



NIRB No.: 05MN047
INAC File No.: #N2010X0001

January 22, 2010

The Honorable Chuck Strahl
Minister of Indian and Northern Affairs Canada
c/o Spencer Dewar, Manager Land Administration
Indian and Northern Affairs Canada
Iqaluit, Nunavut

Via email: Spencer.Dewar@inac-ainc.gc.ca

Re: Application Exempt from Screening under Section 12.4.3 of the NLCA: Hope Bay Mining Ltd.'s On-Ice Drilling for the Doris North Project

Dear Spencer Dewar:

On January 18, 2010 the Nunavut Impact Review Board (NIRB or Board) received an application for a Class A Land Use Permit from Indian and Northern Affairs Canada (INAC) for Hope Bay Mining Ltd.'s (HBML) On-Ice Drilling project proposal. This project is part of HBML's ongoing geotechnical survey activities facilitating the Doris North Gold Mine project.

In the application, HBML is proposing to drill two boreholes at existing Roberts Bay jetty, and six boreholes at a potential port site approximately 450 m from the jetty. The purpose of the proposed project is to determine the water depth and the depth to bedrock (thickness of overburden) at a potential port site and the existing jetty site.

The Doris North Gold Mine Project (NIRB File No.: 05MN047), was initially proposed by Miramar Hope Bay Ltd. and underwent a Part 5 Review in accordance with Article 12 of the Nunavut Land Claims Agreement (NLCA). On September 15, 2006 the NIRB issued Project Certificate No. 003 (attached) to the proponent, allowing the Doris North Gold Mine project to proceed subject to project-specific terms and conditions. The project certificate and all information pertaining to the original file is available from NIRB's ftp site at the following link:

ftp.nirb.ca - /REVIEWS/PREVIOUS_REVIEWS/05MN047-DORIS NORTH 2006/

Please note that Section 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 see provisions shall be exempt from the requirement for screening by NIRB unless:

(a) Such component or activity was not part of the original proposal; or

(b) Its inclusion would significantly modify the project.

After completing a review of the information provided, NIRB is of the understanding that the application received from INAC does not change the general scope of the original project, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from screening as per Section 12.4.3 of the NLCA and the terms and conditions contained within Project Certificate No. 003 (attached) continue to apply.

Any new project components or activities resulting from the proposed undertaking (i.e. construction of a new port site), should be forwarded to NIRB for screening pursuant to Article 12 of the NLCA.

If you have any questions or concerns, please do not hesitate to contact the NIRB's Technical Advisor, Li Wan, at liwan@nirb.ca or by phone (867) 983-4606.

Sincerely,



Stephanie Autut
Executive Director
Nunavut Impact Review Board

cc: Chris Hanks, Hope Bay Mining Ltd. (Chris.Hanks@newmont.com)
Phyllis Beaulieu, Nunavut Water Board (licensing@nunavutwaterboard.org)

Attachment: NIRB Project Certificate No. 003 (File No. 05MN047)

1.0 Whereas:

A. Pursuant to the *Nunavut Land Claims Agreement* ("NLCA"), the Board has considered the information submitted by Miramar Hope Bay Limited ("MHBL") and has performed an environmental impact review of the Doris North Gold Project;

B. The Board has considered the list of commitments made by MHBL at the hearing (Exhibit 37), and assumes these commitments which are set out in Appendix A of the Final Hearing report will all be fulfilled;

C. The Board has determined, pursuant to Article 12.5.5 of the Agreement, that, taking into account the implementation of the mitigative measures proposed by MHBL and set out in the conditions to this certificate, this project proposal, is not likely to cause significant adverse environmental effects;

D. The Board has found, pursuant to Article 12.5.5 of the Agreement and taking into account all matters relevant to its mandate including Article 12.2.5 of the NLCA, that the Doris North Gold Project will enhance and protect the existing and future well being of the residents and communities of the Nunavut Settlement Area; and

E. The Board has offered some General Recommendations as found in the NIRB Final Hearing Report to the Minister.

2.0 Procedural (Project) History

On March 1, 2002, MHBL, known as Hope Bay Joint Venture at the time, submitted a project description for the then entitled Doris Hinge Project (later renamed Doris North Gold Project (the "Project")) to the NIRB. The project proposal was referred to a Part 5 Review by the Minister of Indian and Northern Affairs Canada ("INAC") following a NIRB 12.4.4(b) Screening Decision.

After guideline development, draft and final environmental impact statements, and technical meetings, a Final Hearing was held from July 11 to 16, 2004, in the communities of Cambridge Bay, Gjoa Haven, Taloyoak and Kugluktuk. Following the Final Hearing the Board considered the evidence available to it and decided that it could not approve the Project based on insufficient information in five key areas: the assessment of alternatives to the use of Tail Lake for tailings disposal; Tail Lake water quality and water management strategy; the design of the jetty and related issues including effects on fish habitat, shoreline erosion, and the sea bed; the Wildlife Mitigation and Monitoring Plan ("WMMP") including Cumulative Effects Assessment ("CEA"); and the socio-economic impact of the Project on affected residents and communities of Nunavut. On December 6, 2004, the Minister of INAC accepted NIRB's report and the recommendation of not approving the Project

MHBL began working on an Updated Preliminary Project Description which was received by NIRB on February 14, 2005. Following an abbreviated screening process, the Board once again issued a Screening Decision of 12.4.4(b) stating that the Project required a review under Part 5 or 6 of Article 12 of the NLCA. The Minister agreed and referred the Project to a second Part 5 Review by NIRB and provided the following direction to NIRB in conducting the review:

"...a major objective of this review should be to address the information deficiencies, as outlined in the Board's August (2004) Final Hearing Report. However, it is essential that this new information is not reviewed in isolation and that the potential effects of the Project as a whole are considered. The

submission of a complete and new environmental impact statement that incorporates any new information provided by the proponent will help achieve this goal while providing for a more efficient review of the Project”.

The original guidelines developed for the Project remained the basis for the submission of MHBL's Draft Environmental Impact Statement ("DEIS") and were supplemented by the direction provided by the Board in its August 2004 Final Hearing Report and NIRB's 10 Minimum EIS Requirements.

MHBL filed a DEIS on June 13, 2005, and a Conformity Review was undertaken by NIRB. NIRB solicited input into the Conformity Review from interested persons including Intervenor. Following Conformity Review, on July 8, 2005, NIRB advised MHBL of deficiencies in the DEIS. MHBL submitted a supplement to the DEIS on July 21, 2005, to address the deficiencies and Intervenor were then asked to complete a technical review of the DEIS prior to holding a Technical Meeting.

On August 23 to 25, 2005, NIRB staff held a Technical Meeting in Yellowknife with MHBL and Intervenor from Nunavut Tunngavik Inc. ("NTI"), Kitikmeot Inuit Association ("KIA"), INAC, Department of Fisheries and Oceans Canada ("DFO"), Government of Nunavut ("GN"), Natural Resources Canada ("NRCAN"), Environment Canada ("EC"), Health Canada ("HC"), and Hatch Acres. In addition, four representatives from each of the Hamlets of Cambridge Bay, Gjoa Haven, Kugluktuk, and Taloyoak attended the Technical Meeting. The purpose of the meeting was to discuss and resolve significant technical issues prior to the Preliminary Hearing Conference ("PHC"). The PHC was held on August 25, 2005, at the same location.

On September 13, 2005, the Board issued a PHC decision which provided MHBL with specific direction on requirements for the Final Environmental Impact Statement (FEIS) and administrative details for the FEIS technical review and a potential Final Hearing. The PHC decision also contained a list of 187 commitments MHBL made during the Technical Meeting. The timeline for filing the FEIS was left up to MHBL and was eventually hand-delivered by them, with the supporting documents, to the Cambridge Bay office on October 31, 2005. This effort evaded any potential delivery setbacks and secured MHBL with priority status for NIRB's FEIS internal conformity review.

NIRB's internal conformity review focused on the new content in the FEIS ensuring it responded to the direction provided by the Board in the PHC decision. The internal conformity review found that the FEIS generally conformed to the PHC decision but that an addendum would be required. Nevertheless, in the meantime NIRB was satisfied that it could proceed with setting the dates of the Final Hearing for the week of January 30 to February 3, 2006, in Cambridge Bay.

NIRB received the FEIS addendum on November 18, 2005, and an additional letter from MHBL on November 24, 2005 confirming additional community consultation for December 2005. This satisfied all outstanding areas of non-conformity in the FEIS.

During the FEIS technical review period, NIRB established a process for an information request period. NIRB received a total of 22 information requests and of those requests approved 14 for MHBL to respond to. On December 9, 2005, MHBL provided responses to the 14 information requests and Intervenor and NIRB staff began detailed preparations for the Final Hearing.

Written submissions from Intervenor were received by NIRB on January 18, 2006. However, following discussions between MHL and EC and DFO concerning a regulatory matter, MHL submitted additional information attempting to resolve the issue. In order to allow EC and DFO sufficient time to review the information and incorporate it into their written submission, NIRB allowed EC and DFO until January 24, 2006, to provide written submissions to NIRB.

The Final Hearing was held in Cambridge Bay from January 30 to February 3, 2006. The first day of the proceedings was delayed until the afternoon due to the late arrival of the GN, EC and DFO whose joint charter, which was only scheduled to leave Iqaluit on the same morning of the Final Hearing, went mechanical. NRCAN also arrived late to the hearing after a scheduled flight from Yellowknife was cancelled. Fortunately, all Intervenor eventually arrived safely and the Final Hearing progressed throughout the week and ended with a full day community session on February 3, 2006. The Final Hearing was well attended with approximately 100 people present each day.

The NIRB submitted its Final Hearing Report to the Honorable Minister Jim Prentice, of Indian Affairs and Northern Development, on March 6, 2006. Minister Prentice approved the Terms and Conditions of the Report on August 1, 2006. The NIRB then held meetings between government departments and agencies for the development of the Project Certificate on August 24th and 25th, 2006. These meetings are contemplated by Part 9 of Article 12 of the NLCA.

2.1 Project Description

The Doris North Gold Project, proposed by MHL, is located approximately 65 km to the east of Omingmaktok and 110 km south of Cambridge Bay on the Canadian mainland. The project proposal is the first gold mine in Nunavut and the first mine proposal to be located on Inuit Owned Lands with mineral rights.

The project consists of an underground mine with a single adit and ramp access and will have a small footprint of about 62 ha. The ore will be stockpiled and processed through a crushing and milling plant with a capacity of 668 tonnes per day. The gold product will be shipped off site in the form of dore bars. This Project is expected to operate for 24 months, process 458,000 tonnes of ore yielding approximately 306,830 ounces of gold.

The site is remote, with no roads that link it to any communities or facilities, and therefore primary access to the property for fuel, equipment and supplies will be by sealift via the Arctic Ocean. A 103-m jetty will be constructed in Roberts Bay as well as a laydown area.

The mill will be located approximately five kilometres south of Roberts Bay. A 4.8-km all-weather road will link the Roberts Bay site with the mill site where all other operational mine infrastructure will be located adjacent to the underground mine.

An all-weather airstrip will be constructed along the alignment of the main road between the mill site and Roberts Bay. During summer months the site will also be serviced by float planes and for that purpose a rock-filled dock will be constructed on the shore of Doris Lake. This dock will be linked to the mill site with an all-weather road.

During winter months an airstrip capable of handling larger aircraft will be constructed on the ice on Doris Lake and the site will be serviced from this airstrip.

Tailings produced during the milling process will be deposited in Tail Lake about five kilometres from the proposed mill location. Tailings deposition will be sub-aqueous, requiring the

construction of two dams. An all-weather service road will be constructed along the east side of Tail Lake all the way to its southern end. The tailings pipeline will follow the roadway, and emergency tailings dump ponds will be constructed at strategic locations.

Mill tailings will be treated in a water treatment plant to destroy residual cyanide and precipitate heavy metals before the tailings are discharged into Tail Lake.

MHBL proposes that the water quality discharged by pumping from Tail Lake to Doris Creek will meet discharge standards established under the Metal Mining Effluent Regulations ("MMER") and that water quality within Doris Creek, downstream of the waterfall, will meet Canadian Council of Ministers of the Environment ("CCME") water quality guidelines for the protection of freshwater aquatic life.

Project construction is currently proposed to begin with the arrival of equipment by sealift in the fall of 2007, with additional supplies arriving by sealift in 2008. With this construction schedule, operations could begin at the end of 2008 and continue through to the end of 2010. The Project is expected to provide approximately 68 jobs during construction and 149 jobs during operations with approximately 40% Inuit employment.

With the completion of mining and ore processing, MHBL will shift from progressive reclamation to implementing a final abandonment and reclamation plan which is proposed to occur during the summer months of 2011 and 2012. Following the closure phase, the site will be managed during summer months to pump water from Tail Lake during the open water season. The north dam is proposed to be breached once water quality in Tail Lake meets CCME guidelines and the water level returns to predevelopment level.

Finally, in looking forward, the Doris North Project (Doris north gold deposit) is located within a geological structure known as the Hope Bay Greenstone Belt which is about 80 km in length and known to contain at least two other mineralized zones owned by MHBL. Regarding potential future developments, which are also subject to full impact assessments in the future, MHBL states the following:

The Doris North Project is only a small portion of the resources that we have found in the belt to date. We did a lot of work in 2005, and we expect that these resources will actually increase again as we re-measure them at the end of 2005. And these resources demonstrate the potential for large size and long-life production from the Hope Bay Belt in the future.

3.0 Implementation of Project Certificate

NIRB has the authority to reconsider the Terms and Conditions of the Project Certificate to ensure that the terms and conditions are achieving their purpose. While NIRB has every reason to believe MHBL will meet its obligations under this certificate, NIRB may nevertheless revisit this certificate if NIRB feels the terms and conditions are not achieving their purpose.

If there is a problem for whatever reason in the implementation of these terms and conditions, the KIA may at any time seek a determination before the appropriate court as to whether or not any term and condition of this project certificate has been implemented. Any person or body that the court deems appropriate may seek the same remedy.

This Project Certificate is implemented in accordance with the reviewability section in the NLCA (Section 12.9.7):

“A licence, permit, certificate or other governmental approval which implements or incorporates any term or condition of a NIRB project certificate may not be called into question in a court of law on the grounds that the issuing agency thereby fettered its discretion or otherwise acted without jurisdiction, when implementing any term or condition of a NIRB project certificate.”

Now therefore, the Nunavut Impact Review Board pursuant to Article 12.5.12, issues this Project Certificate to Miramar Hope Bay Limited subject to the following terms and conditions:

4.0 Project Specific Terms and Conditions

In addition to the project specific terms and conditions below, MHBL must comply with or obtain all applicable licenses, orders, permits, directions, which may result from but not be limited to, legislation identified in Appendix B and C.

In the event of a conflict between Appendix A and the Terms and Conditions of the Project Certificate, the Terms and Conditions of the Project Certificate prevail. Also, in the event of a conflict with the “*Commentary*” and the Terms and Conditions, the Terms and Conditions prevail. (The “*Commentary*” is not to be construed as legally binding)

MHBL will be involved in the monitoring program as found in Appendix D to this project certificate. Appendix D will be provided by NIRB within six (6) months of issuance of all regulatory authorizations.

Proponent’s Commitments:

1. The commitments in the Final Hearing Report as Appendix A (see Appendix A of Project Certificate): MHBL Commitments from the Final Environmental Impact Statement Review, are incorporated herein and must be met.

Commentary: The commitments in the Final Hearing Report as Appendix A includes the addendum to the Final Hearing Report dated June 22, 2006.

2. The commitments in the Final Hearing Report as Appendix B (see Appendix A of Project Certificate): MHBL Commitments from the Final Hearing, are incorporated herein and must be met.
3. MHBL must obtain all required federal and territorial permits and other approvals and shall comply with such permits and approvals.

NIRB’s Commitments:

4. NIRB will require a full time Monitoring Officer to monitor the Project as it proceeds and to analyze the success of the Terms and Conditions as the Project becomes operational, and beyond, to closure and reclamation.

The Assessment of Alternatives to Tail Lake for Tailings Disposal:

5. MHBL shall report by January 1st of each calendar year to NIRB on MHBL’s development plan for future phases of the Hope Bay Belt, including identifying

development plans that may affect the selection of Tail Lake as the preferred alternative for tailings management.

6. MHBL shall immediately notify NIRB of any further alternatives assessments of the Tail Lake tailings impound area, if that analysis concludes that Tail Lake may no longer be the preferred option for tailings disposal.
7. MHBL shall meet immediately with Environment Canada and the Department of Fisheries and Oceans Canada to ensure the information required for Schedule 2 of the Metal Mining Effluent Regulations can be processed according to law.

Tail Lake Water Quality and Water Management Strategy:

Monitoring:

8. MHBL will fund and install a weather station at the mine site to collect atmospheric data, including air temperature and precipitation. The design and location of this station shall be developed in consultation with Environment Canada officials.

Commentary: Prior to closure and reclamation, NIRB expects MHBL to undertake consultation with appropriate agencies including INAC and EC, to discuss the possibility of the continued operation of the station, including transfer of ownership, for the collection of regional meteorological data

9. MHBL will fund and install an on-site laboratory for continuous and real-time monitoring of water quality contained within Tail Lake and Doris Creek after discharge. This will be done prior to the commencement of operations. The laboratory shall be certified, with standards to include the calibration of water quality monitoring instruments. MHBL shall file proof of application to become accredited, upon the request of the NWB or NIRB's Monitoring Officer.

Commentary: The laboratory certification should be appropriate for environmental (water quality) analysis purposes. Parameters to be analysed shall be set by the NWB.

10. Upon the commencement of operations, MHBL shall ensure that the monitoring of Tail Lake and Doris Creek water quality, above and below the waterfall, be verified and reported to NIRB three times during discharge by an independent, third party laboratory. The sampling must be carried out independently or supervised in which case MHBL must provide the sampling and delivery of samples to the independent, third party laboratory, with copies of the results directly to the NWB and NIRB's Monitoring Officer.

Commentary: The NIRB's preference is for independent, third party sampling. In the case where MHBL collects its own samples, the sampling shall be conducted in accordance with a methodology approved by NWB though a Quality Assurance /Quality Control ("QA/QC") plan and must be submitted to an independent third party laboratory for analysis. For Tail Lake the commencement of operations is defined as when tailings are deposited into the lake. For Doris Creek, the commencement of operations is defined as the time at which discharges from Tail Lake begin.

11. Monitoring information collected under this approval shall contain the following information:
 - a. The person(s) who performed the sampling or took measurements;

- b. Date, time, and place of sampling or measurement;
 - c. Date of analysis;
 - d. Name of the person who performed the analysis;
 - e. Analytical methods or techniques used; and
 - f. Results of any analysis.
12. The results and records of any monitoring, data, or analysis shall be kept for a minimum of the life of the project including closure and post closure monitoring. This time period shall be extended if requested by NIRB, DFO, EC or the NWB.

Commentary: The NIRB's Monitoring Officer, consulting with Government Officials, will provide guidance on how results and records of any monitoring, data, or analysis will be presented.

General

13. MHBL shall collect additional water quality data for the 2006 field season and incorporate it into a revised water quality model to be submitted to the NWB as part of the water licence application. MHBL will meet discharge criteria on a site specific basis set by the NWB where possible, for the protection of the receiving environment at the point of discharge.
14. MHBL shall collect additional precipitation, evaporation and runoff data and incorporate it into a revised water balance to be submitted to the NWB as part of the water licence application.
15. MHBL shall not permit the water discharged into Doris Creek to exceed the criteria set by the NWB.
16. MHBL shall take all reasonable steps to prevent any Tail Lake discharge in violation of the Project Certificate or regulatory approvals that may have any likelihood of negatively affecting the environment including wildlife, fisheries, aquatics, and human health. If such a situation is encountered, MHBL shall take immediate action to remedy the violation. If requested by the NWB, MHBL shall accelerate testing or monitoring to determine the nature of any such discharge and its impact or harm to the environment.
17. MHBL shall report any upset, exceedances, or compliance problem not only to regulatory agencies as required by law, but shall also report the same to NIRB's Monitoring Officer.
18. MHBL shall submit to the NWB, as part of the water licence application, a program detailing the methodology for testing quarried rock for acid generation and metal leaching potential. The sampling, testing and analysis must be done by a professional geologist registered in Nunavut.

Commentary: NIRB expects any methodology to be certified by a Registered Professional and approved by the NWB. NIRB expects that any analysis of laboratory results must also be done by a Registered Professional. The designation of Registered Professional refers to all those professionals registered with NWT and Nunavut Association of Professional Engineers, Geologists, and Geophysicists (NAPEGG)

Design of the Jetty and Related Issues:

19. MHBL shall install thermistor cables and temperature loggers in the jetty foundation. MHBL shall monitor the effects of the jetty on shallow water permafrost through operations and report the results of the monitoring collection to NIRB's Monitoring Officer.

Commentary: NIRB's Monitoring Officer will provide guidance to MHBL on data reporting requirements and will, in consultation with MHBL, distribute MHBL's data to interested Parties including NRCan.

20. MHBL shall ensure the use of containment booms and berms to control potential spills whenever fuel and or waste is transferred between a barge and the shore. MHBL shall ensure spill kits are at hand at these locations at all times.

21. MHBL shall consult with local Elders, KIA and NTI to determine *if* the jetty should be dismantled. The final Closure and Reclamation Plan, if it proceeds, must explain the consultation process used for the jetty and provide a summary of the issues identified during consultation.

Commentary: NIRB has already considered these components and as quoted by the Minister in his letter to NIRB dated July 28, 2006 "...further review under Article 12 would only be required if substantive changes were proposed that would significantly modify the project." Also, MHBL is expected to submit the summary of issues identified during consultation to NIRB's Monitoring Officer.

Wildlife Mitigation and Monitoring Plan including Cumulative Effects Assessment:

22. MHBL, in consultation with GN-DoE and KIA, shall immediately begin the design and implementation of baseline data collection methods to establish both the wolverine and grizzly bear population of the Hope Bay Belt region. Any baseline data results shall be reported to NIRB's Monitoring Officer.
23. MHBL shall designate one of its employees as a primary wildlife contact for the mine, who will work with NIRB's Monitoring Officer and regulatory officials in communicating on-site activities and to fulfill reporting requirements.
24. As part of the training for MHBL's on-site wildlife specialist, MHBL shall provide training to that person in areas of bear encounters and safety, effects of noise on wildlife, recording wildlife sightings, waste management, records management, and reporting to NIRB's Monitoring Officer and regulatory officials.
25. MHBL shall file a monitoring plan focused on assessing and mitigating interaction between humans and wildlife at the mine site, including associated infrastructure such as the TIA (Tailings Impoundment Area), roads, and activity at the waterfall. A quarterly report must be sent to NIRB's Monitoring Officer on interactions that have occurred, any effect the interaction may have had on humans and wildlife, and mitigation measures taken to avoid similar interactions in the future.
26. MHBL shall consult with local Elders, Kitikmeot Hunters and Trappers Organizations, the Nunavut Wildlife Management Board, GN-DoE, and NIRB's Monitoring Officer to review and discuss the results of wildlife monitoring and develop mitigation measures, including measures to discourage wildlife and birds from coming into contact with Tail Lake and contaminated areas of the mill site. MHBL shall incorporate a plan for this consultation into a revised Wildlife Monitoring and Mitigation Plan.

Commentary: Consultation under this section should include EC

27. MHBL shall update and revise the Wildlife Mitigation and Monitoring Plan to reflect these terms and conditions and shall submit the revised Wildlife Mitigation and Monitoring Plan to NIRB. NIRB may consult with relevant Government departments and the Nunavut Wildlife Management Board prior to approving the revised Wildlife Mitigation and Monitoring Plan. The Wildlife Mitigation and Monitoring Plan must be submitted within three (3) months of the issuance of a Project Certificate and it must be approved by NIRB prior to the commencement of construction. MHBL must also submit an updated plan on an annual basis which must also be approved by NIRB.

Commentary: NIRB expects the annual plan to include the quarterly plans and the fourth quarter report then becomes part of the annual report.

The Socio-Economic Impact of the Project on Affected Communities of Nunavut:

28. Within six (6) months of the issuance of a Project Certificate, a Hope Bay Belt Socio-Economic Monitoring Committee ("SEMC") shall be formed to supplement, not duplicate areas covered by the Inuit Impact Benefit Agreement negotiated for this project. In order to ensure consistent data collection and tracking of data trends in a comparable form to be shared at the regional level and to minimize the duplication of efforts, the composition of the SEMC should include the same membership as the Kitikmeot Socio-Economic Monitoring Committee approved by the Minister. Additionally, the SEMC must engage the affected communities of Cambridge Bay, Kugluktuk, Gjoa Haven, Taloyoak, and NIRB's Monitoring Officer, and consider concerns from Bathurst Inlet and Omingmaktok. In consultation with these parties and immediately upon the SEMC's formation, MHBL shall provide the terms of reference for a socio-economic monitoring program to the SEMC for review and subsequent direction by NIRB. The terms of reference are to include the role of MHBL in data collection and analysis; the key socio-economic indicators to be monitored; the reporting requirements; and the funding formula.

Commentary: NIRB strongly suggests the use of a standardized reporting template to ensure consistent data collection and tracking of data trends in a comparable form to be shared upon request at the regional level and to minimize the duplication of efforts.

Noise:

29. MHBL shall develop and implement a noise abatement plan to protect people and wildlife from mine activity noise, including blasting, drilling, equipment, vehicles and aircraft. The noise abatement plan will be developed in consultation with GN-DoE, EC and HC, and includes: restrictions on blasting and drilling when migrating caribou, birds or local carnivores may be affected; the establishment of strict standards for noise levels; use of equipment and vehicles with the best noise attenuation devices; when practical, the use of fences or berms around noisy machinery or sites; flight corridor restrictions over sensitive areas with known concentrations of wildlife and birds whenever possible; and requiring with the exception of take off and approach for landing, a minimum flight altitude of 300 metres above ground level when flights to and from the mine site are passing near sensitive wildlife and bird areas. The noise abatement plan will also incorporate the use of sound meters to monitor sound levels at sites in and around the mine site and local study area. The location and design of the sound meters shall be selected in consultation with EC and set up immediately upon issuance of the Project Certificate for the purpose of obtaining baseline data, and during and after operations. The final noise abatement plan shall be filed with NIRB's Monitoring Officer within six (6) months of the issuance of the Project Certificate.

Commentary: The Local Study Area refers to the combined spatial boundaries set by MHBL in its FEIS for each sensitive VEC including arctic char, lake trout, lake whitefish, ninespine stickleback, caribou, grizzly bear, wolverine, upland breeding birds, waterfowl, and raptors. Also the noise abatement plan will consider potential blasting time restrictions with the DFO's Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (Wright and Hopky, 1998) as modified by DFO for use in the North. MHBL should also consult with Health Canada, the GN-DoE, and the Workers Compensation Board in locating and designing the sound meters.

Air Quality:

30. MHL will install and fund an atmospheric monitoring station. This station and its location shall be developed in consultation with EC and HC air quality officials and focus on particulates of concern generated at the mine site. The results of air-quality monitoring are to be reported every six (6) months to NIRB through the Monitoring Officer, and from there to all of the parties.

Commentary: NIRB expects the Canada Wide Standards for Dioxins and Furans and the Canada Wide Standards for Mercury will apply and should be followed including stack testing of incinerators.

Closure and Reclamation:

31. A complete Closure and Reclamation Plan prepared in accordance with the NWB requirements shall be filed by MHL at the time MHL makes application to the NWB for a water license for the mine.

Commentary: The complete Closure and Reclamation Plan includes the jetty.

Environment, Health and Safety Management System:

32. Prior to the commencement of operation MHL shall have a complete Environment, Health and Safety Management System in place which includes the following: Wildlife Mitigation and Monitoring Plan; Environmental Protection Plan; Emergency Response and Spill Contingency Plan; Occupational Health and Safety Plan; Reclamation Plan; Education and Orientation Plan; Human Resources Plan; Inuit Involvement Plan; Community Relations Plan; Monitoring and Follow-up Plan; and Auditing and Continuous Improvement Plan. When complete, these Plans shall be forwarded to NIRB's Monitoring Officer.

Commentary: MHL is expected to contact federal and territorial Government Departments immediately regarding the preparation of these plans. The GN, in particular, is involved with the approval of many of the plans and is encouraged to designate an official to approve the plans as applicable. Please see Appendix E for a list of GN contacts.

NIRB considers the Environmental, Health and Safety Management System to be complete once MHL has submitted all required plans. NIRB expects the Environmental Health and Safety Management System to be completed prior to the commencement of construction.

Fuel and Hazardous Materials:

33. MHBL shall ensure that areas used to store fuel or hazardous materials are contained using the safest methods practically available.

Commentary: *"Practically" refers to the best available engineering methods.*

Planned Changes:

34. If it becomes necessary, MHBL shall give notice of any planned changes to the mine facility, including Tail Lake and its operation, to the regulatory authorities and NIRB through its Monitoring Officer, immediately.

Commentary: *"Planned Changes" refers to changes that may cause an environmental effect. Please see related Terms and Conditions #17, #5, and #6.*

Duty to Comply:

35. MHBL shall comply with all terms and conditions and any noncompliance constitutes a violation of the approval and is grounds for NIRB's reconsideration and recommendation to the Minister under Article 12, Part 8 of the NLCA.