

NUNAVUT WATER BOARD

Renewal and Amendment Application for Type "A" Water
Licence No: 2AM-LUP1520 for the Lupin Gold Mine

HEARING

VOLUME 1

Kugluktuk, Nunavut

January 15, 2020

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1 Proceedings taken at the Kugluktuk Recreation Complex,
2 Kugluktuk, Nunavut

3

4 January 15, 2020 Morning Session

5

6 NUNAVUT WATER BOARD

7 L. Toomasie The Chair

8 A. Hanson Main Vice-Chair

9 A. Ningark Panel Member

10

11 NUNAVUT WATER BOARD STAFF

12 T. Meadows Legal Counsel

13 S. Autut Executive Director

14 K. Kharatyan Director of Technical Services

15 B. Kogvik Director of Board

16 Administration and

17 Communications

18 R. Dwyer Manager of Licencing

19 D. Donald Technical Advisor

20

21

22

23

24

25

26

1 APPLICANT

2

3 LUPIN MINES INCORPORATED

4 K. Lewis Project Manager

5 B. Labatte Chief Development Officer,

6 Mandalay Resources

7 C. Kowbel Legal Counsel, Lawson Lundell

8 D. Hohnstein Consultant, Lupin Mines

9 Incorporated

10 K. Bocking Principal, Golder Associates

11 S. Wilkins Project Manager, Water

12 Resources, Stantec Consulting

13 A. Tong Senior Geotechnical Engineer,

14 Stantec Consulting

15 J. McKinley Senior Hydrogeologist, Stantec

16 Consulting

17 K. Ruptash VP Projects, Nahanni

18 Construction

19

20

21

22

23

24

25

26

1 INTERVENORS

2

3 CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CANADA

4 G. Okonkwo Manager of Water Resources

5 N. Noah Land Administrator Major

6 Projects

7 G. Wiatzka VP Director of Mining, Arcadis

8 S. Dewar Director Resource Management

9 (Via Teleconference)

10 D. Kohlenberg Department of Justice

11 (Via Teleconference)

12

13 ENVIRONMENT AND CLIMATE CHANGE CANADA

14 E. Walker Senior Environmental

15 Coordinator

16 A. Wilson Lead - Water Quality Expert

17 Support

18 E. Watson Climate Services (Via

19 Teleconference)

20

21 INTERPRETERS/TRANSLATORS

22 B. Kogvik Inuinnaqtun Language

23 Translator

24 J. Otokiak Inuinnaqtun Language

25 Translator

26

1 J. Albert, CSR(A) Official Court Reporter

2

3 N. Poitras Sound Technician

4

5 (PROCEEDINGS COMMENCED AT 9:07 AM)

6 Opening Remarks

7 THE CHAIR: Good morning. I hope you can
8 hear me, 1, 2, 3, testing 1, 2, 3. All right. Good.
9 Okay.

10 Good morning once again. Welcome to the public
11 hearing for Type "A" Water Licence submitted by Lupin
12 Mine Incorporated -- it feels good. Too warm in
13 here -- seeking authorization to renew and amend their
14 water licence for initially requested terms of seven
15 years, until 2027, and then updated to 12 years' use of
16 water and deposit of waste associated with the closure
17 and the reclamation stages of a mining undertaking.

18 My name's Lootie Toomasie, and I am the
19 chairperson of the Nunavut Water Board and hearing
20 chair for today's public hearing.

21 Over the two days, the Nunavut Water Board will be
22 considering LMI's application to authorize activities
23 associated with the final closure and the reclamation
24 of the Lupin Mine Project, which sits approximately 285
25 kilometres south of Kugluktuk on Contwoyto Lake.

26 The mine has not operated since 2005 and has been

1 under care and maintenance since that time. The
2 application to renew and amend the existing water
3 licence requests the use of 250,000 cubic metres of
4 water per year during active reclamation for
5 approximately two years, followed by a drop in use to
6 5,000 cubic metres per year during the post-closure.
7 The application also requests the authorization of use
8 of deposit of wastes associated with various site
9 reclamation activities and waste-management facilities
10 remaining on-site.

11 Before we proceed with the hearing, please let us
12 begin with a prayer. Let's stand and pray --

13 Opening Prayer

14 THE CHAIR: -- on behalf of the Nunavut
15 Water Board, I welcome you to the hamlet of Kugluktuk.

16 Now, to provide you with some background and set
17 the stage for the hearing, the Nunavut Water Board,
18 which I shall refer to as "the Board" or "NWB", is an
19 institution of public government created under Article
20 13 of Nunavut -- of the agreement between the Inuit of
21 the Nunavut Settlement Area and Her Majesty the Queen
22 in Right of Canada, "Nunavut Agreement". The NWB is
23 responsible for the use, management, and regulation of
24 freshwater in Nunavut Settlement Area.

25 The purpose of this public hearing is to review an
26 application filed by Lupin Mines Incorporated -- I may

1 refer to them as "LMI" or "the Applicant" -- for
2 renewal and amendment to the existing Type "A" Water
3 Licence 2AM-LUP1520, under the Nunavut Waters and
4 Nunavut Surface Rights Tribunal Act, to authorize the
5 use of water and deposit of waste associated with the
6 reclamation and post-closure monitoring of the Lupin
7 Mine Project.

8 Under Article 13, Section 13.3.6 of the Nunavut
9 Agreement and Section 29 of the Nunavut Waters and
10 Nunavut Surface Rights Tribunal Act, the Board has
11 delegated its power to dispose of all matters related
12 to the processing of LMI's application for this renewal
13 and amendment to Type "A" Licence Number 2AM-LUP1520,
14 including the conduct of this public hearing to a panel
15 of the Board, which the Board refers to as the "Lupin
16 Panel" or "Panel P11".

17 I will be chairing this panel, and with me today,
18 as members of the panel, are Board members Amanda
19 Hanson Main on my right, and to my left is Alex
20 Ningark.

21 Several Staff members, who have contributed to the
22 NWB's administration and technical review of the
23 application are present, along with legal counsel to
24 the NWB. I ask them to wave when I say your name.

25 Stephanie Autut -- sorry, Stephanie Autut, sorry,
26 sorry about that -- Stephanie Autut, executive

1 director; and Karén Kharatyan, director of technical
2 services. I always have a hard time pronouncing his
3 last name. Sorry about that, Karén. Ben Kogvik,
4 director of Board administration and communications is
5 at the back, at the interpreting area. Richard Dwyer,
6 manager of licencing is out at the front; and Derek
7 Donald, technical advisor; and Teresa Meadows from
8 Meadows Law, legal counsel to the Board.

9 In addition, we have two interpreters available
10 for simultaneous -- that's not my language, too --
11 interpretation throughout the year -- sorry, throughout
12 the hearing. I'm sorry. Ben Kogvik, in-house
13 interpreter to the Board, and Joe Otokiak, who is
14 originally from Cambridge Bay, now in -- living in
15 Yellowknife.

16 For audio support, we have Norbert Poitras, if
17 I've pronounced your last name properly, from PIDO. If
18 you experience any difficulties with your headsets,
19 Norbert is able to provide you assistance.

20 To ensure an accurate recording of the proceeding
21 is kept, we have with us a court reporter, Julie
22 Albert, from Dicta Court Reporting Inc.

23 Before I move to an overview of this application
24 and what to expect today during this public hearing,
25 there are some important housekeeping items for
26 everyone here.

1 First, as indicated earlier -- sorry. First, as
2 indicated earlier, there's interpretation available
3 throughout the hearing in English and Inuinnaqtun.
4 Earpieces can be obtained from the table located just
5 by the door as you come into this room. So Channel 1
6 is the floor, and Channel 2 is English, and Channel 3
7 is broadcasting in Inuinnaqtun. When you speak into
8 the microphone, please make sure you have turned off
9 your earpieces to prevent audio feedback or
10 interference with the speakers.

11 Second, the Board appreciates everyone, including
12 the Applicant, Intervenors, and members of the public
13 sign in on the sheet located at the table as you come
14 in. This is an important record of the hearing, and we
15 appreciate your help in making sure it is complete.

16 Thirdly, the agendas for the public hearing and
17 the community sessions are available at the back.
18 Please pick one up and follow along with us as we
19 proceed.

20 The washrooms are located at the lobby as we came
21 in through here, out in the lobby, and the exits are
22 located as we came through the lobby, and there is one
23 here at the back here. There will be coffee, tea, and
24 snacks brought in throughout the hearing during breaks,
25 and you are welcome to help yourself throughout the
26 day.

1 I would also like to remind everyone to please
2 turn off your cell phones or put them on silent before
3 we begin.

4 Finally, to assist both our court reporter and our
5 interpreters, please wait to have a microphone before
6 you speak, then state your name, speak clearly and
7 slowly, and avoid the use of abbreviations. We
8 appreciate your assistance in making sure your comments
9 are recorded, and the Board's record of proceedings is
10 accurate and complete.

11 Prior to identifying and introducing all of the
12 parties in attendance today, I will provide a
13 description of the application that is before the
14 Board.

15 The application we'll be discussing today is for a
16 renewal and amendment to existing Type "A" Water
17 Licence Number 2AM-LUP1520 requested by Lupin Mines
18 Incorporated. The scope of the application is
19 generally as follows: The use of 685 cubic metres of
20 water per day or 250,000 cubic metres per year during
21 active reclamation, followed by 5,000 cubic metres per
22 year during post-closure monitoring, and the permanent
23 deposit of waste associated with final closure of the
24 Lupin mine site.

25 The following is a list of some of the key
26 documents pertaining to the Type "A" Water Licence

1 renewal and amendment, Application Number 2AM-LUP1520,
2 submitted to the Water Board, Nunavut Water Board, by
3 the Applicant to date:

4 On July 27, 2018, the applicant filed the main
5 application package, including the following documents:
6 A cover letter, application form, and executive summary
7 in English, and Licence 2AM-LUP1520 application for
8 renewal and amendment supporting submission, which
9 included the final closure and reclamation plan and
10 security cost estimate.

11 On February 5, 2019, the Applicant supplemented
12 the application materials by providing the following:
13 A compliance assessment and status report; executive
14 summaries in Inuinnaqtun and Inukitut.

15 On March 19, 2019, the Applicant provided
16 additional information in response to information
17 requests received from Intervenor.

18 On May 17, 2019, the Applicant provided additional
19 information in response to technical review comments
20 and recommendations made by Intervenor.

21 On August 15, 2019, the Applicant provided
22 technical memo: Waste Rock Information from Lupin Mine
23 Tailings Containment Area. In response to commitments
24 agreed to by parties at the NWB technical meeting and
25 pre-hearing conference on June 6 and 7, 2019.

26 On October 15, 2019, the Applicant provided the

1 Health -- Human Health and Ecological Risk Assessment
2 Report, the conceptual design of the waste rock covered
3 dome, the decision matrix for dealing with exposed
4 tailings, if they arise, and a geophysical survey of
5 the frozen-core dams.

6 On June -- sorry, on November 15, 2019, the
7 Applicant provided geophysical details of engineered
8 structures, risk assessment of selected dams, the draft
9 water licence framework, and a security release
10 framework.

11 On January 10, 2020, the Applicant provided
12 presentation materials for this public hearing, along
13 with some additional information/clarification
14 associated with its commitments made at the technical
15 meeting.

16 Copies of all submissions received from all
17 parties and correspondence from the Board associated
18 with the application are available on the NWB's Public
19 Registry and the FTP site. In addition, our manager of
20 licencing, Richard Dwyer, has available for the public
21 reviewing at this hearing, the electronic copy of the
22 Public Registry for this application and paper copies
23 of some of the key documents for the application
24 received to date. If you are interested in reviewing
25 any of the documentation, please ask Richard.

26 Now, I'm going to provide you with a brief

1 overview of the procedural history for the application
2 that is before the Board, which captures only the major
3 procedural steps.

4 July 27, 2018, NWB received a Type "A" Water
5 Licence application for the amendment and renewal of
6 Licence 2AM-LUP1520 for the Lupin Mine Project from
7 LMI.

8 February 1, 2019, NWB received NPC conformity
9 determination indicating that the project is situated
10 outside the area of approved land-use plan and that a
11 review of the project by NIRB is not required.

12 February 5, 2019, NWB received summaries of the
13 application translated into Inukitut and Inuinnaqtun as
14 well as compliance assessments and a status report from
15 LMI.

16 February 6th, 2019, NWB issued correspondence
17 requesting that interested parties conduct a
18 completeness review of the application and provide
19 information requests to the Applicant.

20 March 4, 2019, Crown-Indigenous Relations and
21 Northern Affairs -- I will call them "CIRNAC" for
22 short -- responded to the completeness review
23 indicating they had a number of information requests
24 for the Applicant.

25 March 19, 2019, LMI responded to information
26 requests by CIRNAC.

1 March 25, 2019, CIRNAC confirmed that the level of
2 information provided by LMI was adequate to complete
3 full technical review of the application.

4 March 29, 2019, NWB received a notice -- sorry,
5 NWB issued a notice application for the application and
6 indicated the commencement of the NWB's 30-day
7 technical review period.

8 April 30, 2019, NWB received a technical review
9 commitment -- comments from CIRNAC and Environment and
10 Climate Change Canada -- I will call them "ECCC" for
11 short -- and requested that LMI provide response.

12 May 23, 2019, NWB distributed the draft agenda and
13 correspondence to confirm the NWB would hold an
14 in-person technical meeting and pre-hearing conference
15 for the file on June 6 and 7, 2019, in Kugluktuk.

16 June 6 and 7, 2019, NWB hosted the technical
17 meeting and pre-hearing conference in the closest
18 community of Kugluktuk, Nunavut.

19 June 18, 2019, NWB issued a pre-hearing conference
20 decision in respect of the application, providing a
21 list of commitments, timelines for the submission of
22 additional documentation, a list of issues to be
23 considered at this public hearing, and a tentative
24 timeline for this in-person public hearing and
25 Community Session.

26 On November 8, 2019, NWB issued an update and

1 formal notice of this public hearing as required under
2 the Nunavut Waters and Nunavut Surface Rights Tribunal
3 Act.

4 January 8, 2020, NWB issued a public hearing
5 update correspondence with draft agendas for this
6 public hearing and Community Session.

7 January 13, 2020, NWB distributed the final agenda
8 for this public hearing and Community Session.

9 Complete details of all submissions received in
10 relation to the application and key procedural steps
11 are available on the NWB FTP site. If you need any
12 assistance finding or reviewing any of the
13 documentation filed on the site, please check with our
14 manager of licencing, Richard Dwyer, at the table, and
15 he will help you get access to the documents.

16 I will now move on to a list of issues to be
17 addressed at this hearing, as identified during the
18 technical meeting and pre-hearing conference for this
19 file: Terms of renewed licence, initially requests
20 seven years, which will cover a period of active
21 closure and reclamation for approximately two years,
22 and the first five years of post-closure monitoring,
23 updated subsequently to 12 years.

24 Water-use requirement: Increased during active
25 closure and reclamation; reduction over the course of
26 term.

1 Waste disposal, including the following waste
2 types: Hazardous waste, waste rock with elevated
3 arsenic content, petroleum hydrocarbon contaminated
4 soil, asbestos, surface infrastructure and on-site
5 equipment.

6 Tailing and waste rock: Covered design for waste
7 rock storage dome; acid rock drainage and metal
8 leaching potential; water management: potential for
9 waste rock contact water, potential for seepage from
10 waste rock, potential for seepage from TCA.

11 Amendments to terms and conditions: Discussion of
12 the draft water licence framework proposed by LMI;
13 changed to reflect change in status of the site from
14 temporary care and maintenance to permanent closure and
15 reclamation; amendments to reflect activities completed
16 under the existing licence and progressive reclamation
17 that has taken place in 2019; amendments to reflect
18 post-closure environmental and site condition, for
19 example, change to monitoring and reporting
20 frequencies.

21 Management plans and reports: Updates to plans,
22 timing/approval of plans.

23 Monitoring programs: Plans for monitoring during
24 active closure and reclamation through to mine closure;
25 post-closure monitoring requirement, including how long
26 monitoring should continue.

1 Closure and reclamation planning: Additional
2 studies/analysis (acid rock drainage and metal
3 leaching, geochemical and pathways); Human Health
4 Ecological Risk Assessment; climate change
5 models/scenarios and potential effects on closure and
6 reclamation; geotechnical stability and erosion
7 control; timing, phase, and scheduling; final closure
8 and reclamation plan.

9 Reclamation security cost estimate: Update to
10 total cost estimate to reflect updated final closure
11 and reclamation planning; mechanism for and agreements
12 about the progressive release of security to allow for
13 periodic reduction in security over the terms of the
14 licence to reflect progressive reclamation and
15 completeness -- completion of site remediation.

16 So now that I have given you the background to the
17 renewal and amendment application we will be discussing
18 throughout this public hearing and Community Session, I
19 would like to turn to Item 4 on the agenda , the
20 introduction of the Applicants and Intervenors
21 participating in this public hearing.

22 I will now ask that the Applicants, LMI, introduce
23 their representatives.

24 MS. LEWIS: Karyn Lewis here. Thank you,
25 Mr. Chair.

26 On behalf of Lupin Mines Incorporated and Mandalay

1 Resources Corporation, I would like to thank you and
2 the panel members for the opportunity to introduce you,
3 as well as the public and parties participating in this
4 important hearing, to the members of the Lupin Mine
5 team. As I introduce each member, I would ask each to
6 acknowledge the Board. I will begin with the core LMI
7 and Mandalay representatives.

8 My name is Karyn Lewis, and I'm the project
9 manager for the Lupin Mine. With me today, I have
10 Belinda Labatte, chief development officer from
11 Mandalay Resources and director of LMI.

12 MS. LABATTE: Good morning, Mr. Chair and
13 Board.

14 MS. LEWIS: Now, supporting LMI's team, we
15 have legal counsel, Christine Kowbel, partner at Lawson
16 Lundell, as well as several technical consultants,
17 including Dave Hohnstein, regulatory advisor for Lupin
18 Mines.

19 MR. HOHNSTEIN: Thank you, Karyn. Thanks to
20 the Chair.

21 MS. LEWIS: Ken Bocking, principal,
22 geotechnical engineer with Golder.

23 MR. BOCKING: Thank you. Good morning.

24 MS. LEWIS: Kenny Ruptash, vice president
25 projects at Nahanni Construction; and from Stantec, we
26 have Jim McKinley, senior hydrogeologist; Sara Wilkins,

1 project manager and professional hydrogeologist; and
2 Alvin Tong, senior geotechnical engineer.

3 And, Mr. Chairman, thank you, and be advised I
4 will be filing with the Board CVs for our consultants
5 for the Public Registry.

6 Thank you.

7 THE CHAIR: Thank you, Applicant.

8 I will now go to local associations and
9 representatives and intervening parties to introduce
10 the people who will be representing them here today.
11 We'll start with Crown-Indigenous Relations and
12 Northern Affairs, CIRNAC.

13 MR. POITRAS: Press the little mouth on
14 there.

15 MR. OKONKWO: Okay. Yes.

16 Thank you, Mr. Chair. Thank you so much,
17 Mr. Chairman, for the opportunity for us to participate
18 in this public hearing. My name is Godwin Okonkwo, and
19 I'm manager of water resources with the
20 Crown-Indigenous Relations and Northern Affairs Canada,
21 also known as "CIRNAC".

22 With me here is a colleague of mine, Noah Noah.
23 He's of the lands division of CIRNAC, and then also
24 with me here is Gerd Wiatzka with Arcadis. He's a
25 consultant that's representing us as well.

26 On the phone, I have Spencer Dewar, who's director

1 resource management, and Dale Kohlenberg, who is from
2 the Department of Justice.

3 Thank you.

4 THE CHAIR: Thank you, CIRNAC.

5 And then Environment and Climate Change Canada.

6 MS. WALKER: Thank you, Mr. Chair. We're
7 happy to be here and participate, have the opportunity
8 to participate.

9 My name is Eva Walker. I'm a senior environmental
10 assessment coordinator with Environment and Climate
11 Change Canada. With me today, I have Anne Wilson, who
12 is our lead with water quality; and on the phone, I
13 will have Emma Watson, who is with climate services.

14 THE CHAIR: Thank you, ECCC. I'll have to
15 be able to say that clearly after from now on.

16 Okay. And then is there any other Intervenors who
17 would like to speak, please identify yourself and
18 introduce your representatives, if there are any.

19 Okay. I take that there's none here.

20 It is our tradition to give respect to our Elders;
21 therefore, at any time during the proceeding, an Elder
22 may speak about the application that is before the
23 Board. I just ask that any Elder wanting to speak
24 about the application wait until the Board Staff can
25 get you a microphone so that we can ensure we have a
26 complete record of what you have to say.

1 Are there any members of the general public who
2 would like to identify themselves and make a formal
3 request to speak to the Board during this public
4 hearing?

5 I also want to mention that any community member
6 who wishes to ask questions or provide comments to the
7 Board about this application will also have an
8 opportunity to do so tonight during the Community
9 Session starting at 7, unless we get some housekeeping
10 for that, we're good. We'll notify that.

11 Are there any representatives from agencies,
12 associations, et cetera, who have not submitted
13 interventions but would like to speak?

14 I now turn to identification of any motions or any
15 objection to the application that is before the Board.
16 Is there any?

17 Okay. I take that there's none. Seeing none, we
18 will now proceed with Item 8 of the agenda, the
19 presentation by the Applicant.

20 The Applicant is requested -- okay. Go ahead.

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

23 Mr. Chair, we thought that we would just take a
24 break so that I can get all my exhibits organized for
25 the next section and also so that I can get my Bible
26 over to the witnesses.

1 Thank you, Mr. Chair.

2 THE CHAIR: Thank you.

3 Okay. One of the panel members wants to have a
4 quick break before you're proceeding on that. Okay,
5 take a short break.

6 (ADJOURNMENT)

7 THE CHAIR: Okay. We can continue on from
8 the break.

9 So, the Applicant, if you're all set to go, you
10 may go ahead.

11 MS. LEWIS: Karyn speaking, Mr. Chairman.

12 Once again, I would like to take the opportunity
13 to thank you and the panel members for the opportunity
14 to present our application.

15 THE CHAIR: Excuse me. I think Teresa --

16 MS. LEWIS: Oh, sorry --

17 THE CHAIR: -- our legal counsel, will
18 have you sworn in.

19 MS. LEWIS: I thought they said us.

20 Sorry.

21 THE CHAIR: Yeah. Yeah.

22 MS. MEADOWS: Thank you, Mr. Chair. We're
23 not situated well, so we -- I'm not within his sight
24 line, and I didn't want to throw anything. Thank you,
25 Mr. Chair.

26 So there are several procedural matters that I

1 have, Mr. Chair. The first being that there are 11
2 exhibits that have been provided to us by LMI to
3 support their presentation and participation here
4 today, including several materials that were already
5 filed electronically with the Board, but have been
6 provided in hard copy for the convenience of the
7 parties, but also so that the exhibits can be reflected
8 when someone is looking at the transcript, they're able
9 to conveniently and easily locate the materials that
10 are being referenced that have already been filed on
11 the Public Registry.

12 So I have -- those materials include the
13 PowerPoint presentation that will be presented by LMI
14 shortly, an English, French, Inukitut, and Inuinnaqtun
15 copies of the executive summary of the closure plan
16 that has already been filed with the Board, but is
17 being provided for convenience of the parties.

18 I also have technical memos from Stantec, from
19 Alvin Tong, dated January 10th, 2020, and the subject
20 matter is "Supporting Information For the Dam Stability
21 and Cover Design".

22 I also have a technical memorandum that, again,
23 was filed on the Public Registry, but is being provided
24 in hard copy for the convenience of the parties. It is
25 dated January 10th, 2020, from Ken Bocking. The
26 subject matter is "Supporting Information to the

1 Conceptual Design for the Waste Rock Dome at Lupin
2 Mine".

3 I also have another technical memo that was filed
4 with the Board dated January 9th, 2020, from Alvin Tong
5 at Stantec Consulting. The reference is "Supporting
6 Information to the Contingency Contaminants Management
7 Decision Matrix".

8 And, finally, Mr. Chair, I have copies of the CVs,
9 which have not been previously filed with the Board,
10 for Jim McKinley, for Alvin Tong, and for Ken Bocking.

11 So those are the 11 hard-copy exhibits that I
12 propose to file, and I would just like to confirm with
13 legal counsel for LMI that those are the materials in
14 support of the presentation that are required to be
15 filed as exhibits.

16 MS. KOWBEL: Christine Kowbel, legal
17 counsel for Lupin Mines Incorporated.

18 Yes, I confirm those are the exhibits that -- that
19 Lupin Mines has provided to the Board. I also wanted
20 to note that we have one more expert that I have not
21 yet provided a 'C' -- a resume for, and that is our
22 expert Sara Wilkins. We will be providing an
23 electronic copy to the Board this morning, but there
24 was not a paper copy available at the time the hearing
25 started this morning. My apologies, Mr. Chair.

26 Thank you.

1 MS. MEADOWS: Thank you, Mr. Chair.

2 So duly noted. We will file that in electronic
3 form, and any parties here who wish to see a copy of
4 that electronic filing, I'm assuming that you will be
5 circulating it to all the parties that are here as
6 well.

7 THE CHAIR: Thank you.

8 Go ahead.

9 MS. KOWBEL: Thank you, Mr. Chair.

10 We confirm we will -- we'll copy Environment
11 Canada and Crown-Indigenous Northern Relations Canada
12 on that email.

13 Thank you.

14 EXHIBIT 1 - Hard Copy, PowerPoint
15 Presentation, Lupin Mine Application for
16 Renewal and Amendment of Licence 2AM-LUP1520,
17 Mandalay Resources (English and Inuinnaqtun)
18 EXHIBIT 2 - Hard Copy, Executive Summary
19 Lupin Mine Final Closure and Reclamation Plan
20 (English)

21 EXHIBIT 3 - Hard Copy, Executive Summary
22 Lupin Mine Final Closure and Reclamation Plan
23 (Inuktitut)

24 EXHIBIT 4 - Hard Copy, Executive Summary
25 Lupin Mine Final Closure and Reclamation Plan
26 (Inuinnaqtun)

1 EXHIBIT 5 - Hard Copy, Executive Summary
2 Lupin Mine Final Closure and Reclamation Plan
3 (French)
4 EXHIBIT 6 - Hard Copy, Technical Memo From
5 Alvin Tong (Stantec Consulting) To Karyn
6 Lewis (Lupin Mine Incorporated) Dated January
7 9, 2020, Reference: Supporting Information to
8 the Contingency Contaminants Management
9 Decision Matrix (English)
10 EXHIBIT 7 - Hard Copy, Technical Memo From
11 Alvin Tong (Stantec Consulting) To Karyn
12 Lewis (Lupin Mine Incorporated) Dated January
13 10, 2020, Reference: Supporting Information
14 for the Dam Stability and Cover Design
15 (English)
16 EXHIBIT 8 - Hard Copy, Technical Memo From
17 Ken Bocking (Golder Associates) To Karyn
18 Lewis (Lupin Mine Incorporated) Dated January
19 10, 2020, Reference: Supporting Information
20 to the Conceptual Design for the Waste Rock
21 "Dome" at Lupin Mine (English)
22 EXHIBIT 9 - Hard Copy, Resumé of Ken Bocking,
23 Golder Associates Ltd. (English)
24 EXHIBIT 10 - Hard Copy, Resumé of Jim
25 McKinley, Stantec Consulting Ltd. (English)
26 EXHIBIT 11 - Hard Copy, Resumé of Alvin Tong,

1 Stantec Consulting Ltd. (English)

2 EXHIBIT 12 - Electronic Copy, Resumé of Sara

3 Wilkins, Stantec Consulting Ltd. (English)

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

6 Mr. Chair, I would now like to have the panel of
7 witnesses for LMI who will be making presentations
8 today affirmed or sworn in. It's my understanding that
9 they all have asked to be affirmed, so if I can have
10 all the witnesses state and spell your name for the
11 record, please.

12 MS. LEWIS: Karyn Lewis, K-A-R-Y-N,
13 "Lewis", L-E-W-I-S.

14 MS. LABATTE: Belinda Labatte,
15 B-E-L-I-N-D-A, "Labatte", L-A-B-A-T-T-E.

16 MR. HOHNSTEIN: Thank you, Mr. Chair. David
17 Hohnstein, D-A-V-I-D H-O-H-N-S-T-E-I-N.

18 MR. BOCKING: Mr. Chair, I'm Ken Bocking,
19 K-E-N, and "Bocking" is B-O-C-K-I-N-G.

20 MS. WILKINS: Good morning. Thank you.
21 Sara Wilkins, S-A-R-A, last name "Wilkins",
22 W-I-L-K-I-N-S. Thank you.

23 MR. TONG: Thank you, Mr. Chair. Alvin
24 Tong, A-L-V-I-N T-O-N-G.

25 MR. MCKINLEY: Jim McKinley, J-I-M,
26 "McKinley", M-C-K-I-N-L-E-Y.

1 MR. RUPTASH: And Kenneth Ruptash,
2 K-E-N-N-E-T-H, last name R-U-P-T-A-S-H.

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

5 KARYN LEWIS, BELINDA LABATTE, DAVID HOHNSTEIN, KEN
6 BOCKING, SARA WILKINS, ALVIN TONG, JIM MCKINLEY,
7 KENNETH RUPTASH, Affirmed

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

10 Thank you, Mr. Chair. Those are all my procedural
11 matters.

12 THE CHAIR: Thank you.

13 So, Applicant, you may go ahead with your
14 presentation, but I heard that your presentation will
15 be at least more than an hour for sure, so just keeping
16 in mind that whenever we, the panel, or somebody needs
17 a break, so I'll call it right away.

18 Thank you.

19 Presentation by Lupin Mines Incorporated

20 MS. LEWIS: Thank you, Mr. Chair. Karyn
21 Lewis speaking.

22 Mr. Chairman, once again, I would like to take the
23 opportunity to thank giving the panel members for the
24 opportunity to present our application for
25 renewal/amendment of our current Type "A" Water Licence
26 2AM-LUP1520 to support final closure and reclamation of

1 the Lupin mine site.

2 I would also like to thank the community of
3 Kugluktuk as well as the other Kitikmeot communities
4 and all parties that have expressed interest in our
5 project throughout the regulatory processes.

6 Mr. Chairman, LMI has provided copies of our
7 presentation in hard copy for you and the panel members
8 as well as the public.

9 Mr. Chairman, I would like to turn it over to Dave
10 Hohnstein to go through our presentation.

11 Thank you.

12 MR. HOHNSTEIN: Thank you, Mr. Chair, and
13 thanks, Karyn.

14 Good morning, everybody, and much appreciated that
15 everybody could make it here today. We had a little
16 bit of trouble getting in yesterday, but managed to get
17 in a little -- a little later than planned, so
18 hopefully the rest of the week goes -- goes well here.

19 Karyn has asked me to do the presentation on
20 behalf of LMI on their water licence application for
21 renewal and amendment of the current licence and
22 looking to achieve, I guess, final closure of the mine
23 site and, along with that, approval of the final
24 closure and reclamation plan.

25 So what we've done here is we've put together a
26 fairly lengthy presentation. The first half of it goes

1 through, you know, the current status of the mine site,
2 what's happened during the last few years at Lupin, and
3 plans for the future here in the next two years or so
4 during closure activities.

5 So on our slides here, we've got, of course, the
6 forward-looking statement from the -- from the company,
7 and that's available on hard copy. I'll let everybody
8 read that at their own leisure.

9 The Lupin mine site, we've got a current photo on
10 the screen from, I think it was, July 2019, and it's a
11 fairly -- a fairly recent photo. Most of the photos
12 I've got in the presentation are from this last summer
13 season, and you can still see a lot of the
14 infrastructure on the -- on the photo, the main mine
15 site, the fuel tank farms, the sewage lakes off to the
16 right-hand side, and the tailings line access road.

17 So it has been mentioned previously, the mine site
18 is located approximately 285 kilometres southeast of
19 Kugluktuk, and it's only been accessible by air and
20 winter road throughout its entire mine life, including
21 during the initial construction back in late '78 to
22 1980. The mine has been in operation from 1982 through
23 to 2005 with two short closure periods during that
24 time. The mine site is currently opened -- or owned by
25 Lupin Mines Incorporated, which is a wholly owned
26 indirect subsidiary of Mandalay Resources Corporation.

1 The interim closure and reclamation plan submitted
2 by LMI was approved by the Nunavut Water Board in July
3 of 2018. So over the last number of years, LMI has
4 carried out progressive reclamation under this and
5 previously approved plans since the initial ownership
6 of the property in 2011, which was through Elgin Mining
7 and now through Mandalay Resources.

8 The final closure and reclamation plan was
9 submitted, along with the application, in July of 2018
10 with an application for amendment and renewal of the
11 current licence. The application and final closure and
12 reclamation plan completeness review and technical
13 review has been completed, and LMI -- or in addition to
14 the application, LMI provided notice, in January of
15 2019, to Environment Canada -- Environment and Climate
16 Change Canada with respect to the Metal and Diamond
17 Mines Effluent Regulations seeking closed mine status.

18 I did forget to mention at the start, we apologize
19 for not being able to get the full presentation
20 translated. We've used previously translated slides
21 from a previous presentation back at the technical
22 meeting, so there are empty spaces in the presentation
23 where there would have been translations.

24 So the technical meeting and pre-hearing
25 conference took place in Kugluktuk June 6th to 7 of
26 this past year. A list of 15 commitments was provided

1 with the decision from the Board to be addressed and
2 submitted prior to the public hearing.

3 All 15 commitments were completed and provided to
4 the NWB prior to or on their respective dates. Most
5 commitments considered -- have been considered
6 resolved, with the exception of the security cost
7 estimate and framework for progressive release of
8 security, and these discussions have been taking place
9 since the technical meeting and since submissions back
10 in November. LMI anticipates that all commitments will
11 be resolved prior to or at the public hearing.

12 So during 2019 and to fill -- fulfill commitments
13 that were generated from the technical meeting in June,
14 bathymetric surveys of Ponds 1, 2, and Cells 4 and 5
15 were completed. For Commitment Number 10, test pits in
16 the covered cells and standpipe water levels and water
17 quality information was collected. A one-time
18 geophysical survey of two selected dams, Dam 3D and
19 Dam 4, were completed by Aurora Geosciences Limited for
20 Stantec. There were geotechnical assessments carried
21 out, and LMI completed a Human Health and Ecological
22 Risk Assessment through Golder Associates.

23 Some site photographs from this last summer's
24 work, the upper-left photograph shows bathymetry work
25 being carried out in Cell 4, and the photograph on
26 the -- on the right shows one of the test pits that was

1 done in Cell Number 1 in completion of Commitment
2 Number 10.

3 And just as a note, this cell was covered in 1995,
4 so it's been 25 years, covered in -- in Cell 1, and the
5 wording on the slide's a little hard to read, but the
6 report that was generated from Stantec indicates that
7 there was thawed cover material for about a metre above
8 the tailings. There was a thin layer of frozen
9 material, and the actual tailings that was uncovered
10 below the -- below the esker cover material was showing
11 no oxidation and no actual, you know, physical changes
12 since covering took place 25 years ago, so that
13 information is all contained in the response to
14 Commitment Number 10.

15 So under care and maintenance and general
16 operations that took place, discharge of the water from
17 the Lower Sewage Lake to the environment that was
18 carried out in June of 2019 with water quality
19 monitoring and flow measurement taking place, and the
20 company completed -- or had completed, through Golder
21 Association -- Associates, the Phase 6 or final
22 environmental effects monitoring study under the Metal
23 and Diamond Mines Effluent Monitoring Regulations.
24 That report, I believe, is due to be submitted sometime
25 within or before three years following the completion
26 of the study, so there will be a draft report done up

1 within the next year, reviewed, and then finally
2 submitted through to Environment and Climate Change
3 Canada.

4 The company carried out transfer of water, water
5 management in the tailings on containment area,
6 transfer of water from Cell 3 to Cell 4, syphoning of
7 water from Pond 1 to Pond 2, and pumping of water from
8 Cell 5 to Pond 1. This was all done to manage the
9 water levels within the tailings pond in anticipation
10 of discharge in 2020.

11 So, again, some more photographs from this last
12 summer's work. The upper left is the -- showing the
13 intake location of the syphons for discharge from the
14 Lower Sewage sewage Lake. The lower centre is a
15 photograph of active pumping from Cell 5 to Pond Number
16 1, and the right-hand photo is syphoning of water from
17 Cell 3, which is on the right side, over to Cell 4, a
18 little bit out of the photograph.

19 In addition to the work at the TCA with regards to
20 water management, pumping of water from the West Zone
21 Pit Number 2 to Stope Number 1 occurred at the mine
22 site. Some physical work that was done at the tailings
23 containment area included repairs to the KDam crest due
24 to erosion, excavated a drainage swale along Cell
25 Number 3 and KDam to control and prevent further
26 erosion of the downstream face of KDam. The gate

1 culvert which controls water flow from Cell Number 4
2 through to Pond 1 was removed and a coffer dam
3 installed to contain water.

4 And, again, some photos of the actual work taking
5 place. The upper left photo is active repair, the
6 downstream slope of KDam, some erosion areas on the
7 crest of the dam. The right-hand photo is the
8 excavation of the -- the drainage swale along Cell
9 Number 3 and KDam to control runoff and prevent the
10 erosion that took place on the downstream slope, and
11 the centre lower photograph is a photograph of the
12 bermed area, the coffer dam around the gated culvert.
13 It's not quite visible there, but the culvert is on the
14 right-hand side here with the berm containing the water
15 in Cell 4.

16 So continuing on with the Lupin Mine status, we've
17 included a satellite view of the Lupin mine site, and
18 one of the things, I think, that should be noted on
19 this photograph, it'll be mentioned a number of times
20 during the -- during the presentation, but the areas of
21 the mine site where mining had occurred, and there's
22 openings at the surface, include the west zone opened
23 crown pillar and the centre zone opened crown pillar.
24 The east zone, which was mined out in early 2000s, has
25 already been covered in and reclaimed, and that was
26 done prior to the final closure of the site back in

1 2005.

2 So, again, just the general arrangement of the
3 mine site. On the left-hand side, here's a fuel tank
4 farm, the main mill area, the mine headframe, and some
5 of the -- some of the accommodation complexes, and
6 actually, this photograph includes a bit of the
7 airstrip for access to the Lupin Mine.

8 So looking at the application highlights, some of
9 the things that Lupin Mines Incorporated was looking
10 for in the new licence, the main points were,
11 initially, the application included a request for a
12 seven-year licence; however, following the technical
13 meetings and the pre-hearing conference report
14 decision, LMI has since confirmed -- LMI has since
15 confirmed a request for a licence term of 12 years to
16 coincide with full closure activities, and I apologize,
17 this number here should have been changed to the first
18 10 years of post-closure monitoring, and that 12-year
19 term allows for the time required for submission for an
20 application for renewal of that licence and the time
21 needed to review the application and go through the
22 licence renewal process.

23 The water requirements for the -- for the site
24 during closure activities and then following care and
25 maintenance, a request has been included for total
26 water-use increase. The original application indicated

1 a rate per day and discussions at the technical
2 meetings indicated that keeping the units consistent
3 would be more preferable, so the original rate of, I
4 think it was, 685 cubic metres a day was converted over
5 to 250 cubic -- 250,000 cubic metres per year, and that
6 request would be for the first two years for closure
7 activities, and then the following ten years would be
8 limited to 5,000 cubic metres per year during
9 post-closure monitoring and maintenance.

10 In addition to the water quantity request, Lupin
11 Mines has included an additional request for additional
12 water sources. Rather than all the water being
13 required to come from Contwoyto Lake, they've included
14 a request for minimal water use from water sources
15 along the access roads to allow for industrial water
16 use and water use for dust control on the roads.
17 Rather than having to haul water from Contwoyto Lake
18 all the way out to tailings area where a lot of the
19 work is being carried out, they can utilize water
20 sources in and around the tailings area.

21 So along with these requests, there's been a
22 request for a review of the licence terms and
23 conditions to better structure the licence and
24 represent the closure status of the mine and activities
25 that would be taking place over the next licence term.
26 And then the final request was with the submission of

1 the 2018 final closure plan, the approval of that plan
2 and the approval for moving ahead with final closure
3 activities.

4 So just a -- just a quick recap of the technical
5 meeting/pre-hearing conference decision, the technical
6 meetings, as was mentioned, took place in June of 2019,
7 and the list of commitments that was developed through
8 that technical meeting, as well as -- as well of a list
9 of issues was conveyed to all parties in the
10 pre-hearing conference decision report.

11 I believe the issues will be -- will be discussed
12 and addressed through the public hearing agenda, and
13 with regards to commitments, LMI's pleased to report
14 that all the commitments listed in Appendix D of the
15 decision have been completed and submitted either prior
16 to or by the dates set out in advance of the public
17 hearing. With the exception of a few minor items to be
18 dealt with at this public hearing, which include the
19 issue of security, cost estimate, and the security
20 framework for progressive release of security, LMI
21 considers the commitments fulfilled and issues
22 resolved.

23 There have been a few items that were discussed in
24 the last few days, including yesterday evening, and I
25 believe those will be discussed later on during this
26 public hearing agenda.

1 So for the Lupin mine closure, the final closure
2 and reclamation plan has been developed and submitted,
3 and included on this slide here are a couple of
4 photographs. The one on the left is the current or
5 most recent mine-site status, so you've got the mine
6 site connected to the tailings area via road, and then
7 the tailings containment area, which are the two main
8 components of the closure plan, so you've currently got
9 water-containing areas Pond Number 2, Pond Number 1,
10 and Cell Number 4 down in the lower part here.

11 Currently through progressive reclamation, there's
12 several cells within the tailings containment area that
13 have been covered: Cell Number 1 and 2 and Cell Number
14 5. Cell Number 5 is near completely covered. There's
15 a small water-containing area just next to the
16 containment dam, Dam M, and then Cell Number 3 is
17 considerably covered with a small little
18 water-collection area down in the far lower-right here.

19 So these waters all are collected. They transfer
20 through to Pond Number 1. Pond Number 2, treatment
21 takes place, and then it's discharged to the
22 environment when required.

23 So for final closure, this is a -- I guess, a
24 conceptual drawing that's been digitally changed to
25 show what the mine site and tailings area may look like
26 upon final closure. So you've got a small

1 water-retaining natural drainage area. The main
2 tailings cell areas have been covered, and natural
3 water flow has been allowed to take place through Pond
4 Number 1, through the original Pond Number 2 area, and
5 then out to the environment.

6 For the mine site, the -- all the mine buildings,
7 infrastructure, everything has been removed, disposed
8 of either in the open crown pillars or to a demolition
9 materials landfill that's going to -- that's proposed
10 to be located next to the upper sewage pond, and then
11 all the waste rock, mined rock, and everything has been
12 consolidated and covered with one metre of esker
13 material with grading to allow drainage in certain
14 areas to allow for runoff.

15 So the final closure and reclamation plan is
16 fairly comprehensive. What we'd like to highlight here
17 is mainly the permanent closure and reclamation
18 activities.

19 So within the progressive reclamation activities,
20 there's a number of items that have to be addressed:
21 The underground mine, the tailings impoundment area,
22 the issue of a rock pile being developed at the mine
23 site, dealing with chemicals and contaminated soils,
24 dismantling/demolition of buildings and removal of
25 equipment, the overall capital expenditures and
26 short-term water treatment and management for the site,

1 overall interim care and maintenance for long-term
2 monitoring maintenance of the reclaimed site, and,
3 again, post-closure monitoring, and then the
4 mobilization of equipment into the site and demob of
5 equipment from the site once all the reclamation
6 activities have been completed.

7 So with regards to the underground mine, the
8 portal and mine openings will be closed off. The crown
9 pillar, the proposal is, if needed, the crown pillar
10 will be blasted open. Right now, it ranges from two to
11 five metres opening or so at surface, so that area --
12 that area will be blasted, and it'll be blasted down
13 into the actual mine openings below to allow opening on
14 the surface that will allow for disposal of all the
15 mine -- mine-site infrastructure, then backfill and
16 reclaim of the open stopes.

17 So right here is a photo of the -- from 2018,
18 actually, the open crown pillar at the -- at the centre
19 zone, and the photo on the right is the -- the portal
20 opening, which will be closed off and blocked off with
21 a -- with an engineered seal.

22 And, again, from 2018, the previous photo
23 showed that water was filling the opening here.
24 There's a picture of part of the crown pillar that's --
25 or for the centre zone that you can see it's open, open
26 to depth. The photo on the right is a -- there's a

1 historical photo from 2002 showing where the east zone
2 crown pillar was mined out, backfilled, and eventually
3 covered with esker material and graded.

4 So if you can imagine, once all the buildings are
5 gone, all the -- all the waste rock and materials are
6 collectively moved to the centre of the mine site, the
7 final closure of the mine site will look similar to the
8 east zone crown here, which will be covered with one
9 metre of esker material.

10 The tailings impoundment area, so the current
11 plan, and through studies that were done in summer of
12 2019, it's been determined that the slopes on the
13 Pond 2 side of MDam and KDam will be flattened to
14 reduce the slope slightly and allow better stability of
15 those dam slopes.

16 A point to make clear here is that on final
17 closure, once water's been discharged from the tailings
18 area, and the water level's lowered to the maximum --
19 or the minimum level they can be, there will actually
20 be no water up against any of the dams that are in the
21 tailings area, so the dam structures will be only
22 containing the solid tailings material that's been
23 deposited over the years.

24 So there will -- there's required tailings
25 pipeline removal to take place. Approximately 4 --
26 4,000 metres cubed of pipeline was removed in 2018 and

1 about 4,500 metres is remaining to be removed.

2 The syphon infrastructure at the tailings area
3 will need to be removed and disposed of, and then there
4 will be construction or excavation of spillways at
5 Dam 1a and the JDam to allow for natural drainage of
6 the area.

7 So, again, an overview of the tailings impoundment
8 area, we've got Cells 1 and 2, Cell 3, and Cell 5,
9 partially covered Cell 5, so there's an area to the
10 southwest here that still needs to be covered, a small
11 area in the lower right corner of Cell 3 that remains
12 to be covered, and then the water management of the
13 tailings ponds that will need to be dealt with in the
14 upcoming open-water season here in 2020. So the plan
15 this summer will be to treat the waters within the full
16 tailings area and discharged through the syphoned
17 infrastructure and discharged to the environment.

18 So a few closer looks at the tailings area here.
19 This is Pond 2 on the right-hand side, the main MDam
20 which contains Cell 5, and MDam which contains a little
21 area of exposed tailings in the corner here. These
22 areas will all be covered up during final closure.

23 The lower photo here, a little -- a little hard to
24 see with this lighting here, but it's Cell -- Cell 5,
25 just showing some of the exposed tailings that remains
26 to be covered and esker material further back here

1 covering the main portion of Cell 5; and the upper
2 photo here is Cell 3 on the -- on the left, Cell 4 on
3 the right. During regular water management, water's
4 pumped or syphoned from Cell 3 over the small dam here
5 into Cell 4, which naturally flows over to Pond Number
6 1.

7 So there's -- there's a couple of historical
8 photos here from 2002, and the main reason for
9 including these is that these show water levels that
10 will be relatively close to what the final closure
11 situation will be when the water's completely -- or as
12 completely removed from the tailings area as physically
13 can be done with the natural ground elevations, so the
14 photo on the left here shows the Dam 1a and syphons,
15 and it's hard to see in the photo, but there's the
16 intakes of the syphons that are showing just near the
17 water level there, so that's physically the furthest
18 the water level can be drawn down; and then at the same
19 time, a photo on the right showing the water level of
20 Pond 2 and the KDam, which it -- obviously in the
21 photo, once the water level is drawn down in Pond 2,
22 that there will be no water up against the toe of the
23 dam to, you know, influence any erosion.

24 The work done this summer identified that the
25 slope of this dam needs to be flattened out slightly to
26 allow for better stability and limit any possible

1 erosion of that, that embankment.

2 So the rock pile item is referring to the -- to
3 the mine site, and as mentioned before, all the
4 buildings, infrastructure will be demolished, removed
5 from the mine site, and disposed of either in the open
6 stopes or the demolition landfill that's proposed.

7 So approximately 191 cubic metres of rock material
8 at the mine site will be consolidated together to limit
9 the total area disturbed and having to be reclaimed.
10 There will be a soil cover of approximately 300,000
11 square metres, and a contour area of rock left in place
12 roughly about the same, so same square metres.

13 Again, the photo on the left is showing the opened
14 crown pillar area where some of the demolition waste
15 will be disposed of, and the photo on the right is
16 including waste rock piles and showing where the
17 previous Lupin baseball field used to -- used to lay,
18 which will be -- all this material would be removed and
19 consolidated in one main area.

20 So chemicals and contaminated soils, the plan is
21 to decontaminate removal of all oil, fuel, glycol
22 systems. A large amount of this work was carried out
23 in 2018 during the summer and work program. All tanks
24 not in use outside the main tank -- tank farm have been
25 cleaned and signed off by a professional engineer.
26 There's going to be removal of asbestos-containing

1 materials and disposed of as per guidelines and
2 Environment and Climate Change Canada recommendations.

3 Removal of hazardous materials, throughout 2015
4 through to 2018, there's been a lot of waste removal
5 from the site, waste oils, fuels, batteries, machine
6 shop paints, solvents. The majority of these wastes
7 have already been collected and removed from the site.
8 Lab reagents have been removed in 2016, '17, and '18,
9 and item at -- items currently at the site will be
10 required to be removed during final closure activities.

11 The plan for contaminated soils, and that's
12 generally petroleum hydrocarbon contaminated soils,
13 will be collected, removed, and -- collected, removed,
14 and deposited or -- or disposed of in the opened crown
15 pillar.

16 For all buildings, equipment, and infrastructure,
17 I won't go through the list here. Basically, it lists
18 off all the major buildings and infrastructure at the
19 main mine site, so all these facilities will be
20 removed, taken down, and disposed of in either the
21 opened crown pillars or the demolition waste landfill.

22 A few photos from the mine site, just to have
23 everybody familiar with some of the terminology, the
24 headframe, so access for the -- for the shaft and
25 access to the mine, warehouse, engineering offices,
26 shops, and the like, the main fuel tank farm, and

1 probably one of the largest buildings infrastructure
2 on-site is the mill building, which housed all the
3 milling, crushing, and processing of ore
4 infrastructure.

5 Another picture of some of the -- some of the
6 equipment at the site, the powerhouse. I believe
7 there's upwards of ten -- ten generators at the -- at
8 the site, diesel generators, and another picture of the
9 mills, the grinding area of the mines -- of the mill.

10 So there's, proposed, a landfill for the
11 demolition waste, reclaiming of approximately 12
12 kilometres of roads, access roads for the mine site,
13 and one of the other main activities is to grade and
14 contour the main esker -- esker source area out at
15 Fingers Lake.

16 The photo's a little -- a little dark, but the
17 main access road from the mine site to the tailings
18 area is along this side here, and mine site on the
19 crest of the hill with the Upper Sewage Lake on the
20 right-hand side here, so the proposed location for the
21 demolition landfill site is just off the side of this
22 hill, working its way down to the Upper Sewage Lake,
23 which, incidentally, will be drained on closure, so the
24 water levels will be minimal in this area here and the
25 likelihood of some of this area having to be covered
26 up, as well, with the -- with the waste landfill.

1 Short-term water treatment and management, so
2 there will be a decommissioning of the freshwater
3 supply and pumphouse, the 6-inch water supply line, and
4 then for ongoing water management at the -- at the
5 tailings area, further water treatment during 2020, and
6 discharged to the environment.

7 Interim care and maintenance, so during 2019, LMI
8 carried out a number of activities. The -- as
9 mentioned earlier, the final EEM study under the Metal
10 and Diamond Mines Effluent Regulations took place in
11 August of 2019. There were geotechnical and
12 geophysical surveys that took place during the summer,
13 the test pitting of the covered tailings cells, as
14 mentioned earlier for one of the commitments. Overall
15 general water management to the tailing -- tailings
16 area took place, and that's mostly water moving around,
17 making sure there's going to be volume available,
18 storage volume available for spring freshet in 2020.

19 There was maintenance that took place for repairs
20 of the KDam in Cell Number 4 divider dike. Water
21 quality monitoring, there was a number of
22 water-monitoring programs that took place in
23 anticipation of treatment and release for next year,
24 and the sewage lakes' facility was discharged to allow
25 for capacity over the spring freshet in 2020.

26 Some items on post-closure monitoring and

1 maintenance under the final closure plan, annual
2 geotechnical studies will take place during the initial
3 terms of the licence, or years of the licence. Regular
4 monitoring, including maintenance, and overall site
5 water quality management or monitoring, which would
6 take place under the water licence conditions.

7 A few recent photos from last summer, just to show
8 some of the reclamation work that has taken place over,
9 you know, the last, I guess, 20 -- 20 years or so.
10 This is a photo of Cell 1, and, you know, originally,
11 when it was covered back in 1995 or so, it would have
12 been bare esker material at that point, and you can see
13 a lot of -- a lot of vegetation has naturally worked
14 its way into the area. A lot of small shrub growth,
15 birch growth, that sort of thing.

16 This is a fairly surprising area here. This is
17 Dam 3 along Cell -- Cell 1, and this is the -- this is
18 an access road, and the area in between the two roads
19 has nearly fully grown in with a little bit of
20 vegetation along the access road.

21 And this is another area of Cell 1 with some
22 naturally standing water, and you can see a lot of
23 the -- a lot of vegetation growth in and around the
24 water's edge and throughout, throughout the covered
25 cell area.

26 THE CHAIR: Before you continue on with

1 your presentation, we need a short break before you go
2 on to final closure requirements of your presentation.
3 We'll take a five-minute break for now.

4 MR. HOHNSTEIN: Thanks, Mr. Chair.

5 (ADJOURNMENT)

6 THE CHAIR: We shall continue on with the
7 presentation for Applicants.

8 Okay. Dave, go ahead. Continue with your
9 presentation.

10 MR. HOHNSTEIN: Thank you, Mr. Chair. Again,
11 David Hohnstein, Lupin Mines Incorporated.

12 Continuing on with the -- with the closure
13 presentation here, the last item there was mobilization
14 and demob.

15 So the plan currently is to bring additional
16 equipment into the site in early 2020 on a planned
17 winter road, and that would include equipment, some
18 additional fuel, tools and equipment, so transportation
19 and flights are planned to and from the site during
20 operation, during the closure activities for supplies
21 and manpower and so forth, and at the mine site, the
22 accommodations area will be open for workers at the
23 site, along with maintenance shops that are required
24 for maintaining of equipment during the -- during
25 activities.

26 So as a -- as a historical photo here, I think

1 this was in a framed picture hung at the Lupin mine
2 site for quite some time. I took a photograph of it
3 last time I was at the site, and this is an actual
4 photograph of the area prior to the mine site being
5 constructed, so the actual portal going underground was
6 started in front here, heading down underground. The
7 mine infrastructure was constructed on the top of the
8 hill here, and you can see the one sewage lake in the
9 background and the access roads throughout the initial
10 site.

11 Then, again, a little larger photograph of the
12 conceptual closure of the -- of the mine site and
13 tailings area, so all areas of -- that were used to
14 deposit tailings will be covered with esker material.
15 The natural drainage of the area will be allowed to
16 take place. Original Pond 1 and Pond 2 will naturally
17 drain to the environment, and Cell 4 here will have a
18 connection through the back here that naturally flows
19 right now, but there's a control structure on Cell 4.

20 The area on the far lower right here is the esker
21 area where the material is acquired for covering of the
22 tailings area and the mine site.

23 So for two thousand, I have, nineteen here through
24 to '22, Mandalay Resources has finalized the contract
25 with Nahanni Construction Limited for all the closure
26 and reclamation work at Lupin related to the final

1 closure and reclamation plan.

2 Prior to 2019 season, unfortunately, due to a
3 delay in obtaining a return of security and some
4 permitting, the care and maintenance program was
5 continued on through 2019. Some work, as mentioned,
6 was carried out during the 2019 season by Nahanni.
7 Mandalay anticipated having the final closure and
8 reclamation plan renewal licence to be completed in the
9 first quarter of 2020.

10 So as mentioned, mobilization will start early in
11 2020 via the winter road. The full reclamation
12 program, as updated during the NWB's final closure and
13 reclamation licencing process, will take place during
14 2020 through 2021, with the demobilization of equipment
15 from site in 2022 on the winter road.

16 A picture of the original Lupin manager cabin.
17 Historically, for those who are unaware, this building
18 was transported Echo Bay's original mine in -- at Port
19 Radium for the owner of Echo Bay Mines at the time, and
20 reconstructed at -- at Lupin. The plans are to leave
21 this building in place as long as possible to allow for
22 accommodation of summer rotational staff during care
23 and maintenance and monitoring activities through the
24 licence term.

25 So this is where I was going to take a break, but
26 Mr. Chair beat me to it, so we'll continue on at the --

1 at this point. This is the second half of LMI's
2 presentation where we planned to go through all the
3 pre-hearing conference decision commitments and
4 identify where submissions were made, where the further
5 comments were addressed, and hopefully identify that
6 the majority of the commitments have been met and have
7 been resolved.

8 So under the commitment list, Commitment Numbers 1
9 and 7, the HHERA report, the Human Health Ecological
10 Risk Assessment report, was completed by Golder
11 Associates and submitted on October 15th, 2019. In
12 there, in final comments on the -- on the commitments,
13 CIRNAC submitted comments, and their Comment Number 1
14 included the need for an updated monitoring plan and
15 comment that the HHERA should include the tailings
16 containment area.

17 LMI responded indicating that the post-closure
18 monitoring plan has been committed to under Number 14
19 and that the TCA was addressed separately through the
20 ecological risk assessment submitted with the 2014
21 renewal application, and LMI considered the item to be
22 resolved.

23 Commitment Number 2, the updated security estimate
24 reclaim model, this was filed in -- on November 1st,
25 2019, and additional comments were received from --
26 from CIRNAC on December 6th.

1 LMI provided additional details on the estimate
2 and indicated that they were based on a signed contract
3 with the contractor, which is a firm price for the work
4 to be carried out and considered to be more accurate
5 than an estimate -- the estimated unit rates of
6 reclaim.

7 I believe this and the item of the security
8 framework are still being discussed with CIRNAC, and,
9 you know, LMI anticipates the item to be resolved prior
10 to the end of the hearing.

11 Commitment Number 3 and 4, LMI was to review
12 records and provide a historical data analysis with
13 respect to ARD potential of tailings dams and roadways.

14 This was submitted to the Water Board on August
15 15th, 2019, and through comments received from CIRNAC,
16 LMI provided a response in a memo dated August 14th
17 evidencing that the historical data has been reviewed
18 and that an accurate account of the ARD potential is
19 reflected in the closure plan, and as such, there would
20 be no requirement for further work under Commitment 4.

21 Commitment Number 5 was to provide preliminary
22 design level explanation of waste -- of the waste rock
23 storage dome design, including typical cross-sections,
24 seepage, topography, geochemistry, and storm-water
25 draining estimates. This was provided by LMI on
26 October 15th, and CIRNAC provided comments December

1 6th; and further to that, LMI provided a technical memo
2 with typical cross-sections with a commitment to
3 provide detailed grading plans and specifications in
4 Quarter 1 of 2021.

5 Post-closure impacts of any waste rock seeps are
6 addressed in the HHERA and will be addressed in the
7 ongoing long-term monitoring plans, and LMI considers
8 this item to be resolved.

9 Commitment Number 6, LMI provide geotechnical
10 analysis to provide confirmation of long-term dam
11 stability and erosion control. This was filed by LMI
12 on November 15th, 2019. CIRNAC commented requesting
13 LMI to provide more specific information on the
14 location where embankment stabilization work would be
15 carried out and design details.

16 Following this, in LMI's final response of January
17 3rd, LMI provided information that additional
18 information on the slope stability and where resloping
19 would apply included resloping of Dam K and Dam M as
20 required.

21 Commitment Number 6 response included conceptual
22 drawing for surface drainage of Cells Number 3 and 5,
23 as well as out -- outlooked structure cross-sections,
24 and I believe there's some additional information that
25 will be provided either prior to the end of the hearing
26 or within the first term of the licence regarding some

1 additional long sections that CIRNAC was discussing
2 with LMI last night with regards to design of the
3 drainage and erosion control.

4 Commitment Number 7, LMI was to provide a
5 geochemical source term and load model for seepage from
6 the waste rock dome. CIRNAC commented that the
7 documentation provided by LMI is a seepage model,
8 rather than a source term model; however, CIRNAC is
9 satisfied with the response conditional on seepage
10 samples being collected and modelling updated.

11 LMI indicated in their response January 3rd that
12 they're committed to providing the post-closure
13 monitoring plan for the site and the area, which would
14 include this information. LMI considered this item to
15 be resolved.

16 Commitment Number 8, a decision matrix tree that
17 determines how exposed tailings will be handled on a
18 case-by-case basis when lowering the water level in the
19 tailings containment area. This was filed by LMI
20 October 15th, and CIRNAC responded with their Comment
21 Number 8 in their December 6 response.

22 LMI has provided, with its final submission, a
23 revised contingency containment contaminants management
24 decision matrix, and I believe through further
25 discussions yesterday evening, that this will be
26 updated and further information provided prior to the

1 end of the hearing.

2 Commitment Number 9, joint submission on framework
3 for the progressive release of security, as I mentioned
4 earlier under the closure cost estimate, these
5 discussions are ongoing, and LMI is committed to work
6 with CIRNAC and provide final information prior to the
7 end of the hearing.

8 Moving on to some of the commitments that were
9 developed and requested by Environment and Climate
10 Change Canada. Commitment Number 10 was to provide a
11 one-time inspection or test pitting to ground-truth the
12 status of cover of nearby one of the installed
13 standpipes.

14 ECCC commented in their final submission that the
15 request for field investigations have been resolved and
16 recommends that the details of TCA monitoring be
17 included in a post-closure monitoring plan. LMI and
18 ECC [sic], I believe, consider this item to be
19 resolved.

20 Commitments Number 11 and 12, LMI conduct a
21 one-time geophysical survey along two selected dams to
22 confirm the condition of frozen cores. ECCC, in their
23 final submission, commented that the commitment made
24 has provided the required information regarding the
25 dams and that further analysis was done on slope
26 stability. They also recommended that ongoing

1 monitoring of the dams and that dam stability
2 monitoring be included in the post-closure monitoring
3 plan, and LMI has committed to this and considers this
4 item to be resolved.

5 Commitment Number 13, climate change modelling,
6 LMI to use a range of emission scenarios, low to high
7 future forcing [phonetic], from multiple climate models
8 and considering multiple parameters for consideration
9 in the final closure and reclamation plan.

10 ECCC commented that LMI consider both the high and
11 low emission scenarios along with the average emission
12 scenario for the thermal modelling and contingency
13 plans. LMI also considered the high and low emission
14 scenarios for thermal modelling and developed
15 contingency plans that consider both.

16 LMI's final submission of January 3rd clarified
17 that the work carried out under Commitments Numbers 12
18 and 13, which included that under the high emissions
19 scenario with the higher risks -- highest risks
20 indicated that the Lupin TCA will perform as intended,
21 and, therefore, does not require contingency planning
22 under proposed climate risk scenarios. LMI considered
23 this item to be resolved.

24 Commitment Number 14, post-closure monitoring
25 plan, following discussion with all stakeholders. This
26 commitment was identified to be filed by LMI one year

1 following approval of the licence by the Minister.
2 ECCC commented in their final submission, specifically
3 under Item 4, but also under Items 2, 3, 5, and 6, and
4 recommending monitoring requirements, frequency,
5 locations, and instrumentation for the post-closure
6 monitoring plan. CIRNAC also commented that HHERA
7 results be included and considered in the required
8 monitoring plan.

9 In their final response, LMI confirmed in its
10 response to parties regarding the post-closure
11 monitoring plan under Commitments Numbers 1, 3, and 5,
12 that the concerns would be addressed in the proposed
13 post-closure monitoring plan. LMI, therefore,
14 considers this item to be resolved.

15 And, finally, Commitment Number 15, LMI was to
16 provide a draft licence framework identifying suggested
17 amendments to the existing licence. This was filed
18 with LMI's final submission dated January 3rd.

19 ECC provided their Comment Number 8, and
20 recommended LMI note the proposed new criteria under
21 Schedule 4 of the MDMER in the event of discharges in
22 2021 and forward and also recommended that LMI update
23 the definition of "recognized closed mine".

24 In LMI's final response, LMI acknowledged ECCC's
25 comments and provided additional recommended text to
26 the NWB in their submission. LMI considers this item

1 to be resolved.

2 LMI wishes to note for the reviewers a few minor
3 licence condition changes that were included in the
4 draft water licence framework with respect to water use
5 and water discharge. As noted earlier, water-use
6 requirements have been converted in the draft licence
7 framework from the original requested metres-cubed-
8 per-day amount to a metres cubed per year for the
9 initial closure activities of 250,000 -- 25 metres
10 cubed per year. This is -- this is to be consistent
11 with the care and maintenance units of 5,000 cubic
12 metres per year.

13 LMI has included, in their final submission, a
14 licence condition for use of water from sources other
15 than Contwoyto Lake and recommends the use of roadside
16 ponds and lakes for the use of industrial purposes such
17 as dust control on the roads during construction. This
18 would allow for an easier access to water sources and
19 avoid a lot of unnecessary travel on the road
20 connecting the mine site and Contwoyto Lake to the
21 tailings containment area.

22 And as a final note, LMI has included conditions
23 for waste discharge regarding the tailings containment
24 area effluent, Part E, Item 3, to allow for maximum
25 discharge of 125,000 cubic metres per day to allow for
26 full discharge of the TCA water during the 2020

1 open-water season. The current licence allows for a
2 discharge of 70,000 cubic metres per day, and I noticed
3 there's a typo on the screen there. LMI considers the
4 item of the draft water licence framework to be
5 resolved.

6 So outside of the comments received regarding the
7 commitments listed off in the pre-hearing conference
8 decision, there was some additional comments received
9 from CIRNAC regarding some items in the application, so
10 the first comment was regarding the renewed -- or
11 renewal licence term.

12 CIRNAC had no comment on the seven-year term
13 requested, and LMI would like to reconfirm and note to
14 the Water Board that on November 15th, in their
15 submission, a requested changed licence term was added
16 to request the term to 12 years, which would include
17 the time required for closure activities, post-closure
18 monitoring, and then the final year to year and a half
19 or so required to apply and process a licence renewal.
20 LMI considers this item or comment to be resolved.

21 CIRNAC provided, in a second comment, water-use
22 requirement, CIRNAC had no comment on the requested
23 water use, and in response, LMI refers the NWB to its
24 final submission January 3rd in the draft licence --
25 water licence framework which clarifies the water-use
26 requirements needed under the licence for the closure

1 activities.

2 CIRNAC Comment Number 3 in their final submission,
3 CIRNAC had no further comment on waste disposal, and,
4 again, LMI refers the NWB to the draft water licence
5 framework submitted.

6 CIRNAC Comment Number 4 was regarding the status
7 of Commitments Number 3, 4, 5, 7, and 8. CIRNAC
8 commented that with the exception of Commitment 7,
9 CIRNAC requires additional information. LMI provided,
10 in their final submission, a response. Further
11 discussion with CIRNAC has resulted in resolution and
12 additional requests to be provided in advance of or at
13 the hearing in the form of exhibits. Some of those
14 exhibits have been submitted and distributed. They
15 will be presented here, I believe, later on in this
16 hearing process, and LMI continues talks with CIRNAC
17 regarding any further additional information required
18 prior to the end of the hearing.

19 CIRNAC Comment Number 5 and 6, draft water licence
20 regarding the draft water licence framework and
21 management plans and reports. CIRNAC had no concerns,
22 and LMI refers the NWB to the list of issues that will
23 be discussed during this licence process and public
24 hearing.

25 CIRNAC Comment Number 9 is with regards to the
26 reclamation security cost estimate, Commitment Number

1 2, and the framework for progressive release of
2 security, Number 9. CIRNAC commented and required that
3 provided -- or they provided further comment to the
4 initial submission requesting clarity on several items
5 in the LMI cost estimate, and LMI provided a proposal
6 for a framework and will provide -- CIRNAC will provide
7 comment regarding -- or with regards to a draft.

8 LMI's response, in their final submission, under
9 Items Number 2 and Number 8, LMI referred CIRNAC and
10 the NWB to the draft water licence framework Attachment
11 C, security framework agreement, which was developed
12 under Commitment Number 15, and I'd like to note that
13 LMI and CIRNAC have been in discussions since the above
14 submission on January 3rd and have committed to further
15 discussions in advance and at the public hearing, with
16 a summary to be provided as exhibits.

17 Some additional comments from ECCC, in their final
18 submission, the duration -- regarding the duration of
19 permanent monitoring and timing and clarification.
20 ECCC commented that LMI include thresholds for water
21 quality and tailings cover performance that would
22 trigger moving to reduce monitoring frequency or
23 intensity in the proposed post-closure monitoring plan.
24 Monitoring of the TCA cover and water quality to be
25 done over a duration that is sufficient to demonstrate
26 physical and chemical stability and acceptable quality

1 for the long term.

2 LIM's response was that thresholds would be
3 included in the proposed post-closure monitoring plan
4 and that monitoring will be undertaken until physical
5 and chemical stability is achieved. Final duration of
6 monitoring will be dependent on those water-quality
7 results.

8 ECC commented, as well, on the waste rock
9 consolidation and rock dome. ECCC recommended sampling
10 of adjacent lakes, water quality of visible seeps or
11 flows, and identify thresholds that would require
12 remedial measures.

13 LMI provided a response in their final submission
14 of January 3rd that they will develop and implement a
15 detailed surface water monitoring program for the
16 adjacent lakes. An adaptive approach to the seepage
17 and lake monitoring program will enable the
18 implementation of additional remedial options if
19 required to mitigate seepage discharge to the adjacent
20 lakes.

21 LMI did include, in its final submission, under
22 Attachment 2, a proposed general monitoring table of
23 changes, and that table of changes included monitoring
24 locations at those lakes identified by ECCC.

25 ECCC's Comment Number 7 was with respect to
26 asbestos disposal, and LMI commits to following

1 appropriate guidelines for the disposal of
2 asbestos-containing materials, and ECCC considered this
3 item to be resolved.

4 As a quick final summary of the list of
5 commitments and resolution, under Appendix D of the
6 pre-hearing conference decision, CIRNAC provided a
7 request of eight commitments, six which have been
8 resolved or considered resolved by LMI. Commitment
9 Number 2 remains outstanding regarding the updated
10 security estimate, and Commitment Number 6 regarding
11 geotechnical -- oh, sorry, I missed Commitment Number
12 2, updated security estimate, to provide conceptual
13 grading plans for Dams K and 'M' and would be discussed
14 further under -- during the public -- the public
15 hearing. Commitment Number 6, geotechnical details of
16 engineered structures, LMI to provide conceptual
17 drawings with respect to drainage pathways on these
18 covers from Cell 3 and 5.

19 Commitments requested by ECCC, five were requested
20 at the pre-hearing conference decision, or in the
21 pre-hearing conference decision, and five have been
22 resolved. Commitments requested by LMI, there was one
23 regarding the joint submission with CIRNAC on
24 security -- the security framework for return of
25 security, and that item is currently under discussion.

26 Commitments requested by the NWB, one, and that

1 was with regards to the draft licence -- draft water
2 licence framework, and that's resolved, so there's none
3 remaining.

4 We've summarized, initially, potential exhibits to
5 be submitted at the public hearing. One of them would
6 be the conceptual design of the waste rock dome concept
7 to satisfy CIRNAC's Commitment Request Numbers 5 and 6,
8 and Stantec preliminary design level explanation of
9 waste rock storage dome design, again, CIRNAC
10 Commitment Numbers 5 and 6.

11 Exhibit Number 3, the decision matrix under
12 Commitment 8, and I believe that is still under further
13 discussion for agreement prior to the end of the public
14 hearing, and LMI's framework for progressive release of
15 security under Commitment 9 to be further discussed and
16 agreed upon and submitted prior to the end of the
17 public hearing, and a final exhibit was with regards to
18 a proposed updated implementation schedule for closure
19 activities.

20 Final slide, just a summary of contact information
21 for both Mandalay Resources and Lupin Mines
22 Incorporated.

23 I'd like to take this opportunity to thank the
24 Board, Mr. Chair, NWB Staff, the Intervenor, CIRNAC,
25 and Environment and Climate Change Canada, and those
26 members of the public that have come in to join us at

1 this meeting for the opportunity to present on behalf
2 of LMI, and we invite any questions.

3 Thanks very much, Mr. Chair.

4 THE CHAIR: Thank you, Applicant, for your
5 presentation this morning.

6 Discussion

7 THE CHAIR: So, Stephanie, do we need to
8 take care of anything? Or, sorry, Teresa?

9 MS. AUTUT: Okay. Thanks, Mr. Chair.

10 So, first, I would suggest that we reserve
11 questions till after the lunch period, but before we
12 close for lunch, Teresa and I would like to just have a
13 quick discussion with the parties. I know Teresa
14 updated everyone this morning about a potential change
15 to the schedule over the next couple days.

16 So there has been a death in the community that
17 will see a funeral happening tomorrow in the afternoon
18 starting at 1:00, so what the Board would like to
19 propose is that we -- well, I'll have Teresa --
20 basically, we break at lunch tomorrow and reconvene on
21 Friday morning, but what that looks like, I'll have
22 Teresa walk through what the expectations are of the
23 parties by noon tomorrow and then when we return on
24 Friday, so Teresa.

25 MS. MEADOWS: Thank you, Stephanie. Thank
26 you, Mr. Chair. Teresa Meadows, legal counsel for the

1 Nunavut Water Board.

2 So the expectation is that we have a Community
3 Session scheduled for this evening, which will go ahead
4 as planned. Then tomorrow morning, our hope is that we
5 will be through the majority of the agenda by noon
6 tomorrow, subject to closing arguments and the final
7 filing of documentation for Friday morning.

8 As I'm sure you can appreciate, the Board has to
9 take down the sound equipment for a community event in
10 the hall starting at 5:00 tomorrow associated with the
11 funeral services, and so if we are concluded, if
12 every -- all the evidence is in by the end of noon
13 tomorrow, we will not reconvene in the morning, would
14 not need to do it on Friday, but if we do have to
15 reconvene on Friday morning, our hope is, is that it's
16 only for closing arguments, and then we will set up a
17 more restricted, limited sound and interpretation
18 equipment, make that available.

19 So that is the tentative plan, so we appreciate --
20 the Board appreciates the efforts of all the
21 Intervenor and the parties here to be as concise as
22 you can and as focused as you can in the questions that
23 you're going to ask so that we can hopefully conclude
24 things, perhaps, on Thursday, but, again, we have the
25 residual plans in place, contingency for Friday morning
26 as well.

1 So thank you, Mr. Chair. Those are my remarks.

2 THE CHAIR: Okay. Thank you. We'll take
3 a break now for a break, lunch, but when we come back,
4 we'll have -- open up for questions/comments related to
5 the Applicant's presentation this morning.

6 Okay. We'll come back at 1:15. Thank you. Take
7 a break.

8

9 PROCEEDINGS ADJOURNED UNTIL 1:15 PM

10

11 (PROCEEDINGS COMMENCED AT 1:17 PM)

12 THE CHAIR: Good afternoon. I think we
13 can reconvene from the lunch break.

14 Before the lunch break, we get into -- we were
15 ready to go to questions and answers from -- for
16 Applicant's presentation this morning. Before going to
17 that, I'd like to have our legal counsel, Teresa, to
18 take care of the floor for a minute.

19 Go ahead, Teresa.

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

22 Mr. Chair, it's my understanding that before we
23 proceed into questions, Lupin Mines Incorporated has an
24 addition to the presentation that they provided this
25 morning consisting of further exhibits in relation to
26 some ongoing commitments that they've been discussing

1 with Crown-Indigenous Relations and Northern Affairs
2 Canada, and they have come to some agreement with
3 respect to some additional wording in the commitments,
4 and so they have provided additional materials to be
5 filed electronically to -- in this public hearing, so I
6 would like to turn over the mic to legal counsel for
7 LMI to address what these additional materials are and
8 then to speak to those materials.

9 Thank you, Mr. Chair.

10 THE CHAIR: Thank you, Teresa.

11 Go ahead, Applicant.

12 Submissions by Lupin Mines Incorporated

13 MS. KOWBEL: Christine Kowbel, legal
14 counsel for Lupin Mines Incorporated.

15 Yes, Mr. Chair, we propose to file three
16 additional exhibits in advance of questions. The first
17 document is a Word document. It's titled "Summary of
18 Additional Commitments and Issue Resolution", today's
19 date, and it's only two-and-a-half pages, and what that
20 document does is it gives more detail about the agreed
21 commitments that Lupin Mines Incorporated have made to
22 Crown-Indigenous Relations and Northern Affairs Canada
23 in order to resolve some of those issues that were
24 outstanding at the time they filed their presentation,
25 and so after I'm finished speaking to these exhibits, I
26 would propose for Karyn Lewis from Lupin Mines to read

1 that commitment list into the record so that the Board
2 has a chance to hear it before we go into questions, so
3 that's first document.

4 The second document is a schedule. Lupin Mines
5 Incorporated mentioned their schedule for carrying out
6 the reclamation activities during their presentation
7 just now, and so we thought it would be useful to the
8 Board to provide the Board with a bit more detail in
9 the schedule, so we filed that as another electronic
10 exhibit. Unfortunately, just given the time and
11 constraints, we weren't able to get a paper copy of
12 that, but we have given you an electronic copy.

13 And then the third exhibit is one that I will be
14 handing to your legal counsel very shortly, and what
15 that document is, is a -- it's a document which
16 reflects the security milestones that we referenced in
17 our presentation, and so what that document is, is that
18 Crown-Indigenous Relations and Northern Affairs Canada
19 and Lupin Mines Incorporated have had ongoing
20 discussions for the last few months about agreed
21 milestones and the value of meeting those milestones
22 over the course of the reclamation, and so we
23 anticipate that those -- that milestones document will
24 be part of the security reduction framework, which
25 we're still working on, but we thought, in the
26 meantime, it was useful for the Board to have that

1 milestones document, so with your permission, we'll
2 walk that over. We just have it on a stick for Teresa
3 Meadows.

4 Thank you, Mr. Chair. Those are -- those are the
5 three exhibits, and then if it pleases you, Karyn Lewis
6 can read in the LMI commitments and issue resolution
7 document.

8 Thank you.

9 THE CHAIR: Thank you, Applicant.

10 Teresa.

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

13 And, Mr. Chair, I also wanted to recognize on the
14 record that these electronic materials, the two -- the
15 first two documents have been circulated in electronic
16 form to the other Intervenorors that are present.

17 Obviously, Crown-Indigenous Relations and Northern
18 Affairs Canada has looked at them, seeing as there's
19 agreement, but Environment and Climate Change Canada
20 also has been copied on the electronic circulation of
21 these materials, but if you are having difficulty
22 accessing them for any reason, please come and see us,
23 and we can -- we can pull them up so that you can take
24 a look at them, and then with respect to the document
25 on the stick, we will also -- I will also make that
26 available to any of the participants that are here as

1 well. Any of the Intervenors who have not received it
2 in electronic copy already, please feel free to come
3 over and see me at the break, and we will provide that
4 to you.

5 EXHIBIT 13 - Electronic Copy, Summary of
6 Additional Commitments and Issue Resolution
7 Dated January 15, 2020 (English)

8 EXHIBIT 14 - Electronic Copy, Updated Lupin
9 Mine Remediation Schedule January 2020 Dated
10 January 13, 2020 (English)

11 EXHIBIT 15 - Electronic Copy, Security
12 Framework Milestones for draft water licence
13 framework (English)

14 MS. MEADOWS: So thank you, Mr. Chair.
15 Those are my procedural matters.

16 THE CHAIR: Thank you, Teresa.

17 You want to continue or are you ready for
18 questions and answers? Go ahead.

19 MS. KOWBEL: Christine Kowbel, Lupin Mines
20 Incorporated.

21 Mr. Chair, if it's okay with you, we'd like to
22 read in the new commitments that Lupin Mines has made
23 to Crown-Indigenous Relations before we start
24 questions, just so everyone starts with an
25 understanding of the additional commitments, if that's
26 okay with you.

1 THE CHAIR: Yes. I accept that.

2 MS. MEADOWS: Mr. Chair, it's Teresa
3 Meadows, legal counsel for the Nunavut Water Board.

4 Would it will helpful to project it while you're
5 speaking to it?

6 Okay. Maybe, Mr. Chair, if you can just give us
7 two minutes to actually get it from this computer to
8 that computer?

9 Thank you, Mr. Chair.

10 THE CHAIR: Okay. Thank you.

11 Thank you. Go ahead, Applicant.

12 Presentation by Lupin Mines Incorporated

13 MS. LEWIS: Karyn Lewis, LMI.

14 So it's the document on the screen, so a summary
15 of additional commitments and issue resolution dated
16 January 15th, 2020.

17 At the time CIRNAC filed its final hearing
18 presentation on January 10th, 2020, it identified the
19 following three issues as outstanding on Slide 13. We
20 do note that it says "two" up there, but it is three.

21 Number 1, long-term stability of cover and dams;
22 Number 2, management of tailings exposed when water
23 levels are lowered; and 3, insufficient information for
24 security estimation. What follows provides a summary
25 of the discussions and commitments which have since
26 resolved these issues.

1 CIRNAC Hearing Presentation Regarding Commitment

2 Number 1. Background: CIRNAC and LMI had bilateral
3 discussions on January 7th, 2020, as well as a call
4 with Board Staff, and CIRNAC confirmed that their
5 outstanding issues with respect to Commitments 3 and 4
6 were resolved with LMI's confirmations respecting
7 monitoring. This will be addressed in the monitoring
8 plan which will be submitted within one year following
9 the issuance of the amended water licence. Status:
10 Resolved.

11 CIRNAC Hearing Presentation Regarding Commitment 2
12 and 9 -- Commitments 2 and 9. Background: This matter
13 was further discussed between CIRNAC and LMI on January
14 14th, 2020. LMI provided more information responsive
15 to CIRNAC's request on January 7th, 2020, and added the
16 additional information discussed on January 14th, 2020.
17 The updated wording is as filed with the attached,
18 which is what we -- which we just gave to Teresa
19 Meadows on the stick. Status : Resolved.

20 CIRNAC Hearing Presentation Regarding Commitments
21 3 and 4. Background: CIRNAC and LMI had bilateral
22 discussions on January 7th, 2020, as well as a call
23 with Board Staff, and CIRNAC confirmed that their
24 outstanding issues with respect to Commitments 3 and 4
25 were resolved with LMI's confirmation respecting
26 monitoring. This will be addressed in the monitoring

1 plan which will be submitted within one year following
2 the issuance of amended water licence. Status:
3 Resolved.

4 CIRNAC Hearing Presentation Concluding Comment 1,
5 Commitment 5 and 7. Background: The mine site dome
6 cross-section provided on January 10th in response to
7 the request for more information to support Commitment
8 5 and 7, which was provided -- sorry, which was to
9 provide a preliminary design level explanation of the
10 waste rock storage dome, LMI provided the
11 cross-sections in a memo provided on January 10th,
12 2020, and a follow-up discussion was held with CIRNAC
13 on January 14th, 2020, where CIRNAC indicated that the
14 preliminary design and cross-section meets the intent
15 of Commitment 5.

16 Commitment: LMI commits to provide additional
17 details on the cross-section to identify conceptual
18 water features and their slopes along with notes on
19 erosion control features and typical locations where
20 they would be installed. LMI additionally commits to
21 provide the north/south preliminary design level
22 cross-section, including these same additional drainage
23 and erosion control concepts. Both of these items will
24 be provided to CIRNAC within 60 days of the issuance of
25 an amended water licence.

26 Status: CIRNAC confirms that this commitment

1 resolves their outstanding concern respecting
2 Commitment 5 and 7, and CIRNAC Hearing Presentation
3 Concluding Comment 1 is now considered resolved.

4 CIRNAC Hearing Presentation Concluding Comment 1,
5 Commitment 6. Background: Following Lupin Mine
6 Incorporated's response to Commitment 6, which was to
7 provide geotechnical details of the tailings
8 containment area, TCA, engineered structures to ensure
9 long-term stability and erosion control, a geotechnical
10 stability review was performed concluding that Dam M
11 and Dam K require resloping for final closure.

12 During a call with CIRNAC on January 7th, 2020,
13 CIRNAC requested additional resloping details to be
14 presented in the form of two cross-sections. LMI
15 provided the cross-sections in a memo provided on
16 January 10th, 2020, and a follow-up discussion was held
17 with CIRNAC on January 14th, 2020.

18 Commitment: LMI commits to provide additional
19 details on the Dam K and Dam M cross-sections, more
20 specifically, a zoomed-in image that more clearly
21 identifies the materials used for the resloping, the
22 distance that the resloping materials will extend from
23 the crest of Dam M and Dam K, and through a break line,
24 and with minimums and maximums noted, the distances to
25 the closure water levels from each of these two
26 resloped structures. In addition, LMI commits to

1 provide a perpendicular longitudinal cross-section to
2 supplement the typical outflow structure details
3 provided in the January 10th memo. The longitudinal
4 cross-section, one for Cell 5 and one for Cell 3, will
5 provide invert elevations from the cover to the ponds,
6 along with a design note to clarify the storm-return
7 period that will be used for the detailed design
8 features. Both of these items will be provided to
9 CIRNAC within 60 days of the issuance of an amended
10 water licence.

11 Status: CIRNAC confirms that this commitment
12 resolves their outstanding concern regarding
13 Commitment 6, and CIRNAC Hearing Presentation
14 Concluding Comment 1 is now considered resolved.

15 CIRNAC Hearing Presentation Concluding Comment 2,
16 Commitment 8. Background: Following the submission of
17 the Commitment 8 decision matrix and how potential
18 contaminants would be managed once the water levels
19 have been achieved, a call was held with CIRNAC on
20 January 7th, 2020, where CIRNAC requested additional
21 details. The details on the decision matrix steps and
22 the scientific backing for the cover in place was
23 provided by LMI to CIRNAC. This matter was further
24 discussed between CIRNAC and LMI on January 14th, 2020.

25 Commitment: Based on the decision matrix steps
26 and scientific backing considerations provided to

1 CIRNAC, LMI has determined that all exposed tailings
2 will be covered in place. Relocation is not considered
3 appropriate due to the listed environmental and
4 operational health and safety risks set out in the
5 decision matrix steps. LMI commits to provide
6 additional information to CIRNAC to provide further
7 rationale to support its view that the in-situ cover is
8 effective and robust, including preliminary details and
9 typical sections on how the cover will be constructed
10 on newly exposed tailings to ensure it is stable and
11 protected against long-term erosion. This information
12 will be in the form of a memorandum and will be
13 provided to CIRNAC within 60 days of the issuance of an
14 amended water licence.

15 Status: CIRNAC confirms that this commitment
16 resolves their outstanding concern regarding Commitment
17 8, and CIRNAC Hearing Presentation Concluding Comment 2
18 is not considered resolved.

19 Thank you, Mr. Chair -- oh, actually, sorry. One
20 more thing to comment on.

21 In our presentation, we have a typo on page 25.
22 The tailings cover, we had put that there was
23 approximately 199,000, and then we had covered 10,500,
24 so the remaining at the bottom didn't minus out the
25 10,500, but our security estimate is correct, with a
26 little bit additional of one thousand ninety-five

1 hundred, so I just wanted to make sure that that typo
2 was noted.

3 Thank you, Mr. Chair.

4 THE CHAIR: Thank you, Applicant, for
5 updating us from our latest agreement.

6 Karén, go ahead.

7 Nunavut Water Board Staff Questions Lupin Mines
8 Incorporated

9 MR. KHARATYAN: Karén Kharatyan, Water Board.
10 Thank you, Mr. Chair.

11 Just for confirmation, there were a number of
12 commitments associated between the issuance of licence.
13 Just to confirm it, LMI and CIRNAC, whether they did
14 mean "issuance", or they did mean "approval"?

15 THE CHAIR: Thank you.

16 Go ahead, Applicant.

17 MS. KOWBEL: Christine Kowbel, legal
18 counsel for 'L' -- Lupin Mines Incorporated. Sorry,
19 just one moment, Mr. Chair.

20 Thank you, Mr. Chair. Just for clarity, we mean
21 "on approval".

22 Thank you.

23 THE CHAIR: Thank you, Applicant.

24 Now I think we're, kind of, getting ready to open
25 up for questions and answers or questions or comments.
26 I'd like to start with Crown-Indigenous Relations and

1 Northern Affairs, if you have questions or comments
2 related to Applicant's presentation from this morning
3 and continuation from just a while ago.

4 MR. OKONKWO: Thank you, Mr. Chair. So I'm
5 Godwin from Crown-Indigenous Relations and Northern
6 Affairs Canada.

7 We don't have any questions at this time. We'll
8 leave it to for our presentation.

9 Thank you.

10 THE CHAIR: Thank you, CIRNAC.

11 Now, we'll open up for Environment and Climate
12 Change Canada.

13 Environment and Climate Change Canada Questions Lupin
14 Mines Incorporated

15 MS. WALKER: Thank you, Mr. Chair. Eva
16 Walker with Environment and Climate Change Canada.
17 Just a few clarifications for the record, based on
18 conversations that we had off the record.

19 So can LMI confirm for the record that the
20 assumptions for all the climate scenarios assessed
21 included precipitation increasing?

22 MS. WILKINS: Hello. This is Sara Wilkins
23 with Stantec.

24 Can I ask you to repeat just the last sentence?
25 Sorry.

26 MS. WALKER: Can you confirm that the

1 climate scenarios that were used assumed that
2 precipitation would increase?

3 MS. WILKINS: Thank you.

4 Yes, I can confirm that in the climate scenarios
5 and in our risk assessments, we assumed that
6 precipitation would increase.

7 MS. WALKER: Eva Walker for Environment and
8 Climate Change Canada.

9 The other question I had related to the climate
10 models was with -- what -- sorry. Can you clarify or
11 confirm what future emission scenarios were considered
12 for the tailings cover?

13 MS. WILKINS: Sara Wilkins with Stantec.

14 Thanks for your question.

15 We considered the low emissions scenario, the high
16 emissions scenario from the Canada's climate
17 changing -- sorry, let me get that exact quote. One
18 second -- from Canada's changing climate report issued
19 in 2019. From those high emission scenario and low
20 emission scenario, we additionally calculated an
21 average emission scenario, and we modelled all three
22 for the tailings containment area.

23 MS. WALKER: Hi. This is Eva Walker with
24 Environment and Climate Change Canada.

25 And just to confirm, you're referring to tailings
26 cover?

1 MS. WILKINS: For the tailings containment
2 area, we conducted a risk assessment, and the risk
3 assessment concluded that in recent -- in development,
4 excuse me, of the recent climate emissions scenario
5 models, that precipitation would increase; therefore,
6 the cover assessment previously conducted by Holubec
7 would remain valid.

8 MS. WALKER: Thank you. I have -- Eva
9 Walker with Environment and Climate Change Canada.

10 I have no further questions. I will now turn it
11 over to my colleague, Anne Wilson.

12 MS. WILSON: Thank you. Anne Wilson with
13 Environment and Climate Change Canada. I have a few
14 questions on monitoring, and then a question on timing,
15 so I'll start with the monitoring.

16 We appreciate that there's going to be, within the
17 year following licence issuance, a long-term monitoring
18 plan put in place, and we think a lot is riding on
19 this, and it will certainly help alleviate some of our
20 concerns. I just wanted to talk a bit about what forum
21 this might be taking place under for stakeholder
22 involvement.

23 MS. WILKINS: Mr. Chair, could we have a
24 moment to discuss?

25 Thank you.

26 THE CHAIR: Yeah. Go ahead.

1 MS. LEWIS: Karyn Lewis, LMI.

2 THE CHAIR: Okay. Yeah, make sure you
3 keep introducing yourself. Make sure you keep saying
4 your name before you speak for the record and
5 someone's -- there's persons on the phone as well.

6 MS. LEWIS: Yes. Yeah, so Karyn Lewis,
7 LMI.

8 Mr. Chair, we would be putting together a draft
9 monitoring plan probably within the six-month mark and
10 engaging with CIRNAC and ECCC to go through it before
11 we actually submit it to the Board as promised within a
12 year, so that gives us some time to go through, that
13 everybody's comfortable with it before we send it to
14 the NWB, and then I assume once it's with the NWB, it
15 would go out for comment, and there could be further
16 comment with -- from other parties as well.

17 THE CHAIR: Thank you.

18 ECCC, go ahead.

19 MS. WILSON: Anne Wilson, ECCC. Thank you.

20 I think within the six months, that would be very
21 helpful, and I don't know if it would be useful to have
22 further conversations about the baseline monitoring
23 that's to be done for the receiving environment for the
24 dome, just a few questions which are of minor details,
25 it would be of interest to me if we discuss on that
26 one, so I'll just go to my next question at this point.

1 In Attachment 2 of the response to the
2 Intervenors' submissions, the monitoring is shown as
3 being five years with one more monitoring event at Year
4 10, and the benchmark noted was until chemical
5 stability is achieved, so I have two questions. First
6 off, how will "chemical stability" be defined, and just
7 the thought that Year 10 might still be too soon to
8 call it a wrap, that I would hope that the ICRP
9 schedule of up to 25 years would still be on the table.

10 THE CHAIR: Thank you, Anne.

11 MS. LEWIS: Karyn Lewis, LMI. Can we just
12 take a moment to ... thanks.

13 THE CHAIR: Make sure you mention your
14 name for the record as well, so for the ...

15 MR. MCKINLEY: Jim McKinley, Stantec.

16 So we were planning on developing those criteria
17 for stability and the potential for decreased
18 monitoring, if that stability is reached in accordance
19 with the different Intervenors, and that would be part
20 of what we are submitting as we move forward.

21 THE CHAIR: Thank you.

22 Go ahead, ECCC.

23 MS. WILSON: Thank you. Anne Wilson, ECCC.

24 And as far as the time frame, would -- just 10
25 years contemplated under this licence term, what would
26 the envisioned maximum time frame be following that if

1 stability hasn't been reached?

2 MR. MCKINLEY: Jim McKinley, Stantec.

3 Again, we feel like until we see the results of
4 the early monitoring, it's hard to say how long -- how
5 long that those monitoring -- how long that the
6 monitoring would need to extend into the future to
7 determine if stability is reached, so that would need
8 to be something that's decided as we start to see
9 the -- those initial results.

10 MS. WILSON: Anne Wilson, ECCC. Thank you
11 for that.

12 With apologies to CIRNAC, because this is
13 definitely their territory, not ours, would the
14 security amount maintain the funding available to do 25
15 years of monitoring as was laid out in the ICRP so that
16 that would be available in the final version?

17 MS. LEWIS: I'm just going to check my
18 file, if that's okay?

19 Thanks.

20 THE CHAIR: Go ahead, Applicant.

21 MR. BOCKING: Ken Bocking.

22 The cost model has been set up and has an
23 allowance for a total of ten sampling episodes spread
24 out over a 25-year period.

25 THE CHAIR: Thank you, Applicant.

26 Go ahead, Environment and Climate Change Canada.

1 MS. WILSON: Thank you. Anne Wilson,
2 Environment and Climate Change Canada. My last
3 question is to do with the timing of some of the works.

4 At what point will the syphon removal and the
5 spillway construction be done?

6 MS. LEWIS: Thank you. Karyn Lewis.

7 Can you let me know which spillway you're
8 referring to?

9 MS. WILSON: Anne Wilson, ECCC.

10 That would be the discharge into their receiving
11 environment into Seep Creek from Pond 2.

12 THE CHAIR: Go ahead.

13 MS. LEWIS: I'm just going to take one
14 second.

15 THE CHAIR: Go ahead, Applicant. Go
16 ahead, Applicant.

17 MR. MCKINLEY: Jim McKinley, Stantec.

18 So the breaching of those spillways would be
19 dependent on the monitoring results, so it's hard to
20 define an actual year that that would happen.

21 THE CHAIR: Thank you.

22 Go ahead, Climate Change Canada.

23 MS. WILSON: Thank you. Anne Wilson, ECCC.

24 You can probably see where I'm coming from on
25 this. The Metal Mining and Effluent -- Metal and
26 Diamond Mining Effluent Regulations will be in force

1 until January 30th, 2022, provided all the recognized
2 closed mine requirements are met, and I'm just curious
3 as to whether there is a possibility of the discharge
4 happening within that time period?

5 THE CHAIR: Go ahead, Applicant.

6 MR. MCKINLEY: Jim McKinley, Stantec.

7 So if the -- if the treatment and discharge goes
8 as planned in 2020, this would be the last year that we
9 are treating and discharging before the spillways are
10 breached, and once that happens, it's expected to be --
11 for the site to passively drain.

12 THE CHAIR: Thank you.

13 Go ahead, Climate Change Canada.

14 MS. WILSON: Anne Wilson, ECCC.

15 That didn't quite hit the mark. There -- the
16 question is, is there a possibility of passive releases
17 occurring before you're a recognized closed mine?

18 THE CHAIR: Thank you.

19 Go ahead, Applicant.

20 MR. MCKINLEY: Jim McKinley, Stantec.

21 Currently, there's no plan to breach the dams
22 between -- before 2022, so there shouldn't be any
23 discharge prior to that, any passive discharge prior to
24 that.

25 THE CHAIR: Thank you.

26 Go ahead, Anne.

1 MS. WILSON: Thank you, Mr. Chair, and that
2 was all our questions.

3 Thanks.

4 THE CHAIR: Okay. Thank you.

5 Applicant, do you want to continue? Go ahead.

6 MR. HOHNSTEIN: Thank you, Mr. Chair. David
7 Hohnstein, LMI.

8 Just a point of clarification for Anne's first
9 question on timing of the closure plan and potential
10 meetings there. I think the intent for LMI was to
11 submit, within six months, a framework for the final --
12 or the long-term monitoring plan, which would lead into
13 discussions over the next six months prior to the
14 requirement to submit a plan to the Water Board.

15 I hope that answers the question a little -- a
16 little better.

17 THE CHAIR: Thank you, Applicant.

18 I think we are now ready to open for members of
19 public. If there is any questions or comments, you may
20 do so, and come to the microphone. You can raise your
21 questions or comments.

22 Okay. I take that there's nothing from public.

23 I'd like to ask the Board Staff, is there any
24 questions to the Applicant's presentation?

25 Go ahead.

26 Nunavut Water Board Staff Questions Lupin Mines

1 Incorporated

2 MS. AUTUT: Thank you, Mr. Chair.

3 Stephanie Autut with the Water Board.

4 Mr. Chair, the Staff do have some questions for
5 the Applicant, and I'll hand the microphone over to
6 Karén.

7 MR. KHARATYAN: Thank you, Mr. Chair, thank
8 you, Stephanie. Karén Kharatyan from Water Board.

9 A few clarifications, and before starting things,
10 our reason for asking my question -- I had the same
11 question later, that from our understanding that after
12 2020 discharge from Pond 2, that all tailings will be
13 covered with esker material; then based on the
14 assessment of water quality, the company will make the
15 decision whether spillways will be constructed or no.

16 So from our understanding, and to also mention in
17 the final closure reclamation plan, if the water
18 quality meets the guidelines, so that means our
19 understanding was that if the water quality meets -- if
20 it's after 2020, discharge quality meets Metal and
21 Diamond Mines Effluent Regulation guidelines, what
22 happens if it doesn't meet the guideline at that time?

23 After 2020 discharge, if you -- without still
24 breaching dike or anything, before constructing the
25 spillway, if your monitoring shows that -- or
26 assessment shows that you don't still meet the

1 guideline or met MDMER, and also taking into account
2 that within some time, the mine will be getting the
3 status of recognized closed mine, what is the next step
4 if the water quality doesn't meet the MDMER?

5 MS. LEWIS: Can I take a minute?

6 THE CHAIR: Go ahead, Applicant.

7 MR. MCKINLEY: Jim McKinley, Stantec.

8 So the current plan is that we would leave
9 sufficient equipment on site that if the water quality
10 did not meet the guidelines that were required, we
11 would have equipment on the staff [sic] to potentially
12 treat the water again for discharge and then decide on
13 a plan forward.

14 THE CHAIR: Thank you.

15 Karén.

16 MR. KHARATYAN: Thank you. This is Karén
17 Kharatyan from Water Board.

18 With assuming that within some time, Fisheries 36,
19 I think, (3) section will be applicable, so it's still
20 not clear, for me, whether if you need treatment for
21 some time once the -- and we are close to have this
22 status provided by ECCC, what will be the -- because
23 the requirement under Section 36 may be different.
24 That could be different from just MDMER, so how you
25 will -- what will be the guideline or regulation to
26 comparable to quality, or not just the water quality,

1 because 36(3) has more requirement than just MDMER.

2 MS. KOWBEL: Thank you, Mr. Chair.

3 Christine Kowbel, legal counsel for LMI -- sorry, Lupin
4 Mines Incorporated.

5 Mr. Chair, I think we're -- I'm not sure what the
6 question the Board is asking, but just to confirm if
7 this is the question: Lupin Mines is well aware that
8 it has to comply with all territorial and federal legal
9 requirements, and one of those is that it must -- if it
10 is to discharge, it must discharge in compliance with
11 the Fisheries Act, including Section 36, and it must
12 discharge in compliance with the MDMER, and so -- and
13 so Lupin confirms it would -- it would be
14 discharging -- it wouldn't -- it couldn't nor would it
15 be looking to discharge at levels different than
16 permitted under the Fisheries Act or MDMER.

17 Thank you, Mr. Chair. I hope that clarifies that
18 question.

19 MR. KHARATYAN: Karén Kharatyan. Yes, it
20 clarifies, and same thing, thank you for response.

21 The next clarification I will be looking for is
22 with respect to security estimates. One was originally
23 included within final closure and reclamation plan, and
24 the second revised one was submitted in November, so
25 while the general total cost estimate is higher, we
26 noticed that there are -- this is higher due to two

1 items, mostly, indirect contractor cost estimate, a new
2 item, and mobilization/demobilization; and LMI stated
3 that the other -- the other environmental liability big
4 items decreased sometimes twice or even more, like rock
5 piles or tailing, et cetera, and LMI has stated that
6 this updated cost estimate is based on the LMI contract
7 with contractor, so the question is whether all these
8 big items within the summary are based on the LMI
9 contract with contractor, or there are changeover
10 approach of final closure reclamation.

11 THE CHAIR: Thank you.

12 Applicant, go ahead.

13 MS. LEWIS: Karyn Lewis, LMI.

14 We can confirm, in our security estimate, that the
15 contractor costs are in there, unless it's something
16 that's happening after 2022, which we put in notes,
17 which would still be based on estimates that we had in
18 our previous version, but the amount did go up based on
19 our signed contract with our contractor, and those
20 rates are based on what it would cost our contractor to
21 carry out that work.

22 MR. KHARATYAN: Karén Kharatyan, Water Board.

23 So I can assume that LMI confirms that there is no
24 any change of final closure reclamation approach that
25 was presented within the final closure reclamation
26 plan?

1 MS. LEWIS: Karyn Lewis, LMI.

2 The approach is the same. The cost has just
3 changed.

4 MR. DONALD: Derek Donald, Nunavut Water
5 Board. I've got a couple of quick questions here as
6 well.

7 I guess the first question has to do with the --
8 mainly the Upper Sewage Lake, and I was just wondering
9 if sewage sludge was ever considered a potential issue
10 there, and if so, how is it going to be managed?

11 THE CHAIR: Thank you.

12 Go ahead, Applicant.

13 MS. LEWIS: Can we just take a minute?

14 Thanks.

15 THE CHAIR: Go ahead, Applicant.

16 MR. MCKINLEY: Jim McKinley, Stantec.

17 So the current plan is that part of the sewage
18 lagoon would become the landfill, and that portion of
19 the -- of whatever sludge was present in the bottom of
20 the lagoon would be covered, and a portion of that
21 would not be covered by the landfill.

22 THE CHAIR: Thank you.

23 Water Board Staff, Derek.

24 MR. DONALD: Derek Donald, Nunavut Water
25 Board. Thank you.

26 Just one more question for clarification for

1 myself, and this has to do with the volume of waste
2 discharged. In the draft licence framework provided,
3 the total volume had increased from the previous
4 licence. The previous licence, I think, was 70,000
5 cubic metres, and it was increased to 125,000, and just
6 for my, I guess, own clarity, is that increase in
7 volume basically just to do with the discharge from the
8 tailings containment area?

9 Thank you.

10 THE CHAIR: Thank you.

11 Go ahead, Applicant.

12 MS. LEWIS: We'll just take -- we're just
13 going to take one minute here.

14 THE CHAIR: Go ahead, Applicant.

15 MR. MCKINLEY: Jim McKinley, Stantec.

16 So the request for an increased discharge flow
17 rate was so that we could comply with the schedule of
18 activities this summer and lower the water levels in
19 Pond 2 and Pond 1 and Cell 4 to the closure levels as
20 quickly as possible to allow for other operations on
21 site this summer.

22 THE CHAIR: Thank you.

23 Okay. Yeah, Karén, go ahead.

24 MR. KHARATYAN: Karén Kharatyan, Water Board.

25 Thank you, Mr. Chair.

26 Just a follow-up to ECCC's question regarding

1 post-closure monitoring and agencies involved with a
2 review of these post-closure monitoring. So just maybe
3 a question to all parties about the approach, if Board
4 decide to issue a licence.

5 If the post-closure monitoring section within the
6 licence monitoring program is -- remained not -- I
7 wouldn't say blank, but as per a post-closure
8 monitoring plan, would this approach be acceptable
9 by -- for agencies and to LMI or no?

10 This is -- this is assuming that changes may be
11 made within post-closure monitoring plan, so instead of
12 issuing another type of post-closure monitoring, just
13 incorporate the time of the post-closure monitoring
14 requirements and issue at that time, whilst the plan is
15 approved.

16 MS. LEWIS: Can we take a moment? Thank
17 you.

18 THE CHAIR: Go ahead, Applicant.

19 MR. HOHNSTEIN: Thank you, Mr. Chair. David
20 Hohnstein, LMI.

21 Just for clarification, we'd like the Staff to, I
22 guess, clarify regarding the post-closure monitoring,
23 the section you're referring to in the licence, you
24 would be referring to the monitoring plan to be
25 submitted, and not including any requirements as far as
26 post-closure, but there would still be the standard

1 requirements for monitoring prior to closure. I guess
2 just looking for some clarification as to what may or
3 may not be included or wanting to be omitted in that
4 section of the licence.

5 MR. KHARATYAN: Karén Kharatyan, Water Board.

6 This is, Dave, just within monitoring program
7 included within the section -- within the schedule, not
8 licence conditions, but within the schedule, just
9 according to the draft framework, the post-closure
10 monitoring is planned to start from 2022, so this part
11 is according to draft framework. It goes to 2026.
12 While we know that there may be a requirement of
13 monitoring after 2026 because the agreement was to have
14 a 12-year licence, not seven years, so the approach
15 that I am not -- I am -- this is just an idea, if this
16 approach would be acceptable, leaving this, that after
17 2022, post-closure monitoring as per approved
18 post-closure monitoring plan. So once this
19 post-closure monitoring is reviewed by parties and
20 approved, the table for parameters, frequency, et
21 cetera, for post-closure monitoring could be
22 incorporated within the approved -- or issued
23 separately as this is the post-closure monitoring
24 requirements.

25 THE CHAIR: Thank you.

26 Go ahead, Applicant.

1 MR. HOHNSTEIN: Thanks, Mr. Chair. David

2 Hohnstein again, LMI.

3 Yes, LMI's totally in agreement with replacing the
4 proposed monitoring table and schedules that are
5 included with the draft water licence framework with
6 those that may be included with the approved
7 post-closure monitoring plan when it's submitted and
8 eventually approved by the Board.

9 MR. KHARATYAN: Karén Kharatyan, Water Board.

10 Thank you, Mr. Chair. I will also ask parties
11 whether they will -- they agree with this approach.

12 THE CHAIR: Go ahead, ECCC.

13 Response to Nunavut Water Board Question by Environment
14 and Climate Change Canada

15 MS. WILSON: Anne Wilson, ECCC. I was
16 closest to the mic, so I jumped up.

17 We would agree with that approach to leave the
18 wording to be determined by the plan.

19 Response to Nunavut Water Board Question by
20 Crown-Indigenous Relations and Northern Affairs Canada

21 THE CHAIR: CIRNAC, go ahead.

22 MR. OKONKWO: Thank you, Mr. Chair.

23 We, CIRNAC, would also, like, be okay with that
24 approach; however, I did -- maybe I will speak to it
25 later. I will have the opportunity to look at the
26 post-closure monitoring plan; right?

1 Okay. Thank you.

2 THE CHAIR: Thank you.

3 Karén, go ahead.

4 Nunavut Water Board Staff Questions Lupin Mines
5 Incorporated

6 MR. KHARATYAN: Karén Kharatyan, Water Board.

7 Thank you, Mr. Chair.

8 To answer Godwin's question, absolutely, Board
9 will issue this plan for review by parties, and I am
10 assuming that there will be follow-up question, et
11 cetera, and the Board will exercise its power or
12 mandate to approve the plan in the end of this review
13 process.

14 Just one clarification or comments that even with
15 leaving the post-closure monitoring as per approved
16 post-closure monitoring, just for LMI information, and
17 thank you for providing this additional monitoring
18 table. These three receiving water bodies will still
19 be subject to monitoring for pre-closure monitoring
20 requirements.

21 Thank you.

22 THE CHAIR: Thank you, Karén.

23 Applicant, go ahead.

24 MS. LEWIS: Karyn, LMI.

25 We do agree with that statement.

26 THE CHAIR: Thank you, Water Board Staff.

1 I'd like to go back to the public. I think
2 there's someone who had a question or comment. Yeah,
3 come to the microphone, raise your concern.

4 Before you speak, state your name, please.

5 Questions for Lupin Mines Incorporated by Community
6 Representatives

7 MR. PALONGYAK: Koana, Ikkhivautaq. My name
8 is Jaco Palongyak.

9 I've worked at Lupin previously for seven years.
10 I live in Kugluktuk, Nunavut. I worked at the Lupin
11 Mine for seven years underground, and -- but before I
12 started working there, I used to work at surface mine
13 there, in the tailings pond area, and I've seen some --
14 some dangerous chemicals that go into those tailings
15 pond, and some animals contact with the -- with the
16 dangerous chemical, and they pass away, or pass away in
17 there, but I've never seen a report of animals dying in
18 that tailings pond. I wonder why. Why are these
19 reports not being reported to the local hunters and
20 trappers or to responsible agencies that give out
21 licence? Because those animals are -- no matter if
22 it's just one or not, that's one too many that pass
23 away from these dangerous chemical.

24 I want an assurance from -- from the company that
25 during reclamation, that a hundred percent of these
26 dangerous chemicals will be removed from -- from that

1 land, 'cause that was part of my land when I was
2 growing up as a young boy, and it quizzes me as to why
3 we're not getting any reports as to animals dying in
4 those tailings pond; okay?

5 Koana. Koana, Mr. Chairman.

6 THE CHAIR: Thank you.

7 Go ahead, Applicant.

8 MS. LEWIS: Hi. Karyn Lewis, LMI.

9 Well, historically, before we had -- before I
10 worked there in 2011, I have not heard of any animals
11 dying in the tailings pond, nor have we encountered any
12 animals in the tailings pond. We would have reported
13 if something like that's happened.

14 We'd also note that in the tailings pond, when we
15 treat the water, we treat it just for pH, that the
16 criteria for water quality passes everything, when we
17 do our sampling. It's the pH that we're treating, to
18 bring it up, but the chemicals all meet the criteria
19 within Canada.

20 And just a little further note, we do have a risk
21 assessment on the tailings area. The Human Health
22 Ecological Risk Assessment was done and passed by the
23 Nunavut Water Board as well.

24 THE CHAIR: Thank you.

25 If there's no more further questions or comments
26 from public, I am willing to move on to Board panel

1 members. Is there questions?

2 Amanda? Yeah. Okay.

3 Applicant, go ahead.

4 MS. LABATTE: Thank you, Mr. Chair. Belinda
5 Labatte from Mandalay Resources, director of Lupin
6 Mines.

7 I just would like to echo what Karyn has said, is
8 that we have operating mines in two countries,
9 Australia and Sweden, as well, and whether they are
10 operating mines or is a project in closure, which we
11 are here to discuss today, we take our environmental
12 stewardship role very seriously. We track any
13 situation in which we have wildlife crossing or near
14 to, or if anything happens adjacent to or on our mine
15 site, these are recorded, and our compliance to
16 regulatory authorities, to what the community is
17 looking for, is the same whether it's an operating mine
18 or a mine going through closure, and I appreciate your
19 question. Later this afternoon/this evening, I'll talk
20 a little bit about our company and how we conduct our
21 business and the values that underlie how we make
22 decisions, and I would like to assure you that we are
23 going to do our utmost to have a project that we can
24 all be proud of when this concludes, including managing
25 the hazardous waste in the most appropriate way; and
26 with our contractor, they are very well aware of the

1 kind of monitoring that we would want to see, including
2 wildlife on site, nearby, and worst case, if there is a
3 fatality, it would be reported.

4 Thank you, Mr. Chair.

5 THE CHAIR: Thank you.

6 Okay. I think I have to go back to Water Board
7 Staff once again.

8 Karén, go ahead.

9 Nunavut Water Board Staff Questions Lupin Mines
10 Incorporated

11 MR. KHARATYAN: Karén Kharatyan, Water Board.

12 Thank you, Mr. Chair.

13 One, maybe, request to LMI. Would it be possible
14 to just have this milestone for security projected and
15 go through these document? I am just wondering whether
16 the goal of this milestone is also to inform the
17 progressive reclamation? If yes, how this will be
18 informing, yes.

19 MS. LEWIS: Sorry.

20 THE CHAIR: Okay. Thank you.

21 Go ahead.

22 MS. LEWIS: Hi, Karén.

23 I was just wondering if you could clarify the
24 question. Are you talking about the schedule or the
25 model, like, to see where -- how it's happening or ...

26 MR. KHARATYAN: Karén Kharatyan, Water Board.

1 I am referring to a security framework milestone
2 for draft water licence framework. While I'm -- we are
3 okay with the left side, which is the security,
4 actually, the cost estimate; on the right side, we have
5 different statement about verification, et cetera; just
6 wondering whether this is to inform progressive release
7 of security or no? If yes, just wondering how, yes.

8 THE CHAIR: Okay.

9 MS. LEWIS: Karyn --

10 THE CHAIR: Go ahead.

11 MS. LEWIS: Karyn Lewis, LMI.

12 The stuff on the right-hand side, there was the
13 evidence that we went through with CIRNAC that would
14 satisfy them to be able to do the progressive releases.

15 MR. KHARATYAN: Karén Kharatyan, Water Board.

16 So my understanding here about the progressive
17 releases, this is to be confirmed by CIRNAC. I'm
18 trying to understand the logic of, yes, whether this is
19 tied or associated with any environmental liability
20 work conducted, or it's based on the timing or general
21 logic about, yes.

22 MS. LEWIS: Karyn Lewis, LMI.

23 This is a document that CIRNAC and LMI worked on
24 together, and they have reviewed, and we've submitted
25 it, after confirming with them that it was okay to
26 submit, that we were all good with everything that was

1 in this document. As part of -- I think it's Part C in
2 the terms and conditions, there's a table that would be
3 inserted in there, and that's the milestones that would
4 be part of that.

5 MR. KHARATYAN: Karén Kharatyan, Water Board.

6 We can just project and go through it because I'm
7 just wondering how the licence conditions or licence
8 term will actually reflect this schedule.

9 THE CHAIR: Yeah, go ahead, Applicant.

10 MS. KOWBEL: Thank you, Mr. Chair.

11 Mr. Chair, I'd like to suggest that, perhaps,
12 Lupin Mines defer this question until after. I think
13 that it'll be easier to talk about this whole issue
14 once Crown-Indigenous Relations and Lupin Mines
15 Incorporated provide their proposed wording for the
16 framework as well, I think, and then maybe talk about
17 both the milestones document and the framework all at
18 once, so if it is okay with Mr. Chair, we would like to
19 defer answering that question until we file that, the
20 framework document that goes with the milestones
21 document, and at this time, that framework document is
22 still subject to discussions between CIRNAC and LMI
23 before it can be finalized.

24 Thank you, Mr. Chair.

25 THE CHAIR: Thank you.

26 Is that okay? Yeah, thank you. We'll do that.

1 (Question Deferred)

2 THE CHAIR: Okay. We can continue on.

3 Now we are -- Amanda, a panel member, had a
4 question.

5 Nunavut Water Board Panel Questions Lupin Mines
6 Incorporated

7 MS. HANSON MAIN: Koana, Ikkhivautaq. Amanda
8 Hanson Main, panel member.

9 I appreciate the Applicant's presentation, and in
10 follow-up, I think, to Karén's question, which was
11 around one of the filings made earlier today, can the
12 Applicant confirm when we're to expect the joint
13 framework to be submitted? From looking through the
14 materials, it's been, I think, since August that the
15 joint framework has been in development, and so this is
16 an issue of central importance to us to have access to
17 before the end of the hearing, hopefully before, before
18 the end of the hearing so we have a chance to consider
19 and question appropriately.

20 THE CHAIR: Thank you.

21 Applicant, go ahead.

22 MS. KOWBEL: Thank you, Mr. Chair.

23 Christine Kowbel, Lupin Mines Incorporated.

24 Mr. Chair, that is a -- I think it is both the
25 intention of Crown-Indigenous Relations and Northern
26 Affairs Canada and Lupin Mines to file a joint

1 submission before the end of this hearing on the
2 framework. We can provide the Board with an update on
3 estimated timing of that at the end of the day today.
4 One of the challenges is that we are working -- we are
5 working with Crown-Indigenous Relations. Some members
6 of their team are not able to be with us today, and so
7 we need to have time to work with that, but that is our
8 intention, to file that with the Board before the end
9 of this hearing.

10 MS. HANSON MAIN: Koana, Ikkhivautaq. Amanda
11 Hanson Main again.

12 And further to that, in the first -- one of the
13 first exhibits you provided today, the commitments that
14 were read out into the record, I believe, and correct
15 me if I'm wrong, that you stated all those commitments
16 stood resolved, including Numbers 2 and 9, and that
17 would include an updated security estimate and the
18 joint submission on framework for progressive release
19 of security, so I just want to confirm if those things
20 are resolved for Crown-Indigenous Relations and for
21 Lupin Mines, if we -- if we've missed something, or if,
22 indeed, they are confirmed, and they are resolved.

23 I note from the Crown-Indigenous Relations, and
24 it's unfortunate timing that their presentation hasn't
25 come yet, but some of the outstanding issues included,
26 for the security estimate, that insufficient

1 explanations were provided for reducing costs and that
2 the department was unable to create new reclamation
3 estimates with the information provided, and so if that
4 information has been provided, then, to CIRNAC, and
5 you've come to resolution on that issue for the new
6 security estimate, I just want to confirm that the
7 Board also has that information available.

8 Thank you.

9 THE CHAIR: Thank you.

10 Okay. Go ahead, Applicant.

11 MS. LEWIS: Karyn, LMI.

12 As far as LMI's aware, we're just waiting to
13 finish filing the security framework hopefully
14 before -- which we want to file before the end of this
15 public hearing, but I can let CIRNAC, when they get
16 their presentation, answer for their -- themselves on
17 that.

18 THE CHAIR: Oh, I forgot to push -- press
19 it.

20 All right. Thank you. We'll be moving on to
21 Intervenor now, but before we do that, I would like to
22 have a ten-minute break for now.

23 Thank you.

24 (ADJOURNMENT)

25 THE CHAIR: Just to reconvene from the
26 break, now we turn to a presentation by the

1 Intervenors. I remind the Intervenors that before they
2 begin their presentation, our legal counsel needs you
3 to swear or confirm -- affirm, sorry, and verify the
4 material you will be presenting and marking as an
5 exhibit.

6 Teresa, please proceed with the procedural
7 matters.

8 MS. MEADOWS: Thank you, Mr. Chair. So if I
9 can have the witnesses state and spell their name for
10 the record, please.

11 MR. NOAH: Noah Noah, N-O-A-H N-O-A-H.

12 MR. OKONKWO: Godwin Okonkwo, G-O-D-W-I-N
13 O-K-O-N-K-W-O. Thank you.

14 MR. WIATZKA: Gerd Wiatzka, that's G-E-R-D
15 W-I-A-T-Z-K-A.

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

18 Do the witnesses wish to be sworn or affirmed?

19 MR. OKONKWO: Sworn.

20 GODWIN OKONKWO, Sworn; GERD WIATZKA, NOAH NOAH,
21 Affirmed

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

24 Mr. Chair, I will be filing the hard copy material
25 of the presentation that Crown-Indigenous Relations and
26 Northern Affairs Canada is about to present, and I

1 don't believe I have any additional exhibits to file in
2 respect of the evidence that you are about to give
3 here, but I just wanted to confirm that.

4 MR. OKONKWO: Yeah, I think it's pretty much
5 this and the executive summary. That's what we have.

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

8 So thank you, Mr. Chair. I will be filing those
9 materials as the next exhibits in this public hearing,
10 and those are my procedural matters, Mr. Chair.

11 THE CHAIR: Thank you, Teresa.

12 EXHIBIT 16 - Hard Copy PowerPoint
13 Presentation, Crown-Indigenous Relations and
14 Northern Affairs Canada, Lupin Mine Inc.
15 Renewal/Amendment Application for Water
16 Licence 2AM-LUP1520 for Lupin Mine Project
17 (English/Inuinnaqtun)

18 EXHIBIT 17 - Hard Copy Executive Summary,
19 Crown-Indigenous Relations and Northern
20 Affairs Canada (English)

21 EXHIBIT 18 - Hard Copy, Executive Summary
22 Crown-Indigenous Relations and Northern
23 Affairs Canada (Inuinnaqtun)

24 EXHIBIT 19 - Hard Copy, Executive Summary
25 Crown-Indigenous Relations and Northern
26 Affairs Canada (French)

1 THE CHAIR: So, CIRNAC, you may go ahead
2 with your presentation.
3 Presentation by Crown-Indigenous Relations and Northern
4 Affairs Canada

5 MR. OKONKWO: All right. Thank you,
6 Mr. Chair.

7 So good evening. Good evening, everyone. My
8 name's Godwin Okonkwo. I'm the manager of water
9 resources with the Nunavut regional office of
10 Crown-Indigenous Relations and Northern Affairs Canada,
11 which I will refer to as "the department" with this
12 presentation.

13 I would like to thank the Nunavut Water Board for
14 the opportunity to the -- for us to make this
15 presentation at the public hearing regarding Lupin
16 Mines Incorporated application to amend its water
17 licence.

18 I'm joined here today by Noah Noah as a land
19 administrator, major projects from CIRNAC, and I'm also
20 joined here by Gerd Wiatzka of Arcadis. He's our
21 consultant. And on the phone, I have Spencer Dewar,
22 who's my director, director of resource management, and
23 Dale Kohlenberg, who is supporting us from the
24 Department of Justice.

25 At this time, I would like to state that our
26 presentation had been completed in advance of Lupin

1 Mines latest submissions, responses, and dialogues we
2 had up until midnight yesterday, so, therefore, some of
3 the information being presented, we may have reached --
4 we have reached various levels of resolution, and we'll
5 speak to this during the presentation.

6 I also did want to say that this will be a joint
7 presentation, so I will present some materials. When I
8 get to some of the technical parts, I will defer to
9 Gerd to give more clarification on some of the
10 technical areas.

11 So throughout this presentation, like I earlier
12 said, I will refer to Crown-Indigenous Relations and
13 Northern Affairs Canada as "the department", or in some
14 cases "CIRNAC", so here's an outline of our
15 presentation.

16 I'll start with providing an overview of the
17 department's -- of the department's responsibility in
18 respect to the licence amendment and renewal
19 application as well as a list of contributions that
20 have been submitted as part of the licencing process so
21 far.

22 So we did go through many information requests and
23 went through the technical meeting, and in all of it,
24 to simplify this presentation, we did have a lot of
25 technical comments, but we're going to -- for the
26 purpose of this presentation, we're going to focus on

1 only three, and that would include tailings and waste
2 rock management, closure and reclamation planning, and
3 then reclamation security cost estimate. Within that
4 reclamation cost estimate, we'll speak about the
5 reclamation release framework.

6 So the department has a broad mandate for
7 comanagement of freshwater resources and the management
8 of Crown land in Nunavut and following the applicable
9 laws and agreements: The Department of
10 Crown-Indigenous Relations and Northern Affairs Act,
11 the Nunavut Agreement, the Nunavut Land Claims
12 Agreement Act, the Nunavut Waters and Nunavut Surface
13 Rights Tribunal Act and associated regulations, the
14 Nunavut Planning and Project Assessment Act,
15 Territorial Lands Act and the associated regulations,
16 and Arctic Waters Pollution Prevention Act.

17 I'd just like to say the department also
18 administers and enforces regulatory authorizations that
19 pertain to Nunavut's Crown land and freshwater
20 resources, so CIRNAC participates in water licence
21 processes administered by the Nunavut Water Board,
22 along with other interested parties providing technical
23 advice and expertise for the Board's consideration.

24 So contributions to the review to date. To date,
25 the department has made four submissions to the Nunavut
26 Water Board and participated in technical meetings in

1 June of -- so we started with an information request.
2 We made submissions on March 4th, 2019, and then we
3 participated in a technical review phase April 30th,
4 2019. We attended -- CIRNAC, or the department,
5 attended and did presentations at a technical meeting
6 and pre-hearing conference on June 6th and 7th, 2019.
7 There was a review of submissions for commitment that
8 we handed in by December 6th, 2019, and the final
9 submission was made on December 18, 2019. I'd also
10 like to add that we've had several meetings with LMI to
11 discuss outstanding issues until the midnight of
12 January 14, 2019 [sic]. I'm stressing that because I
13 need more coffee. I'm a little sleepy.

14 MS. MEADOWS: 2020.

15 MR. OKONKWO: 2020. So you see, I need more
16 coffee.

17 Okay. So we had put this slide to show this was
18 my staff who was lead on this file, he had taken a
19 picture of Lupin mine site, so this, generally -- we
20 put it there basically for the Community Session in the
21 evening just to give a brief overview of what the Lupin
22 mine site is about, what the licence is about, and so I
23 may skip this because Lupin has given the rundown of
24 what Lupin is, but we'll present this in the evening
25 when we do the community presentation.

26 So our first issue was with the tailings and waste

1 rock management, and so Number 1 was potential
2 contamination. Our worry was potential contamination
3 from waste rock used across construction materials, and
4 so we had asked that historical construction data be
5 reviewed to estimate how much waste rock has been used
6 for infrastructure such as the dams. Once -- the idea
7 was once the volume of waste rock was known, we could
8 assess if it was necessary to do geochemical modelling
9 and pathway analysis for potential waste rock/acid rock
10 drainage.

11 The January 3rd comment from LMI, submission from
12 LMI: LMI provided additional comments on historic use
13 of waste rock in construction of the dams. This
14 information noted that significantly more than -- more
15 waste rock was used, about 400,000 metres cubed, in the
16 construction of dams than estimated in LMI's October
17 memo response; however, LMI suggested that much of the
18 waste rock would be encapsulated by permafrost and that
19 the ABA sampling and conclusion of the URS 2005 was
20 still valid.

21 LMI also referred to the Golder 2017 updated Phase
22 1 and 2 environmental site assessment observation that
23 in shallow waste rock, the majority of the sulfur is
24 presently in the form of sulphate indicating that the
25 waste rock is already with that and oxidizing and that
26 on that basis, monitoring should be used in place of

1 additional geochemical testing. In this regard, LMI
2 restated its commitment to post-closure monitoring, and
3 CIRNAC considered that issue resolved.

4 So still on the tailings and waste rock, the
5 second issue was waste rock storage dome design and
6 seepage. We did ask for preliminary plans and sections
7 and details on the waste rock dome to provide a better
8 understanding of what work is planned, how the dome
9 will be done. Our challenge was, you know, to the
10 stability, stability of the dome and how it's -- you
11 know, if there's going to be any seepages. We're
12 satisfied, though, with -- we're satisfied with the
13 proposal by LMI to collect seepage samples and update
14 the model, so I'll defer to Gerd to give a little more
15 details on this.

16 MR. WIATZKA: Yes. We were concerned,
17 originally, in terms of --

18 THE CHAIR: Please state your name --

19 MR. WIATZKA: Sorry.

20 THE CHAIR: -- for the record.

21 MR. WIATZKA: Gerd Wiatzka, Arcadis.

22 In reviewing the original concept, basically,
23 there was a material change, in terms of leaving all
24 the waste rock at the mill site, at the mill site and
25 then shaping it into a concentrated dome-type effect,
26 and so we were concerned that we had the proper

1 information to, both, assess the seepage
2 characteristics of that material undercover and also
3 that the cover design and the shape would be stable --
4 erosional stable for a longer period of time.

5 Back in the technical meeting, LMI's consultants
6 provided a concept, in general terms, and that provided
7 insights into it, and we'd asked for them to provide a
8 little more clarity in terms of how that translated to
9 the actual site conditions, and LMI has provided the
10 cross-sections, and as per the commitments provided
11 earlier, has agreed to providing more information,
12 another cross-section and some more details about how
13 they would manage the surface runoffs from this site,
14 with the primary concern being the long-term stability
15 of the cover. So with those commitments, we feel
16 comfortable in the proposal.

17 There's another element that talked about the
18 seepages, and, again, as Godwin had mentioned earlier,
19 based on their assessment the materials had oxidized
20 and that they were flushing, and the current concept is
21 to reduce the materials being flushed out to about 20
22 percent of what they're currently doing now, and that's
23 what the HHERA provided information on and what the
24 potential impacts are from that, so we're satisfied in
25 that regard.

26 THE CHAIR: Thank you.

1 Go ahead. State your name before you speak.

2 MR. OKONKWO: Thank you, Mr. Chair. Godwin
3 Okonkwo, Crown-Indigenous Relations and Northern
4 Affairs Canada.

5 So I'll carry on with the presentation. So still
6 dealing with the tailing and waste rock, we -- CIRNAC
7 requested, from LMI, to provide an approach to
8 demonstrate how LMI will deal with tailings that are
9 exposed right now and tailings that may be exposed as
10 water is lowered in the tailings management area,
11 because we were wondering will they be moved to
12 contained cells, or will they be left in place and
13 covered, or will they just be ignored.

14 So LMI responded through a provision of an initial
15 decision matrix. CIRNAC's review of the matrix at the
16 time found it inappropriate for field determination.

17 A revised decision matrix was provided, and by
18 which LMI appeared to confirm -- we had a discussion
19 yesterday about it, and they confirmed to us that it
20 would be left in place and covered, and so we -- what
21 we really just wanted with that was for LMI to provide,
22 like, a further explanation of how the tailings will be
23 managed or how they plan to manage it, and with the
24 covered -- with their confirmation that it will be
25 covered in -- on site, left on site and covered and
26 their agreement, the commitment to -- within 60 days of

1 licence approval, to provide, you know, further
2 documents, it resolves this issue. We think that issue
3 has been resolved.

4 And so the second category of issues was closure
5 and reclamation planning, so the Human Health
6 Ecological Risk Assessment.

7 The Human Health Ecological Risk Assessment
8 provided at the time did not include cover the tailings
9 containment area until we suggest to give clarity on
10 the objectives of the Human Health Ecological Risk
11 Assessment. It was to evaluate potential risk to human
12 health and the environment from the contamination
13 associated with the historical operation of the site as
14 a gold mine in order to derive site-specific target
15 levels for any potential risks identified and to use a
16 site-specific target levels to define areas requiring
17 remediation or risk management.

18 What we would like to say about this because we --
19 LMI's response had noted that ecological risk
20 assessments of the tailings management area was
21 completed in 2004 and resubmitted as part of the 2014
22 licence renewal. LMI also noted their commitment to
23 provision of a post-closure monitoring plan following
24 discussions with stakeholders one year after issuance
25 of the licence. CIRNAC has no outstanding issues in
26 this regard.

1 The second piece on closure reclamation plan is a
2 geochemical -- geotechnical details of engineered
3 structure. I will defer to Gerd to present this piece,
4 and then I can conclude the piece.

5 MR. WIATZKA: Yes. With regard to long-term
6 stability of the site, there were numerous --

7 THE CHAIR: Please state your name --

8 MR. WIATZKA: Sorry. Gerd --

9 THE CHAIR: -- for the record.

10 MR. WIATZKA: Sorry. Gerd Wiatzka, Arcadis.

11 With regard to closure planning and the
12 achievement of long-term stability, given that there
13 were numerous dams on site, it's really important to
14 understand which of those dams would require some
15 additional work to ensure stability and erosional
16 control.

17 In the ICRP, there had been commitments made to
18 stabilize. Although the dams were deemed to be stable
19 for most purposes, there was a commitment made to
20 stabilize them using rip rap and at a 2-to-1 --
21 2-to-5 -- 2.5-to-1 slope. The current final closure
22 plan had said that it would be done slightly
23 differently, and so we expressed concerns in wanting to
24 understand the details of how that would be done, both,
25 from, sort of, a conceptual point of view and also from
26 the physical engineering perspective so it can be tied

1 into the costing assessment.

2 We've gone through a series of iterations with
3 LMI, in terms of asking for clarifications and getting
4 the stability analysis and so on, and we still said,
5 and as late as last night, that we'd like to have a few
6 more details, a little more detail on the slopes, but
7 in general, I think we're all in agreement that the 'K'
8 and the 'M' dams are the ones that need resloping to
9 ensure stability.

10 We're looking at -- you know, at the kind of
11 features. What we would like to do is have enough
12 detail on each of the elements that are required to be
13 done that we can understand the long-term implications
14 of these elements operating in a northern climate, and
15 LMI has made commitments to providing those additional
16 details to us, at least at the preliminary level, and
17 then in the final engineering, whether it's the dome or
18 whether it's the dams, in the final engineering
19 drawings, there'll be, of course, the other
20 opportunities to review those. Again, the main issue
21 was long-term stability, that we're looking at, and
22 both from an overall point of view and from an erosion
23 point of view.

24 THE CHAIR: Thank you. Any more? Go
25 ahead.

26 MR. OKONKWO: So, again, Godwin,

1 Crown-Indigenous Relations and Northern Affairs Canada.

2 THE CHAIR: State your name.

3 MR. OKONKWO: Godwin.

4 THE CHAIR: Okay. Oh, sorry.

5 MR. OKONKWO: Yeah.

6 So my conclusion on this piece, yeah, so we are
7 comfortable with LMI providing additional details
8 within 60 days of licence approval; however, I do -- I
9 do have a few questions -- one question around this.

10 So we've received a lot of memos, and so our
11 question at this time would be will this information in
12 these memos be integrated into the closure plan, into
13 the final closure plan, and at what time will that
14 happen, and that question is for LMI.

15 So, finally, the last issue is the reclamation
16 security cost estimate, so we -- okay. We did say --
17 CIRNAC did say that we had insufficient explanation and
18 information provided by LMI for reducing the costs in
19 their last estimate, in the recent estimate they've
20 done. Based on that, the department has not been able
21 to create a new reclamation estimate with the limited
22 information.

23 LMI has provided a little more information and has
24 promised to provide even more information. In our
25 discussions with LMI, they also committed to providing
26 a more detailed work plan because all of that ties into

1 us being able to do that, you know, independent cost
2 estimate.

3 I was going to go into what the challenges of the
4 cost estimate was, but at this stage, where they have
5 agreed to provide more details, I may not go into some
6 of the things I have in the presentation.

7 The elements, though, I want to speak about is
8 regardless of what they -- we -- so we've not done the
9 estimating, the independent estimate. We cannot say we
10 agree with the estimate that's been done by LMI, and
11 then even if -- even if an estimate is done, what
12 CIRNAC's position is at this point is CIRNAC feels the
13 Crown is undersecured with the site, and so at this
14 time, our position will be that we hold the full
15 security that we hold currently, and any release --
16 because there are a lot of uncertainties. There are a
17 lot of details we don't know, and so our position is
18 that we hold the security we hold fully, and any
19 release that will be done on the security will be done
20 based on the elements of the framework, the release
21 framework they we're putting forward. We're still
22 trying to, you know, conclude that, but the key
23 elements that CIRNAC has put in the framework that I
24 will want to state at this time is that (1) we're
25 requiring that progressive reclamation work is done
26 based on milestones, and not just a task, and then when

1 the work is done, dependent on what kind of work it is,
2 we may need a letter from a mine site inspector, or
3 dependent on the work, we will need a validation by,
4 you know, through, like, a stamp from an engineer
5 registered to practice in Nunavut.

6 The other condition for progressive release would
7 be that there is a demonstration that environmental
8 liability to the Crown is reduced, and at that point,
9 we can now consider the release of security.

10 The other piece I needed to speak about in this
11 is, yes, there is an element of the policy saying that
12 the cost -- what it costs a third party to reclaim the
13 site or do the work on the site should -- I think
14 that's the basis of what the estimate is. This is what
15 LMI's contractor has estimated to do the work.

16 While that is great for the Crown, the Crown wants
17 to be -- the Crown does not want any liability. The
18 Crown will not have any liability on the site, so the
19 way the Crown sees it is what we hold , we actually
20 think we're undersecured, but what it will cost a third
21 party to do it, but not just the way that LMI's
22 contractor has done it because the estimation of the
23 work to be done, that is done right now, does not take
24 into consideration the unknowns, does not take into
25 consideration, like, you know, some of the long-term
26 issues that may happen, the environmental liability and

1 all of that, so that -- that's the position that the
2 Crown holds. And so, finally, on this, I will say that
3 the Crown will retain contingency amounts in case the
4 site is not stabilized post-closure.

5 So on the framework for progressive release, I
6 already touched on that. We're still working on that
7 to finalize what that is, so just because I'm on this
8 slide, I'll restate what the key CIRNAC positions are:
9 The reclamation policy is for release of security to
10 happen only upon completion of reclamation work in
11 terms of milestones, validation through a stamp by an
12 engineer certified to practice in Nunavut, or sometimes
13 a letter of confirmation by mine-site inspectors, and a
14 reduction of any and all environmental liability to the
15 Crown -- yeah, Gerd just reminded me -- for that
16 element, so it's not really ... yeah.

17 So in conclusion, we had three major outstanding
18 issues: The long-term stability of cover and dams, we
19 think that's resolved; management of tailings exposed
20 when water levels are lowered, we think that's
21 resolved; the insufficient information for security
22 estimation, that's partially resolved because we're
23 getting information. They've committed to providing
24 information, but we're still not able, at this time, to
25 provide a security estimate, but -- so I consider that
26 partially resolved.

1 So in conclusion, the department will support
2 Lupin Mines renewal/amendment application when all the
3 stated outstanding issues are resolved, and two have
4 been resolved so far. The last one we're trying to
5 resolve, and we're hoping that we'll resolve them --
6 the last piece before the end of the hearing.

7 Thank you.

8 THE CHAIR: Thank you, CIRNAC, for your
9 presentation.

10 Okay. Open up for questions or comments. Let's
11 start with the Applicants.

12 MS. KOWBEL: Christine Kowbel, legal
13 counsel for LMI. Mr. Chair, can we just have a moment
14 to confer?

15 THE CHAIR: Applicant, do you want to have
16 a short break for your own purpose?

17 MS. KOWBEL: Thank you, Mr. Chair. That
18 would be very helpful.

19 THE CHAIR: Okay.

20 MS. KOWBEL: Thank you.

21 THE CHAIR: Okay. We'll take a break.

22 (ADJOURNMENT)

23 THE CHAIR: Okay. Should we continue?

24 Okay. CIRNAC had a presentation, and the
25 Applicant is supposed to answer -- have questions and
26 so on. Go ahead, Applicant.

1 Lupin Mines Incorporated Questions Crown-Indigenous
2 Relations and Northern Affairs Canada
3 MS. KOWBEL: Christine Kowbel, legal
4 counsel for Lupin Mines. Thank you, Mr. Chair. We
5 just have a few questions for Crown-Indigenous
6 Relations.

7 I just want to confirm with CIRNAC that based on
8 the previous information on this file, that CIRNAC has
9 produced at least two reclamation's estimates
10 previously based on the information that was on file to
11 that date.

12 Thank you.

13 THE CHAIR: Thank you, Applicant.

14 CIRNAC.

15 MS. KOWBEL: I should say at least two,
16 Mr. Chair.

17 THE CHAIR: Okay. Thank you.

18 Okay. State your name --

19 MR. WIATZKA: Gerd Wiatzka.

20 THE CHAIR: -- and speak a bit slower. I
21 want to just respect the interpreters.

22 Thank you.

23 MR. WIATZKA: Gerd Wiatzka, Arcadis.

24 I'm aware of one reclamation estimate that we did,
25 and that was the basis for the Knight Piésold
26 difference between LMI and our company's estimate, the

1 Knight Piésold. I'm not aware of a second one that
2 we've done.

3 THE CHAIR: Thank you.

4 Go ahead, Applicant.

5 MS. KOWBEL: Christine Kowbel, legal
6 counsel for Lupin Mines.

7 There was -- Mr. Chair, there was at least one
8 other previous estimate, and we can give details of
9 those. Those are on part of the Water Board's registry
10 as well, and it's just making the point that it is
11 possible to provide -- to prepare these reclamation
12 estimates. I think that CIRNAC, sort of, misstated it
13 a bit when they said it wasn't possible to produce an
14 updated estimate. They have done that before on the
15 existing information, and so my next question for
16 CIRNAC is, you know, I think that CIRNAC and Lupin
17 Mines have been able to work together quite a bit in
18 the last few years. They've really been able to work a
19 lot more collaboratively than the last time the company
20 was before the Board on their water licence, and so I
21 was just hoping that CIRNAC could agree that
22 significant work is -- reclamation work has taken place
23 at the Lupin mine site since 2016. CIRNAC has refunded
24 at least \$8 million in security since 2016 in
25 recognition of that work that has been completed.
26 Lupin Mines also has already another \$3 million in work

1 that hasn't yet been refunded, and so I'd like to ask
2 CIRNAC to confirm that significant work has been
3 completed to -- towards reclaiming the Lupin mine site
4 since 2016, since the Knight Piésold estimate.

5 Thank you, Mr. Chair.

6 THE CHAIR: Thank you.

7 CIRNAC.

8 MR. OKONKWO: I'm aware that CIRNAC has had
9 to return some money of some work done, but I can't --
10 confirmation, the phrase "confirmation", I do not think
11 I'm comfortable to say I will confirm that significant
12 work has been done; however, in terms of a return, it
13 is based on our policy. We're standing based on our
14 policy because we're going into final closure. At this
15 time, we're standing on our policy to say that any
16 further release of security -- we're not saying we're
17 not going to release security, but any further release
18 of security has to be done based on the element of a
19 framework, which is what we've stated. The work is
20 done. There is confirmation the work is done. There's
21 validation that the work has been done, and there is
22 evidence of reducing environmental liability to the
23 Crown. That would be the condition under which
24 releases would be considered.

25 Thank you.

26 THE CHAIR: Thank you.

1 Do you have more questions? Go ahead.

2 MS. KOWBEL: Christine Kowbel, legal
3 counsel for Lupin Mines. Thank you, Mr. Chair. Just
4 a few more short questions.

5 So with respect to the final closure plan and the
6 milestones document, I think those are also, too, two
7 good pieces of evidence for the Board of the work that
8 CIRNAC and LMI have been able to do together to give
9 more detail, the detail that CIRNAC has been asking for
10 on closure planning, and so I was hoping that CIRNAC
11 could confirm our view that based at this point in
12 time, more is known about the Lupin mine site than ever
13 before, more is known about the very specific details
14 about what would be carried out to reclaim the site,
15 and that makes sense because as we've talked about,
16 there is a contract in place. There was very specific
17 work going on this summer. It's been going on quite
18 intensively since 2016, and so I'd like to just ask
19 CIRNAC to confirm that more is known about the site
20 than ever known -- has been known before,
21 notwithstanding that there is some other information,
22 that we want to keep working with CIRNAC, and we'll
23 keep providing information, but at this point in time,
24 they know more than they've ever known before about
25 the -- about the site.

26 Thank you, Mr. Chair.

1 THE CHAIR: Thank you.

2 CIRNAC, go ahead.

3 MR. OKONKWO: So I'll take a response, and
4 then maybe Gerd can support me.

5 So, yes, I acknowledge CIRNAC knows more. We have
6 more details, we have more information, and then we
7 will be able to do our own estimate. You know, that's
8 why I said this was partially resolved. Like, you've
9 committed to giving us more information. You have
10 given us more information, but, however, I just needed
11 to make it clear of what CIRNAC's position is in terms
12 of the security that we hold because even if we do
13 an -- even if we are accepting the estimate they're
14 doing for the work they will do, it may not return --
15 it may not result in us asking that a difference is
16 returned because the Crown has to be fully secured.

17 There's a lot of contingency. There's a lot of
18 unknowns. There's issues around post-closure
19 monitoring. When you find out site is not stable, what
20 do you do. There are a few more things that are not --
21 we think are not planned or captured, which is the
22 reason why we're decide -- we were suggesting or
23 recommending that we retain the full security we hold,
24 and we release it based on the elements of a security
25 framework.

26 I think I'll defer to Gerd maybe to add more

1 details about some of the unknowns.

2 MR. WIATZKA: Gerd Wiatzka, Arcadis.

3 Yeah, definitely, you've provided -- done more
4 work and provided information addressing some of the
5 fundamental concerns with that, so there's -- there's
6 no question about that. Having said that, there are
7 still some unknowns.

8 So, for example, just in the discussions earlier
9 in responses to meeting this -- being -- having a
10 stable site, water quality objectives being met. It
11 was stated that if you don't -- if they're not met, you
12 may have to treat again.

13 We don't know what the performance measure will be
14 when the actual closure works are done and complete.
15 If they're done and complete, then the performance
16 measurement -- and the performance measure's met, then
17 there'll be no more questions, but if they're not met,
18 you know, what are the implications of that beyond
19 Year 2. What is the capacity in your current water
20 management system to contain infer -- contain the
21 material? Do you have to put -- do you have to go back
22 and do one more campaign of water treatment? Do you
23 have to go back and do two more campaigns of water
24 treatment? Those are still unknowns at this point in
25 time.

26 We don't know how much, and I don't think --

1 correct me, I can't remember, but I don't think we have
2 a cost element for covering potentially exposed
3 tailings, so that's not in the current estimate, I
4 don't believe, so correct me if I'm wrong on that one,
5 but those are the kind of -- that's not a contingency
6 on the elements that we're talking about that we agree
7 in terms of the framework and that we've agreed in
8 terms of the milestones, but there are still unknowns
9 with the site in executing the work. There are still
10 risks associated with that, and my understanding is
11 that those risks are something that the Crown wants to
12 be protected against.

13 THE CHAIR: Thank you.

14 Applicant, go ahead.

15 MS. KOWBEL: Christine Kowbel, legal
16 counsel for Lupin Mines. Thank you, Mr. Chair.

17 So I think those are -- I'm just going to confer
18 with my client, but I think those are our questions. I
19 just did want to flag something for Mr. Chair, which is
20 that we think that there might still be some confusion
21 based on something CIRNAC said in their presentation
22 about contingencies, and I think their consultant just
23 alluded to some of that conclusion now.

24 Lupin Mines has included quite a large contingency
25 for unknowns, for issues that -- of the type that are
26 being raised, but we are mindful in the process that

1 this is our time to ask questions, not give evidence,
2 and so we'll -- what we're planning to do is to speak
3 to that more in the reply section, when we get to that
4 part of the hearing, just to give a bit more detail
5 because probably that would help a lot of people to
6 explain the contingency and explain how the estimate
7 addresses those issues, because we agree those are very
8 important issues, and we just wanted to reassure
9 everybody that those were covered, we believe, with the
10 existing estimate.

11 And then the other thing we've been -- I've been
12 asked to speak to is that a question was asked in part
13 of CIRNAC's presentation. Just for clarity, I want to
14 confirm that the additional information is being
15 provided to CIRNAC for their information purposes and
16 to fulfill their information needs. At this time, the
17 company's not proposing to update the closure plan
18 based on that additional information, and so those are
19 just two statements.

20 I just would like a chance to confer before I --
21 to confirm if we have any more questions. Thank you,
22 Mr. Chair.

23 Mr. Chair, those are all of our questions. Thank
24 you very much.

25 THE CHAIR: Okay. Any more for CIRNAC?

26 MR. OKONKWO: So we -- CIRNAC just expects

1 that if this is final closure, going into final
2 closure, that the final closure plan should be as
3 detailed as possible with activities of what you're
4 going to do, when you're going to do them, and that
5 builds into, also, the cost estimate and all that, too,
6 but, however, that's all we need to say.

7 Thank you.

8 THE CHAIR: Thank you.

9 Okay. Applicant, you're done with your
10 questioning?

11 MS. KOWBEL: Thank you, Mr. Chair.

12 We have no further questions for CIRNAC at this
13 time, but we will provide additional information upon
14 reply.

15 Thank you.

16 THE CHAIR: Thank you.

17 Now I'd like to ask Environment and Climate Change
18 Canada if you have questions or comments to CIRNAC
19 presentation?

20 MS. WALKER: Yeah. Thank you, Mr. Chair.

21 Eva Walker of Environment and Climate Change Canada.

22 We have no questions.

23 THE CHAIR: Thank you, Environment and
24 Climate Change Canada.

25 Is there any member of the public have any
26 questions to Crown-Indigenous Relations and Northern

1 Affairs?

2 Okay. I take that there's none.

3 Does the Water Board staff have questions? Go
4 ahead, Karén.

5 Nunavut Water Board Staff Questions Crown-Indigenous
6 Relations and Northern Affairs Canada

7 MR. KHARATYAN: Karén Kharatyan, Water Board.
8 Thank you, Mr. Chair. Just a few clarification or
9 confirmation from CIRNAC, please.

10 Before break, we were provided with this milestone
11 framework, including the total cost as 23 million
12 600-something thousand, and I heard that CIRNAC is
13 still requesting or asking that the current security
14 that is included within the licence shall be
15 maintained, which is the -- the number is different.
16 It's 26 million something, yes.

17 Could you confirm, yes, what is the position, INAC
18 [sic] position -- CIRNAC position, please?

19 MR. OKONKWO: So Godwin, Crown-Indigenous
20 Relations and Northern Affairs Canada.

21 So that is CIRNAC's position. We want to retain
22 the 26, so the -- the milestones document you have,
23 we've worked on it based on a framework to release
24 security. We haven't worked on it to accept the
25 estimate on that -- on that spreadsheet. We don't know
26 enough. That's what we're saying. We have some more

1 information, but within 24 hours, we wouldn't do an
2 estimate; but what we're saying is in terms of -- so
3 I'll make it clear. In terms of what we -- the
4 reclamation, the whole 26, CIRNAC's position is that we
5 retain that 26 and only release it based on the
6 elements of the framework, how we decide the -- the few
7 things we will check off, and so that spreadsheet was
8 done based on, like, the release framework. It wasn't
9 done based on this is the estimate, accept the final
10 estimate.

11 Thank you.

12 MR. KHARATYAN: Karén Kharatyan, Water Board.

13 To clarify one more time, Mr. Chair.

14 So CIRNAC position is that this milestone is used
15 for the release of security, also basis for release;
16 however, CIRNAC doesn't accept this as status quo, this
17 milestone document as a security that should be stated
18 as a basis for the licence, potential licence?

19 MR. OKONKWO: So thank you. Godwin,
20 Crown-Indigenous Relations and Northern Affairs Canada.

21 So, like, your question was not very clear, but
22 maybe I'll try to answer it this way: So that
23 spreadsheet you have, the essence of the spreadsheet
24 was to work on, like, a release of security, the
25 mechanism for release, and so, like, what kind of
26 evidence do we need, what kind of line items are they

1 and all of that, but in terms of the estimate, like,
2 while we're not saying the estimate is not good. The
3 estimate -- like, okay, assuming the estimate is great,
4 but what the Crown -- what the Crown -- what we're
5 saying is that the Crown does not want to be
6 undersecured.

7 So, like, even if the estimate is 23 million, and
8 we hold 26, CIRNAC wants -- we want to hold that 26 and
9 only release any security based on the element of the
10 framework such as the work is done, is validated, is
11 confirmed. There's a reduction in environmental
12 liability, so I -- I'm not -- I don't know if I
13 answered your question.

14 MR. KHARATYAN: Thank you. Thank you, CIRNAC.
15 Karén Kharatyan from Water Board.

16 I am still confused a little bit, that CIRNAC
17 accept the mechanism of releasing based on this
18 milestone, but it seems doesn't accept the number,
19 figure, dollar number 23 million, because if your
20 position is that 26 should be within the licence, that
21 means that this 23 million is not acceptable , okay,
22 but I heard you, and now I am going -- I am going to
23 ask another confirmation about contingency.

24 There is a contingency item when CIRNAC stated
25 that this contingency shall be maintained by CIRNAC
26 until post-closure monitoring, the question is whether

1 they did mean this contingency item included within the
2 milestone, or there are other contingency, like, within
3 maybe -- within contractor in the Act that we are not
4 aware?

5 MR. OKONKWO: So thank you. Godwin,
6 Crown-Indigenous Relations and Northern Affairs Canada.
7 I'll give you the first part of my response, and then
8 I'll defer to Gerd to give you some more.

9 So what I did say in my presentation was that the
10 Crown has to retain money for contingency. The idea is
11 for any unknowns. For instance, you do post-closure
12 monitoring, if you have any surprises, who does the
13 work, like, you know? So -- so I use it as a general
14 term of contingencies for all unknowns, but for a
15 little more specific contingencies, maybe Gerd can name
16 off the ...

17 MR. WIATZKA: I think within -- and there
18 may be some confusion here, as well, but within the --
19 within the model that you were given, there's a
20 contingency line which I believe is somewhere in the
21 order of 500,000, and I think what we're looking at
22 there is releasing that component, because it's tied
23 directly to the spreadsheet and the elements, so --
24 and, you know, as LMI has pointed out to us, that if
25 they're only getting release on funds based on
26 verification that an activity has been done, and it

1 meets the intended environmental reduction, then
2 we're in agreement that you release those elements,
3 both the directs, the indirects, on the directs, and
4 the general indirects, including contingency. We're
5 happy with that.

6 I think what INAC's position is saying there is
7 some funds in there now that they believe would be
8 useful if that -- if the current estimate -- we haven't
9 verified the current estimate in and of itself, but if
10 that's appropriate, then there's still a comfort --
11 they would like to have something there for unknowns,
12 which is not in there, and so, you know, you've reduced
13 the engineering because you're closer to it. You've
14 reduced the contingency because you're closer to it,
15 but there is still such items as the water treatment,
16 if you needed more, that if -- it would be a
17 significant cost, and it would be a significant cost if
18 you needed to put in a winter road, if you needed to
19 get something in after the fact, so there is some risk
20 associated with performance of the works in the long
21 term, and I think that's where the Crown is
22 uncomfortable.

23 And so the elements itself that we've identified
24 and talked about, we don't -- we're not uncomfortable
25 with those. We think that they're pretty reasonable,
26 and the information provided, since our original

1 review, which did not give us insights into how those
2 numbers were coming about, especially many of the
3 larger lump-sum type items, I think we've been provided
4 with good information there.

5 LMI has broken out, in this particular
6 spreadsheet, so, for example, the mob and demob, which
7 is a one-line item, has now been broken out so that we
8 can assign the mobilization to work that will be done.
9 We can assign elements to transport and worker costs to
10 work that can be done, and that's what the framework is
11 intended to do, and it relieves the Crown of having
12 liability for demob, because that has been pulled out,
13 so there's a lot of very positive things about the
14 framework and the model that it sits now. We just say
15 there are still some unknowns in terms, in spite of the
16 fact we've gone much further, so there's still some
17 unknowns, and there should be some allowance for those
18 unknowns.

19 THE CHAIR: Okay. Thank you.

20 Any further comments/questions?

21 MR. KHARATYAN: Karén Kharatyan, thank you

22 Mr. Chair.

23 One more small clarification about release of
24 these progressive security amount, I would say, by
25 validation of engineer registered in Nunavut, whether
26 you mean a third-party engineer or the engineer could

1 be LMI engineer?

2 MR. WIATZKA: Well, it depends on what --
3 Gerd Wiatzka, Arcadis.

4 THE CHAIR: State your name for the
5 record. Thank you.

6 MR. WIATZKA: It depends on what element it
7 is, so, you know, some elements require more stringent
8 sign-off, and that's what has been identified in the
9 document. Others, we would be satisfied by their
10 resident engineers, their comp -- saying that here's
11 evidence that it was built in such a manner, and it was
12 in -- it was consistent with the drawings, and that's
13 where, again, from a CIRNAC point of view, we wanted to
14 make sure that we understood the design basis so that
15 when the work was done, that we could say, yes, we've
16 done it the way it had been planned, and you have
17 evidence that's appropriate to the work, and so, again,
18 there may be some things that require a stamped
19 independent engineer. There may be some things that
20 are -- that's fine as long as it's done by someone from
21 staff, so -- and we're flexible on that, and I think we
22 can work with LMI on that to ensure that those things
23 can get addressed in an expedient manner.

24 MR. KHARATYAN: Karén Kharatyan, thank you,
25 Mr. Chair, and thank you, CIRNAC, for clarification.
26 Hopefully, once we have this progressive release

1 of security framework, we will get a little more clear
2 or less confused.

3 Thank you.

4 THE CHAIR: Thank you. Okay. Thank you.

5 Now we'll move on to Board panel members. Is
6 there any comments? Okay. Amanda.

7 Nunavut Water Board Panel Questions Crown-Indigenous
8 Relations and Northern Affairs Canada

9 MS. HANSON MAIN: Koana, Ikkhivautaq. Amanda
10 Hanson Main, panel member. Thank you to CIRNAC for the
11 presentation.

12 Godwin, you'd mentioned you -- that the department
13 hasn't been able to do -- to conduct its own
14 independent cost estimate, reclamation estimate, and
15 we've heard that there's some information that's been
16 provided and more is yet to come, including a work
17 plan. Can you clarify, with a bit more detail, what is
18 required to allow the department to conduct its own
19 estimate?

20 Koana.

21 THE CHAIR: Thank you. State your name,
22 for the record.

23 MR. WIATZKA: Gerd Wiatzka, Arcadis.

24 I think we've got to agreement with LMI that the
25 items that had been listed earlier, some of the design
26 details. I mean, they provided us with quite a bit of

1 additional information in the last 15 days, so -- and
2 we've identified what we'd still like to see, and the
3 bottom line is what we're -- what we'd like to know
4 is -- we have to be able to independently say, okay, if
5 they're doing this, this is the quantities. This would
6 be the cost independent, and how does it tie in, and so
7 in some of the -- in some of the -- in some of the
8 earlier documents, there was a lack of that, and in
9 some cases, we also had a difference of opinion of what
10 to do, but I think all those have been materially
11 addressed, and we're closer now than -- subject to
12 getting some more information to being able to do that.

13 MS. HANSON MAIN: Thank you for the response.

14 Are you able to provide that information to the
15 Board? Is that something that you have discussed --
16 sorry, Mr. Chair, Amanda Hanson Main.

17 Are these requirements something that LMI and
18 CIRNAC have discussed outside of the Board's Public
19 Registry, and if so, is it something that you could
20 provide to us for our information, if there is a list
21 of items that have been considered and items that you
22 still deem necessary and that both parties are in
23 agreement to?

24 Thank you.

25 THE CHAIR: Thank you.

26 MR. WIATZKA: Gerd Wiatzka, Arcadis.

1 I think what we've discussed are the elements that
2 we're looking to get information on. We have not
3 discussed, actually, any specifics of us doing our own
4 independent. We've been looking more at the framework
5 and identifying those elements that LMI has identified
6 and coming through and saying, yes, this is the kind of
7 thing they're looking for, and here's the release
8 mechanism, and so we've been focusing, as Godwin said,
9 on the release mechanisms for that and information
10 needed to help us understand what that is, so we
11 haven't looked at in the context of doing an
12 independent estimate at the moment.

13 MS. HANSON MAIN: Thank you.

14 MS. KOWBEL: Excuse me, Mr. Chair? Sorry.

15 THE CHAIR: Go ahead, Applicant.

16 Submissions by Lupin Mines Incorporated

17 MS. KOWBEL: Christine Kowbel, legal
18 counsel for Lupin Mines.

19 I just thought to clarify what CIRNAC just said,
20 the outstanding items are very specifically described
21 and agreed between Lupin Mines and CIRNAC in the
22 exhibit that we filed that was read in by Ms. Lewis at
23 the beginning of this session, and so those are the
24 very specific items that CIRNAC has told LMI that were
25 outstanding, and we've fulfilled all of those -- all
26 those -- we made commitments to fulfill those

1 information requirements; and so if you look at
2 those -- if you look at that exhibit, and you heard
3 Ms. Lewis earlier, those are -- they got into quite a
4 bit of detail about longitudinal and technical aspects
5 that CIRNAC's consultant is looking for, so just to
6 clarify it, I think -- I think maybe what was said was
7 a bit of misspoke. I think we do have agreement on
8 what was outstanding. Thank you.

9 And for clarity, the one thing that is still
10 outstanding that we have not provided to the Board yet
11 because it is still a work in progress is the agreed
12 joint submission on the framework, which, certainly,
13 the parties are still working on and will endeavour to
14 get to the Board as soon as possible.
15 Nunavut Water Board Panel Questions Crown-Indigenous
16 Relations and Northern Affairs Canada

17 MS. HANSON MAIN: Thank you for that response,
18 and once I have a chance to look at the laptop, I will
19 certainly --

20 THE CHAIR: State your name.

21 MS. HANSON: Amanda Hanson Main, panel
22 member, thanks.

23 You'll appreciate that once I get back to the
24 computer to have a look at that commitment list, I will
25 certainly be able to confirm that. Thank you.

26 So another question to CIRNAC. It was mentioned

1 during the presentation that the Crown feels unsecured
2 with respect to the site and therefore a wish to hold
3 the full security that you have currently. I just want
4 to confirm or have you confirm for me with the current
5 security and given the reclamation plan as it stands
6 now, the Crown feels unsecured with its current
7 holding? Is that correct, or are you looking at -- the
8 Crown feels that it's unsecured going forward without a
9 cost estimate in place or without certain aspects.
10 That statement was made, and I just to clarify what the
11 context was and how that could be rectified.

12 THE CHAIR: Go ahead, Teresa.

13 Discussion

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

16 It's my understanding that the phone line has just
17 gone down, so we may want to take a pause until we can
18 verify that the phone line is back up, given that
19 Crown-Indigenous Relations and Northern Affairs
20 Canada's legal counsel is on that phone line, and we
21 are asking questions of them, so, Mr. Chair, perhaps we
22 should just take a brief adjournment until the
23 phone-line access is restored.

24 Thank you, Mr. Chair.

25 THE CHAIR: Yeah, thank you. Let's take a
26 break for a minute to get this up and running.

1 (ADJOURNMENT)

2 THE CHAIR: Okay. We should continue on.
3 Now I think the telephones are hooked up now, working
4 now. All right.

5 Okay. Yeah, technical issues a bit. Okay.
6 There's someone on the line, so I believe it's legal
7 counsel for INAC -- CIRNAC, sorry, so go ahead, please.

8 MR. KOHLENBERG: Dale Kohlenberg, Justice
9 counsel. Hello.

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

12 Hello, Dale. We can hear you. Thanks very much
13 for bearing with us while we get the phone line
14 restored, so we'll now go to the response from
15 Crown-Indigenous Relations and Northern Affairs Canada.

16 MR. OKONKWO: So Godwin, Crown-Indigenous
17 Relations and Northern Affairs Canada. I'm trying to
18 get Gerd to come up with the records of when we had
19 done an estimate -- an estimate before, but the two
20 past estimates that were done before now, so there was
21 the -- the Knight Piésold estimate. It was -- it was
22 higher than what we're holding right now, I think about
23 40 something, and the one that Arcadis had done for us
24 at the time I think was 30 something, so --

25 MR. WIATZKA: I think it was the other way
26 around.

1 MR. OKONKWO: Oh, the other way around,
2 yeah, well, but it was still higher, though, so -- and
3 then to correct my statement, I didn't say that the
4 Crown was unsecured. The Crown was undersecured.
5 Like, we feel that way, and so at this point, we don't
6 really have -- we don't have any quarrels with the
7 estimate that LMI has done. We're just saying that we
8 haven't done our own independent estimate. That's what
9 that is, but, however, what we're comfortable with is
10 that we hold onto the entire security estimate we have,
11 security we have at this stage, and the release would
12 be upon the element of release, progressive release
13 framework; and I mentioned some of those elements.

14 So one is the work is done. There's a validation,
15 and validation -- I mentioned the ways that validation
16 can happen, and the part I forgot to add to it is we
17 also committed to have our inspectors, our field
18 inspectors, acknowledge what has been done, and then
19 environmental liability is reduced, we can consider a
20 release of security.

21 I don't know if Dale wants to add anything else,
22 but thank you.

23 MR. KOHLENBERG: No, I have nothing to add to
24 that, Godwin.

25 THE CHAIR: Thank you.

26 So we have a panel member on questioning, to

1 continue on questioning. Go ahead, Amanda.

2 MS. HANSON MAIN: Koana, Ikkhivautaq. Amanda
3 Hanson Main, panel member.

4 I thank you for that response, and I appreciate
5 also the clarification. You did say "undersecured" and
6 not "unsecured". I apologize.

7 If I can just confirm that the current holding at
8 26 million security does not have the Crown feeling
9 undersecured at 26 million, subject to the progressive
10 release framework, that you are not feeling
11 undersecured in general?

12 Thank you.

13 MR. OKONKWO: Okay. Godwin,
14 Crown-Indigenous Relations and Northern Affairs Canada.

15 So I'll choose to answer it this way: At 26,
16 we're not feeling undersecured, but the idea is if we
17 have to go with an estimate that gets us to reduce that
18 right off the bat, before -- like, even at the point,
19 we're uncomfortable with -- so if an estimate has been
20 done for 20 million, for instance, we now say, oh,
21 we're holding too much, so we now have to refund 6
22 before you even start. The Crown would be very
23 uncomfortable with that. That's the position I'm
24 trying to state.

25 MS. KOWBEL: Excuse me, Mr. Chair.

26 THE CHAIR: Okay. Go ahead, Applicant.

1 Submissions by Lupin Mines Incorporated

2 MS. KOWBEL: Christine Kowbel, legal
3 counsel for Lupin Mines.

4 I just thought it might be helpful. LMI isn't
5 asking for a \$20 million estimate. I'll just ask Karyn
6 to confirm the number. Just so everybody's clear on
7 the number, it's not -- it's not 20 million and asking
8 for 6 back, it's --

9 MS. LEWIS: He wasn't. He was just making
10 a ...

11 MS. KOWBEL: Yeah, but just clarify for
12 everybody what the -- what the number is.

13 MS. LEWIS: It's approximately 23.3, I
14 believe. My computer just died. Sorry.

15 Nunavut Water Board Panel Questions Crown-Indigenous
16 Relations and Northern Affairs Canada

17 MS. HANSON MAIN: Thank you for the reply.
18 Koana, Ikkhivautaq. Amanda Hanson Main, again, panel
19 member.

20 One short follow-up question to that would be if
21 the Crown is able to complete its own estimate, and the
22 number is lower, that then the amount that you would
23 like to hold may be subject to revision; is that
24 correct?

25 THE CHAIR: Thank you. Go ahead, CIRNAC.

26 MR. OKONKWO: At this time, like, if

1 we're -- if at any time we're able to do an estimate,
2 estimates have been done in the past, though, and
3 Arcadis was one of those who had done the estimates for
4 us in the past. At the time we did the estimate, I
5 don't know -- can I please ask him a question?

6 MR. WIATZKA: Hi. It's Gerd Wiatzka from
7 Arcadis.

8 I was just looking in my files, and I believe
9 there have been several estimates starting in 2014.
10 The LMI 2014 estimate was 24 million. We, as Arcadis,
11 did an estimate in 2015 that was roughly double that,
12 at 45 million. Knight Piésold, I think as part of the
13 Board's recommendation, was brought in as an
14 independent third party and came up with an estimate in
15 2016 at 35 million, and now we're -- we've gone through
16 a couple of different of iterations from LMI from 21
17 million to 20 million to 23.3 million, and so for us,
18 the challenge has always been we weren't sure because
19 the earlier estimates were based on the ICRP. The
20 newer estimates were based a diff -- on a version
21 initially of a draft of a final closure plan, and then,
22 you know, basically, there was another estimate on that
23 draft final closure plan. So one of our struggles was
24 always to try to understand what the actual work
25 elements are so that we don't bias it one way or
26 another thinking what there are, you know; and so --

1 so, again, it's not that we can't do an estimate, but
2 in the structure, first, we have to understand what
3 they're looking at doing so we can compare that, and
4 that was partly the big issue between doing nothing on
5 the tailings dam, doing something on the tailings dam,
6 doing all of the tailings dam, doing part of the
7 tailings dam, et cetera, et cetera, so those were the
8 numbers that we were wrestling with; and if we do it
9 based on the reclaim model, which is independent of
10 their activity, the way it's structured for the
11 release, then we have to have certain other things we
12 have to know about that.

13 So it's not that we can't do it, and it's -- it --
14 the bigger issues, in our estimate, had been the use of
15 fuel and some of the uncertainties, and those have all
16 been addressed, so we're not -- we're not talking about
17 materially different costs. You know, you're looking
18 at, here, you know, CIRNAC saying 26 million is what
19 they hold. They'd like to keep holding that, and LMI
20 has said we've got 23 million, and we'd like to get
21 releases on those, and we've been working on the fact
22 that they need releases and focusing on how we can get
23 releases on an agreed-to basis, and there's a gap in --
24 obviously in the numbers at the moment, without doing
25 an independent estimate, between 23.3 and 26, so you're
26 looking at that difference.

1 I don't think, at the end of the day, that should
2 be significant enough to hold things up, but I can't
3 say that -- I can't speak for CIRNAC. If I come up
4 with an estimate that's 27 million or 25, it would come
5 back to a discussion of it. I think the real focus
6 should be on what's needed to move ahead with --
7 because CIRNAC has the security at the moment. You
8 have the elements of release, so you can actually do
9 something and get going on it, and then define it as
10 you -- as you go further into it.

11 Within the first year, your current plan -- and up
12 until now, we have not seen your more detailed
13 schedule, right, so that just came. That was just done
14 now, so now we know that you're looking at dewatering,
15 basically doing your water treatment in 2020. So if
16 you're doing a water treatment in 2020, you will have
17 some understanding of what, if any, spilled tailings
18 are outside of the containment. That will inform you,
19 in terms of what you need to do there, and is there a
20 cost element associated with that, and I think right
21 now, it's a zero cost element.

22 So, again, there's things we can learn. I don't
23 think it should be something that would stop you from
24 going ahead and coming to an agreement on the framework
25 and then working your way through it as you move, and
26 you'll have a substantive amount of work done in

1 Year 1, and I think you can move positively ahead with
2 that.

3 THE CHAIR: Thank you, CIRNAC.

4 Amanda, continue.

5 MS. HANSON MAIN: Koana, Ikkhivautaq. Amanda
6 Hanson Main, panel member. I thank you for the
7 response and additional information.

8 You mentioned the framework. We heard from your
9 representative the three -- sort of, the three items in
10 that framework that we'd be looking for release, or
11 that you would be considering for a release. The third
12 one was a demonstration of -- a demonstratable
13 reduction in environmental liability to the -- to the
14 Crown, and I'm wondering if, at this point, you can
15 walk us through how that demonstration would be --
16 would be documented? What type of demonstration in the
17 reduction of environmental liability are you looking
18 for or would you be looking for? Would that be through
19 monitoring results or some other process that we are
20 privy to discuss today?

21 Thank you.

22 MR. WIATZKA: Gerd Wiatzka, Arcadis.

23 There's different elements to it, so, for example,
24 in demolition of buildings, you would have a specific
25 building, and it would say a hundred -- a hundred
26 thousand to demolish this building, so that would be a

1 line of evidence that, both, on -- on the inspector
2 being there, the visual photographs, the building's
3 gone, it's been put wherever, that you can release
4 that, and that's pretty straightforward; and the things
5 that come with that, the indirects and the directs, the
6 direct overheads and the indirects of camp and all that
7 would be proportionate to that component's value
8 against the direct -- all the total direct value as
9 defined in the current -- in the current spreadsheet,
10 so that hundred thousand would then have some other
11 costs that would be released against that, so those are
12 pretty straightforward.

13 And the -- some of our reasons for getting the
14 technical questions and trying to make sure we had
15 something there to give it is that when it's in the
16 field, when they've done the work, that we can actually
17 not argue about what would the work -- and we would
18 have liked to have done this way or that way, whatever.
19 It's enough that we can say, yes, the work has been
20 done, and so we're trying to make that as
21 straightforward as possible.

22 In other things like the cover, for example, on
23 the dome, we physically know that they'll have put the
24 cover on. That will be visual evidence. That'll be
25 confirmed by their site. I think the release
26 criteria's that we said, okay, it's got to be a 1-metre

1 cover. You will have evidence of that cover. You will
2 have an engineer sign off on that cover, and that will
3 provide the evidence that that cover has been built as
4 proposed and designed.

5 Now, we're still going to have long-term
6 monitoring to confirm that the cover is actually
7 performing, so on the one hand, we're releasing the
8 funds for the cover in that particular case because it
9 has been construction [sic], but there is an
10 expectation that it will actually perform, but that's
11 what the monitoring will verify; and the same with the
12 tailings, that we'll say, okay, the tailings were going
13 to be the dams that need stabilization. Additional
14 materials have been constructed in a way as planned and
15 as shown. We can sign off on the fact that they have
16 been done, that there's an engineer that's seen it
17 being constructed and compacted, and all those things
18 that come with normal engineering and construction, and
19 then we're happy with that.

20 Now, when you stop dropping the water down, the
21 fact that it's stable doesn't mean that the whole
22 system is geochemically stable. We're talking about
23 physical stability, your chemical stability, right, and
24 so there's a different level of performance. So we're
25 not going to hold LMI on the construction of the dam to
26 say, well, until we get this -- we'll pay for that,

1 right, because it will have been constructed as
2 planned, but if you need a second round of water
3 treatment before it stabilizes, there -- that has
4 nothing to do with that element. That's an unknown
5 right now, and the assumption is that you don't.

6 In the current system -- in the current estimate,
7 the assumption is a one-time water treatment, and
8 that's it. Now, is that sufficient? Maybe. We're not
9 arguing it, but -- so it may need -- it may need more,
10 but we're not suggesting that in and of itself, but
11 those are the other kind of elements to it, so we want
12 to get and agree upon a release mechanism with LMI that
13 gives them credit for the work they do, and the intent
14 of that work, if it's been done right, should be to
15 reduce future long-term -- in the case of the dams,
16 long-term stability and erosion, minimize that, right.
17 And so if they're constructed as planned, they should
18 do that, but monitoring will show if something goes, if
19 you end up having it sloughed out for whatever reason,
20 there was something, there was an ice lens or whatever,
21 who knows, that -- your long-term monitoring will
22 identify that, and that may be a liability in the
23 future. It may not be.

24 THE CHAIR: Thank you.

25 Any further questions? Alex? No. Okay. Thank
26 you.

1 Okay. Thank you, CIRNAC, for your presentation.

2 I think, yeah, we're done. We're done. I think
3 everybody's already gone through questioning on that.

4 Okay. The timing is, kind of -- we'll have a
5 night session tonight at 7:00, so we'll have to call
6 Environment and Climate Change Canada for next to have
7 a presentation, but should we take a break now before
8 we take the Community Session tonight?

9 So for Environment and Climate Change Canada, you
10 will have your presentation in the morning at 9:00.
11 That will be your time because the time for today is,
12 kind of, getting tight now.

13 Okay. Yeah, we might as well take a break now to
14 get ready for tonight. Thank you.

15

16 PROCEEDINGS ADJOURNED UNTIL 7:00 PM

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1 CERTIFICATE OF TRANSCRIPT:

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3 I, Julie Albert, certify that the foregoing pages
4 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.

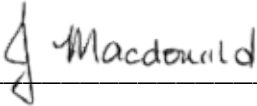
8 Dated at the City of Calgary, Province of Alberta,
9 this 26th day of January 2020.

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14 Julie Albert, CSR(A)

15 Official Court Reporter

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