes on to reference that: (as read)

9       A current estimate of inferred mineral  
10       resources for the west zone south of shaft is  
11       presented later on in the report.

12   So my question is: Does Elgin still -- still consider  
13   that historical estimate as not being a current reserve  
14   or resource estimate?

15   MR. DOWNEY:                   Patrick Downey, LMI. Thank  
16   you, Karen. What you're reading on the Martin was what  
17   was historically left in other zones. If you -- and  
18   you did state it in your statement. An up-to-date  
19   reserve. So don't rely on the historical; here's the  
20   up-to-date. But it does exist. We've reviewed it.  
21   The data, everything is there. A current resource for  
22   the west zone south of shaft was then calculated.

23   MS. COSTELLO:                Mr. Chair, Karen Costello for  
24   Aboriginal Affairs and Northern Development Canada.  
25   Thank you for that, and that's a great segue into my  
26   next question because later on in the report, there is

1 reference to a resource estimate for the west zone  
2 south of shaft. And the text reads: (as read)

3 The quantity and grade reported in these  
4 inferred mineral resource estimates are  
5 conceptual in nature, and there has been  
6 insufficient exploration to define an  
7 indicated mineral resource in the west zone  
8 south of shaft zone, and it is uncertain if  
9 future -- if further exploration will result  
10 in discovery of an indicated or measured  
11 mineral resource in the zone.

12 The paragraph concludes: (as read)

13 Mineral resources are not mineral reserves  
14 and do not have demonstrated economic  
15 viability.

16 So the resource -- my question to LMI is: These  
17 resources are not reserves, but is it these resources  
18 that you have developed the mine plan on?

19 MR. DOWNEY: Patrick Downey, LMI. First of  
20 all, I think I'd like to explain what National  
21 Instrument 43-101 is and what's required from it.  
22 There are certain statements based on that that you  
23 have to make. And once something is referred, you must  
24 make those statements, by law. It doesn't matter what  
25 you got, you got to make it by law. They're not  
26 indicated, they're not measured; they're inferred. So,

1 absolutely, can you do mine planning on those. And  
2 that's what we've done. And, as I stated, we then plan  
3 to go down underground and continue to drill. So we  
4 would get centres between drills that would bring it up  
5 to measured and indicated from which a reserve is  
6 calculated.

7 The nature of an ore body is also quite important  
8 in determining whether you can or cannot look at it in  
9 that way or what risk you are taking in looking at it  
10 in that way. The Lupin ore body is what's called a  
11 banded iron formation. It's folded and essentially  
12 moved vertical from horizontal. It was a sedimentary  
13 deposit. It's very continuous. If you look at what  
14 was mined historically along strike, you can see  
15 exactly what occurred. If you look what was mined at  
16 the 300 level, you see what occurred. So engineering,  
17 you -- you have to use our level of experience in that  
18 regard. We then have to go underground in terms of  
19 determining the -- the continuity of the zone. This is  
20 not a vein, it's not a porphyry; it's a sedimentary  
21 band. And the history of Lupin in that regard was  
22 continuous. And we see that in all the drilling.  
23 We've drilled it -- it's drilled at six different  
24 levels. The grades and the widths are absolutely  
25 identical. The chemistry of the ore is identical, same  
26 as it was at Lupin. So then you use your engineering

1 judgment to say, Okay, do we really have a deposit  
2 here? We believe we do. What do we have to do to get  
3 to the next stage? We have to go underground and we  
4 have to drill, and that's exactly what we plan to do.

5 MS. COSTELLO: Thank you, Mr. Chair. Karen  
6 Costello for Aboriginal Affairs. Thank you for that  
7 information. I guess what I'm getting at is that  
8 you're being -- you're asking the Board to consider a  
9 licence for the maximum flexibility to reopen the mine,  
10 but there's been no demonstration of a mine life and a  
11 mine reserve. You have not -- there -- this  
12 information from this 2012 report shows an inferred  
13 resource which is conceptual in nature on basically  
14 what is an exploration target. Just because there was  
15 ore -- and "ore" is an economic term; it means rock  
16 that you can take out of the ground and basically make  
17 money at -- just because everything was continuous on  
18 one side, there is no guarantee, although there is some  
19 evidence that it could continue, but there is no  
20 guarantee that the ounces are going to be there.

21 So what I'm asking is: What is -- what is the  
22 mine reserve? What is the -- the mine life? You're  
23 asking for a ten-year licence, and during that time you  
24 want to be able to potentially resume operations. But  
25 you don't have a reserve established at this point. So  
26 I -- this is what I was looking for: What is the

1     reserve right now?

2     MR. DOWNEY:                     Patrick Downey, LMI.   Like  
3     many other mines, there is not a reserve.   It is a -- a  
4     resource based on drilling.   The continuity of the ore  
5     body.   Geologists' knowledge, the fact that mining did  
6     occur in this zone, and the basis of the restart was to  
7     drill off from those levels.   And we have included that  
8     mine life in our presentation.   If this was an ore body  
9     that had no continuity, no history, no drilling, I  
10    don't believe that a bank -- and there was two of them  
11    at the time -- would be prepared to provide us with a  
12    \$50-million-debt facility to move forward.   So there is  
13    judgment required.   The resource was calculated based  
14    on what's called a polygonal method.   It'd have to be  
15    completed to 43-101 standards, and from that, we make  
16    engineering judgments.

17    MS. COSTELLO:                   Thank you very much,  
18    Mr. Chair.   And thanks, Patrick.

19           So going back to your statement about mine life, I  
20    do not recall seeing mine life in -- in the  
21    presentation.   Because if you're going to start quoting  
22    mine life or a deposit, you're -- in accordance with  
23    National 43-101, you're going to have to have done a  
24    preliminary economic assessment.   So just for -- in  
25    case I've missed it, where in the presentation is the  
26    mine life indicated?



1 MR. DOWNEY: Patrick Downey, LMI. My  
2 apologies. It wasn't in that presentation. I took it  
3 out from a historic presentation. So I didn't include  
4 that slide. But it's approximately four-and-a-half  
5 years. Apparently I spoke to it on Slide 17. But I  
6 can't remember.

7 MS. COSTELLO: Thank you, Mr. Chair. Karen  
8 Costello for Aboriginal Affairs. You thought around  
9 Slide 17 of your presentation you mentioned it?

10 MR. DOWNEY: Patrick Downey, LMI. That's  
11 what I've been told.

12 MS. COSTELLO: Okay. Karen Costello,  
13 Mr. Chair, for Aboriginal Affairs. I actually don't  
14 see it on -- on Slide 17, but I -- like I say, I just  
15 don't see it in this -- in this 43-101 report, and I --  
16 I don't see it elsewhere in the presentation. That's  
17 all I have. Thank you, Mr. Chair.

18 MS. KOWBEL: Mr. Chair, Christine Kowbel.  
19 I think I just -- Mr. Downey can clarify. I don't --  
20 we weren't saying it was on the slide text. It was  
21 something he spoke to when he was speaking of the  
22 slide. But I think Mr. Downey is happy to clarify the  
23 mine life in his answer to your question now. And the  
24 transcript, when it comes out, will -- will show  
25 whether we spoke to it on Slide 17. But we should  
26 clarify it for the record.

1 THE CHAIR: Thank you. I'm going to turn  
2 the microphone over to Teresa.

3 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
4 Meadows, legal counsel for the Nunavut Water Board.  
5 Mr. Chair, we are going to be adjourning the hearing  
6 in -- very shortly, and so I'd like to just discuss  
7 with the parties, sort of, what's next.

8 Because we are adjourning, recognizing that there  
9 are still written submissions that have been filed at  
10 this hearing that parties have not had an opportunity  
11 to respond to in a fulsome way, and that there have  
12 been requests for several exhibits to -- to clarify  
13 whether or not the parties have objections to those  
14 exhibits, whether or not there is a reply called for  
15 with respect to those exhibits, we have a number of  
16 options in terms of what we can do. And we also  
17 recognize that there are closing statements that the  
18 parties did not get an opportunity to make here tonight  
19 and present orally to the Board.

20 The first option is for us to adjourn, keep the  
21 record open for a period -- normally we would recommend  
22 about two weeks -- to review and address both the  
23 disputed exhibits, so take a look at the exhibits that  
24 have been marked, specifically Exhibit 3, Exhibit 7,  
25 and Exhibit 9, and determine whether or not there are  
26 any objections to those exhibits being entered in their

1    entirety. As there is -- I'm already anticipating that  
2    there will be a suggestion that some of those exhibits  
3    are new information that was not previously filed with  
4    the Board, our expectation is, is that the parties  
5    would also address their reply to any new information  
6    in that two-week time period. So providing additional  
7    written submissions, their positions with regards to  
8    the disputed filings, and as well as their final  
9    written submissions, their closing statements that they  
10   would normally have been presenting. At which time,  
11   they will provide that to the Board, the Board will  
12   then reserve the right to determine whether or not we  
13   need to reconvene an oral submission format or whether  
14   we can close the record at the end of those written  
15   submissions being provided. So that is Option 1.

16       The second option is that we would allow a  
17   two-week period for, again, filing the same  
18   information, but would, at this hearing, schedule a  
19   teleconference, a reconvened teleconference while we  
20   have all the parties here present and would look at  
21   filing that -- determining that date at this -- at this  
22   point. At which point, the closing submissions could  
23   be presented in both written and oral form for the  
24   Board.

25       So those are really the two options at this point.  
26   You'll note that both of those options mean that the

1 record remains open. The net effect of the record  
2 remaining open is that the panel does not begin  
3 deliberations on the file until the record has closed.  
4 And so I would like to now poll the parties, starting  
5 with Aboriginal Affairs and Northern Development  
6 Canada, as to whether or not a teleconference date  
7 should be chosen at this point or whether written  
8 submissions will be sufficient.

9 MR. CAVANAGH: Mr. Chair, Norm Cavanagh,  
10 Justice Canada. Might we get a clarification of what  
11 Exhibit 7 is -- or 3, 7, and 9, please?

12 MS. MEADOWS: Mr. Chair. Teresa Meadows,  
13 legal counsel for the Nunavut Water Board. I'll read  
14 them back in. Submission Number 3, Exhibit Number 3  
15 which is marked but not entered, is the 43-101  
16 submission that was just being discussed by Aboriginal  
17 Affairs Northern Development Canada, questions to Lupin  
18 Mines Incorporated. Exhibit Number 7 is the Aboriginal  
19 Affairs and Northern Development Canada updated  
20 compliance and commitments status table that was just  
21 filed tonight, marked but not yet entered. And Exhibit  
22 Number 9 is the Lupin gold mine reply submission to the  
23 Nunavut Water Board which was filed tonight just after  
24 the community session for -- and it was filed by Lupin  
25 Mines Incorporated. And, again, it was marked but not  
26 entered.

1           The Board will provide -- in the event that --  
2   well, in any event, the Board will provide written  
3   direction on Monday following up this hearing,  
4   depending on the option that's chosen.

5   MR. CAVANAGH:                   Mr. Chairman, Norm Cavanagh,  
6   Justice Canada. One more point of clarification. We  
7   received today some financial statements for Mandalay  
8   Resources. Have those been marked as an exhibit?

9   MS. MEADOWS:                   Mr. Chair, Teresa Meadows,  
10   legal counsel for the Nunavut Water Board. Yes. Those  
11   were marked as Exhibit Number 5 in response to a  
12   question from Aboriginal Affairs, and is it my  
13   understanding that you may have an objection to those  
14   being filed?

15   MR. CAVANAGH:                   Mr. Chairman, Norman Cavanagh,  
16   Justice Canada. No, not that we have an objection. We  
17   just wanted to make sure that if we were referring to  
18   them, we were referring to them properly. Thank you.

19   MS. COSTELLO:                   Thank you, Mr. Chair. Karen  
20   Costello for Aboriginal Affairs Northern Development  
21   Canada. Just because I was busy typing, so the  
22   options -- both options still involve keeping the  
23   record open for -- for two weeks so that new responses  
24   could be filed. The only real difference is that with  
25   the second option, you'd be looking for a  
26   teleconference on a -- yeah, on a set date, and you're

1 asking us to set that date now?

2 MS. MEADOWS: Mr. Chair, Teresa Meadows,  
3 legal counsel for the Nunavut Water Board. The  
4 difference primarily is, is that if we set a  
5 teleconference date, we would be expecting that you are  
6 able to present your closing arguments and your closing  
7 statements in oral form in the teleconference. That  
8 would be the focus of the teleconference, the  
9 expectation would be. So the question really is  
10 whether or not you're comfortable with your final  
11 written submissions and your closing statements being  
12 in written form or whether or not you'd like to have  
13 the option of oral form. And, unfortunately, with  
14 everyone's schedules the way that they are, I feel that  
15 if we don't schedule it right now while we're all  
16 together, it's going to be a very, very difficult thing  
17 to schedule. So my recommendation is, is that we do  
18 talk about schedule, in the event that you want that  
19 option, to present an oral submission.

20 MS. COSTELLO: Thank you, Mr. Chair, for that  
21 clarification. Well, thanks, Teresa. I think for  
22 our -- Aboriginal Affairs' perspective, we'd be  
23 comfortable with either option, I think, because we too  
24 have some challenges with availability. At this point,  
25 we'd be -- we'd be comfortable with filing our closing  
26 comments as written.

1 THE CHAIR: Teresa?

2 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
3 Meadows, legal counsel for the Nunavut Water Board.  
4 I'm not aware whether or not the Kitikmeot Inuit  
5 Association would like to file closing statements, but  
6 perhaps if I can poll Luigi and see whether or not he  
7 would like to also file.

8 MR. TORRETTI: Thank you. Thank you,  
9 Mr. Chair. Luigi Torretti, Kitikmeot Inuit  
10 Association. There -- there may be a couple of points  
11 that the Kitikmeot Inuit Association would like to make  
12 and -- in a final written submission. We don't  
13 necessarily need a teleconference. So we would be fine  
14 with just a written submission.

15 THE CHAIR: Teresa?

16 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
17 Meadows, legal counsel for the Nunavut Water Board.  
18 And now over to the applicant.

19 MS. KOWBEL: Christine Kowbel. I'd like to  
20 request -- is it possible to have just a five-minute  
21 break in the proceedings so I can speak out this with  
22 LMI?

23 MS. MEADOWS: Mr. Chair, yeah, as long as  
24 your five-minute break is two minutes or less.

25 MS. KOWBEL: I think we can do that. Thank  
26 you.

1 (ADJOURNMENT)

2 THE CHAIR: Three minutes. We're doing  
3 good.

4 MS. KOWBEL: Thank you, Mr. Chair.  
5 Christine Kowbel. LMI spoke on the break, and -- and  
6 we wanted to make a suggestion to discuss. We wondered  
7 if a good course would be to have a written  
8 proceedings, but in terms of due dates for the closing,  
9 to have LMI's final closing statement due at noon or  
10 1:00 PM the day after the intervenors' final closing  
11 statements are due.

12 MS. MEADOWS: Mr. Chair, it's Teresa Meadows  
13 with legal counsel with the Nunavut Water Board. And  
14 before AANDC replies, I feel compelled to point out  
15 that in an oral submission, in an oral format, when  
16 their -- the applicant, because they bear the onus, are  
17 the last to speak, and so they typically would have the  
18 opportunity to hear the oral submissions of Aboriginal  
19 Affairs Northern Development Canada oftentimes -- and  
20 other intervenors, and then oftentimes there would be a  
21 bit of a break before they would be replying. So it's  
22 to mirror that process, that the request has been made,  
23 or that's my understanding.

24 So I turn it over to Aboriginal Affairs Northern  
25 Development Canada, but before I do that, I'm just  
26 going to back up and talk about the timing that we're



1 talking about here. Likely written guidance would be  
2 issued on February 9th, which is Monday. On February  
3 23rd is what we would be suggesting for closing the  
4 receipt of further written submissions and closing  
5 statements. And so the delay would be intervenors  
6 filing February 23rd, and what has been suggested by  
7 LMI is LMI filing on February 24th at or about noon or  
8 1:00. So giving them half a day to review your  
9 submissions. Thank you, Mr. Chair.

10 So Aboriginal Affairs and Northern Development  
11 Canada, if you have objections to that timing, I'd like  
12 to hear them.

13 MR. CAVANAGH: Mr. Chairman, Norm Cavanagh,  
14 Justice Canada. While I appreciate the normal sequence  
15 of events, our suggestion is that it not be an  
16 overnight difference, that AANDC files in the morning  
17 of the 23rd, and LMI files in the afternoon of the  
18 23rd.

19 MS. KOWBEL: Mr. Chair, Christine Kowbel.  
20 LMI is fine with that timing suggestion.

21 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
22 Meadows, legal counsel for the Nunavut Water Board. So  
23 noted.

24 For the parties, I would like to also clarify that  
25 the Board will reserve the right, of course, as they  
26 always do when the submissions come in, to determine

1 whether or not additional opportunities for oral  
2 submissions or written submissions are appropriate, and  
3 they will advise the parties as of the review of the  
4 submissions within a couple of days of receiving the  
5 submissions as to whether or not the record is indeed  
6 closed or whether there is an opportunity for  
7 additional submissions. But right now, I think the  
8 timing has been set out, and we ask that the parties  
9 govern themselves with that timing.

10 MR. CAVANAGH: Mr. Chairman, Norm Cavanagh,  
11 Justice Canada. We didn't mean to speak for KIA. So  
12 I'm assuming KIA would have to get their comments in,  
13 but I'll let them speak to timing for themselves.  
14 Thank you, Mr. Chair.

15 MR. TORRETTI: We would be -- Luigi Torretti,  
16 Kitikmeot Inuit Association. Apologies, Mr. Chair. We  
17 would be likely submitting any closing statements  
18 before the 23rd.

19 MS. KOWBEL: Christine Kowbel. I just had  
20 two procedural points to clarify, if I may. One is  
21 that in the original hearing schedule there was --  
22 there was time for a -- a reply by LMI. I think you  
23 saw from the slide presentation we provided that  
24 information as part of the community meetings tonight,  
25 and I just wanted to confirm that the presentation at  
26 the community meetings will be part of the record

1 before the Board and part of the Board's decision.

2 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
3 Meadows, legal counsel for the Nunavut Water Board.  
4 Yes, and we do keep a transcript of the community  
5 session, exactly the same as we keep a transcript of  
6 the rest of the hearing, and we do consider it part of  
7 the public hearing. So it is part of the public  
8 hearing record, as well as the materials that you filed  
9 are also an exhibit in the record. So, yes, we can  
10 assure you that that information is also on the  
11 transcript and would be considered evidence in this  
12 public hearing.

13 MS. KOWBEL: Thank you, Mr. Chair.  
14 Christine Kowbel. The second point -- and this may be  
15 clarified in your written guidance on Monday -- but you  
16 had made reference to the potential need for filed  
17 responses to some of the written exhibits. And I would  
18 just ask that the Board clarify when any reply evidence  
19 would be due.

20 THE CHAIR: Teresa?

21 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
22 Meadows, legal counsel for the Nunavut Water Board.

23 Our expectation would be that it would be the same day  
24 as you're filing your final closing statements as well.

25 MS. KOWBEL: Thank you, Mr. Chair. We have  
26 no further comments and no objection to that approach.

1 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
2 Meadows, legal counsel for the Nunavut Water Board. So  
3 the process has been duly noted. I appreciate the  
4 flexibility and assistance of the parties in coming to  
5 some agreement on the path forward. Again, in your  
6 submissions, we would expect that in the event that you  
7 determine that there is a more substantive opportunity  
8 for reply warranted, we would expect that you would  
9 raise that in your written submissions. And the Board,  
10 of course, reserves the right at all times to revisit  
11 the process going forward. But, subject to that, those  
12 are the procedural paths forward in terms of next  
13 steps. So you can look forward to guidance from us on  
14 Monday. Sometime on Monday we will issue further  
15 guidance as to the next steps and the timing of the  
16 filing of the final written submissions.

17 If there's any other procedural matters, please  
18 raise them now.

19 MR. CAVANAGH: Mr. Chairman, Norm Cavanagh,  
20 Justice Canada. Looking at the agenda for this  
21 hearing, Items 12 and 13 have not been completed, and  
22 I'm not sure if they are now -- they were questioning  
23 of the intervenors by parties. AANDC was questioned by  
24 LMI, but KIA did not get a chance to ask questions, and  
25 the questioning by the Board staff and panel members,  
26 that did not happen. And we don't want a loose end

1 hanging around out there. Thank you, Mr. Chairman.

2 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
3 Meadows, legal counsel for the Nunavut Water Board.

4 And, in fact, I had a note to myself to ask the KIA if  
5 they had any questions to AANDC. My apologies, Luigi;  
6 I didn't get the opportunity to do that. So if I can  
7 ask you now if you have any questions for the -- for  
8 AANDC.

9 Questioning of Aboriginal Affairs and Northern  
10 Development Canada by Kitikmeot Inuit Association

11 MR. TORRETTI: Mr. Chair, Luigi Torretti.  
12 Kitikmeot Inuit Association. Actually, the question  
13 that I had for AANDC was asked by the proponent, by LMI  
14 regarding their -- Mr. Knapp being on site. The  
15 question was asked and answered clearly. So we do not  
16 have any further questions to AANDC.

17 But we do have one question that we would like to  
18 pose all three, if that is appropriate at this time, or  
19 should we -- should that be submitted at the time that  
20 we make our final comments?

21 THE CHAIR: Teresa?

22 MS. MEADOWS: Mr. Chair, Teresa Meadows,  
23 legal counsel for the Nunavut Water Board. Well,  
24 rather than have questions with respect to a right of  
25 reply, while everyone is here, if you can pose your  
26 question, I'd appreciate that.

1 MR. TORRETTI: Mr. Chair, thank you. Luigi  
2 Torretti, Kitikmeot Inuit Association. The KIA's -- we  
3 understand that licences are actually quite -- quite  
4 separated, but we are a little bit confused at this  
5 stage, and the confusion relates to -- relates to the  
6 Ulu licence and the Lupin licence. The confusion stems  
7 from some -- some misunderstanding or -- or lack of  
8 clarity, I guess, in terms of whether these licences  
9 are actually related or not, and how they may be  
10 related is there's -- there's been some discussion  
11 about the -- the Ulu site, the closure of Ulu site  
12 being dependent on Lupin. And so I guess the  
13 question -- there are two questions, clarity on that  
14 specific scenario, if the closure of Ulu will, in some  
15 part, depend on Lupin for transport of materials or  
16 whatnot; and the second part is, is there a reclamation  
17 amount that has been allocated in -- in relation to  
18 that closure? So -- and this -- this is posed to all  
19 three parties.

20 THE CHAIR: LMI?

21 MR. DOWNEY: Patrick Downey, LMI. I think  
22 historically, Luigi, there was a -- there was a  
23 definitive mine plan at Ulu to -- in fact, I think it  
24 was permitted -- I can't remember exactly -- to mine  
25 Ulu and actually truck it. I believe an impacts  
26 benefit agreement had been completed, a detailed plan

1 had been completed, and it was a plan to move ore to  
2 Ulu -- sorry, to Lupin. So that was a plan in the  
3 past. I've generally read that plan more on the --  
4 from the Ulu side as to what Ulu has.

5 I think they're going to possibly be related. I  
6 would -- I would state it could go -- could go two  
7 ways. If Ulu, with exploration, proves up enough ore  
8 to be a stand-alone operation, I believe that that's  
9 what it would likely do, and that's how it would likely  
10 go forward to the engineering and permitting process.  
11 On the other hand, I would just -- purely from the way  
12 I look at things from -- from an engineering planning  
13 operations viewpoint, if Lupin restarted, I believe  
14 that there would be an extensive amount of work to look  
15 at how we would bring Ulu into the process, based on  
16 its current resource. Could it be done? Is it  
17 feasible to -- to -- to move it there? And I think  
18 that that study would be undertaken.

19 But they are not linked in terms of the permits.  
20 They're not linked in terms of the reclamation at this  
21 point in time. They're only linked because they're  
22 close to each other and there's a mill at Lupin. I  
23 hope that generally explains it.

24 MS. COSTELLO: Mr. Chair, Karen Costello for  
25 Aboriginal Affairs Northern Development Canada. Please  
26 forgive this, I'm not trying to pass the buck, but I

1 believe the Water Board staff can actually speak to the  
2 fact that there are separate licences, water licences,  
3 for the two properties, and there are separate  
4 reclamation security for both projects. So in that  
5 regard, the -- yeah, they're not connected, and there's  
6 also a difference on who the -- the licensee is. And I  
7 just ask that perhaps the -- the Board staff could  
8 perhaps just confirm that for -- in response to KIA's  
9 question.

10 MR. HOHNSTEIN: Thank you very much,  
11 Mr. Chair. I think -- first off, I think to confirm --  
12 David Hohnstein, Nunavut Water Board. I think to  
13 confirm Karen Costello's statement there regarding the  
14 separate licences, separate reclamation plans, yes,  
15 they are a separate entity. I believe the -- the  
16 licensee is actually a -- under a different -- the  
17 licence holder is a different licensee. The -- the Ulu  
18 project does have a current security amount of  
19 approximately 1.68 million in place, and we've  
20 currently got a licence renewal application before the  
21 Board that's being reviewed at this time as well. So I  
22 don't know if -- if LMI has further comment on the  
23 licensee position there.

24 MR. DOWNEY: Thank you, Mr. Chairman, and  
25 Patrick Downey, LMI. Yes, they are held under  
26 different names, but they're the same parent. So Elgin



1 owns 100 percent of both.

2 MR. HOHNSTEIN: Thanks very much, Mr. Chair.

3 I think we'll go back to KIA for a further question.

4 MR. TORRETTI: Thank you, Mr. Chair. Yes,

5 the KIA is quite aware that the licences are separate,

6 that there is reclamation amounts for -- separate

7 reclamation amounts for both of the sites. The

8 confusion stems from we're not quite clear as to the --

9 how the reclamation of Ulu may impact Lupin or how the

10 reclamation of Lupin may impact Ulu. Is there a

11 linkages -- are there any linkages between those

12 reclamation plans? For instance, there -- although

13 quite vague, there is a reference in the Ulu plan about

14 a winter road to Lupin. But there's no clear statement

15 that there would be some demobilization activity from

16 Ulu to Lupin or if any materials would be demobilized

17 to Lupin. So that's kind of the confusion -- where the

18 confusion stems from. We understand that they are

19 separate, but we're trying to understand if there may

20 be some linkages in terms of the closure plans. Thank

21 you.

22 MR. HOHNSTEIN: Thank you, Mr. Chair. David

23 Hohnstein, Nunavut Water Board. I would definitely

24 have to go back and review the -- the reclamation plan

25 for Ulu. I believe when the -- when the project was in

26 development and initially licenced and, you know, went

1 through the process, that the plans for potentially  
2 bringing the site into -- into an operational phase  
3 were based on the -- the reliance on the Lupin mill and  
4 facilities. But as far as the -- the tying in of one  
5 reclamation plant to the other, I would have to defer  
6 that to a further review.

7 MR. TORRETTI: Thank you, Mr. Chair. That is  
8 all.

9 THE CHAIR: Thank you.

10 MR. HOHNSTEIN: Thank you, Mr. Chair. From  
11 what I understand, we do not have any questions for  
12 AANDC. David Hohnstein, Nunavut Water Board.

13 THE CHAIR: If there are no further issues  
14 or questions, this hearing is now adjourned 'til --

15 MS. MEADOWS: Thank you, Mr. Chair. Teresa  
16 Meadows, legal counsel for the Nunavut Water Board. So  
17 we will adjourn until the written portion of the  
18 hearing on February 23rd, and then following that, you  
19 can look forward to additional guidance from the Board  
20 as to whether or not additional oral submissions will  
21 be required. Thank you, Mr. Chair.

22 THE CHAIR: Thank you. And thank you to  
23 all the parties for all your patience.

24 \_\_\_\_\_

25 PROCEEDINGS ADJOURNED UNTIL FEBRUARY 23, 2015

26 \_\_\_\_\_

1 CERTIFICATE OF TRANSCRIPT:

2

3 I, Christy Longacre, certify that the foregoing  
4 pages are a complete and accurate transcript of the  
5 proceedings, taken down by me in shorthand and  
6 transcribed from my shorthand notes to the best of my  
7 skill and ability.

8 Dated at the City of Calgary, Province of Alberta,  
9 this 16th day of February 2015.

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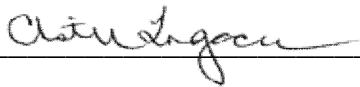
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Christy Longacre, CSR(A)

Official Court Reporter

1 EXHIBITS ENTERED

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7 EXHIBIT 6 - Electronic copy of letter 182

8 provided by Environment Canada

9

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11 financial statements of Mandalay Resources

12 Corporation

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14 EXHIBIT 8 - Hard copy PowerPoint 247

15 presentation titled "Lupin Gold Mines

16 Incorporated 2AM-LUP0914 community

17 session"

18

19 EXHIBIT 9 - Hard copy PowerPoint 247

20 presentation reply submission to the NWB

21 (Marked But Not Entered)

22

23 EXHIBIT 10 - Hard copy PowerPoint 247

24 presentation Aboriginal Affairs and

25 Northern Development Canada community

26 session

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4	a question from Lupin Mines Incorporated	
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