



NUNAVUT WATER BOARD

WATER LICENCE NO. 2AM-LUP1520

**REASONS FOR DECISION
INCLUDING RECORD OF PROCEEDINGS**



NUNAVUT WATER BOARD

In the Matter of:

Applicant: Lupin Mines Incorporated

Subject: Application for Renewal and Amendment of
(expired) Type "A" Water Licence 2AM-LUP0914

Date: May 11, 2015

Precedence: Where there is any inconsistency or conflict between the *Nunavut Land Claims Agreement* and the *Nunavut Waters and Nunavut Surface Rights Tribunal Act (NWNSRTA)*, the Agreement prevails to the extent of the inconsistency or conflict. Where there is any inconsistency or conflict between the *NWNSRTA* and any other act of Parliament, except the *Nunavut Land Claims Agreement Act*, the *NWNSRTA* prevails to the extent of the inconsistency or conflict.



RECORD OF PROCEEDINGS

Applicant: Lupin Mines Incorporated

Address: #1204 - 700 West Pender Street
Vancouver, BC V6C 1G8

Purpose: Application for Renewal and Amendment of
Type "A" Water Licence 2AM-LUP0914 to
authorize use of Water and the deposit of
Waste in support of a Mining undertaking

Application Received on: February 28, 2014

Application Received from: Lupin Mines Incorporated

Date of Public Hearing: February 4 and 5, 2015

Date Public Hearing Record Closed: March 13, 2015



ATTENDEES:

NWB Representatives:

Nunavut Water Board (P11 Panel Members):	Chairman	T. Kabloona
	Member	B. Miqquusaaq Dean
	Member	M. Nortok
Nunavut Water Board Staff:	Acting Executive Director & Director Technical Services	D. Hohnstein
	Board Secretary & Interpreter	B. Kogvik
	Technical Advisors	S. Joseph B. MacCarl
	Licensing Administrator	R. Ikkutisluk
	Legal Counsel	T. Meadows, Shores Jardine LLP
Interpreter:	M. Tiktalek	
Court Reporter:	C. Longacre, CSR(A)	RPR Dicta Court Reporting, Inc.
Sound Technician:	C. Francis	PIDO Productions

Applicant:

Lupin Mines Incorporated	P. Downey, President	Elgin Mining Inc.
	K. Lewis, Executive Assistant	Elgin Mining Inc.
	A. Laudrum, Consultant	SRK Consulting
	S. Lines, Consultant	Tunaley, Lines & Associates
	C. Kowbel, Legal Counsel	Lawson Lundell, LLP



Parties:

Aboriginal Affairs and Northern Development Canada	K. Costello, Director, Resource Management	Nunavut Regional Office
	E. Paul, Water Resources Officer	Nunavut Regional Office
	R. Knapp, Consultant	SENES Consultants
	N. Cavanagh, Legal Counsel	Department of Justice Canada
Kitikmeot Inuit Association	L. Torretti, Senior Environment Officer	
Community Members from Kugluktuk:	A. Ayalik	
	M. Tiktalek	
	I. Ovilok	
	A. Kudlak	
	J. Ivarluk	
Written Record of Submissions:	Available from the Board's public registry using the following ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP0914%20LMI/2%20ADMIN/3%20SUBMISSIONS/2014/	
Hearing Record (including Hearing Transcript):	ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP0914%20LMI/2%20ADMIN/4%20HEARINGS/2%20HEARING/2015/	

Table of Contents

RECORD OF PROCEEDINGS	3
ABBREVIATIONS	8
REASONS FOR DECISION	8
Executive Summary	8
SECTION I FILE BACKGROUND AND REGULATORY HISTORY	11
Current Application.....	11
History of the Lupin Mine	13
Licensing Overview	14
Procedural History of this Application	15
The Expiry of Water Licence No. 2AM-LUP0914.....	19
The Emergency Amendment Request 2014.....	19
Licence 2BE-LEP1217.....	21
Land Use Planning and Project Assessment	21
The NWB Processing of the Renewal and Amendment Application	22
Preliminary Matters: Exhibits on the Public Hearing Record.....	25
SECTION II SUMMARY OF FINAL HEARING SUBMISSIONS OF THE PARTIES	28
Kitikmeot Inuit Association	28
Aboriginal Affairs and Northern Development Canada (AANDC).....	30
Lupin Mines Incorporated.....	34
SECTION III SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC	35
SECTION IV JURISDICTION OF THE NWB.....	37
SECTION V REQUIREMENTS OF THE NWNSRTA, NWR AND NLCA.....	37
Objects of the NWB and its Relationship to other Bodies	37
Land Use Planning	37
Environmental Assessment	38
Inuit Water Rights	38
Issues With Respect to the Limited Participation of Technical Experts from Government Agencies in Board Processes	38
SECTION VI DECISION TO ISSUE.....	39
Conditions for Issuance of a Licence	40
Financial Responsibility of the Applicant.....	40
Compensation of Existing or Other Users.....	48
Issuance of a Licence	48



Assumptions.....	48
Applications in Relation to the Licences	49
Application to Amend or Application for Future Modifications	50
Assignment of a Licence.....	50
Cancellation or Expiry of the Licence	51
Term of Licence	51
SECTION VII WATER LICENCE 2AM-LUP1520 TERMS AND CONDITIONS	53
Part A: Scope, Definitions and Enforcement	54
Scope.....	54
Definitions.....	55
Enforcement and Compliance	55
Part B: General Conditions	56
Reports and/or Plans Filed with the NWB	56
Part C: Conditions Applying to Security	57
Form of Security	57
Review of the Amount of Security.....	58
Part D: Conditions Applying to Water Use.....	58
Part E: Conditions Applying to Waste Deposit	59
Part F: Conditions Applying to Modifications	63
Part G: Conditions Applying to Construction	63
Part H: Conditions Applying to Emergency Response and Spill Contingency Planning	63
Part I: Conditions Applying to Abandonment and Reclamation	64
Part I: Conditions Applying to Monitoring.....	65
APPENDIX A: Agendas for Public Hearing Including Community Session.....	66
APPENDIX B: Exhibit List	69
APPENDIX C: List of Acronyms	71
APPENDIX D: List of Submissions and Correspondence.....	72
APPENDIX E: Sign-in Sheets - List of Participants at the Public Hearing.....	81

ABBREVIATIONS

In this decision, the following abbreviations are used:

Short Form	Full Name
AANDC	Aboriginal Affairs and Northern Development Canada
DIO	Designated Inuit Organization
EC	Environment Canada
GN	Government of Nunavut
KIA	Kitikmeot Inuit Association
LMI	Lupin Mines Incorporated, the Applicant
NIRB	Nunavut Impact Review Board
NLCA	Nunavut Land Claims Agreement
NPC	Nunavut Planning Commission
NWNSRTA	Nunavut Waters and Nunavut Surface Rights Tribunal Act
NWB	Nunavut Water Board
PHC	Pre-Hearing Conference
PH	Public Hearing
RIO	Regional Inuit Association
TM	Technical Meeting

REASONS FOR DECISION

Executive Summary

This decision is in relation to an application before the Nunavut Water Board, filed by Lupin Mines Incorporated (the Applicant, Licensee or LMI), for the 10-year renewal and amendment of expired Type “A” Water Licence No. 2AM-LUP0914 (the Renewal and Amendment Application). The Renewal and Amendment Application was received by the NWB on January 28, 2014 and sought authorization to use Water and deposit Waste for a Mining undertaking at the Lupin Mine, a gold mine located approximately 285 kilometres southeast of Kugluktuk, in the Kitikmeot Region of Nunavut.

The Lupin Mine has been under care and maintenance since 2005, and the Applicant has indicated that it will likely remain in this state or phase until the price of gold is at levels that will support resumption of mining operations. The timing of the resumption of active mining at the Lupin Mine remains unknown.

The NWB reviewed and facilitated the review process for the Renewal and Amendment Application including a completeness check, a technical review period, an in-person



technical meeting and pre-hearing conference held in Kugluktuk on October 22 and 23, 2014, and an in-person Public Hearing held in Kugluktuk on February 4 and 5, 2015. Throughout the NWB's licensing process for the Application, several written and oral commenting opportunities were provided to interested persons and interveners, including government agencies, landowners and/or administrators, the Regional Inuit Association (RIA), the Hamlet of Kugluktuk, the local Hunters and Trappers Organization (HTO), community members, and members of the public

In accordance with the information provided with the Application, technical reviews conducted by the NWB and interveners, comments and written submissions filed with the NWB, and information provided during the Public Hearing to the three-member Panel (Lupin Panel, P11) duly appointed by the full Board to consider the Application, the NWB has decided the following:

- To grant LMI for a term of 5 (five) years a renewed and amended Water Licence No. 2AM-LUP1520;
- Water Licence No. 2AM-LUP1520 authorizes LMI to undertake the continued Care and Maintenance of the Lupin Mine, as well as transitional activities should a decision be made to recommence active mining, in accordance with the terms and conditions outlined in this Decision and attached renewed and amended Licence;
- It should be noted that, in contrast to the expired licence Water Licence No. 2AM-LUP0914, Water Licence No. 2AM-LUP1520 does not allow the Licensee to resume full Mining Operations without an amendment to the licence;
- If LMI wishes to resume Mining Operations, the renewed and amended Water Licence No. 2AM-LUP1520 does authorize LMI to undertake "ramp up" activities during a Transition Phase between the Care and Maintenance and the Operations Phases;
- The following key changes were incorporated into the renewed and amended licence:
 - The Licence makes a clear distinction between the Care and Maintenance, the Transition and Operations Phases of the project and the Licence is limited to authorizing activities associated with the defined Care and Maintenance and Transition Phases and do not allow for active mining under the Operations Phase without an amendment;
 - To resume mining operations at the Lupin Mine, the Licensee will be required to apply to amend the Licence No. 2AM-LUP1520;
 - The application to resume Operations at the Lupin Mine must be received by the Board at least nine (9) months prior to the date the Applicant plans to begin operations and must include key items such as: updated management



plans (including abandonment and reclamation plans); updated reclamation security assessment; changes to monitoring and inspections regimes or frequency; and changes to Water use thresholds and/or purposes for which Water is used, and any other relevant requirements under the renewed and amended licence;

- The majority of the management plans submitted to the Board for approval in support of the Renewal and Amendment Application have been approved or accepted by the Board with the issuance of the Licence;
- Specific conditions have been included in the Licence requiring that relevant plans be updated to address concerns raised either by interveners and/or the NWB during the licensing process for the Renewal and Amendment Application;
- The renewed and amended Licence authorizes LMI to operate an existing Landfill Facility that was not included in the scope of the expired Licence No. 2AM-LUP0914;
- The renewed and amended Licence authorizes the construction and operation of a new Landfarm Facility for the treatment of hydrocarbon contaminated soil.
- Changes have been made to the frequency of inspections for site infrastructure and site facilities to reflect the Care and Maintenance and Transition Phase of the Project;
- Changes have been made to the Monitoring Program associated with the Project to include minor updates to the description of monitoring stations, minor reductions and increases in the type of parameters being monitored, and the frequency at which specific parameters are being monitored;
- The renewed and amended Licence reflects reductions in water use permitted under the Licence and includes thresholds for water use linked to the Care and Maintenance phase and the Transition Phase of the Project;
- Changes have been included to reduce the frequency of updated security assessments that must be submitted to the Board for review and/or approval during the Care and Maintenance phase of the Project.

In addition to the items referenced above, this decision addresses the issues identified during the review of the Renewal and Amendment Application as well as provides the basis or rationale for inclusion of specific terms and conditions in the amended and renewed Licence.



SECTION I **FILE BACKGROUND AND REGULATORY HISTORY**

Current Application

The application before the Board, filed by Lupin Mines Incorporated (Applicant, Licensee or LMI) on February 28, 2014, is for the renewal and amendment of Licence No. 2AM-LUP0914 (the Renewal and Amendment Application). The scope of the Renewal and Amendment Application as initially filed with the NWB and later slightly modified included the following:

- Ten (10) year renewal of Licence No. 2AM-LUP0914 to allow for continued Water use and Waste deposit activities in support of a Mining undertaking, including continued care and maintenance as well as other activities allowed under the expired licence.
- Continued flexibility in terms and conditions of any renewed and amended licence issued to the project to allow for potential resumption of mining operations.
- Proposed changes/amendments to overall terms and conditions in the licence to address aspects of the current care and maintenance state of the project.
- Proposed changes to monitoring requirements to allow for reduced level of monitoring contingent on the scope of activities being undertaken during care and maintenance.
- Proposed changes to the frequency at which site inspections of infrastructure and facilities are conducted based on level of activities during care and maintenance.
- Proposed reduction to the frequency at which reclamation security assessment is carried during care and maintenance.
- Authorization request to carry out open burning of acceptable combustible material as part of the standard terms and conditions in the licence.
- Establishment of a proposed on-site Landfarm Facility for the treatment of petroleum hydrocarbon contaminated soils.
- Amendment to terms and conditions pertaining to Water use requirements in the licence to allow for appropriate thresholds during care and maintenance or operations.
- Amendment to licence terms and conditions to allow for the operation of an existing Landfill Facility.

The following documents were received from Lupin Mines Incorporated in support of the application to renew and amend the expired licence, Licence No. 2AM-LUP0914, under the initial Renewal and Amendment Application:



- Completed and signed water licence Renewal Application Form
- Figures 1-5:
 - a. Figure #1 – Location Map, Lupin Mine
 - b. Figure #2 – Lupin Site Plan
 - c. Figure #3 – Mine Tailings Containment Area
 - d. Figure #4 – Monitoring Program Stations
 - e. Figure #5 – Lupin-Wide Mine-site Area 2012 Satellite Image
- NPC Conformity Review, dated February 26, 2014
- NIRB Screening Determination, dated May 6, 2008
- Documents Related to Care and Maintenance Planning:
 - a. Care and Maintenance Plan, dated March 2013
 - i. Appendix 1: Lupin Mine Waste Management Plan (Solid & Hazardous)
 - Incinerator Operation and Maintenance Procedure
 - ii. Appendix 2: Lupin Mine Liquid Waste Management Plan
 - Water Quality Monitoring Plan and Quality Assurance / Quality Control Plan
 - iii. Appendix 3: Lupin Mine Wildlife Management Plan
 - iv. Appendix 4: Lupin Mine Fuel Containment Management Strategy
 - b. Documents Related to Interim Abandonment and Reclamation Planning:
 - i. Closure Plan for Tailings Containment Area, Dated 2005
 - ii. Studies Related to Water Licence Requirements and in Support of Reclamation Planning, Dated 2004
 - iii. Ecological Risk Assessment for the Lupin Mine Tailings Containment Area
 - iv. Response to Technical Review Comments on Lupin TCA A&R Plan, Dated March 31, 2006
 - v. Lupin Gold Mine Environmental Effect Monitoring – Cycle 3 Interpretative Report, Dated 2011
 - c. Spill Contingency Plan (Care and Maintenance), Dated March 2013
- Laboratory Reports:
 - a. ALS Lab Report L1175954, Dated July 19, 2012
 - b. ALS Lab Report L1156206, Dated August 2012



c. ALS Lab Report L1209832, Dated September 27, 2012

- Irrevocable Standby Letter of Credit
- Updated Reclamation Liability Estimate
- Copy of LMI's Certificate of Incorporation
- Updated Plan for Compliance or Compliance Assessment
- Renewal Application Executive Summary in English
- Renewal Application Executive Summary in Inuktitut
- Renewal Application Executive Summary in Inuinnaqtun
- Application Fee
- Water Use fee deposit
- Proposed Updates to Water Licence Terms and Conditions

In addition to the above-mentioned submission(s), the NWB received several documents or submissions related to the Application from the Licensee and interested parties throughout the licensing process, as indicated in Appendix D and which can be accessed on the NWB's FTP site using the link provided below.

Copies of all submissions received for the Application as well as documents related to the file are available on the NWB's Public Registry and the FTP site at the following link

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP0914%20LMI/1%20APPLICATION/2014%20Renewal/>

History of the Lupin Mine

The Lupin Mine (the Project) is located on the western shore of Contwoyto Lake, Nunavut, approximately 285 kilometres southeast of Kugluktuk and about 400 kilometres northeast of Yellowknife. The project is situated in a zone of continuous permafrost and can be accessed by an on-site gravel airstrip, the Tibbit-to-Contwoyto Winter Road, and Contwoyto Lake using float-equipped aircrafts.

The Project is currently owned and managed by Lupin Mines Incorporated (LMI or Lupin), a wholly-owned, indirect subsidiary of Elgin Mining Inc. (Elgin or EMI) that is in turn a wholly owned subsidiary of Mandalay Resources. Elgin Mining Inc. (EMI or Elgin) purchased LMI from MMG Resources Ltd. in 2011. In 2014, Elgin became a wholly owned subsidiary of Mandalay Resources.



Previous to Elgin Mining Incorporated's ownership, the Project had changed ownership several times over the years. Former owners of the Project included the original owner, the Canadian Nickel Company Ltd (a subsidiary of Inco Limited, who discovered the site in the 1960 and initiated exploration activities). Echo Bay Mines Limited (EBML), which obtained an option on the property in 1979, commenced the initial underground exploration program followed in 1980 by a decision to develop and construct the mine. EBML became Kinross Gold Corporation (KGC) in 2003 through a merger, and in 2006 sold the Lupin Mine to Wolfden Resources Incorporated (WRI). WRI was acquired by Zinifex Canada Inc. in 2007, which in turn merged with Oxiana Limited in 2008 to become OZ Minerals Canada Resources Inc (OZ Minerals). MMG Resources Ltd. then acquired a significant portion of the assets owned by OZ Minerals that included the Lupin Mine.

Despite multiple changes in ownership of the Project throughout the latter stages of its existence, the Project was able to operate for period about 1983 to 2005 with temporary suspensions of operations during the periods, January 1998 – April 2000 and again in August 2003 – March 2004. The Project resumed Operations in March 2004 – February 2005 before initiating a Care and Maintenance state from 2005 to present.

Licensing Overview

Both the Northwest Territories Water Board (NWTWB) and the Nunavut Water Board (NWB) have issued Licences to the project in the past. Prior to establishment of Nunavut as a separate territory and the Nunavut Water Board's assumption of jurisdiction over the management of fresh water in the Nunavut Settlement Area (NSA) in 1996, the NWTWB was responsible for issuing water licences relevant to undertakings in the Northwest Territories (including what is now Nunavut), including the licences issued to the Project.

The initial exploration and mining licences for the project were issued by the Northwest Territories Water Board. Information related to those licences are considered historical and not readily available in electronic form to the NWB.

The following is an overview of the licences and amendments issued by the NWB to the Project:

Licence NWB1LUP0008 – Issued to Kinross Gold Corporation on July 1, 2000 and expired on June 30, 2008. The Licence allowed for the use of 1,700,000 cubic metres/year of water and the deposit of waste in support of a Mining and Milling Undertaking and associated activities.

- December 20, 2001 –The Licence terms and conditions related to Security (Part B of the licence) were amended.
- April 13, 2007 – The Licence was assigned from Kinross Gold Corporation to Lupin Mines Inc. (a wholly owned subsidiary of Wolfden Resources



Inc.).

- October 15, 2008 – An emergency amendment was issued to Licence for extension of the expiry date from June 30, 2008 to March 31, 2009.

Licence 2AM-LUP0914 – Issued on February 25, 2009 and expired on March 31, 2014. The Licence allowed for the use of up to 1,700,000 cubic metres of water per year and the deposit of waste in support of a Mining and Milling undertaking.

- May 25, 2009 – An amendment related to groundwater monitoring granted for the Licence.
- August 20, 2014 – An emergency amendment was granted (as the Licence had expired) allowing for the discharge of effluent from the Sewage Lakes Disposal Facility.

Procedural History of this Application

The following summarizes key steps in the procedural history of the NWB's processing of the Application; however, more complete details can be found on the NWB's FTP site at the link referred to above and in Appendix D of this decision:

- February 28, 2014 – NWB received from Lupin Mines Incorporated an application to renew and amend (Application) Licence 2AM-LUP0914
- March 17, 2014 – NWB acknowledged receipt of the Application
- May 7, 2014 – NWB acknowledged receipt on April 10, 2014 of LMI's Application fee, water use fee deposit and water use fee
- May 15, 2014 – LMI submitted an Inuinnaqtun Executive Summary to accompany the application submitted February 28, 2014
- May 16, 2014 – NWB distributed the application publicly for a completeness check and initial technical assessment following an internal preliminary review, with deadline for submission set for June 9, 2014
- June 9, 2014 – NWB received comments related to completeness and initial technical assessment of the Application from Aboriginal Affairs and Northern Development Canada (AANDC) and Environment Canada (EC). Also on this date, the NWB received the NIRB's determination indicating that the Application was exempt from the requirement for further screening pursuant to Section 12.4.3 of the NLCA



- July 2, 2014 – NWB received correspondence from Lupin Mines Incorporated indicating that LMI's response to interveners' comments on completeness was delayed
- July 3, 2014 – NWB received an application from Lupin Mines Incorporated for an emergency amendment to Licence No. 2AM-LUP0914, which the NWB processed separately from the Application received on February 28, 2014
- July 4, 2014 – NWB acknowledged receipt of LMI's emergency amendment Application and requested additional information from LMI related to the Application
- July 7, 2014 – NWB received LMI's response to interveners' comments on completeness and initial technical assessment of the Application
- July 8, 2014 – NWB issued public notice of the Application and commenced the Technical Review period, with deadline for Technical Review submissions set for August 14, 2014. The Public notice indicated that the week of September 1, 2014 was proposed as a date for the Technical Meeting and Pre-Hearing Conference (TM/PHC)
- July 17, 2014 – NWB received correspondence from LMI requesting that the proposed date(s) for the TM/PHC be changed from September 1, 2014 to a later date so as to enable LMI's senior management to participate
- July 22 -25, 2014 – NWB solicited feedback from EC and AANDC related to rescheduling of the TM/PHC
- July 31, 2014 – NWB Received a Landfill Management Plan from LMI to be included with the Application
- August 12, 2014 - The Department of Fisheries and Oceans (DFO) informed the NWB that it would not be participating in the technical review of the application
- August 14, 2014 – NWB distributed notice indicating that due to a rescheduling request from LMI, the TM/PHC would not be held in Kugluktuk the week of September 1, 2014, as originally planned
- August 20, 2014 – NWB issued an emergency amendment to Licence No. 2AM-LUP0914 to allow for discharge from the Sewage Lakes Disposal Facilities. LMI had provided additional information to the NWB on the emergency amendment on August 18, 2014 that included changes to the original request. The discharge for effluent from the fuel containment area was no longer considered under the emergency amendment application



- August 21, 2014 – NWB issued correspondence indicating that the TM/PHC had been rescheduled from September 1, 2014, to October 22 – 23, 2014, and that the deadline for comments was extended from August 14, 2014, to September 19, 2014
- September 10, 2014 – Environment Canada informed the NWB that it would not be attending the in-person, TM/PHC in Kugluktuk
- September 19, 2014 – NWB received technical review comments from AANDC, EC, and KIA on or before the extended comment deadline period
- September 29, 2014 – NWB distributed a Draft Agenda for the TM/PHC for comments. The Applicant was also advised in the letter that its responses to the interveners' technical submissions should be submitted by October 10, 2014
- October 10, 2014 – NWB received LMI's response(s) to interveners' technical review comments for the Application
- October 15, 2014 – NWB distributed the Agenda for the TM/PHC; the NWB received electronic copies of TM/PHC presentations from Lupin Mines Inc., AANDC, and KIA
- October 22-23, 2014 – The in-person, TM/PHC was held in Kugluktuk, Nunavut
- October 29, 2014 – NWB received from SRK Consulting a memo on the characterization of windblown material next to the Lupin Mine Tailings Containment Area. SRK also included with this submission the 2014 Geotechnical Report on Sewage Dams and an Inspection Report for the Lupin Tank Farm
- October 30, 2014 - NWB received LMI's List of Commitments from the Technical Meeting, and LMI's Response to AANDC's Technical Meeting List of Commitments
- October 31, 2014 – KIA informed the NWB by email correspondence that there are no outstanding water compensation issues relating to Section 63 of the NWNSRT Act. On this date, LMI also submitted to the NWB a response to clarification on the AANDC Inspection of July 15, 2014
- November 12, 2014 – NWB received email correspondence from LMI clarifying its site-specific soil monitoring and remediation program is planned for the summer of 2015
- November 27, 2014 – AANDC responded to LMI's comments from October 31, 2014, regarding the AANDC Inspection of July 2014



- December 1, 2014 – NWB distributed the PHC Decision. In addition, the NWB distributed notice that the Public Hearing for the Application would occur in Kugluktuk on February 4 and 5
- December 4, 2014 – AANDC submitted a comments related to the PHC Decision, and its interpretation of the status of technical issues following the PHC
- December 5, 2014 – LMI submitted a Landfarm Management Plan, Interim Abandonment and Restoration Plan (IARP) Errata and Fuel Inventory as required by the PHC Decision
- December 12, 2014 – LMI submitted an Updated Lupin Mine Closure Estimate and information related to water-use thresholds, as required by the PHC Decision
- December 17, 2014 – NWB received KIA’s final submission for the Public Hearing;
- January 5, 2015 – AANDC submitted its final submission for the Public Hearing, which included a revised List of Issues, and a Review of Reclamation Cost, completed by SENES
- January 19, 2015 – NWB issued radio and television notices of the in-person Public Hearing
- January 21, 2015 – LMI submitted its response to the final submissions of both KIA and AANDC, which also constituted its final submission for the Public Hearing. LMI had previously submitted an Inuinnaqtun Executive Summary for its final submission on January 12, 2015. In addition, the NWB granted a two (2) day extension for parties to submit their final presentation for the Public Hearing, setting the new submission deadline for January 30, 2015. The NWB distributed a reminder of the extended deadline to relevant parties on January 26, 2015
- January 30, 2015 – NWB received electronic copies of presentations for the Public Hearing from LMI and AANDC on or before this date;
- February 4-5, 2015 – The Public Hearing was held in Kugluktuk, Nunavut. Due to weather related issues, the Public Hearing was adjourned under condition that the PH Record would be left open and that parties will be allowed to present their closing remarks in written form on or before February 23, 2015.
- February 9, 2015 – NWB issued written correspondence reiterating that closing remarks for the Public Hearing, were due on February 23, 2015;
- February 23, 2015 – NWB received closing remarks for the Public Hearing from AANDC, KIA and LMI\



- March 13, 2015 – NWB provided notice that the record for the Public Hearing was closed, and provided clarification on which exhibits would be considered evidence by the NWB.

Regulatory History of this Application

As outlined above, the Nunavut Water Board (NWB or Board) received the application for the renewal and amendment of Water Licence No. 2AM-LUP0914 (the Application) from Lupin Mines Incorporated (LMI or the Applicant) on February 28, 2014. The NWB acknowledged the receipt of the Application on March 17, 2014 and commenced the NWB's preliminary internal technical review subsequent to that.

The Expiry of Water Licence No. 2AM-LUP0914

On March 31, 2014 the 5-year term of Water Licence No. 2AM-LUP0914 expired (the Expired Licence) and LMI was no longer authorized to use water or deposit waste in association with the Mining and Milling undertaking as set out in the Expired Licence. However, by virtue of s. 46 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, (NWNSTRA) LMI remained responsible to meet any outstanding obligations of the Expired Licence.¹

The Emergency Amendment Request 2014

On July 3, 2014, LMI requested an emergency amendment to reinstate specific provisions of the Expired Licence No. 2AM-LUP0914 that would authorize LMI's discharge of contact water that was accumulating within the Bulk Fuel Storage Facility and the Sewage Lakes Disposal Facilities (the Emergency Amendment Application). LMI indicated that the basis for the request was that the discharge was necessary to maintain the integrity and function of these facilities. The NWB agreed to process the Emergency Amendment Application separately from the Renewal and Amendment Application, and requested additional information from LMI in order to assess the potential risks to the environment posed by discharges from these facilities.

¹ See s. 46 of the NWNSTRA, which states:

The expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence.



On July 17, 2014 LMI provided the additional information requested by the Board and also narrowed the scope of the Emergency Amendment Application to only include discharge from the Sewage Lakes Disposal Facility, as there was no longer an emergency need to discharge the accumulated contact water from the fuel containment facility. Subsequently, while the Board considered the Emergency Amendment Application, the Board received an inspection report from Aboriginal Affairs and Northern Development Canada (AANDC) - Field Operations Division, which is responsible for enforcing the terms and conditions in the Water Licence. In the inspection report, the Inspector confirmed that a lack of freeboard for the facilities specified in the Emergency Amendment Application could affect the integrity of the facilities. Subsequently, on August 19 the AANDC Inspector indicated that due to a significant rainfall event the water levels in the lower and upper cells of the facilities had risen to the point where there was a significant risk of accidental and uncontrolled discharge of effluent from the facilities.

On that basis, the scope of the Emergency Amendment Application considered by the Board involved the discharge of approximately 150,000 cubic metres of contact water that had accumulated in the Sewage Lakes Disposal Facilities. On August 19, 2014 the NWB Panel (P11 Lupin Panel) duly appointed by the full Board in July 2014² to consider both the Renewal and Amendment Application and the Emergency Amendment Application, issued by motion #2014-12-P11-03 the following:

[T]he grant of the amendment request submitted by Lupin Mines Incorporated to authorize the release of water meeting specified discharge criteria from the Lupin Mine Sewage Lakes Disposal Facilities to preserve the necessary freeboard space and maintain the integrity of the Facilities, before and/or during 2015 freshet period, in accordance with the terms and conditions of Part E, Items 8 and 10 in Licence 2AM-LUP0914 and all associated monitoring and reporting obligations.

The emergency amendment granted by the Board was limited to a period of one year from the issuance (August 19, 2015) and only allowed LMI to discharge water from the Facilities as specified in the Expired Licence and did NOT extend to granting LMI any other rights for the use of water or the deposit of waste provided for under the Expired Licence No. 2AM-LUP0914.

² Pursuant to Article 13, Clause 13.3.6 of the NLCA and s. 29 of the NWNSRTA, the NWB delegated its power to dispose of all matters relating to the Application, including the conduct of the Public Hearing, to a three-member panel (the Panel or P11) of the NWB.



On September 8, 2014 AANDC issued an Inspector's Direction to LMI under s. 87(1) of the NWNSRTA requiring LMI to "immediately decant the Lower Sewage Lagoon and maintain the facility at a level that is consistent with safe operation" and requiring this discharge to be carried out in compliance with Part E, Items 4 and 8 of the expired Licence until such time as a new licence is issued. On October 6, 2014, the Minister's Office confirmed that as set out in s. 56(2.2) of the NWNSRTA, the Emergency Amendment was deemed to be approved as issued by the Board.³

Licence 2BE-LEP1217

In addition to a Type "A" Licence, the Type "B" Licence No. 2BE-LEP1217 was issued to Lupin Mines Incorporated by the NWB on January 25, 2012 with an expiry date of January 25, 2017. The licence allows for the use of water and the deposit of waste in support of a surface exploration program at the Lupin Mine site. While the Type "B" is not directly linked to the expired Type "A" Water Licence No. 2AM-LUP0914 and the renewed and amended Licence No. 2AM-LUP1519, the Type "B" Licence relies on the camp infrastructure and Waste management facilities associated with the Type "A" licence to support exploration activities. To ensure that any potential risks to freshwater resources that might be associated with the exploration program are prevented or minimized, terms and conditions included in the Type "B" licence at time it was issued, which are applicable to the renewed and amended licence, requires that written authorization be obtained from the owner of the Type "A" Licence prior to the use of facilities and /or infrastructure linked to the scope of the Type "A" Licence.

Land Use Planning and Project Assessment

With respect to the land use planning and project assessment requirements of the Nunavut Land Claims Agreement (NLCA) associated with the Renewal and Amendment Application, LMI included as an attachment to the Application an e-mail dated February 26, 2014 from the Nunavut Planning Commission (NPC)⁴ indicating that as the project is located outside the boundaries of the two approved land use plans in Nunavut, no conformity determination was required and no further review by the NPC would be required.

³ Letter from G. McFarlane, Chief of Staff, Minister of Aboriginal Affairs and Northern Development to D. Côté, Executive Director, Nunavut Water Board, dated October 6, 2014.

⁴ E-mail from C. Tickner, Senior Planner, NPC to K. Lewis, LMI, Re: Conformity Review: Lupin Project, NU (2AM0LUP0914) dated February 26, 2014.



With respect to the project assessment requirements imposed under Article 12 of the NLCA, on June 9, 2014 the Nunavut Impact Review Board (NIRB) issued correspondence⁵ confirming that as the NIRB had previously screened the Project in 1999 (NIRB File No.: 99WR053) and the scope of the Project had not been significantly modified, the Application was exempt from the requirements for further screening as set out in Article 12, Section 12.4.3 of the NLCA. In addition, the NIRB reminded the Applicant that the activities proposed under the Application remain subject to the terms and conditions recommended by the NIRB in the original Screening Decision Report issued November 16, 1999 and attached to the NIRB's June 2014 correspondence.

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

The NWB Processing of the Renewal and Amendment Application

On May 16, 2014 the NWB distributed the Renewal and Amendment Application with an invitation for the public and intervening parties to provide their comments by June 9, 2014 regarding completeness, information requests and their initial technical assessment.

Following the Board's receipt and review of the submissions of commenting parties and the Board's completion of their technical review, on July 8, 2014 the NWB issued notice of the Application⁶ and the NWB distributed the Renewal and Amendment Application for a detailed Technical Review for a thirty (30) day technical review period. The notice also invited interveners and other interested persons to make submissions to the NWB regarding the Renewal and Amendment Application on or before August 14, 2014. In the public notice of the application, the NWB proposed September 1-2, 2014 as the date for the Technical Meeting and Pre-hearing Conference to be held in the community closest to the undertaking, Kugluktuk. Subsequently, at the request of LMI, the NWB rescheduled the Technical Meeting and Pre-hearing Conference from September 1 and 2, 2014 to October 22 and 23, 2014.

Unfortunately, due to travel issues for the parties, the start of the Technical Meeting on October 22, 2014 was delayed from the originally proposed start of 8:30 a.m. to 2:00 p.m.

⁵ Letter from R. Barry, Executive Director, NIRB to T. Kabloona, Chairperson, NWB (c/o P. Beaulieu), Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Lupin Mines Incorporated's "Lupin Gold Mine" project, Kitikmeot Region, dated June 9, 2014.

⁶ As required under s. 55(1) of the *Nunavut Waters and Surface Rights Tribunal Act*.



on October 22, 2014 and the Pre-Hearing Conference continued until 3:30 p.m. on October 23, 2014. In addition to the Technical Meeting and Pre-Hearing Conference, the Board's staff also hosted a Community Session regarding the Application on the evening of October 22, 2014.

As noted in the Board's Pre-hearing Hearing Conference Decision Report for this file,⁷ a number of technical issues were discussed during the Technical Meeting and several commitments were provided by the parties⁸ to provide additional information and commit to additional communication about the site both prior to the Public Hearing and on an ongoing basis.

At the end of the Technical Meeting and during the Pre-Hearing Conference, the parties indicated that, subject to additional issues that may be identified during the exchange of information prior to the Public Hearing, the following issues would be addressed at the Public Hearing:⁹

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

⁷ Nunavut Water Board, Type "A" Water Licence 2AM-LUP0914: Pre- Hearing Conference Decision Regarding an Application for Renewal and Amendment, December 1, 2014.

⁸ See Appendix D: List of Commitments Generated during the Technical Meeting/Pre-hearing Conference held October 23 and 24, 2014 for Licence 2AM-LUP0914, Renewal/Amendment Application, in the Nunavut Water Board, Type "A" Water Licence 2AM-LUP0914: Pre- Hearing Conference Decision Regarding an Application for Renewal and Amendment, December 1, 2014, at pp. 32-34.

⁹ Nunavut Water Board, Type "A" Water Licence 2AM-LUP0914: Pre- Hearing Conference Decision Regarding an Application for Renewal and Amendment, December 1, 2014, at pp. 19-20.



8. Assessment and mitigation of potential for effects from windblown tailings or esker materials.
9. Inclusion of new landfarm development and current landfill in the renewed licence.
10. Direct communication of monitoring results to the community of Kugluktuk.

On December 1, 2014, the NWB issued the Notice of Public Hearing for the file¹⁰ to be held in Kugluktuk February 4 and 5, 2015, with a community session scheduled for the evening of Wednesday, February 4, 2015 from 7:00 to 10:00 pm. The Agendas for the Public Hearing and Community Session are attached to this Report as Appendix A. In advance of the Public Hearing, further information and written submissions were received from LMI, AANDC and EC.

Prior to the Public Hearing, due to unforeseen scheduling conflicts, the Board had to change the members of the Panel designated to consider the Renewal and Amendment Application. On January 26, 2015, by Motion # 2014-26-F1-03 previous Panel Member David Aglukark Sr. was replaced with Board Member Makabe Nartok, and former alternate Panel Member Joseph Pameolik was replaced with Board Member Norman Mike. Following his appointment, Board Member Makabe Nartok was provided with access to all Board materials associated with the file in preparation for the Public Hearing.

The Public Hearing proceeded on the morning of February 4, 2015 as planned (Agendas attached in Appendix A). However, in the late afternoon of February 4, the NWB was advised by the Government of Nunavut that due to developing blizzard conditions, all government buildings, including the Kugluktuk Community Hall, would be closed until further notice. Consequently, the Public Hearing was adjourned in the late afternoon of February 4, 2015 and the Community Session scheduled for that evening had to be deferred. The blizzard conditions did not improve until the late afternoon of February 5, 2015, so the Public Hearing was reconvened on February 5, 2015 at 6:45 p.m. with continuation of the Public Hearing and the presentation of AANDC's submissions to the Board. Following AANDC's presentation, the Community Session was held (commencing at approximately 7:30 p.m.).

Recognizing that the storm delay had significantly reduced the time available to conduct the Public Hearing in Kugluktuk, and noting the importance of ensuring community members had an opportunity to hear from the parties with respect to the Amendment and

¹⁰ The Notice of Public Hearing invited anyone who may be adversely affected by the Applicant's proposed use of water and/or deposit of waste to make representations to the Board or lose the right to seek compensation under s. 13 of the NWNSRTA.



Renewal Application, the Board continued with the Community Session and the completion of the technical presentations throughout the evening of February 5, 2015. In consultation with the parties, the Board agreed to keep the Hearing Record open for some time after the in-person portion of the Public Hearing concluded on February 5, 2015, in order to allow the parties to file their closing statements in writing. In addition, as indicated in the Board's correspondence issued on February 9, 2015¹¹ providing further procedural direction to the parties, at the same time that parties filed their closing statements, they were also requested to provide further discussion of any outstanding objections to the entry of exhibits marked as Exhibits 3, 7 and 9 into the Public Hearing Record.

On February 23, 2015, as directed in the Board's letter, the Interveners, the Kitikmeot Inuit Association (KIA), Aboriginal Affairs and Northern Development Canada (AANDC) and the Applicant, Lupin Mines Incorporated (LMI) filed their closing statements and objections. On March 13, 2015, the Lupin Panel, by Motion # 2014-31-P11-03 confirmed the Public Record for the NWB's Public Hearing associated with the Renewal and Amendment Application was closed. The Panel also communicated their determination regarding the Exhibits that had been marked but not entered on the Public Hearing Record (which is set out in more detail in the next subsection of this report under the subheading "Preliminary Matters").

A complete list of submissions and correspondence in support of the Renewal and Amendment Application is provided in Appendix D: List of Submissions and Correspondence, and all documentation listed in Appendix D has been placed on the NWB's public registry and is available from the NWB's ftp site at the link below

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

Preliminary Matters: Exhibits on the Public Hearing Record

As set out in Appendix B, the final list of Exhibits, and described in the Board's correspondence on March 13, 2015, not all documents offered by the parties and marked as Exhibits at the Public Hearing were ultimately considered by the Panel to be relevant to the Board's consideration of the Renewal and Amendment Application. Specifically, the Panel

¹¹ Correspondence to P. Downey, LMI, K. Costello, AANDC and L. Torretti, KIA from T. Kabloona, NWB and Lupin Panel, Chairperson (copied to Lupin Distribution List, et. al.) RE: Licence 2AM-LUP0914, Type "A" Water Licence; Lupin Mines Incorporated Amendment-Renewal Application, Lupin Mine – Nunavut Water Board Written Direction Regarding Public Hearing Record Remaining Open, dated February 9, 2015.



assessed the submissions of the parties and the content of the documentation offered as Exhibits 3, 7 and 9 and determined the following.

The Board determined that the document marked as Exhibit 3, which was offered by LMI in response to a query by Aboriginal Affairs and Northern Development Canada with respect to the mineable reserves remaining at the site and consisted of a March 2012, Technical Report on the Lupin Mine Property Kitikmeot Region, Nunavut prepared for Elgin Mining Inc. filed with SEDAR 43-101 as part of the corporate disclosure record, the Board determined that the document was not relevant to the Board's consideration of the Application. Consequently, the Board did not enter Exhibit 3 as part of the Hearing Record and did not consider the Exhibit in its decision-making process.

The basis for the Board's determination that this information is not relevant was twofold. Firstly, during the water licensing process, the Board does not typically ask for, or consider the extent of mineable reserves anticipated at a site, as there is not necessarily a clear link between the anticipated mineable reserves and the licensed use of water or deposit of waste associated with an undertaking. For example, a large mineable reserve in a concentrated area that will be exploited over a considerable length of time may not require as much water use as a smaller mineable reserve that will be exploited in a shorter space of time and is spread over a larger spatial area. Secondly, with respect to whether this information would potentially be relevant to assessing when or if the undertaking will transition out of care and maintenance into active operations, the Board notes that the information regarding the projected mineable reserve is but one of a myriad of factors that would be considered by LMI in deciding when active operations become viable, and as such this information does not assist the Board much at all with making such predictions. Thirdly, the Board also recognizes that this information is not current and does not reflect additional exploration and assessment that has taken place since the 2011 field season, and this further limits its relevance in this case.

With respect to Exhibit 7, which consisted of an Excel Spreadsheet that updated AANDC's comments with respect to the status of LMI's Compliance and Commitments and was filed by AANDC at the Public Hearing, the Board noted that this information was largely a written summary form of updates to information that had been either presented previously or that was being presented in speaking notes at the Public Hearing. Consequently, the Board accepted that Exhibit 7 was relevant and should be filed as part of the Public Hearing Record for the Renewal and Amendment Application. However, in reviewing the document in its entirety, the Board identified that there was a comment provided by AANDC that was directed to LMI at page 28 of 51 under the subject of Hazardous Waste that may be considered prejudicial and that was more appropriately an internal exchange



between AANDC and LMI. As the Board determined this statement was prejudicial but not relevant to the Renewal and Amendment Application, this line was redacted from Exhibit 7 that was entered on the Public Hearing Record.

The final preliminary ruling by the Board involved consideration of whether to include in the Public Hearing Record the PowerPoint presentation marked as Exhibit 9 that outlined a potential mine plan for the operations that was filed by LMI and presented at the Public Hearing. In considering this information to be relevant and entering it onto the Public Hearing Record, the Board notes that the presentation was provided in direct response to questions from Environment Canada, the KIA and the Community Members as follows:

I'd just like to maybe just slip right into a little presentation on the project, the mine, and what the mine will look like. There's been a number of questions on this, and I'd like to just answer those. And this is in response -- I think, Luigi, you had some questions on the viability, and I think it's important to show that and what we've done. It's not in great technical detail because I don't want to swamp you with a lot of detail, but it gives you a pretty good understanding of the operation, I hope. It's also in response to Environment Canada's e-mail of 2015, clarification on the approach of updating operation of plans.¹²

The Board also notes that the information provided by LMI was largely based on information that had been previously provided and was publicly available since 2012:

This is a presentation that I was giving to the public, that I was giving to my shareholders, that I was giving to banks in regards to our plans for Lupin. This was given in 2012, it was on the public record. Probably could still be found in the public record because all presentations that you give to the public must be put on your website.¹³

Further, the Board found that LMI could have provided a response to these questions regarding the mine plan in the form of a verbal answer at the Public Hearing, but that the information conveyed in the more visual form of the PowerPoint, with a filed exhibit that could be referenced later, provided helpful context and was appropriate to be entered on the Public Hearing Record, in full, as Exhibit 9.

¹² P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 5, 2015, pp. 222-223, lines 18-26 and 1-4.

¹³ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 5, 2015, p. 227, lines 12-19.



SECTION II

SUMMARY OF FINAL HEARING SUBMISSIONS OF THE PARTIES

In addition to participating in the Public Hearing, the following parties provided written closing statements to the NWB on February 23, 2015 in respect of the Renewal and Amendment Application filed by Lupin Mines Incorporated for Licence No. 2AM-LUP0914: the Kitikmeot Inuit Association (KIA); Aboriginal Affairs and Northern Development Canada (AANDC); and Lupin Mines Incorporated (LMI or the Applicant).

Kitikmeot Inuit Association

The Kitikmeot Inuit Association (KIA) is an entity responsible for defending, preserving, and promoting social, cultural, and economic benefits to Inuit in the Kitikmeot Region as mandated under the NLCA. The KIA participated throughout the review process for the Renewal and Amendment Application including the Technical Review, Technical Meeting and Prehearing Conference, and Public Hearing.

During the Public Hearing, the KIA did not provide a formal presentation to the Board. The KIA, however, commented on and raised several issues including matters related to following topics during the Public Hearing and in its written closing statements:

- **Care and Maintenance:** The KIA mentioned that it has concerns about the period of time for which the site or Project has been under Care and Maintenance despite changes in ownership. The KIA indicated that during the renewal process for the previous licence it expressed those concerns and that the same concerns exist for the current renewal process:

We're in a situation of seemingly perpetual care and maintenance and there is no indication of a restart to operations. I know and I understand what was presented, but the reality is there hasn't been anything brought up, and that concern remains for KIA.¹⁴

In its written closing statements, the KIA highlighted again its concerns about the duration for which the site has been under care and maintenance and the need for consideration to be given in terms of when the site should be required to or would transition from care and maintenance to closure and reclamation, or operations.

The KIA also stated in its closing statements that it has concerns about the long-term stability/degradation of the site and potential increases in reclamation cost for the project in the long run. However, it believes that its concerns can be addressed

¹⁴ LUP0914 Type "A" Water Licence – KIA Closing Statement, dated February 22, 2015 and filed with the NWB on February 23, 2015



if any potential licence issued to the project includes the requirement for LMI to update the financial security for the project to reflect changes in site conditions over the course of the licence term.

- Financial Reclamation Security: The KIA stated that the \$25.5 million currently proposed as reclamation security for the project is less than the amount proposed back in 2009, which was \$29.2 million, despite changes in the consumer price index, and the value of the Canadian dollar.

In its written closing statements the KIA reiterated its concerns about amount of financial security for the project by stating that the reclamation security estimate, which dates back to 2001, would not be reasonable at the current time due to cost increases in both urban and remote regions in Canada. The KIA mentioned that although it does not intend to discuss in detail the amount of financial security proposed, it hopes that the security amount determined by the Board will be sufficient to effectively and fully reclaim the site, as an insufficient amount of financial security will not address Inuit concerns related to post-closure reclamation and impact on the environment.

- Entity/Entities Responsible for the Project: The KIA expressed concerns about which entity or entities would be responsible for posting financial reclamation security for the project. The KIA mentioned that it understands that there are several companies associated with the Project including Lupin Mines Incorporated, Elgin Mining Incorporated, Mandalay Resources Corporation, and Potentially WPC Resources. The KIA stated that it is interested in confirming whether the companies involved in the Project have the financial capabilities to address any difference in the amount of financial security currently posted and the amount that may be included under any potential renewal and amended licence issued to the Project if the security amount in the renewed and amended licence is greater.

The KIA's concern about the responsible entity for the project was also restated in its closing remarks in the form of a request for confirmation on whether Lupin Mines Incorporated has at its disposal the resources that might be required to address any additional financial obligation associated with the project and whether the parent company, Mandalay Resources, will cover any shortfall occurring in resources.

- Link between the Ulu Type "B" licence and the Type A Licence: The KIA requested clarification from the NWB and the Applicant with respect to the



potential impact that any renewed and amended Type “B” water Licence issued to the ULU Project could have on the Type “A” Licence or vice versa, currently and in the future.

Aboriginal Affairs and Northern Development Canada (AANDC)

Aboriginal Affairs and Northern Development Canada (AANDC) has a broad mandate for the co-management of water resources and the management of Crown land in Nunavut under the following applicable regulations and policy:

- the *Department of Indian Affairs and Northern Development Act*¹⁵;
- the *Nunavut Land Claims Agreement* and the *Nunavut Land Claims Agreement Act*¹⁶;
- the *Territorial Lands Act*¹⁷ applicable *Regulations*¹⁸;
- the *Nunavut Waters and Surface Rights Tribunal Act*¹⁹;
- the *Nunavut Waters Regulations*²⁰;
- the *Canadian Environmental Assessment Act*²¹; and,
- the *Mine Site Reclamation Policy for Nunavut*.²²

AANDC administers Crown land and resources and enforces regulatory permits affecting land and water resources in Nunavut. Almost the entire footprint of the mine is on Crown land, which is administered by AANDC.

AANDC participated fully in the review process for the Application and identified several issues and concerns with respect to the Application and licensing requirements. While AANDC has indicated that some of issues and concerns it identified have been addressed, AANDC mentioned a number of issues and concerns during the public hearing and in its written closing statement:

The following main issues were raised during the public hearing:

- Fuel Inventory: AANDC indicated that the total quantity of fuel stored on site should be provided and that if the total amount of fuel stored on site is not known, a

¹⁵ R.S.C. 1985, c. I-6.

¹⁶ S.C. 1993, c. 29.

¹⁷ R.S.C. 1985, c. T-7.

¹⁸ See for example *Territorial Land Use Regulations*, C.R.C. c. 1524 and the *Northwest Territories and Nunavut Mining Regulations*, C.R.C. c. 1516.

¹⁹ S.C. 2002, c. 10.

²⁰ S.O.R./2013-69.

²¹ S.C. 1992, c. 37.

²² Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available on-line: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.



precautionary approach should be used to assume the highest reclamation liability for the site. Further, AANDC requested that the licence reflect the commitments to provide complete updated of fuel inventory by 2015 as well as annual update to the inventory of fuel in annual reports.

- Landfarm Management Plan: AANDC recommended that the proponent be required to submit an updated Landfarm Management Plan at least ninety (90) days prior to construction of the landfarm facility so that interested persons could review and comment on the plan and that the soil treatment objectives for the plan should be consistent with CCME guidelines as committed by the Applicant.
- Interim Abandonment and Restoration Plan Erratum: AANDC indicated that its review determined that the Interim Abandonment and Restoration Plan (IARP) should be updated to reflect the *Mine Site Reclamation Guidelines for the Northwest Territories* (INAC, 2007) and the *Mine Site Reclamation Policy* (INAC, 2002). AANDC recommended that the plan be updated prior to commencing operations to ensure that sufficient information is provided prior to significant increases in the level of activity on site.
- Revised Reclamation cost: AANDC indicated that the revised estimate provided by LMI is not consistent with the Reclaim Model, as there remains a number of deficiencies and inadequacy in terms of cost. AANDC indicated that it provided a rationale to support an increase in the reclamation security and recommends that it be increased to cover the highest reclamation liability on site and to account for uncertainty based on information availability. AANDC recommended that the reclamation security be increased to \$43,480,155 as it believes that the \$24.5 million proposed by LIM is too low. AANDC stated that the main differences between its estimate and LMI's are that LMI's estimate includes lower costs and/or does account for expenses associated with the Tailings Containment Area, chemicals stored on site, contaminated soil management, waste rock, post closure monitoring, indirect cost, and other factors.
- Windblown Tailings: AANDC stated that LMI committed in 2012 to assess whether or not contamination is present or occurring on site is due to windblown tailings for the Tailings Containment Area. In addition, AANDC stated that LMI also agreed to undertake a confirmatory sampling study in 2014. As neither the assessment nor the study has been conducted to date, AANDC recommends that the sampling conducted in 2015 be compared against background concentrations in areas remote from the Mite site.
- Porewater Quality Monitoring: AANDC indicated that while the monitoring of porewater quality is not essential, it is recommended that LMI provide additional information on cover performance.



- Hazardous Waste Management: AANDC indicated that while it has requested an inventory of Hazardous Waste in July 2014 and in a timeframe subsequent to that, the information has not been provided. AANDC recommends that any renewed and amended licence reflect LMI's commitment to provide a complete inventory of hazardous waste in annual reports. In addition AANDC requested the removal of historic Hazardous Waste from the project site for the duration of the licence term and annual removal of new Hazardous Waste generated by the project to prevent accumulation. AANDC also recommends that the management of Hazardous Waste be done in accordance with Government of Nunavut's Environmental Guideline for the General Management of Hazardous Waste.
- Management Plans: AANDC agrees with LMI's commitments to update management plans within ninety (90) days of issuance of the licence.
- Care and Maintenance: AANDC indicated that LIM proposed use a 100 times more water during ramp-up than during care and maintenance. Therefore the monitoring frequency should reflect the level of activity on site during ramp, which is expected to be higher than during Care and Maintenance, and that monitoring activities during ramp up should be the same as that required for Operations. In addition, AANDC maintains that monitoring of facilities and infrastructure be conducted year round until a reliable system can be identified for remote surveillance monitoring as other projects in the region has employed local Hunter and Trappers Organizations.
- Progressive Reclamation: AANDC indicated that the proponent confirms that the TCA will not be covered any further until final closure and that evidence does not suggest that exposed tailings is an urgent matter. However, AANDC recommends that covering of exposed tailings should be required as a non-discretionary condition in the licence, including a temporary stabilizer to mitigate risk of windblown tailings and enable use of the future TCA
- Acid Generating Waste Rock: AANDC recommended that the licence includes conditions or requirements for the licensee to conduct a detailed rock characterization program to identify the total quantity of potentially acid generating waste rock at the mine site, and to address ground water contamination.
- Asbestos: AANDC indicated that the presence of asbestos were considered in the demolition plans and that clarification is requested on whether the demolition plans include the disposal of materials containing asbestos.
- Updated Environmental Site Assessment: AANDC mentioned that in 2012, an Inspector requested that that an addendum to the 2006 Environmental Site Assessment be provided and the Licensee had committed to doing so; however, no work has been done to satisfy this commitment. AANDC recommends that the licensee be required to update the Environmental Site Assessment by 2015 to



address legacy hazards and contamination issues as requested by the Inspector in 2012.

Other considerations: AANDC suggested changes to the licence terms and conditions as well as to schedules and other elements.

- Compliance: AANDC stated that there are 26 compliance, 21 non-compliance, and 2 uncertain issues associated with the expired water licence, which were described in tables accompanying the application

Issues raised by AANDC in its written closing statements:

- Exhibit 3—Technical Report filed with SEDAR
AANDC indicated that it objects to admission of the report, marked Exhibit 3, because the report was not filed early enough to allow interested parties to consider and comment on the report during the public hearing. In addition, AANDC stated that it believes the information on mineable reserves, as contained in the report, has to be treated in a limited/specific context.
- Exhibit 9 – PowerPoint Presentation entitled Reply Submission to the NWB (visuals about the potential mining plan for the site should it re-open)
AANDC mentioned that it objects to admission of the PowerPoint presentation, identified as Exhibit 9, because the information was not filed early enough to allow interested parties the appropriate opportunity and enough time to review and comment on the information during the application process.
- Exhibit 5 – Mandalay Resources Unaudited Interim Financial Statements
AANDC stated that it does not object to the Financial Statement, labelled Exhibit 5, provided for Mandalay Resources. However, it believes that the financial statements are of no assistance to the proceedings, given that they not specific to LMI nor contain information about LMI.
- Reclamation Security
AANDC mentioned that, as stated in its January 5, 2015 submission, it recommends that the security amount for the project be increased as it believes the amount proposed by the proponent is inadequate to cover long-term care of the site, as well as address other factors including fuel requirements for any potential clean-up of the site in the case of reclamation and waste management activities associated with the site.
- Licence Term
AANDC highlighted that due to outstanding information, ongoing compliance issues, and uncertainty of any possible mine restart and reclamation liability, it recommends that the term of any potential licence issued by the Board to the project be limited to five (5) years. In addition, AANDC recommended that any potential



licence issued to the project should include conditions requiring the Licensee to conduct an updated environmental site assessment, and that if the results of the site assessment suggests that the financial security amount could be reduced, LMI can apply to reduce it accordingly.

Environment Canada (EC)

Environment Canada general provides specialist advice pursuant to the *Canadian Environmental Protection Act, 1999*, the pollution prevention provisions of the *Fisheries Act* and the *Species at Risk Act*.

EC indicated through correspondence to the Board that it could not attend the Public Hearing due to operational constraints. EC further advised in its correspondence that it had no additional comments regarding the Renewal and Amendment Application, and that the comments and recommendations provided in its technical review comments, dated June 9, 2014 were still applicable.

Lupin Mines Incorporated

Lupin Mines Incorporated, the Applicant, fully participated in all stages of the licencing process for the file including the technical meeting and pre-hearing conference and public hearing.

In its Public Hearing Presentation, LMI stated that since it purchased the Project from MMG Resources Canada Ltd., it has invested significant resources aimed at facilitating the Project's return to operation in the future. LMI stated that expenditures for the Project in 2011 amounted to \$35.4 million and \$11.6 million in 2012, respectively. Some of the main topics raised by LMI in its presentation at the Hearing, included the recently upgraded fuel facility, the tailings infrastructure, hazardous waste management that included planned consolidation of waste stored in containers on site, management of water levels in sewage the lagoons, routine water quality testing, tailings effluent treatment, and discharge criteria.

In addition to the topics identified above, LMI responded to interveners' concerns including those related to windblown tailings, tailings cover, re-vegetation, the management of hydrocarbon contaminated soil, Acid Rock Drainage, social and community concerns, inspection frequency in the licence, Licence requirements and financial security.

In its closing statements LIM provided an overview of the scope of activities and undertakings requested under the Renewal and Amendment Application and raised a number of issues/provide responses to interveners' comments. With respect to the overview of it Application, LMI stated that the company had not decided to pursue final closure and reclamation because the company has not determined that it is economically feasible to recommence production in the future should the price of gold support such a decision. In addition, LMI stated that it would like the same production rate be retained for



any licence issued to the project, and the 10-year term requested will support the mine going back into production in the future if favourable market conditions permits same. LMI also requested amendment to the licence to allow for reduced monitoring and water use, and changes to Part I, time 9, related to re-vegetation, as attempts to vegetate the site in the past has been unsuccessful due to the availability of adequate soil media.

In terms of the main issues raised by LMI in its closing remarks or statements, they include the following:

- LMI requested that the reclamation security for the project be kept at \$25.5 million, the amount currently posted; even though, the updated security assessment determined that the security amount is less than that currently posted. LMI stated that the updated security assessment was determined to be less due to removal of certain risk such as underground transformers, covering of the majority of tailings and the complete quantification of cost and unit rates
- LMI indicated that its decision to defer the preparation of a feasibility study for re-start of operations at the Lupin Mine should not be construed as the mine is not feasible to reopen because the company believes that it has presented sufficient evidence to suggest that the mine intends to resume production.
- LMI addressed matters related to issues, such as windblown tailing and fuel volumes, which the Inspector considered as non-compliance issues, but the company believes are inaccurate in terms of assessment. LMI indicated that it has provided information related to fuel inventory to the Inspector and that it intends to conduct sampling in the areas identified as concerns by the Inspector.
- On the topic of hearing exhibits, LMI indicated that with respect to Exhibits 3 and 9, the information was provided in response to AANDC's requests related to evidentiary basis for reopening mine and that the company was not aware that there were interest in such information prior to the Hearing. As for exhibit 7, LMI stated that the information was well known to AANDC in advance of the hearing.

SECTION III **SUBMISSIONS BY OTHER INTERVENING PARTIES OR MEMBERS OF THE PUBLIC**

There were no written submissions provided to the NWB by any other intervening party or members of the public in advance of the Public Hearing. As noted above, the Community Session associated with the Public Hearing was delayed due to the blizzard conditions and the requirement to close the Kugluktuk Community Hall on February 4. However, on the evening of February 5, 2015, a Community Session was conducted and several issues were raised by the community members in attendance, as summarized in the table that follows.



The full transcript of comments from the Community Session on February 5, 2015 is available from the following link:

<ftp://ftp.nwb-oen.ca/1%20PRUC%20PUBLIC%20REGISTRY/2%20MINING%20MILLING/2A/2AM%20-%20Mining/2AM-LUP0914%20LMI/2%20ADMIN/4%20HEARINGS/2%20HEARING/2015/Public%20Hearing%20Transcripts/Public%20Hearing%20-%20Vol.%202.pdf>

TABLE 1: KEY ISSUES RAISED BY COMMUNITY MEMBERS DURING THE PUBLIC HEARING

Topic	Issues/Concerns/Comments
Blasting (Potential Effects on Wildlife and Vegetation)	We used to be worried about the effects of blasting on our animals, our birds and our berries; thankful that miners do try to keep the water clean and we want them to keep it clean for future generations
Fish and Fish Habitat	We have had very serious concerns about the potential for impacts to water and the potential for that to affect the fish and the wildlife potentially as well.
Moving from Care and Maintenance to Active Operations	How long would it take to get the mine back into operation?
	Would a new operator have to bring in new cables in order to restart the hoist?
	What would be the worker rotation for the mine (2 week in and 2 week out)?
	What would the percentage of local hires be if the mine were to be re-staffed?
Spills	If anyone spills anything they should be responsible to clean it up.
Water Quality	Always concerned about the impacts of this mine and ongoing operations (vehicle traffic, etc.) on the water sources there as that area is our “water tank” and we want it to be kept in a pristine condition.
	We need to preserve our water and our wildlife



SECTION IV **JURISDICTION OF THE NWB**

Under Division 2 of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*²³ (NWNSRTA) the NWB has the jurisdiction to issue a licence, amend a licence (including a renewal) or, in certain circumstances, cancel a licence. In exercising the Board's statutory functions under the Nunavut Land Claims Agreement (NLCA) and the statutory regime governing the Board (under the NWNSRTA and the *Nunavut Waters Regulations*), the NWB must be guided by the following objects:

... to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters for the residents of Nunavut in particular and Canadians in general.²⁴

In setting the terms and conditions of any licence, the NWB is guided by these objects and the NWB's statutory duty to make *all* reasonable efforts to minimize *any* adverse effects on aquatic ecosystems. Reading several of the Articles of the NLCA together,²⁵ the NWB relies on the broad definition of "ecosystemic" found in Article 12, Section 12.1.1. of the NLCA, requiring not only the Nunavut Impact Review Board but also the NWB to ensure that all components of the ecosystem, such as fish and fish habitat, are protected within the parameters of s. 71 of the NWNSRTA.

As with any application considered by the NWB, the burden of proof for this Renewal and Amendment Application rests with the Applicant, LMI, to demonstrate that the request for a renewed water licence should be granted and that the proposed amendments should be granted. In addition, the NWB Rules of Practice state: "[a]ny party offering evidence before the NWB shall have the burden of introducing sufficient and appropriate evidence to support its position."²⁶

SECTION V **REQUIREMENTS OF THE NWNSRTA, NWR AND NLCA**

Objects of the NWB and its Relationship to other Bodies

Land Use Planning

²³ Sections 42-81 of the NWNSRTA.

²⁴ See s. 35 of the NWNSRTA.

²⁵ This approach is consistent with the direction provided in Article 2, section 2.9.1 of the NLCA.

²⁶ Section 23.1 of the Nunavut Water Board "Rules of Practice and Procedure for Public Hearing" (May 11, 2005).



As noted under the preceding section entitled “Regulatory History”, LMI included as an attachment to the Renewal and Amendment Application, confirmation from the Nunavut Planning Commission (NPC)²⁷ indicating that because the project is located outside the boundaries of the two approved land use plans in Nunavut, no conformity determination was required and no further review by the NPC would be required. On this basis, the NWB concluded that the land use plan conformity requirements²⁸ associated with the Renewal and Amendment Application had been met and the application could be processed by the NWB.

Environmental Assessment

Also as noted under the preceding section entitled “Regulatory History”, the Nunavut Impact Review Board (NIRB) issued correspondence²⁹ confirming that as the NIRB had previously screened the Project in 1999 (NIRB File No.: 99WR053) and the scope of the Project had not been significantly modified, the Application was exempt from the requirements for further screening as set out in Article 12, Section 12.4.3 of the NLCA. On this basis, the NWB concluded that the impact assessment requirements³⁰ associated with the Renewal and Amendment Application had been met and the application could be processed by the NWB.

Inuit Water Rights

On October 31st, 2014 as agreed to during the Technical Meeting and Pre-hearing Conference,³¹ the Kitikmeot Inuit Association confirmed that there are no outstanding water compensation issues regarding the Lupin Mine under s. 63 of the NWNSRTA that must be addressed before the Board could consider the Renewal and Amendment Application.

Issues With Respect to the Limited Participation of Technical Experts from Government Agencies in Board Processes

²⁷ E-mail from C. Tickner, Senior Planner, NPC to K. Lewis, LMI, Re: Conformity Review: Lupin Project, NU (2AM0LUP0914) dated February 26, 2014.

²⁸ As set out in s. 38 of the NWNSRTA.

²⁹ Letter from R. Barry, Executive Director, NIRB to T. Kabloona, Chairperson, NWB (c/o P. Beaulieu), Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: Lupin Mines Incorporated’s “Lupin Gold Mine” project, Kitikmeot Region, dated June 9, 2014.

³⁰ As set out in s. 37 of the NWNSRTA.

³¹ See Commitment 17, Appendix D: List of Commitments Generated during the Technical Meeting/Pre-hearing Conference held October 23 and 24, 2014 for Licence 2AM-LUP0914, Renewal/Amendment Application, in the Nunavut Water Board, Type “A” Water Licence 2AM-LUP0914: Pre- Hearing Conference Decision Regarding an Application for Renewal and Amendment, December 1, 2014, at pp. 32-34.



The Board notes, with regret, that as with several recent in person Pre-Hearing Conferences and Public Hearings, Environment Canada (EC) was unable to participate directly in the Public Hearing for this Renewal and Amendment Application. In the past 12-18 months, on various files the NWB has received similar notifications from Environment Canada and other Federal Government authorities, such as the Department of Fisheries and Oceans Canada, identifying human and fiscal resource constraints as factors limiting the participation of these technical experts in the Board's processes, particularly for meetings taking place in the communities.

The Board notes that although the written submissions provided by these parties assist the technical component of the licensing process and continue to inform the Board's proceedings, the NWB has concerns that the limits on in person attendance in communities does adversely affect the active exchange of information between key interveners, the applicants and interested members of the community. In the Board's view, full engagement during the discussions that take place at in person meetings and the NWB's Public Hearings are essential to shaping licences that reflect not only the technical input of interveners but also such technical input tested and tempered by the context and practical perspective offered by the applicant, other interveners and community members.

While interveners may view the importance of their participation solely as one-way communication of technical information, in the Board's experience, this is only one facet of effective intervener participation. It is often the case that an intervener's technical information presented in person at a Public Hearing may need to be modified to reflect the local community knowledge presented by community members, additional factual basis presented by an applicant, the technical input of other interveners and the questions by participants, including the NWB. When interveners are not present to engage in this aspect of the process, it is difficult for the Board to place the technical information from that intervener into the full and proper context of an individual licence for a specific operation in a particular location that adequately reflects local concerns and community knowledge.

SECTION VI **DECISION TO ISSUE**

On the basis of the Renewal and Amendment Application, the supporting documents, the technical review comments received by the Board and information provided at the Public Hearing held in respect of this Application and for reasons that follow, the NWB Lupin Panel, P11, by Motion Number: Motion #2015-02-P11-05 has decided to issue a renewed and amended Type "A" Water Licence to the Applicant to replace Water Licence 2AM-



LUP0914 (the Expired Licence) subject to the terms and conditions as described further in this decision.³² It is the Board's view that the renewed and amended Licence 2AM-LUP1520 (the Renewed and Amended Licence) contains the terms and conditions necessary to protect the environment, conserve the water resources, and provide appropriate safeguards in respect of the remaining long-term monitoring and any associated reclamation and remediation measures that may be required to address residual impacts.

Conditions for Issuance of a Licence

As set out under sections 57, 58, 60, 63 the *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (NWNSTR) and as specifically discussed below there are a number of conditions that must be met before the Board can consider issuing a water licence.

Financial Responsibility of the Applicant

As required by s. 57(b) of the NWNSTR the NWB may not issue a licence, including a renewal, unless the Board is satisfied that:

- (b) the financial responsibility of the applicant, taking into account the applicant's past performance, is adequate for
 - (i) the completion of the appurtenant undertaking,
 - (ii) such measures as may be required in mitigation of any adverse impact, and
 - (iii) the satisfactory maintenance and restoration of the site in the event of any future closing or abandonment of that undertaking.

On this basis, the NWB considered the following three aspects of the financial responsibility of the Applicant:

- the financial ability of the Applicant to complete the appurtenant undertaking;
- the ability of the Applicant to undertake measures to adequately monitor for impacts and implement measures to mitigate any impacts; and
- the Applicant's ability to maintain and restore the site during care and maintenance, closure and abandonment.

With respect to first two elements of the Applicant's financial responsibility, LMI's ability to complete the appurtenant undertaking and to adequately monitor for impacts and implement measures to mitigate any impacts, the Board notes that as the Expired Licence was assigned to LMI while the site was in care and maintenance, and has not yet been

³² The licence will be issued under separate cover as 2AM-LUP1520 subject to the approval of the Minister under section 56 of the NWNSTR.



brought into operations, it is difficult for the Board to fully consider at this time the Applicant's financial ability to complete the undertaking if/when the mine returns to active operating status. In making this observation, the Board is well aware that this limit is not necessarily indicative of the shortcomings of the Applicant, but rather of the myriad of factors that affect the ability of any mine operator to profitably operate an active mine at any given time.

As conceded by the Applicant, the best laid plans to return to operation may be sharply and adversely affected by conditions beyond the Applicant's control:

We spent over \$54 million in the period of 2011 to 2013, and I'll show you some of that later on, what we did during that period of time. Our staffing was also commensurate with a planned restart. We hired a significant amount of people. We -- we had approximately 25 people full time on site at one point, as we were planning to move the ice road material in in 2013. But then there was a sharp decline in gold price. In fact, I would call it a precipitous decline in the gold price, where it went from approximately \$1,700 to \$1,100 in a very short period of time, which, unfortunately, meant that we had to curtail the restart plan at that time.³³

Although the Board is confident, based on the Applicant's expenditures to date, that LMI has the financial ability to maintain the undertaking in its current phase of "Care and Maintenance" (as defined under Schedule A of the Renewed and Amended Licence), and likely in the ramp-up stage in advance of bringing the mine back to full operation (defined under Schedule A of the Renewed and Amended Licence as the "Transition Phase") , the Board did not have sufficient evidence to establish that LMI currently has the necessary financial capability to return the undertaking to full operation. As stated by LMI at the Public Hearing:

The reason that Elgin Mining purchased and paid and spent \$55 million was because we had that licence, and we felt that we could restart the operation. And I think we've demonstrated that by the level of capital that we spent on the -- on the project since we acquired it. But we still need to attract lending institutions to provide the necessary capital for restart.³⁴

³³ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 4, 2015, p. 33 at lines 11-23.

³⁴ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 4, 2015, pp. 25-26, lines 23-26 and lines 1-2



On this basis, and also as outlined with respect to other areas of uncertainty associated with the transition of the current site from a state of care and maintenance to active operations, the Board has determined that when the Applicant has determined that it is feasible to restart active operations at the mine, the Applicant will be required to submit an application to amend the Water Licence to reflect changes associated with the resumption of mining at the site. In such an amendment application the Board would expect to see additional and updated information that would be required to demonstrate the Applicant's financial ability to complete the appurtenant undertaking as an active mine and undertake the necessary measures to adequately monitor for impacts and implement measures to mitigate any impacts associated with an active operating mine.

Although the Board notes that the specific details of the Applicant's plans at the time the mine returns to operations will very much affect whether the Board's assessment of the Applicant's financial capacity to return to operations varies much from the assessment of the Applicant's financial capacity to maintain the site in its current state of care and maintenance, in the absence of clear information regarding the specific details of a return to operations, the Board has no basis for assessing the nature and extent of the financial capacity required by the Applicant to bring the site into active operation. As a result the Board defers this inquiry to the time when a specific amendment application that is not simply hypothetical is actually before the Board for consideration.

With respect to the third element of assessing the Applicant's financial responsibility by considering LMI's ability to maintain and restore the site during care and maintenance, closure and abandonment, under Part C, Item 1 of the Expired Licence, LMI was required to post \$25.5 million for potential closure and reclamation liabilities in the form satisfactory to the Minister.

For the Renewal and Amendment Application, LMI provided an updated cost estimate in December 2014 that indicated that the current reclamation cost estimate for the site should be \$24.1 million. However, LMI indicated that although the estimate is lower than the reclamation security amount previously set by the Board under the Expired Licence, LMI did not request a reduction in the security amount to be posted under the Renewed and Amended Licence.³⁵

In technical review comments and at the Public Hearing, AANDC indicated that when the outstanding reclamation liability was assessed using the RECLAIM 7 model, AANDC had concluded that the amount of security should be increased considerably (by approximately

³⁵ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 4, 2015, p. 39, lines 18-26.



\$18 million) from the \$25.5 million required under the Expired Licence to \$43.5 million under a Renewed and Amended.³⁶ As summarized by AANDC in their Closing Statement,³⁷ the biggest discrepancies between the LMI reclamation cost estimate and the AANDC reclamation cost estimates (accounting for a difference of approximately \$11.3 million) related to the following items:

- inadequate financial provision for the long-term care of the site (increase of \$1.4 million);
- the ability to use fuel stored on-site to support reclamation work (increase of \$6.2 million); and
- uncertainties regarding the quantities of contaminated soils, the quantities and methods for the management of acidic waste rock and the performance of the tailings cover, which AANDC indicates should favour an increase in the contingency associated with the estimates from the 10% used by LMI to 25% suggested by AANDC (increase of \$3.7 million).

In addition, AANDC also identified differences associated with the underground mine, tailings pond, buildings/equipment, hazardous waste disposal and indirect costs such as environmental review, permitting, insurance, engineering work and project management which would cumulatively increase the reclamation liability by an additional \$8.1 million).

On this basis, AANDC suggested that the total financial security amount under the Renewed and Amended Licence should be \$43.5 million, which could be adjusted by the Board as further information regarding reductions to the liability is provided by LMI.

At the Public Hearing and in Closing Statements, the Kitikmeot Inuit Association made the following observation with respect to security:

...we find it doubtful that a reclamation estimate at the same level as was assessed in November 2001, would be reasonable for February 2015. Costs, whether they are for consumer products of professional services, have continuously risen during this period in Canadian urban centres, and costs in remote northern regions have increased even more-so.³⁸

³⁶ For a summary of AANDC's Final Review Submissions on this point, see NWB Public Hearing File No. 2AM-LUP0914, Exhibit 4, Aboriginal Affairs and Northern Development Canada's Hard Copy PowerPoint Presentation "Lupin Mine Project Type "A" Water Licence Renewal Application" (English) filed by AANDC on February 4, 2015, at pp. 7-11.

³⁷ 2AM-LUP0914 – Lupin Mines Incorporated – Lupin Mine Project – Amendment-Renewal Application – AANDC Closing Statement, filed with the NWB on February 23, 2015, at pp. 3-4.

³⁸ 2AM-LUP0914 Type "A" Water Licence – KIA Closing Statement, dated February 22, 2015 and filed with the NWB on February 23, 2015 at p. 1.



In response to AANDC and the KIA submissions on security, LMI stated the following in Closing Statements filed with the Board:³⁹

- the response to the KIA’s question as to how the 2001 cost estimate is not significantly increased from the 2014 estimate to reflect increased costs, LMI indicated that the updated cost estimate in 2014 reflects that some reclamation liability has been reduced (for example, the tailings cover work is 75% complete, so \$16 million of an original \$19 million earmarked for this work is no longer required) and LMI also indicated that the detailed work completed at site since 2001 has resulted in significant refinement and greater accuracy over the estimates provided in 2001 such that LMI has confidence that the updated 2014 unit rates reflect the current conditions that would govern reclamation at the site;
- with respect to AANDC’s submission that the precautionary approach requires a higher contingency rate of 25% and that this would be consistent with the approach to other water licences, LMI indicated that the Lupin Mine site, in contrast to other sites is a “mature site with known quantities and significant studies completed and a final closure plan for the TCA [tailings containment area]”. In addition, LMI indicated that the effect of LMI agreeing to not reduce the amount of security to be held under the Renewed and Amended Licence from the \$25.5 million held under the Expired Licence also increases the contingency from 10% to 19%;
- with respect to differences between AANDC’s estimate and LMI’s estimate based solely on AANDC’s use of the RECLAIM model, LMI argues that although LMI did not use the RECLAIM model to prepare the updated estimate, LMI’s estimate was converted into RECLAIM to yield the 2014 estimate;
- LMI also stated that assumptions made by AANDC’s consultant to prepare his estimate were not based on recent visits to site, whereas LMI’s updated 2014 estimate was based on “detailed engineering reports, extensive site knowledge and the input of experts in this field, the work of industry contractors with experience in the North, as well as professional opinion.” Consequently, LMI indicated that the LMI estimate should be preferred over that provided by AANDC;
- With respect to AANDC’s contention that the pH levels may be indicative that the tailings impoundment area is failing and that additional contingency should be included in the security estimate to reflect this potential, LMI indicated that the current pH levels are expected and not indicative that the facility is not functioning and that “there is significant data regarding the performance of the TCA”;
- With respect to the additional costs included in AANDC’s reclamation estimate to reflect concerns that fuel stored on-site would not be available for use to support reclamation work, LMI responded that there is “no reason to consider the fuel on site as unusable” and “As such, it is not necessary to include mobilization of fuel to site and disposal of on-site inventories within the estimate”;

³⁹ Lupin Mines Incorporated, LMI Closing Statement, filed with the NWB on February 23, 2015 at pp. 8-11.



- With respect to the addition to the estimate of the post-closure monitoring by AANDC to reflect 100 years of monitoring, it was LMI's position that AANDC's estimate was based on a misconception that the reclamation of the TCA will involve leaving water containing structures/dams to hold back water at final closure. LMI indicates that the final closure plan will not result in dams or structures holding back water being left behind at final closure, and therefore the 25-year post-closure monitoring is a sufficient and conservative time frame;
- With respect to the additional costs of permitting included in AANDC's cost estimate, LMI indicates that the \$400,000 included by LMI for the Final Abandonment and Reclamation Plan, permitting and review should be sufficient for the required work regardless of whether the Crown, the Licensee or any other third party would perform this work;
- With respect to the AANDC increase associated with the engineering cost estimate, LMI indicates that most of the engineering required for closure planning is completed, and in particular for the TCA, so AANDC's estimate is excessive and LMI's estimates should be preferred; and
- With respect to the increase to the estimate on the basis of potential for waste rock to result in ARD (Acid Rock Drainage), LMI "agrees that additional studies will be required to assess the various remedial options available for dealing with potentially acid generating waste rock in order to develop a final reclamation and closure plan". However, LMI disputes that AANDC's use of the worst-case scenario in terms of costs associated with dealing with potentially acid generating rock is reasonable and indicates that further work is required to assess methods for identifying and segregating material during excavation. LMI concluded that the level of contingency on this point included in the 2014 estimate is conservative and should be preferred over AANDC's estimate.

The Board has reviewed the differing estimates, the presentations and questions of the parties at the Public Hearing, and the responses in closing submissions filed with the NWB, and has made the following findings.

Although seemingly very far apart, the differences between AANDC's estimate and LMI's estimate involved two key differences in assumptions. As summarized by AANDC's technical consultant responsible for the review of LMI's updated 2014 estimate:

As a matter of fact, I said on a number of occasions that I thought the [LMI's] estimate was extremely well done, and we used all of the data basically that was prepared in that estimate in order to prepare our estimate... And if you really look at the estimate, there's really only two areas in which we have major differences, and they relate with the way fuel is handled and the contingencies



that are associated with those things. If you take those out, the actual differences are really quite small.⁴⁰

In addition, as conceded by AANDC's technical consultant, in preparing AANDC's estimate, the technical consultant was not able to attend at the site:

[P. Downey, LMI]:

Randy, I just wanted to confirm that you have not been to site since 2002, and I'd like you to confirm that you have not been to site in order to complete a closure cost estimate; is that correct?⁴¹

[R. Knapp, SENES (consultant to AANDC)]:

That's absolutely correct...I relied on the information provided by LMI and documentation provided⁴²

On this basis, the Board notes that the estimates presented by AANDC were based on models and assumptions that could not be verified by an understanding of actual current site conditions by the technical expert.

With respect to the potential for the fuel remaining on site to be available during reclamation (as in LMI's estimate) contrasted with not only having to mobilize fuel to site to complete the reclamation but also to arrange for the disposal of fuel that was left on-site at closure because it was not only unusable but also constituted a waste (as in AANDC's estimate), LMI indicated the following:

We believe that there is no reason to consider the fuel on site as -- as unusable. We used it this past summer. AANDC contractors used it last summer, and the fuel is of standard quality. LMI have also consulted engineers familiar with Reclaim, and nowhere does it say that the proponent cannot use the fuel. SRK has confirmed that it is permissible under Reclaim to assume use of fuel already on site for Reclaim purposes.⁴³

Consequently, although the Board recognizes that, without the benefit of verification of current site conditions, the AANDC estimate was based on a worst case assumption of large volumes of unusable fuel being left on-site, the NWB prefers the assumptions

⁴⁰ R. Knapp, SENES (consultant to AANDC), NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 5, 2015, p. 199, lines 13-17 and 21-26.

⁴¹ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 5, 2015, p. 256, lines 13-16.

⁴² R. Knapp, SENES (consultant to AANDC), NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 5, 2015, p. 256, lines 17, 19-20.

⁴³ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 5, 2015, pp. 264-265, lines 24-26 and lines 1-6.



provided by LMI's 2014 update in this regard, as it was based on current knowledge of the status of the site and the usability of fuel volumes present on-site.

With respect to the difference in contingency for uncertainty built into AANDC's estimate (25%) and LMI's contingency (10%), the Board finds that considerable uncertainty may arise in terms of what updates to the existing abandonment and reclamation plans would be necessary and what reclamation security may then be required in the event that the mine site were to return to active operations. However, with respect to the mine site's current state of Care and Maintenance the site has been in this state from 2005 to present. As a result, in the Board's view there is much less uncertainty regarding the abandonment and reclamation requirements and liability associated with the site while maintained in the current care and maintenance phase. Given that the Renewed and Amended Licence limits LMI to activities associated with care and maintenance and the transition to active operations, the Board does not see the need for the significant boost to the contingency built into the estimate.

Finally, with respect to the Kitikmeot Inuit Association's observation that the security needs to reflect the potential for increases in costs due to inflation and other increases over the term of the Licence, the Board agrees, but accepts that with the updated 2014 estimate being \$24.1 million, if the security required under the Renewed and Amended Licence is maintained at the same level as the greater amount under the Expired Licence, there is some contingency built in for cost increases that may occur during the term of the Licence.

On this basis, the Board accepts that the security requirements under the Expired Licence should remain at the amount of **\$25,500,000 (\$25.5 million)** under Part C, Item 1 in the Renewed and Amended Licence. The Board also notes that, as is typical for most Type "A" licences, if information provided to the Board over the term of the Licence indicates that additional security is required to ensure that the financial security fixed under the Water Licence remains sufficient to cover the estimated reclamation liability for the site, consistent with the approach outlined in AANDC's *Mine Site Reclamation Policy for Nunavut, 2002*,⁴⁴ the Board may, upon notice, revisit the security amount fixed by the Board in this decision.

⁴⁴ *Mine Site Reclamation Policy for Nunavut, 2002*, Minister of Indian Affairs and Northern Development, (Ottawa: Minister of Public Works and Government Services Canada, 2002) available on-line: http://www.aadnc-aandc.gc.ca/DAM/DAM-INTER-HQ/STAGING/texte-text/recpolnuna_1100100036043_eng.pdf.



Compensation of Existing or Other Users

The NWNSRTA requires that prior to issuing a licence, the NWB must also be satisfied that compensation of existing or other water users affected by the Application has been or will be paid.⁴⁵ To ensure that all parties with the potential to bring a water compensation claim had been notified of their rights to seek compensation if they consider themselves to be adversely affected by the Applicant's proposed use of water and/or deposit of waste under the NWNSRTA, on December 1, 2014 the Notice of Public Hearing issued by the NWB included an invitation to parties with potential water user compensation issues to advise the NWB regarding such issues on or before January 4, 2015. The NWB did not receive any representations or requests for compensation by the deadline or at the Public Hearing.

Issuance of a Licence

As stated above and pursuant to s. 42(1) of the NWNSRTA, the NWB has decided to issue Water Licence 2AM-LUP1520 subject to the terms and conditions set out in this decision. In issuing the Licence, the NWB is satisfied that the Application contained the required information and is in the proper form having regard to the requirements of the NWNSRTA⁴⁶ and associated regulations.⁴⁷

Assumptions

At the outset, the NWB has reduced monitoring requirements under the Amended and Renewed Licence to reflect that the site is currently in care and maintenance and that there are several months when personnel are not expected to be at the site. As described by LMI the limited availability of personnel on-site to conduct monthly monitoring, particularly during the winter months, should be reflected in the Renewed and Amended Licence:

Now, this licence was written as if the mine was going back into operation in two thousand and -- in the 2009 licence, and that would be -- would have weekly and monthly inspections. That would be correct.

When we're in care and maintenance, we don't have anybody there. We go through a rigorous procedure when we shut down the operation, generally in October. For me, and I think for most people, it's extremely dangerous to have someone on site when nothing is happening. There have been two deaths on various sites

⁴⁵ See ss. 58-60 of the NWNSRTA.

⁴⁶ See s. 48 of the NWNSRTA.

⁴⁷ *Nunavut Waters Regulations*, SOR/2013-69, April 18, 2013.



that have occurred exactly because of this. And it's something that I feel very strongly about. It's the safety of people. When we're not doing anything, when everything's locked up, when everything's frozen, there is no need to have weekly inspections or people on site. You're actually creating waste, using fuel, and probably putting people's lives at risk. We go through a rigorous program on shutdown, and we go through exactly the same rigorous program on restart. And we are asking that those frequencies be reduced commensurate with the activity on site. In the strict letter of the law, based on the licence, are we out of compliance by not having anybody on site? We've been requested to have people on site full time. We have not done it. And I think putting people's lives at risk is not what I am prepared to do.

We are committed to maintaining and operating a -- a clean and safe site, I think, as you see from the photograph what we have done in that regard and how things are laid out and maintained.

Remote monitoring has been suggested. Again, it's extremely expensive and quite unreliable, and I'm not quite sure how we would monitor every tank and piece of equipment on site remotely, and I think that the cost would be prohibitive.⁴⁸

However, the monitoring program under the Amended and Renewed Licence continues to reflect the Board's approach that when faced with choices regarding monitoring requirements such as standards, parameters and monitoring frequency, the NWB has adopted requirements intended to ensure that the site does not pose a risk of harm to the environment and that the Applicant continues to meet its ongoing environmental protection obligations.

Applications in Relation to the Licences

Overall, the NWB is satisfied that the requirements of s. 48 of the NWNSRTA have been met. The Amendment and Renewal Application filed by LMI complied with the NWB's Rules, was accompanied by the fees required by regulation, including the application fee and water use fees. In addition, LMI has provided the necessary application and supplementary information required to evaluate whether the Renewed and Amended Licence should be granted and also to assess whether the amendments to the Expired Licence requested by the Applicant are reasonable and consistent with the objects of the Board as established under the NLCA and the NWNSRTA.

⁴⁸ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 4, 2015, at pp. 56-57, lines 15-26 and lines 1-24,



Application to Amend or Application for Future Modifications

As noted in the Renewed and Amended Licence, in the event that the Applicant wishes to resume active mining operations, the Board requires the Applicant to submit an amendment application at least nine (9) months prior to the resumption of active mining operations. The water use threshold provided in the Renewed and Amended Licence is sufficient to allow LMI to undertake a significant level of “ramp-up” activities (defined as the Transitions Phase in Schedule A of the Renewed and Amended Licence) in preparation for a return to active mining without requiring an amendment to the Licence. However, a return to mining operations will require an amendment application that addresses the changes necessary to reflect a return to operating conditions, which the Board would expect to address amendments such as:

- the increased water usage associated with Operations phase or active mining;
- updates to plans required under the Water Licence to reflect the change in status of the site (including updated Spill Contingency Plans, Quality Assurance/Quality Control Plan, Abandonment and Reclamation Plans);
- updates to financial capacity of the Applicant that demonstrate the Applicant’s ability to complete the undertaking as an active, operating mine;
- changes to currently licenced mine infrastructure including removal, replacement or additions;
- updates to monitoring programs and site inspections of infrastructure and facilities (revisions to monitoring frequency, scope and parameters); and
- updates to reclamation liability estimates.

In addition to an application to amend the Licence to return to active mining operations, the NWB also reminds the Applicant that all amendment applications and modifications must comply with all requirements of the NLCA, including the impact assessment requirements of Article 12⁴⁹ and the NWNSRTA⁵⁰ where applicable.

Assignment of a Licence

In future, should LMI wish to assign the Licence, the Board highlights that a water licence is only assignable if the requirements of s. 44 of the NWNSRTA have been met and the Board authorizes the assignment. As noted in that section:

⁴⁹ See Article 12, Clause 12.4.3 (b) of the NLCA.

⁵⁰ See s. 43 of the NWNSRTA.



A sale or other disposition by a licensee of any right, title or interest in an appurtenant undertaking constitutes, subject to the authorization of the Board, an assignment of the licence to the person to whom the sale or other disposition is made.

All necessary forms for filing an application for assignment can be obtained from the NWB Licensing Department.

Cancellation or Expiry of the Licence

As the Applicant is aware and was reminded during the NWB's processing of the Emergency Amendment Application 2014, s. 46 of the NWNSRTA states: "[t]he expiry or cancellation of a licence does not relieve the holder from any obligations imposed by the licence." As such, a former licensee remains responsible for the obligations imposed under the Licence, but when a licence expires, a former licensee's rights to use water or deposit waste under that Licence do NOT continue.

With respect to cancellation of a licence, as established by the NWB's authority under s. 43(1)(c)(iii) of the NWNSRTA, the NWB may, on application by a licensee, or on its own motion, cancel a licence at any time when the NWB considers the cancellation to be in the public interest. For the NWB to consider cancellation of a licence, the NWB requires evidence from the licensee and AANDC's inspector establishing that an undertaking has been abandoned, fully reclaimed and there are no outstanding obligations under the licence.

Term of Licence

Section 45 of the NWNSRTA provides that the term of a licence or any renewal shall not exceed twenty-five years. The Expired Licence was issued for a term of five (5) years, and as clearly identified by the Board at that time:

LMI submitted their intention to hold the site in care and maintenance for the full five year term. As there were no issues raised by the parties with regard to the proposed term of the Licence, the Board has decided to issue the Renewal Licence for a five-year term.⁵¹

In LMI's Renewal and Amendment Application, the Applicant is now seeking a 10 year term for the renewed and amended licence and has clearly identified an expectation that

⁵¹ Nunavut Water Board, Record of Proceeding/Reasons for Decision for 2AM-LUP0914, February 25, 2009, at p. 17.



during that 10 year term the mine will be transitioned from the current state of care and maintenance into an active operating mine.

So, again, we are requesting a ten-year licence. I think I've explained the reasons for that. It will allow us the opportunity to restart during what will hopefully be a gold price environment that will give us that opportunity. We're not far away at the current price, but we're not quite there.⁵²

In response to questioning regarding the required term of the Licence, LMI indicated:

... If we don't have a licence for mining and care and maintenance similar to the one from 2009, the ability to attract financing will be lost.⁵³

Throughout AANDC's review and comment on the Renewal and Amendment Application, AANDC consistently expressed the view that a 5-year term was more appropriate. As summarized in AANDC's written closing statement:

Due to the outstanding information, ongoing compliance issues, uncertainty of any possible mine restart, and the uncertainty of reclamation liability on site, AANDC is recommending a 5 year licence term with LMI's commitments reflected as terms and conditions with specific timelines as agreed to throughout the application review process.⁵⁴

The Kitikmeot Inuit Association also expressed concerns that if the site remains in care and maintenance for a full 10 year term that this delay in requiring site reclamation could lead to additional reclamation liabilities and an increase in the potential for environmental effects without any appreciable benefits accruing to area residents. As set out in the KIA's closing statement:

Lupin has been in care and maintenance for a decade and during that time there has been no resumption of production, even though gold prices have recently been at record levels. The KIA is concerned that this site may be in perpetual care and maintenance, and the Inuit will not receive any benefits while the site is so listed. This is a difficult situation, but the Board must consider when

⁵² P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 4, 2015, at pp. 57-58, lines 25-26 and lines 1-4.

⁵³ P. Downey, LMI, NWB Public Hearing File No. 2AM-LUP0914, Transcript, Public Hearing, February 4, at p. 39, lines 12-14.

⁵⁴ 2AM-LUP0914 – Lupin Mines Incorporated – Lupin Mine Project – Amendment-Renewal Application – AANDC Closing Statement, filed with the NWB on February 23, 2015, at pp. 4-5.



enough care and maintenance has occurred, and when the site should transition to closure and reclamation.⁵⁵

The NWB is similarly concerned that even by limiting the Renewed and Amended Licence to the Care and Maintenance and Transition Phases, doubling the term of the Expired Licence to 10 years of Care and Maintenance could result in the mine site sitting, essentially idle for 20 years, without the Board, interveners and community members having an opportunity to reconsider whether the terms and conditions of the Renewed and Amended Licence are still sufficient to prevent, limit and otherwise manage the potential for the mine site to result in impacts to freshwater. As with the last two renewals of this Licence, the Board views 5 years as an appropriate length of term to reflect the uncertainty of whether the future holds a return to operations or final decommissioning and reclamation of the site. In establishing the term of the Renewed and Amended Licence as 5 years, the Board notes, however, that should LMI seek an amendment of the Licence to resume active operations, the term of the Licence would be revisited on the basis of the specific operational plans and would be based on the Board's determination of the term that is most appropriate to reflect the conditions of an operating mine.

SECTION VII **WATER LICENCE 2AM-LUP1520 TERMS AND CONDITIONS**

The Licence does not take effect until approval of the Minister is given or deemed to have been given pursuant to s. 56 of the NWNSRTA.⁵⁶ As indicated in Section VI, the Lupin Panel (P11) has decided to issue a renewed and amended Type "A" Water Licence No. 2AM-LUP1520, subject to the conditions contained in the attached Licence. To provide context and clarity, the NWB has provided the discussion and comments about specific terms and conditions that follow. The NWB has not, however, provided specific comments for those licence terms and conditions that are clear in their wording and intent on the face of the Licence.

⁵⁵ 2AM-LUP0914 Type "A" Water Licence – KIA Closing Statement, dated February 22, 2015 and filed with the NWB on February 23, 2015 at p. 2.

⁵⁶ Section 56 of the NWNSRTA states:

The issuance, amendment, renewal and cancellation of a type A licence, and if a public hearing is held, a Type B licence are subject to the approval of the Minister.

Under s. 56(2.2) if the Minister does not issue a decision within 45 days of receiving the Licence from the Board, (or within 90 days if the Minister has extended the decision-making period by an additional 45 days) the Minister is deemed to have approved the Licence.



Part A: Scope, Definitions and Enforcement

Scope

The renewed and amended licence related to this decision is for a Mining undertaking as classified under Schedule 1, Item 2 of the *Nunavut Waters Regulations*.⁵⁷ The general scope of the renewed and amended licence includes the following activities and/or facilities that involve Water use and/or impact the Waters and/or the deposit of Waste:

- Use of Water during the Care and Maintenance Phase and the Transition Phase of the Project at quantities that are consistent with Water use thresholds established for both phases of the project;
- Deposit of tailings slurry into the Tailings Containment Area (TCA);
- Deposit of tailings paste into underground works;
- Deposit and treatment of Sewage into Sewage Disposal Facilities;
- Discharge of effluent from Tailing Containment Area (TCA);
- Discharge of effluent from Sewage Disposal Facilities;
- Progressive Abandonment and Reclamation of Mine facilities;
- Carryout the Monitoring Program Required;
- Care and Maintenance of site facilities and infrastructure including:
 - Mining and Milling structures;
 - Water Supply Facility;
 - Mine site camp facilities;
 - Tailings Containment Area (TCA);
 - Tailings Line and associated facilities;
 - Sewage Disposal Facilities;
 - Mine site roads;
 - Mine site airstrip;
 - Breakwater and Causeway;
 - Fuel Storage Facilities;
- Construct and Operate an on-site Landfarm Facility to treat petroleum hydrocarbon contaminated soils generated by the Project;

⁵⁷ SOR/2013-69.



- Change to the frequency at which inspections of site infrastructure and site facilities are conducted to levels that are commensurate with the Care and Maintenance Phase and Transition Phase of the Project;
- Changes to the Monitoring Program associated with the Project to include minor updates to the description of monitoring stations, minor reductions and increases in the type of parameters being monitored, and the frequency at which specific parameters are being monitored
- Changes in the frequency at which updated financial reclamation security assessments for the project must be submitted to the Board for review and/or approval;
- Use an existing or historical, on-site Landfill Facility to dispose of non-hazardous and non-combustible Waste generated by the Project.

Definitions

Most of the definitions that were included under the expired licence have been retained under the Renewed and Amended Licence. As required, the NWB has either added or updated some of the definitions to reflect or emphasize the current scope of activities included under the Renewed and Amended Licence. For example, changes were made to the definition for Care and Maintenance Phase, Transitions Phase and Operation Phase, and definitions were also added for the Landfarm Facility and the Landfill Facility.

Enforcement and Compliance

For the purpose of ensuring compliance with the Licence, an Inspector designated by the Minister of AANDC may inspect or examine works, waters or waste and exercise other powers according to the NWNSRTA.⁵⁸ The NWNSRTA also includes provisions authorizing the NWB to require a licensee to furnish and maintain security and prescribing serious penalties for breach of the licence.⁵⁹ Investigations or inspections to support enforcement and compliance are carried out by persons designated and empowered by the Minister.⁶⁰

The Renewed and Amended Licence clearly states that “Compliance with the terms and conditions of this Licence does not absolve the licensee from responsibility for compliance with all applicable legislation, guidelines and directives.”

⁵⁸ Sections 85-94 of the NWNSRTA.

⁵⁹ Section 90 of the NWNSRTA.

⁶⁰ Section 85-88 of the NWNSRTA.



Part B: General Conditions

Water Use Fees

Subject to the applicable regulations, the Licensee is required to remit fees for the right to the use of waters under this Licence. Fees for the right to the use of waters must be calculated and paid on an annual basis in advance of the date on which this Licence was issued and in accordance with s. 12 of the *Nunavut Waters Regulations*. The Licensee is responsible to conduct the appropriate water use fee calculations for all waters in, on or under Crown lands that have been authorized for use under the Licence for the upcoming year and remit the required water use fees in advance. In addition, upon providing notice of moving from the Care and Maintenance Phase to the Transition Phase, an adjustment in the Water use fees will be required to be submitted. These fees must be submitted to the NWB's Manager of Licensing and made payable to the Receiver General for Canada.

Reports and/or Plans Filed with the NWB

Lupin Mines Incorporated has filed, with the NWB, the following documents or management plans and/or in support of the project:

- *Lupin Mine Site Nunavut, Canada, Spill Contingency Plan (Care and Maintenance)*, dated March 2013.
- *Lupin Mine Nunavut, Canada, Landfill Management Plan*, dated July 2014.
- *Lupin Mine, Nunavut, Canada, Landfarm Management Plan*, date December 2014
Lupin Mine Site Nunavut, Canada Interim Abandonment and Restoration Plan (Care and Maintenance), March 2013.
 - *Kinross Gold Corporation, Lupin Operation, Closure Plan for Tailings Containment Area*, January 2005.
 - *Studies Related to Water Licence Requirements and in Support of Reclamation and Planning*, December 2004.
 - Ecological Risk Assessment for Lupin Mine Tailings.
 - Response to Technical Review Comments on Lupin TCA A&R Plan.
 - MMG Resources Inc. Lupine Mine Environmental Effects Monitoring – Cycle 3 Environmental Effects Monitoring Report, Investigation of Cause Reports and Addendum.
- *Lupin Mine Site Nunavut, Canada Care and Maintenance Plan (Care and Maintenance)*, dated March 2013.



- *Lupin Mine incorporated Nunavut, Canada Waste Management Plan (Solid and Hazardous) (Care and Maintenance)*, March 2013.
- *Inciner8 Model A600X Operation and Maintenance Procedure*.
- *Lupin Mine Site, Nunavut, Canada Liquid Waste Management Plan (Care and Maintenance)*, March 2013.
- *Lupin Mine Site, Nunavut, Canada, Water Quality Monitoring Plan and Quality Assurance/Quality Control Plan (Care & Maintenance)*, March 2013.
- *Lupin Mine Site, Nunavut, Canada, Wildlife Management Plan (Care and Maintenance)*.
- *Lupin Mine Site, Nunavut, Canada Fuel Containment Management Strategy (Care and Maintenance)*, March 2013.

While all of the above-mentioned plans have been approved, some of the plans and/or reports included as subsets of major plans such as the Care and Maintenance Plan and the Interim Abandonment and Restoration Plan, should not be considered automatically approved if the Board does not generally approve such plans and/or reports or if they address elements of the Project outside of the Board's mandate.

Part C: Conditions Applying to Security

As discussed in more detail in these Reasons for Decision under Part VI, the subheading of "Financial Responsibility", based on the representations made to the NWB, and the current Care and Maintenance status of the mine, the NWB has determined that the amount of security required under the Amended and Renewed Licence should remain at \$25,500,000. This security amount reflects the amount required to conduct the post-closure monitoring and current mine reclamation liability. The Amended and Renewed Licence recognizes that the Board may modify the amount of security upon application from the Licence to reduce the security and also may, upon the submission of any party or the upon the Board's initiative increase the security to reflect updated estimates of mine reclamation liability.

Form of Security

Pursuant to s. 76(1) of the NWNSRTA and s. 10(3) of the *Nunavut Waters Regulations* S.O.R./2013-69:

10(3) Security must be in the form of

- (a) a promissory note guaranteed by a bank listed in Schedule I or II to the Bank Act and made payable to the Receiver General;



- (b) a certified cheque drawn on a bank listed in Schedule I or II to the Bank Act and made payable to the Receiver General;
- (c) a performance bond approved by the Treasury Board for the purposes of paragraph (c) of the definition “security deposit” in section 2 of the Government Contracts Regulations;
- (d) an irrevocable letter of credit from a bank listed in Schedule I or II to the Bank Act; or
- (e) a cash payment.

Review of the Amount of Security

Under the *NWNSRTA* the NWB may also include conditions of a licence where it considers this appropriate. Most specifically, s. 76(1) of the Act gives the NWB the authority to establish terms or conditions relating to the furnishing or maintaining of security. As always the NWB’s authority must be exercised in light of its objects, stipulated under s. 35 of the Act.⁶¹

In addition, as noted under Part VI, the subheading of the “Application to Amend or Application for Future Modifications” of these Reasons for Decision, in the event that LMI wishes to recommence mining operations, LMI would be required to submit an amendment application to the Board. The NWB requires that in support of such an amendment application an updated security assessment would be provided. Conditions related to financial security has been included under Part C in the Licence.

Part D: Conditions Applying to Water Use

All fresh Water used by the Project for potable and other purposes is obtained from Contwoyto Lake. Water required by the Project is currently transported by truck to a storage tank after which it is distributed for use. The Applicant had plans to explore re-opening, in 2013, of a transmission water line used by the Project in the past sometime; however, the status of this initiative has not been confirmed at the moment.

Under Part D, Item 2 of the expired Water Licence No. 2AM-LUP0914, the Licensee was allowed to use 1,700,000 cubic metres of water annually. This volume was brought forward from the time when active mining operations were being conducted under the

⁶¹ Section 35 states:

The objects of the Board are to provide for the conservation and utilization of waters in Nunavut, except in a national park, in a manner that will provide the optimum benefit from those waters or the residents of Nunavut in particular and Canadians in general.



Licence. When the Applicant submitted the Renewal and Amendment Application, LMI requested that the water use volume from the Expired Licence be kept unchanged. However, during the review period for the Renewal and Amendment Application interveners as well as the NWB recommended that LMI consider defining thresholds for water use requirements during the Care and Maintenance Phase, the “ramp-up” or Transition Phase, and the Operations Phase of the Project. Part D, Items 2 and 3 of the renewed and amended Licence includes conditions related to Water use: 5,000 m³ / year during the Care and Maintenance Phase and 500,000 m³ / year during the Transition Phase of the Project, when LMI ramps up in preparation for a return to active mining. Water use required for the Operations Phase of the project must be included under any application to renew and/or amend to allow active mining.

Part E: Conditions Applying to Waste Deposit

Under the expired Licence, the Licensee was allowed to dispose of a wide variety of waste generated by the Project including treated sewage effluent, tailings and effluent from the tailings containment area, waste rock, effluent for the Bulk-Fuel Storage Facility and more. The Renewed and Amended Licence allows for similar types of Waste to be deposited; however, quantities are expected to be less because the scope of the Renewed and Amended Licence does not allow for active mining to be conducted. In addition to the Waste allowed under the expired licence, the Renewed and Amended Licence allows for the treatment of hydrocarbon contaminated soil generated by the Project at a proposed on-site, Landfarm Treatment Facility and for the treatment of non-hazardous and non-combustible waste generated by the Project at an existing on-site Landfill Facility. Although the Renewed and Amended Licence is issued for the Care and Maintenance activities, the NWB did not limit the quantity of Waste streams or types associated with the Licence, assuming the activities being undertaken do not involve the Operation Phase of the Project.

The following sections address the main waste types associated with the project in the context of facilities and/or measure included in the licence to manage them based on information provided in the Application and during the review process for the renewal and amendment application:

Combustible Inert Waste

Information included in the application indicates that an unspecified quantity of inert, combustible waste is expected to be generated by the project. Consequently, the Applicant has sought authorization from Board to allow for open-burning of specified inert types of wastes. As the Board recognizes that there may be shared jurisdiction with respect to



wastes that are being considered for open burning, given that Board has jurisdiction over the potential for open-burning activities to result in the deposit of wastes (such as ash, or leachate accumulating in areas where wastes are combusted if containment is not contained), and other agencies such as the Government of Nunavut (GN) and Environment Canada (EC) have jurisdiction over air emissions, incinerator standards and other aspects, the NWB has not included provisions with respect to open burning in the Licence. LMI is advised to ensure that any such activities are conducted in compliance with all applicable regulations including the Government of Nunavut and Environment Canada requirements and that ash is contained and does not result in the deposit of waste into Water.

Hazardous Waste

Information included in the application indicates that all Hazardous Waste generated by the project will be managed in accordance with the Government of Nunavut *Environmental Guideline for the General Management of Hazardous Waste* (2010). Material contaminated with metals and considered as remnant of Hazardous material will be excavated and managed in accordance with procedures for Hazardous materials. However, metal contaminated material that is not remnant of Hazardous materials may be left in place or placed in the Tailings Containment Area. Conditions related to Hazardous Waste are included in under Part E in the Renewed and Amended Licence.

Liquid Waste

Liquid waste, including Sewage generated by the camp facility and Greywater generated by kitchen facility, is stored in tanks before being transported to the Sewage Lakes Disposal Facilities for treatment prior to testing followed by discharge into the receiving environment. The Sewage Lakes Disposal Facilities consists of two lakes, the Upper Sewage Lake and Lower Sewage Lake. Treated effluent from the Lower Sewage Lake is monitored to meet effluent criteria before being discharged into the receiving environment. In addition, conditions have been included in Part E to govern the effluent discharged from the fuel treatment facilities into the receiving environment.

Stormwater associated with the project is managed by the implementing Best Management Practices (BMP), including erosion control measures, snow removal, site grading and ditching, to reduce impacts to the receiving environment. Runoff water accumulated on roads and airstrip is collected in a series of ditches and culverts. Water accumulated within Bulk Fuel Storage Facility due to precipitation and other factors is required to meet discharge criteria under Part E in the Renewed and Amended Licence prior to being released into the receiving environment.

Tailings and Related Effluent

The Tailings Containment Area (TCA), which is located approximately six (6) km south of the mine encompasses an area of about 361 ha and is divided into three main components which include the solid retention (cells 1, 2, 3 and 5), polishing ponds (Cell 4, Pond 1, and



Pond 2), and the End Lake area (not currently used). Water to be treated flows generally in series through the appropriate ponds and cells in the system before being discharged into the receiving environment. Discharge related to the TCA is required to meet criteria under Part E in the Licence before being released into the receiving environment.

Information provided by the Applicant indicates that most of the TCA is currently covered with esker material, however, there are approximately 241, 000 m² of tailings within the TCA that is yet to be covered: 155,000 m² of Cell 5 and 86,000 m² of Cell 3 to be covered. The tailings in Cell 5 are currently covered with water, and for the tailings not covered with water, a binding agent such as soil-cement or EK35 is proposed for application to cells 3 and 5. Conditions related to the management of tailings is included under Part E in the Licence.

Landfarm Facility

As part of the amendment aspects of the Renewal and Amendment Application, the Applicant requested authorization for the Board to design and construct a Landfarm Facility to treat soil contaminated by hydrocarbons in accordance with *CCME Canada Wide Standards for Petroleum Hydrocarbons (PHC) in Soil* (Revised January 2008), which has been adopted by the Government of Nunavut in its *Environmental Guidelines for Contaminated Soil Remediation* (Revised 2009). Conditions allowing for the establishment of the Landfarm Facility have been included under Part D in the Licence. The Licensee has indicated that it does not expect any Effluent to be discharged from the Landfarm; however, if there is a need to discharge Effluent from the Landfarm, the effluent will be required to meet discharge criteria under Part E in the Licence.

Solid Waste

Solid waste generated by the project is proposed to be managed using a landfill facility, an incinerator, a “boneyard”, two burn pits, and a waste oil storage facility. The original incinerator used by the mine to combust inert solids such as organic waste, wood, paper, cardboard, domestic waste, cooking waste oil, light plastics, and poor grade diesel fuel, was replaced in 2012 with a dual-stage, forced-air commercial incinerator. In addition to the incinerator, the licensee has constructed two burn pits for combusting non-hazardous, and non-domestic waste. The Licensee should note, however, that although the NWB is not approving the use of the incinerator and the burn pits, conditions have been included under Part D in the Renewed and Amended Licence requiring that ash generated for the combustion of waste be tested for toxicity prior to disposal into the Landfill facility and/or any other onsite facilities where there may be potential impact to Water.

Waste Oil

Waste oil generated by the project is stored at the waste oil tank farm containing 2 above-ground storage tanks situated in a containment area and a lube oil and grease storage area that existing on site. Currently, oil contained in the waste oil tankfarm is not transferred in



or out as the pipeline system must be upgraded to meet Environment Canada Regulations. Until the waste oil tankfarm is upgraded, used oil, which will be utilized by waste oil furnaces, will be stored in sealed containers within a berm area adjacent to the main tankfarm area or at the Bulk Fuel Storage Facility. Conditions have been included in the Licence requiring that water accumulated within the containment structure meet the discharge criteria under Part E before being released into the Receiving Environment.

Landfill

Another amendment request made by the Licensee involves the use of a historical landfill, located at the Project site and that was not identified under the expired licence, to dispose of a variety non-hazardous and non-combustible waste material including wood products, glass, electrical wiring, ash from the incinerator, and more. The Licensee has requested that it be allowed to use the Landfill Facility to dispose of acceptable waste under any renewal and amended licence issued to the project. Authorization for the Licensee to use the historical landfill has been granted under Part E in the Renewed and Amended Licence.

Miscellaneous Waste

The Licensee indicated that miscellaneous Waste, including demolition and maintenance waste generated by the Project will be stored on-site and would eventually be backhauled for disposal to Yellowknife at a third party's facility. However, if the burn pits and incinerators are approved by the respective regulator(s), the aforementioned waste type will be disposed of in either of those facilities. As stated above, the Licensee is not allowed to combust Waste unless approval is obtained from the respective regulator(s).

Acid Rock Drainage

Applicant indicated in its application that in the early 2000, acid producing rock was identified at the project site. Subsequent to that, in 2004 and 2005, studies of the rock used for site construction indicated that 40% were Potentially Acid Generating (PAG) as reflected or assumed in the Interim Abandonment and Reclamation Plan. The proponent has indicated that segregation may not be the most cost effective approach to managing the PAG rock located on the project site; therefore, it proposes to undertake more detailed options for evaluation prior to closure and to tailor any further investigation to support further advancement of a preferred option.

AANDC in its submission and at the public hearing recommended that that detailed waste rock characterization study be included in the licence to identify the total quantity of PAG material at the project site and to assess any ground water contamination.

The NWB has reviewed the information provided by both the licensee and interveners in determining that an assessment should be conducted for PAG material associated with the site. Conditions related to the assessment are included Part G in the Licence.



Part F: Conditions Applying to Modifications

Pursuant to section 12.4.3⁶² of the NLCA, a proposed modification submitted under this Licence may require a screening determination by the NIRB. Prior to the undertaking of any proposed modification, it is the responsibility of the Licensee, Lupin Mines Incorporated, to notify and consult the NIRB to ensure that Article 12 requirements are met prior to submission of any modification request to the NWB for consideration.

In addition, the Licensee is required to seek permission from the NWB to carry out any modifications being contemplated and that all modifications must be consistent in terms of the renewed Licence; otherwise, they cannot be carried out as modifications under the terms and conditions of the licence.

Part G: Conditions Applying to Construction

Generic terms and conditions were included in the Expired Licence that apply to the construction activities that have already been captured by the scope for undertaking. While most of the conditions will still apply to the proposed Landfarm Facility, additional conditions have been included, under Part G of the Licence, requiring the submission of for-construction drawings to the Board for review within sixty (60) days prior to construction of the facility. In addition, conditions applying to construction activities including ensuring that only materials free of acid-generating and metal-leaching properties are used for construction and the requirements for submission of as-built drawings within ninety (90) days following construction of the facility have also been included in the licence.

Part H: Conditions Applying to Emergency Response and Spill Contingency Planning

In accordance with the terms and conditions in expired Licence No. 2AM-LUP0914 issued for the Project, the Licensee was required to submit within thirty (30) days following the Minister's approval of the licence, an updated version of the Spill Contingency Plan (SCP) in accordance with Schedule H of the expired licence. The Licensee submitted an updated version of the Plan on June 15, 2009, prior to the Minister's approval of the expired

⁶² Article 12, Clause 12.4.3 of the NLCA states:

Any application for a component or activity of a project proposal that has been permitted to proceed in accordance with these provisions shall be exempt from the requirements for screening by NIRB

unless

- (a) Such component or activity was not part of the original proposal [i.e. not part of the original scope of the project]; or
- (b) Its inclusion would significantly modify the project.



licence, which was distributed publicly subsequent to receipt. Although comments on the plan were received from Environment Canada (EC), the Plan was not approved by the NWB at the time. In 2012 the Licensee submitted an updated version of the Plan, which was also not approved by the Board.

The most recent version of the plan, dated March 2013, was submitted as part of the documents included in the application to renew and amend Licence 2AM-LUP0914. The updated SCP is aimed at preventing and minimizing potential spills on land and in Water, generally during the Care and Maintenance Phase and Transition Phase of the project. The NWB's review of the Plan has determined that it is functional and acceptable. The Board has therefore approved the plan under Part H in the Licence. However, the Licensee is required to update the Plan to address relevant comments and recommendations from Interveners and/or the Board.

Terms and conditions have also been included in the licence requiring the Licensee to submit to the Board for review an undated version of the spill contingency plan that addresses operational requirements should the mine resume Operations. In addition, the Licensee is required to submit to the Board for review a copy of the spill contingency plan developed for the Tibbit to Contwoyto Winter Road should the road be put back into active use to support the Project.

Part I: Conditions Applying to Abandonment and Reclamation

Both Schedule I and Part I of the Expired Licence included conditions related to the submission of an Interim Abandonment and Reclamation Plan, and a Care and Maintenance Plan to the Board for approval, following the Minister's approval of the Licence.

Interim Abandonment and Reclamation Plan

The Licensee submitted an updated Interim Abandonment, Restoration, and Reclamation Plan, dated 2013, as part of the Renewal and Amendment Application, which the NWB has approved under Part I in the renewed and amended Licence. The updated Plan contained several sub-plans or documents, which the NWB considered in its review. While the Board has approved the Plan, the Licensee is required to update the plan, within ninety (90) days following approval of the Licence by the Minister, to reflect relevant comments and recommendations provided by the NWB and intervening parties during the review of the Renewal and Amendment Application. Further, Part I of the renewed and amended licence requires the Licensee to submit to the Board for approval a copy of the updated Interim



Abandonment, Restoration, and Reclamation Plan, as part of any application to amend and/or renew the licence.

Care and Maintenance Plan

Part I, Item 2 of the Expired Licence No. 2AM-LUP0914 required the Licensee to submit within thirty (30) days following approval of the licence by the Minister, a copy of a Care and Maintenance Plan to the Board for Approval. The Licensee submitted a copy of the required Plan in 2012, which was not approved by the Board. The most recent version of the Plan, dated 2013, was submitted as additional information with the Renewal and Amendment Application. The Care and Maintenance Plan included several sub-documents or plans, which the NWB has considered in its review. The NWB has reviewed the plan, while taking interveners' comments and recommendations into consideration, in determining that the Plan is acceptable and functional. The Board has approved the plan under Part I in the licence. The Licensee is required to update the Plan, within ninety (90) days following approval of the Licence by the minister, to include relevant recommendations and/or comments provided by the NWB and intervening parties during the review period.

Part I: Conditions Applying to Monitoring

With respect to monitoring requirement, the Licensee has provide an updated QA/QC plan as part of the Care and Maintenance Plan submitted for the Licence, that included minor changes to the type of parameters being monitored, the frequency at which parameters are being monitored, and minor changes to the description of monitoring stations. The updated QA/QC plan has been accepted by under part J in the Licence. However, if the Licensee intends to further refine the monitoring program to reflect the Care and Maintenance and the Transition Phases of the Project, the Licensee may submit a written request to the Board for consideration. Further, if the Licensee is contemplating resumption of active mining operations, an updated QA/QC plan must accompany the Renewal and/or Amendment Application.



APPENDIX A: Agendas for Public Hearing Including Community Session



ᓄᓇᓂᓪᓐ ᐃᓕᓕᓂᓪᓐ ᑲᑎᓕᓂᓪᓐ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

AGENDA

PUBLIC HEARING

TYPE “A” LICENCE NO. 2AM-LUP0914, RENEWAL-AMENDMENT
APPLICATION

February 4, 2015, 9 a.m. – 5 p.m., MST, Kugluktuk Community Hall

February 5, 2015, 9 a.m. – 3 p.m., MST, Kugluktuk Youth Centre

-
1. Opening Prayer
 2. Opening Remarks by the Chairperson, which shall include the purpose of the Hearing and the scope of matters which will be considered by the Board
 3. Introduction of the Board Members and staff
 4. Identification and introduction of the Parties
 5. Introduction of the Elders and their role in the Hearing
 6. Introduction and Identification of the persons, associations, agencies, etc., who have not submitted interventions but who have expressed a desire to speak at the Hearing
 7. Identification of any Motions or any objections
 8. Presentation by the Applicant
 9. Questioning of the Applicant by Parties respecting the Applicant’s presentation
 10. Questioning by the Board staff and Panel Members



11. Presentation by Interveners
12. Questioning of Interveners by Parties
13. Questioning by the Board staff and Panel Members
14. Presentation by any other persons, associations, agencies, etc. who have advised the Chairperson that they wish to speak
15. Questioning of other persons, associations, agencies, etc. by Parties
16. Question by the Board staff and Panel Members
17. Upon completion of presentations by all Parties, the Board will give the Applicant the opportunity to reply. Then all Parties will have the opportunity to make final closing statements taking into account matters raised at the Hearing
18. Closing remarks by the Chairperson; and
19. Closing Prayer



ᓄᓇᓂᓪ ᐃᓚᓕᓂᓪᓐ ᑲᓂᓚᓪᓴᓐ
NUNAVUT WATER BOARD
NUNAVUT IMALIRIYIN KATIMAYINGI
OFFICE DES EAUX DU NUNAVUT

AGENDA

COMMUNITY SESSION

TYPE “A” LICENCE NO. 2AM-LUP0914, RENEWAL-AMENDMENT

APPLICATION February 4, 2015, 7 -10 p.m., MST, Kugluktuk Community Hall

-
1. Opening Prayer
 2. Opening Remarks by the Chair
 3. Presentation by the Nunavut Water Board (NWB) – Type “A” water licensing process for the Application (15 minutes)
 4. Questions and/or comments from community members and other participants
 5. Presentation by Lupin Mines on the Renewal-Amendment Application before the Board for Type “A” Water Licence 2AM-LUP0914 (20 Minutes)
 6. Question and/or comments from community members and other participants
 7. Presentation from each intervening party pertaining to its mandate and role(s) in the water licensing process as well as an overview of their findings during their technical review (15 Minutes/Intervener)
 8. Questions and/or comments from community members and other participants
 9. Closing Remarks
 10. Closing Prayer



APPENDIX B: Exhibit List

Exhibit	Exhibit Description	Date	From
1	Hard Copy PowerPoint Presentation Lupin Mines Incorporated 2AM-LUP0914 Water Licence Renewal Application, Public Hearing, Kugluktuk, Nunavut—February 4-5, 2015 (English)	February 4	Lupin Mines Incorporated
2	Hard Copy PowerPoint Presentation Lupin Mines Incorporated 2AM-LUP0914 Water Licence Renewal Application, Public Hearing, Kugluktuk, Nunavut—February 4-5, 2015 (Inuinnaqtun)	February 4	Lupin Mines Incorporated
3 Marked at the Public Hearing, but not entered as evidence (as discussed in the Board's correspondence of March 13, 2015)	Hard Copy March 2012, Technical Report on the Lupin Mine Property Kitikmeot Region, Nunavut for Elgin Mining Inc. (SEDAR 43-101 Mineable Reserves Update)	February 4	Lupin Mines Incorporated
4	Hard Copy PowerPoint Presentation Lupin Mine Project Type "A" Water Licence Renewal Application	February 4	Aboriginal Affairs and Northern Development Canada
5	Hard copy Condensed consolidated interim financial statements of Mandalay Resources Corporation	February 5	Lupin Mines Incorporated
6	Electronic Copy 20150203 NWB 2AM-LUP0914 Letter	February 5	Environment Canada



Exhibit	Exhibit Description	Date	From
7 Marked and entered with the noted redaction on row #40, p. 28 (as discussed in the Board's correspondence of March 13, 2015)	Hard Copy Aboriginal Affairs and Northern Development Canada Lupin Gold Mine Type "A" Water Licence Renewal Hearing Updated Compliance and Commitments	February 5	Aboriginal Affairs and Northern Development Canada
8	Hard Copy PowerPoint Presentation Lupin Gold Mines Incorporated 2AM-LUP0914 Community Session	February 5	Lupin Mines Incorporated
9 Marked and entered (as discussed in the Board's correspondence of March 13, 2015)	Hard Copy PowerPoint Presentation Reply Submission to the NWB	February 5	Lupin Mines Incorporated
10	Hard Copy PowerPoint Presentation Lupin Mine Project Type "A" Water Licence Renewal Application Community Session	February 5	Aboriginal Affairs and Northern Development Canada
11	Electronic Exhibit only Karen Costello - Lease information Summary of AANDC Leases	February 5	Aboriginal Affairs and Northern Development Canada



APPENDIX C: List of Acronyms

AANDC	Aboriginal Affairs and Northern Development Canada	□□□□ □□□□□□□□□□ □□□□□□□□ □□□□□□□□□□
EC	Environment Canada	□□□□ □□□□□□□□
GN	Government of Nunavut	□□□□ □□□□
IR	Information Request	□□□□□□□□□□□□□□□□
NIRB	Nunavut Impact Review Board	□□□□ □□□□□□□□□□ □□□□□□
NLCA	Nunavut Land Claims Agreement	□□□□□□ □□□□□□□□□□ □□□□□□
NPC	Nunavut Planning Commission	□□□□□□ □□□□□□□□
NWB	Nunavut Water Board	□□□□ □□□□□□□□ □□□□□□□□
PHC	Pre Hearing Conference	□□□□□□□□□□ □□□□ □□□□□□□□□□□□□□□□ □□□□□□
TDS	Total Dissolved Solids	□□□□□□□□ □□□□□□□□ □□□□□□□□



APPENDIX D: List of Submissions and Correspondence

Application Submissions:

1. Cover Letter and Initial submission of Renewal Application for Water Licence by Lupin Submitted on **February 28, 2014** by Lupin Mines Incorporated: Closure Plan for Tailings Containment Area dated January 2005.
2. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Proposed Updated to Terms and Conditions.
3. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Renewal Application Executive Summary – English and Inuktitut.
4. Submitted on **February 28, 2014** by Lupin Mines Incorporated: 2006 Certificate of Incorporation – Lupin Mines, dated **April 28, 2006**.
5. Submitted on **February 28, 2014** by Lupin Mines Incorporated: August 2012 ALS Lab Report – Lower Sewage Lagoon – L1156206 Certificate of Analysis.
6. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Figure 1 – Lupin Location Map.
7. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Figure 2 – Lupin Site Plan Map.
8. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Figure 3 – Lupin Mine site Tailings Containment Area
9. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Figure 4 – Lupin Monitoring Program Stations
10. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Figure 4 – Satellite Image – Lupin Mine.
11. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Lupin Gold Mine Environmental Effects Monitoring – Cycle 3 Interpretative Report (part 1).
12. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Lupin Gold Mine Site Characterization and Cycle 3 Environmental Effects Monitoring Investigation of Cause Study Design Report (part 2).
13. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Addendum to the Lupin Gold Mine 2011 EEM Interpretative Report – Response to Technical Advisory Panel and Environment Canada Comments (part 3).
14. Submitted on **February 28, 2014** by Lupin Mines Incorporated: 2006 Response to Tech Review Comments on Lupin TCA AR Plan (part 1).
15. Submitted on **February 28, 2014** by Lupin Mines Incorporated: 2006 Response to Technical Review Comments on Lupin TCA AR Plan (part 2).



16. Submitted on **February 28, 2014** by Lupin Mines Incorporated: 2006 Response to Technical Review Comments on Lupin TCA AR Plan (part 3).
17. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Apr 2006 Response to Tech Review Comments on Lupin TCA AR Plan (part 4).
18. Submitted on **February 28, 2014** by Lupin Mines Incorporated (LMI): Dec 2004 Ecological Risk Assessment for Lupin Mine Tailings.
19. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Dec 2004 Studies Related to Water License Requirements and in Support of Reclamation Planning.
20. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Irrevocable Standby Letter of Credit.
21. Submitted on **February 28, 2014** by Lupin Mines Incorporated: July 2012 ALS Lab Report – LUP-01 L1175954-Certificate of Analysis.
22. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Mar 2013 Care and Maintenance Plan including Appendices 1-5.
23. Submitted on **February 28, 2014** by Lupin Mines Incorporated: May 2008 Nunavut Impact Review Board (NIRB) Screening Determination.
24. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Nunavut Planning Conformity (NPC) Determination dated **February 26, 2014**.
25. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Reclamation Liability Estate.
26. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Sep 2012 ALS Lab Report – LUP-10 L1209832- Certificate of Analysis.
27. Submitted on **February 28, 2014** by Lupin Mines Incorporated: Lupin Mine Site Spill Contingency Plan (Care and Maintenance) March 2013.

File Submissions & Correspondence:

1. Renewal Water Licence Application Acknowledgement by the Nunavut Water Board to Lupin Mines Incorporated dated **March 17, 2014**.
2. Receipt of Administration Fee and Fill Water Use Fees Cheque from the Nunavut Water Board to Karyn Lewis, Lupin Mines Incorporated dated **May 7, 2014**.
3. Type “A” Renewal Water Licence Application 2AM-LUP0914 – Completeness and Initial Technical Assessment Review and Information Request for public review and comments dated **May 16, 2014**.
4. Letter from Eva Paul, A/Manager, Field Operations, Aboriginal Affairs and Northern Development Canada (AANDC) to Patrick Downey, President, Lupin Mines Incorporated; Re: Activities at and related to Lupin Mine Site (Water Licence 2AM-LUP0914) dated **May 21, 2014**.



5. Letter from Karen Costello, Director, Resource Management, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Licence 2AM-LUP0914 – Completeness Review and Information Request pertaining to the review of Lupin Mines Incorporated’s renewal application for Lupin Mine Project dated **June 9, 2014**.
6. Letter from Michael Mohammed, Senior Environmental Assessment Coordinator, Environment Canada (EC) to Phyllis Beaulieu, Manager of Licensing, NWB; Licence 2AM-LUP0914 – RE: Renewal Application, Lupin Mines Incorporated, Lupin Gold Mine Project dated **June 9, 2014**.
7. Letter from Patrick Downey, President, LMI to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Response to comments on the completeness of the Type A Water Licence Renewal Application for Lupin Mine Project dated **July 2, 2014**.
8. Letter from Patrick Downey, President, LMI dated **July 3, 2014** to Phyllis Beaulieu, Manager of Licensing, NWB – Request for Emergency Amendment to Discharge contact water at the Lupin Mine.
9. Letter from Damien Coté, executive Director, NWB to Patrick Downey, President, LMI – Response to Request for Emergency Amendment to Discharge Contact Water at the Lupin Mine dated **July 4, 2014**.
10. Letter from Patrick Downey, President, LMI to Phyllis Beaulieu, Manager of Licensing, NWB; Cover Letter - Re; Response to Initial Information Request dated **July 7, 2014**.
11. Letter from Patrick Downey, President, LMI to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Response to Initial Information Request dated **July 7, 2014**.
12. Letter from Damien Coté, Executive Director, NWB to Patrick Downey, President, LMI; Licence 2AM-LUP0914, Type “A”; Lupin Gold Mine Project – Notice of Application and Commencement of Technical Review Period, dated **July 8, 2014**.
13. Nunavut Water Board; Local Notice for Hamlets dated **July 8, 2014**.
14. Nunavut Water Board; Public Notice of Renewal Application to a Type “A” Licence 2AM-LUP0914 dated **July 8, 2014** English and Inuktitut.
15. Letter from Patrick Downey, President, LMI to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Request to reschedule Technical Meeting and Pre-Hearing Conference dated **July 17, 2014**.
16. Letter from Michael Mohammed, Senior Environmental Assessment Coordinator, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Request to reschedule Technical Meeting and Pre-Hearing Conference dated **July 22, 2014**.
17. Letter from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; AANDC Comments on rescheduling of Technical Meeting and Pre-Hearing Conference dated **July 25, 2014**.



18. Letter from Marek Janowicz, A/Manager, Mining, Oil, and Gas, Fisheries Protection Program to Phyllis Beaulieu, Manager of Licensing, NWB; Type A Water Licence Renewal; Lupin Gold Mine Project dated **August 12, 2014**.
19. Letter from Michael Mohammed, Senior Environmental Assessment Coordinator, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Licence 2AM-LUP0914, Type "A"; Lupin Gold Mine Project – Notice of Application and Commencement of Technical Review Period dated **August 14, 2014**.
20. Letter from Murray Ball, Manager of Water Resources, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-LUP0914 – Lupin Mines Incorporated – Lupin Mine Project – Renewal Application dated **August 14, 2014**.
21. Letter from Luigi Torretti, MSc. BComm, Senior Environment Officer, Kitikmeot Inuit Association (KIA) to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-LUP0914 Type "A" Renewal Water Licence Application – Kitikmeot Region dated **August 14, 2014**.
22. Letter from Robin Ikkutisluk, Licensing Administrator Assistant, NWB to Patrick Downey, President, LMI; Licence 2AM-LUP0914, Type "A"; Rescheduling of TM/PHC and Extension to Technical Review Period dated **August 14, 2014**.
23. Letter from Damien Coté, Executive Director, NWB to Patrick Downey, President, LMI; Follow-up Correspondence Regarding: Licence 2AM-LUP0914, Type "A"; Renewal Application – Rescheduling of TM/PHC and Extension to Technical Review Period dated **August 21, 2014**.
24. Nunavut Water Board; Local Notice for Hamlets dated **August 21, 2014**.
25. Nunavut Water Board; Revised Public Notice of Renewal Application to a Type "A" Licence 2AM-LUP0914 – Rescheduling of TM-PHC & Extension to Comment Period Deadline dated **August 21, 2014**.
26. Letter from Michael Mohammed, Senior Environmental Assessment Coordinator, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Licence 2AM-LUP0914, Type "A"; Renewal Application – Rescheduling of TM/PHC and Extension to Technical Review Period dated **September 10, 2014**.
27. Letter from Damien Coté, Executive Director, NWB to Patrick Downey, President, LMI; Licence 2AM-LUP0914, Type "A"; Renewal Application – Pre-Hearing Conference and Technical Meeting dated **September 29, 2014**.
28. Nunavut Water Board, Technical and Pre-Hearing Conference Inuinnagtun Agenda.
29. Submission from AANDC to Nunavut Water Board; Re: AANDC Technical Review Response – Tables 1 and 2- Final – Type "A" Renewal Water Licence Application dated **October 10, 2014**.
30. Letter from Jean Allen, Water Management Specialist, AANDC to Robin Ikkutisluk, Licensing Administrator Assistant, NWB; Response to Commenting on Draft Agenda and Confirmation of Participants at TM-PHC dated **October 10, 2014**.



31. Letter from Karyn Lewis, Executive Assistant, Elgin Mining to Robin Ikkutisluk, Licensing Administrative Assistant, NWB; Email Cover Letter – LMI Responses to Intervener’s Submissions dated **October 10, 2014.**
32. Letter from Lupin Mines Incorporated to NWB; Re: LMI Responses to AANDC – SENES – Final dated **October 10, 2014.**
33. Letter from Lupin Mines Incorporated to NWB; Re: LMI Responses to KIA – Final dated **October 10, 2014.**
34. Submission from LMI to NWB; 2012 Annual Geotechnical Inspection – Lupin Mine Tailings Containment Area, Nunavut dated **October 10, 2014.**
35. Submission from LMI to NWB; 2013 Annual Geotechnical Inspection – Lupin Mine Tailings Containment Area, Nunavut dated **October 10, 2014.**
36. Submissions from LMI to NWB; Lupin Mine KBL Manifest List dated **October 10, 2014.**
37. Letter from Damien Coté, Executive Director, Nunavut Water Board to Patrick Downey, President, Lupin Mines Incorporated; Licence 2AM-LUP0914 , Type “A”; Renewal Application – Technical Meeting/Pre-Hearing Conference dated **October 15, 2014.**
38. Submission from AANDC to NWB; AANDC TM-PHC Community Presentation for Type “A” Renewal Water Licence Application – Public Hearing dated **October 15, 2014.**
39. Submission from AANDC to NWB; AANDC – Lupin Mine Project TM-PHC Presentation dated **October 15, 2015.**
40. Submission from AANDC to NWB; AANDC – Technical Review of Renewal Application – Executive Summary dated **October 15, 2015.**
41. Submission from Kitikmeot Inuit Association (KIA) to NWB; KIA Presentation – Lupin Mines Inc. – Elgin Licence Renewal dated **October 15, 2014.**
42. Nunavut Water Board; NWB Community Session Presentation (English and Inuinaqtun) dated **October 22, 2014.**
43. Nunavut Water Board; Request for and Radio Announcement – Public Notice dated **October 22, 2014.**
44. Nunavut Water Board; Sign-In Sheets for TM-PHC dated **October 22, 2014.**
45. Submission from LMI to NWB; Letter to Patrick Downey, Elgin Mining Inc. from Arlene Laudrum, SRK – Arsenic concentrations in sample of windblown material collected by AANDC in 2012 does not exceed background levels dated **October 29, 2014**
46. Submission from LMI to NWB; LMI Responses to AANDC Technical Meeting List of Commitments dated **October 30, 2014.**



47. Submission from LMI to NWB; Lupin Mine Water Licence Renewal – List of Licensee Commitments from the Technical Meetings dated **October 30, 2014.**
48. Submission from KIA to NWB; Type A Renewal Application – Water Compensation for Lupin Mine Project dated **October 31, 2014.**
49. Letter from Patrick Downey, President, LMI to David Hohnstein, Director of Technical Services, NWB; Sampling Results dated **November 12, 2014.**
50. Nunavut Water Board; Email Distribution Cover Letter – Pre-Hearing Decision dated **December 1, 2014.**
51. Letter to from NWB to Lupin Mine Distribution List; Type “A” Water Licence 2AM-LUP0914: Pre-Hearing Conference Decision Regarding an Application for Renewal and Amendment dated **December 1, 2014.**
52. Nunavut Water Board; Fax Cover Sheet to Bill McConkey, Nunatsiaq News – Request to Post Lupin Mine Notices dated **December 1, 2014.**
53. Nunavut Water Board; Lupin Notices of Public Hearing (English and Inuinnaᓐᓐᓐᓐᓐ) for Type “A” Renewal Water Licence Application dated **December 1, 2014.**
54. Nunavut Water Board; Local Notices to Hamlets dated **December 1, 2014.**
55. Letter from Jean Allen, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-LUP0914 – Lupin Mine Project – Lupin Mines Incorporated (LMI) – Pre-Hearing Conference Decision Regarding an Application for Renewal and Amendment dated **December 4, 2014.**
56. Submission from AANDC to NWB; AANDC Status on issues following TM-PHC dated **December 4, 2014.**
57. Submission from LMI to NWB; Lupin Mines Incorporated – Commitment #12 – List of Corrections: Interim Abandonment and Reclamation Plan (March 2013) dated **December 5, 2014.**
58. Submission from LMI to NWB; Lupin Mines Incorporated – Landfarm Management Plan December 2014 dated **December 5, 2014.**
59. Submission from LMI to NWB: Lupin Fuel Dips – Fuel Dip Calculation Sheet dated **December 5, 2014.**
60. Nunavut Water Board; Email Distribution Review Letter to Lupin Mine Distribution List; Submission of Commitments Documents dated **December 5, 2014.**
61. Newsletter; WPC Resources to Acquire Lupin Gold Mine and the Ulu Gold Project **January 19, 2015.**
62. Letter from Karyn Lewis, Executive Assistant, Elgin Ming to Phyllis Beaulieu, Manager of Licensing, NWB; Cover Letter of Updated Lupin Mine Closure Estimate – December 2013 dated **December 12, 2014.**



63. Letter from Karyn Lewis, Executive Assistant, Elgin Mining to Phyllis Beaulieu, Manager of Licensing, NWB; Lupin Mines Water Use Thresholds – Scaled Monitoring dated **December 12, 2014**.
64. Submission from LMI to NWB; Updated Lupin Mine Closure Estimate – December 2014 – Final with Appendices dates **December 12, 2014**.
65. Nunavut Water Board to Lupin Mine Distribution List; Notice to All Parties of LMI Submissions on **December 12, 2104** dated **December 17, 2014**.
66. Letter from Luigi Torretti, MSc, BComm, Senior Environment Officer, KIA to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-LUP0914 Type “A” Water Licence – Pre-Hearing Conference Decision Regarding an Application for Renewal and Amendment (Nunavut Water Board correspondence dated Dec.1 2014 and Aboriginal Affairs and Northern Development Canada correspondence dated Dec. 4, 2014 to the Nunavut Water Board).
67. Nunavut Water Board to Lupin Mine Distribution List; Lupin Mine Project – Final Submissions to Hearing – Notice to All Parties dated **January 4, 2014**.
68. Letter from Jean Allen, B.Sc. Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: 2AM-LUP0914 – Lupin Mine Project – Lupin Mines Incorporated (LMI) – Renewal and Amendment Application – Final Written Submission dated **January 5, 2015**.
69. Submission from Jean Allen, B.Sc. Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Lupin Mine Inc. Water Licence Renewal Application – SENES Comments on Revised December LMI 2014 RECLAIM Estimate and Other LMI Submissions dated **January 5, 2015**.
70. Submission from Jean Allen, B.Sc. Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Status of Issues Following the Technical Meeting/Pre-Hearing Conference for Water Licence 2AM-LUP0914 dated **January 5, 2015**.
71. Submission from AANDC to NWB; AANDC Executive Summary for Final Written Submissions – Inuinnaqtun dated **January 12, 2015**.
72. Nunavut Water Board; Request for Radio Announcement – Public Hearing for Lupin Mine Project in Kugluktuk (English and Inuinnaqtun) dated **January 19, 2015**.
73. Nunavut Water Board; Request for Local Television Advertisement – Public Hearing for Lupin Mine Project in Kugluktuk (English and Inuinnaqtun) dated **January 19, 2015**.
74. Letter from Robin Ikkutisluk, Licensing Administrator Assistant, NWB to Jean Allen, AANDC; Response to 2AM-LUP0914 Renewal/Amendment Application – extension request to file presentations for the Public Hearing dated **January 21, 2015**.



75. Submission from Patrick Downey, President, LMI to Phyllis Beaulieu, Manager of Licensing, NWB; LMI Response to Final Submissions regarding 2AM-LUP0914 Renewal and Amendment Application dated **January 21, 2015.**
76. Submission from Patrick Downey, President, LMI to Phyllis Beaulieu, Manager of Licensing, NWB' Translated Version of Final Submission – Executive Summary dated **January 21, 2015.**
77. Nunavut Water Board to Lupin Mine Distribution List; Notice to All Parties – Final LMI Responses for Renewal dated **January 22, 2015.**
78. Letter from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB to Patrick Downey, President, LMI; Licence 2AM-LUP0914; Type “A” Renewal – Amendment Application, Public Hearing Update – Next Steps and Draft Agenda dated **January 26, 2015.**
79. Letter from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; Public Hearing Update – Comments on Agenda and Confirmation of Participants dated **January 29, 2015.**
80. Submission from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; AANDC Community Presentation – English and Inuinnaqtun dated **January 30, 2015.**
81. Submission from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; AANDC Executive Summary – English and Inuinnaqtun dated **January 30, 2015.**
82. Submission from Jean Allen, Water Management Specialist, AANDC to Phyllis Beaulieu, Manager of Licensing, NWB; AANDC Main Public Hearing Presentation – English and Inuinnaqtun dated **January 30, 2015.**
83. Submission from Michael Mohammed, Senior Environmental Assessment Coordinator, EC to Phyllis Beaulieu, Manager of Licensing, NWB; Re: Licence 2AM-LUP0914; Type “A” Renewal – Amendment Application, Public Hearing Update – Next Steps and Draft Agenda dated **January 30, 2015.**
84. Submission from LMI to NWB; Lupin Mines Incorporated – Lupin Mines Public Hearing Presentation – Final dated **January 30, 2015.**
85. Letter from David Hohnstein, Director of Technical Services/Acting Executive Director, NWB to Patrick Downey, President, LMI; Licence 2AM-LUP0914; Type “A”; Lupin Mines Incorporated Amendment-Renewal Application, Lupin Mine – Public Hearing and Hearing Agenda dated **January 30, 2015.**
86. Letter from Teresa Meadows, Legal Counsel to Nunavut Water Board to Michael Mohammed, EC; Legal Request Clarification on AANDC email to SRK dated **February 3, 2015.**
87. Nunavut Water Board; Public Hearing Registration Forms dated **February 4, 2015.**



88. Nunavut Water Board to Lupin Mine Distribution List; 2AM-LUP0914 Type “A” Water Licence Lupin Mines Incorporated Amendment-Renewal Application – Public Hearing Record dated **February 9, 2015**.
89. Letter from Thomas Kabloona, Chair Person, NWB to Patrick Downey, President, LMI and Karen Costello, Dir. Resource Management, AANDC; Licence 2AM-LUP0914, Type “A” Water Licence; Lupin Mines Incorporated Amendment-Renewal Application, Lupin Mine – Nunavut Water Board Written Direction Regarding Public Hearing Record Remaining Open dated **February 9, 2015**.
90. Letter from Karen Costello, Director, Resource Management, AANDC to Thomas Kabloona, Chair Person, NWB; 2AM-LUP0914 – Lupin Mines Incorporated – Lupin Mine Project – Amendment-Renewal Application – AANDC Closing Statement dated **February 22, 2015**.
91. Letter from Luigi Torretti, MSc, BComm, Senior Environment Officer, KIA to Thomas Kabloona, Chair Person, NWB; 2AM-LUP0914 Type “A” Water Licence – KIA Closing Statement dated **February 22, 2015**.
92. Submission from LMI to NWB; LMI Closing Statements dated **February 23, 2015**.
93. Letter to Lupin Mine Distribution List from Thomas Kabloona, Chair, NWB; Re: 2AM-LUP0914 – Close of the Public Hearing Record in Respect of the Type “A” Water Licence Renewal and Amendment Application by Lupin Mines Incorporated for the Lupin Mine Project dated **March 13, 2015**.

APPENDIX E: Sign-in Sheets - List of Participants at the Public Hearing

Public Hearing Lupin Project
In Person - February 4, 2015

1 of 3

Registration Form

NO.	First Name	Last Name	Organization Representing	Address	Phone	Fax	E-mail
1	BABA	PEDERSEN	AANDC	KUGLUKTUK	982-4306		
2	NORM	CAVANAGH	JUSTICE CANADA	YELLOWKNIFE	(403) 986-1303		ncavanagh@justice.gc.ca
3	Arlene	Laudrum	LHI / SRK	Yellowknife	867 766 6332		alaudrum@srk.com
4	LUIGI	TORRETTI	KITIA	KUGLUKTUK	982-3310		ltorretti@ginig
5	TIKTALEK	DAVID		"			
6	John	Niiningilok	HTO	Kugluk	982-6659		John Niiningilok
7	Johnny	Niiningilok		Kugluk	4924		Johnny Niiningilok
8	Mona	Tiktalek		Kugluk	982-4146		
9	KARLEN	COSTALO	AANDC	IGALUIT	975-4546		
10	Brady	Mac Carl	AANDC	IGALUIT	360-8888		brady.mccarl@andc.gc.ca
11	EVA	PAUL	AANDC	IGALUIT	975-4548		eva.paul@andc.gc.ca
12	Christy	Longacre	Dick Court Reporting	Calgary	860-6720		
13	ALISE	AYALIK	Community	Kugluk			
14	GURGOY	HILKOMAI		KUGLUKTUK			
15	John Vorhag	Pysalle		KUGLUKTUK	982-5423		
16	Laura	KOHLEZAK					
17	RANDY	KNAPP	AANDC	KINGSTON	613-542-6150		RANDYKNAPP@HCL.COM
18	DORIS	ESATIAK					
19	Louis	KAKOBATZ					
20	David	EVAGLOK					
21	Rona	Quayle					
22	Anissa	Ayaligak		Kugluk	982-4001		
23	Joe	Nowliema		Kugluk	982-4001		
24	JORGEN	ISOLT					



Public Hearing Lupin Project
In Person - February 4, 2015

2 of 3

		Registration Form					
	First Name	Last Name	organization Representing	Address	Phone	Fax	E-mail
25	Tony	EVABLOK	Community	KUGLUKTUK	-	-	-
26	M.J.	Katiak	"	"	-	-	-
27	Geo	Atatahuk	"	"	-	-	-
28	William P	Mukogailok	"	Kugluktuk	-	-	-
29	Karyn	Lewis	LMI				
30	Patrick	Dawney	LMI				
31	Christine	Kowbel	Lawson Lundell				
32	Thomas	Kablona	NWB Board Chair	Baker Lake	-	-	-
33	Makabe	Narvik	NWB Board	Pelly Bay			
34	Bernadette	Doran	NWB Board	Franklin Inlet			
35	Terse	Meadows	Legal Counsel NWB	Edmonton			
36	David	Hohnstein	NWB	Edmonton			
37	Sean	Joseph	NWB	Vancouver			
38	Brady	MacCarl	NWB	Gjoa Haven			
39	Robin	Ikkutisuk	NWB	Gjoa Haven			
40	Corey	Francois	Sound/Tech.	Yellowknife			
41	Ben	Kogvik	Board Secretary	Gjoa Haven			
42	HELEN	AKLOK	COMMUNITY	KUGLUKTUK			
43	JOHNO	KUODLUAK	"	"	-	-	-
44	Chris	Heide	Visitor	Nova Scotia	-	-	-
45							
46							
47							
48							
49							