



In the matter of the
*Agreement Between the Inuit of the Nunavut Settlement Area
and Her Majesty the Queen in right of Canada, S.C., 1993, c. 29*
Article 12, Part 5

In the matter of the
Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2
Part 3

And

In the matter of an application by
Agnico Eagle Mines Limited
for development of the
Whale Tail Pit Project
in the
Kivalliq Region of Nunavut

NIRB PROJECT CERTIFICATE [NO.: 008]

DATE

Schedule of Amendments to the Nunavut Impact Review Board's Whale Tail Pit Project Certificate No. 008

AMENDMENT NO.	DATE OF AMENDMENT	TYPE OF AMENDMENT
001	February xx, 2020	Amendment and addition to Terms and Conditions of the Project Certificate to reflect significant modifications to the Whale Tail Pit Project as proposed in the Whale Tail Pit Expansion Project: - Revisions to Terms and Conditions #1, 27, 28, 30, 46 and 51. - New Terms and Conditions #65 to 68.

1.0 BACKGROUND

Whereas:

- A. Pursuant to the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), the Nunavut Impact Review Board (NIRB or Board) has completed a Review of the potential ecosystemic and socio-economic effects of the Whale Tail Pit Project (the Project), NIRB File No. 16MN0536;
- B. The Board has considered the commitments made by Agnico Eagle Mines Ltd. throughout the NIRB's Review of the Project, including during the NIRB Final Hearing, and the Board has every expectation that the Proponent will fulfill the commitments made during the Final Hearing, within its Environmental Impact Statement, and contained within supporting documentation submitted during the review of the Project, not solely the commitments that are expressly included as terms and conditions in this Project Certificate;
- C. The Board has determined, pursuant to Article 12, Section 12.5.5 of the *Nunavut Agreement* and s. 103 of the *NuPPAA*, that taking into account the implementation of the measures necessary to avoid or mitigate the potential adverse environmental and socio-economic effects associated with the Project and set out as terms and conditions in this Project Certificate, the Whale Tail Pit Project is not likely to cause significant adverse ecosystemic and socio-economic effects;
- D. The Board has found, pursuant to Article 12, Section 12.5.5 of the *Nunavut Agreement* and s. 103 of the *NuPPAA*, and taking into account all matters relevant to its mandate including Section 12.2.5 of the *Nunavut Agreement* and s. 23 of the *NuPPAA*, that the Whale Tail Pit Project will protect the existing and future well-being of the residents and communities of the designated area, taking into account the interests of other Canadians;
- E. The Minister of Crown-Indigenous Relations and Northern Affairs has agreed with the determination within the NIRB's Final Hearing Report for the Whale Tail Pit Project, and accepted the recommended terms and conditions contained in the Report that are now included in the Project Certificate;
- F. Recognizing the importance of co-ordination, integration, and avoiding duplication with other monitoring requirements in permits, licences and other authorizations, the project-specific monitoring program, provided as Appendix A to this Project Certificate, will be issued in final form after key regulatory authorizations, including land use permits, water licences and mineral leases, are issued;
- G. The Project Certificate, as issued, is not a statutory instrument for the purposes of the *Statutory Instruments Act*; and
- H. The Proponent may carry out the Project, subject to ss. 74(f) and 74(g) of the *NuPPAA* and may obtain any licence, permit or other authorization required by or under any other Act of Parliament or any territorial law and complying with any other requirements set out in such an Act or law.

Now therefore, the Nunavut Impact Review Board pursuant to Article 12, Section 12.5.12 of the *Nunavut Agreement* and s. 111(1) of the *NuPPAA*, issues this amended Project Certificate for the Whale Tail Pit Project, to include the Whale Tail Pit Expansion Project, to Agnico Eagle Mines Ltd., subject to the terms and conditions contained herein.

2.0 PROJECT HISTORY AND OVERVIEW

The NIRB first became engaged in the process associated with Agnico Eagle Mines Limited's (Agnico Eagle or the Proponent) "Whale Tail Pit" project proposal (the Project) on June 17, 2016 when the NIRB received a referral to screen the Project from the Nunavut Planning Commission, with an accompanying positive conformity determination under the Keewatin Regional Land Use Plan. Agnico Eagle originally submitted the Whale Tail Pit Project proposal as a reconsideration of the Meadowbank Gold Mine Project Certificate terms and conditions. The NIRB subsequently circulated the reconsideration request for a period of public comment, inviting interested parties to provide feedback and advice to the Board with respect to the parties' views as to whether the proposal should be processed by the NIRB as a reconsideration of the Meadowbank Gold Mine Project Certificate terms and conditions, or as a standalone screening assessment, and whether the provisions of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) were applicable to the proposal.

After considering submissions from parties and reviewing the project description, on July 21, 2016 the NIRB provided its determination that the proposed Whale Tail Pit project proposal had not been assessed as part of the original Meadowbank Gold Mine project, and due to its location outside of the original Meadowbank Gold Mine project footprint, the Project would require a separate screening assessment under the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and *NuPPAA*.

Pursuant to Article 12, Section 12.4.4 of the *Nunavut Agreement* and s. 86 of the *NuPPAA*, the NIRB screened the project proposal and on August 18, 2016 the Board issued a Screening Decision Report with the determination that the Project required further assessment best facilitated through a full environmental review under Article 12, Part 5 or 6 of the *Nunavut Agreement* and Part 3 of the *NuPPAA*.

Following receipt of the responsible Ministers' decision on September 2, 2016 supporting the NIRB's recommendation that a full environmental review be conducted, the NIRB commenced the review process on September 9, 2017⁷⁶ issuing the *Draft Scope* for review by parties.

By October 11, 2016 the NIRB was in receipt of comments on the *Draft Scope* of the assessment for the NIRB's Review of the project proposal. Following incorporation of the comments from parties and the scoping information sessions held by the NIRB in the Kivalliq region from October 17 to October 27, 2016, the NIRB released the *Final Scope* on November 10, 2016.

On November 23 and 24, 2017⁷⁶ the Nunavut Water Board (NWB) and the NIRB's staff and legal counsel convened a coordination workshop to further discuss project-specific coordination of the technical comment and review phases of the NIRB's assessment of the Project and the NWB's consideration of the water licence applications for the Project and to develop an updated project-specific process map.

On November 25, 2016 the NIRB commenced its formal technical review of the Environmental Impact Statement (EIS) and invited interested parties to submit Information Requests (IRs) directed to the Proponent and/or other parties involved in the assessment of the Whale Tail Pit Project proposal as a

means to identify information gaps within the EIS that needed to be addressed so that parties could develop their respective technical review comments.

On January 27, 2017, in joint correspondence issued with the NWB, the NIRB invited interested persons to provide the NIRB with their technical review comments by March 28, 2017 in preparation for a joint Technical Meeting and Pre-hearing Conference (PHC) that both Boards had directed their respective staff to hold in Baker Lake, tentatively in the weeks of April 24 and May 1, 2017.

On June 8, 2017, the NIRB and NWB released the jointly prepared Pre-hearing Conference Decision Report that provided a summary of the discussions and outcomes resulting from the joint NIRB and NWB Technical Meeting held in Baker Lake, Nunavut on April 27-29, 2017, and the Community Roundtable and PHC held in Baker Lake on May 1 and 2, 2017.

On July 17, 2017 the NIRB issued its Notice of Public Hearing, which included an invitation to any party not already intervening in the process but wishing to be granted intervenor status at the NIRB Final Hearing to apply to the Board. On July 28, 2017 the NIRB accepted the Baker Lake Hunters and Trappers Organization's request for intervenor status at the NIRB's Final Hearing.

On August 14, 2017 intervenors submitted their final written submissions in respect of the Whale Tail Pit Project in preparation for the NIRB's Final Hearing and on August 28, 2017 Agnico Eagle provided a reply to intervenors' final written submissions.

The NIRB held its Final Hearing in Baker Lake from September 19 to September 22, 2017, which included technical sessions and a Community Roundtable that was attended by Community Representatives from the seven (7) communities from the Kivalliq region, the Kivalliq Inuit Association, relevant territorial and federal departments, interested parties and stakeholder groups, as well as members of the public. On November 6, 2017 the NIRB released its Final Hearing Report that summarized the NIRB's review of the Whale Tail Pit Project as proposed by Agnico Eagle. The report included the NIRB's conclusions and recommendations to the Minister of Crown-Indigenous Relations and Northern Affairs, reflecting the Board's authority under the *Nunavut Agreement* and the *NuPPAA*. The Board noted that it had sufficient information to draw conclusions and make recommendations regarding the potential effects of the project, and recommended that the Project should be allowed to proceed in accordance with the Final Hearing Report and the associated recommendations within.

On February 15, 2018 the NIRB received notification from the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs that the Final Hearing Report for the Review of Agnico Eagle Mines Ltd.'s Whale Tail Pit Project had been accepted pursuant to section 12.5.7(a) of the *Nunavut Agreement* and s. 105(a)(i) of the *NuPPAA*. Following a teleconference project certificate workshop, the NIRB issued Project Certificate No. 008 for the project on March 15, 2018.

On October 16, 2018 the NIRB received a referral from the Nunavut Planning Commission to assess an amendment to Agnico Eagle's Whale Tail Project; specifically to expand the previously approved Whale Tail Pit as well as adding a new IVR mine pit, referred to as the Whale Tail Pit Expansion Proposal (Expansion Proposal). As the components were not part of the scope of the previously assessed Whale Tail Pit Project, but were amending and adding on to the previously-approved Project, the NIRB determined that, as established under Article 12, Section 12.8.2(b) and 12.8.2(c) of the *Nunavut Agreement* and s. 112(1)(b) and 112(1)(c) of *NuPPAA*, a reconsideration of the Terms and Conditions of Project Certificate No. 008 was required. Once the NIRB received a Final Environmental Impact Statement

Addendum from Agnico Eagle, parties were provided a technical review period, the NIRB held community information sessions in each of the (7) Kivalliq communities, before holding an in-person Technical Meeting June 11-13, 2019, and Public Hearing August 26-29, 2019 both in Baker Lake, NU. On October 18, 2019 the Board provided its decision to the Responsible Ministers recommending that the Whale Tail Expansion Project be allowed to proceed, subject to new and amended Terms and Conditions of Project Certificate No. 008 and specific revisions to the Monitoring Program for the Whale Tail Project. The Ministers accepted the Board's recommendation, providing additional direction to vary two (2) of the Board's recommended terms and conditions, and subsequently the Project Certificate was updated.

2.1. Project Overview¹

The Whale Tail Pit Project (NIRB File No. 16MN056, the Project) consists of the proposed mobilization, construction, operation, closure, reclamation, and post-closure monitoring of a gold mine in the Kivalliq region of Nunavut. Agnico Eagle proposes development of the Whale Tail Pit Project to continue employment and transition operations between the Meadowbank Gold Mine project, which is at the end of its operations, and the Meliadine Gold Project, which is in early construction, as originally submitted in 2016. Subsequently, at the Final Hearing the Proponent noted that the Whale Tail Pit Project would extend the life of the infrastructure at the Meadowbank Gold Mine site as the resources at Meadowbank are exhausted and gone in the third quarter of 2018, while the Meliadine project is under construction and commercial production is scheduled for September 2019.² The Project would be located at the Amaruq property on Inuit-owned lands, approximately 150 kilometres (km) north of the Hamlet of Baker Lake and approximately 50 km northwest of the existing Meadowbank Gold Mine project, while the Meadowbank Gold Mine site is located 70 km directly north of the Hamlet of Baker Lake on Inuit-owned lands. The proposed haul road would be located on both Inuit-owned lands (1/3) and Crown lands (2/3).

The Whale Tail Pit Project proposal includes the development of an open pit gold mine located at the Amaruq property. As outlined in the Environmental Impact Statement, construction is proposed to take approximately one (1) year beginning in early 2018, with operations expected to commence in late 2018 and continuing for three (3) to four (4) years, from 2019 to 2022, followed by closure of the site from approximately 2022 to 2029, ending in post-closure monitoring. Development of the pit is intended to allow for access to an estimated 8.3 million tonnes (Mt) of ore, and produce 46.7 Mt of waste rock and 5.8 Mt of overburden. During the Final Hearing, Agnico Eagle provided updated timelines for the project phases with respect to the Whale Tail Pit Project proposal: construction to commence mid-2018 following receipt of approvals between 2018 and 2019; operations to commence in 2019 and continue to 2022; closure between 2023 and 2029 and post closure from 2030 to 2046.³

¹ Unless otherwise stated, information in this section is based on the information provided by the Proponent in the Environmental Impact Statement, received by the NIRB on May 25, 2016 and the Final Environmental Impact Statement Addendum, received by the NIRB on December 19, 2018.

² NIRB File No. 16MN056, Final Hearing Report for the Whale Tail Pit Project, Agnico Eagle Mines Ltd., November 6, 2017.

³ NIRB File No. 16MN056, Final Hearing Report for the Whale Tail Pit Project, Agnico Eagle Mines Ltd., November 6, 2017.

Ore would be trucked from the Whale Tail site via an approximately 65 km private haul road at a rate of 9,000 to 12,000 tonnes per day to the existing Meadowbank Gold Mine⁴ for milling. Approximately 8.3 Mt of tailings produced from the milling process would be stored within the existing Meadowbank Gold Mine's Tailings Storage Facility (TSF), with approximately 5.3 Mt stored within the current footprint of the south cell TSF and approximately 3 Mt within the north cell TSF by constructing internal dike structures within the north cell.

Existing ancillary infrastructure used for the Whale Tail Pit Project would include Agnico Eagle's existing marine infrastructure located at Baker Lake and the all-weather access road between Baker Lake and the Meadowbank site, which would support open-water shipping during the construction phase and annual resupply during operations, with the mine product, doré gold bars, to be flown to market directly from site.

It is anticipated that up to 500 employees would be required during the construction phase for the proposed Project, including for dewatering, with an on-site labour requirement of up to 931 people on rotation during operations.

The Whale Tail Pit Expansion Proposal (the Expansion Proposal) encompasses development activities which would overlap the physical footprint of the approved Whale Tail Pit Project and extend further onto the Amaruq exploration area. The Expansion Proposal will extend the extraction of ore over an approximate four-year period specifically: expansion of the Whale Tail Pit occurring as early as mid-2020, construction of IVR infrastructure occurring late 2020, operations of the expanded Whale Tail Pit, IVR Pit and underground occurring from 2021-2025, ore processing ending in 2026, and site closure/remediation occurring between 2026-2051.

The Expansion Proposal includes expanded development of the Whale Tail open pit; development of an additional open pit (IVR pit); underground mining operations at both the Whale Tail and IVR deposits; and development of associated infrastructure including the IVR Waste Rock Storage Facility and IVR Attenuation Pond. The Expansion Proposal also includes expansion of the existing Whale Tail haul road from 9.5 metres (m) to 15 metres wide, which as with the Whale Tail Pit Project, would be used to transport ore to the Meadowbank Gold Mine for milling. The Expansion Proposal is expected to generate approximately 15.2 million tonnes (Mt) of tailings produced from the milling process in addition to the 8.3 Mt of tailings produced from the Whale Tail Pit Project for a total of 23.5 Mt to be stored within the existing Meadowbank Gold Mine's Tailings Storage Facility and the In-Pit Tailings Storage Facility.

⁴ The NIRB previously reviewed the related but distinct Meadowbank Gold Mine project (NIRB File No. 03MN107) in accordance with Article 12, Part 5 of the *Nunavut Agreement*. The Meadowbank Gold Mine project was allowed to proceed pursuant to the NIRB Project Certificate No. 004 which was issued December 30, 2006 following the approval of then Minister of Indian and Northern Affairs of the Meadowbank Gold Mine Project.

3.0 IMPLEMENTATION

As per Article 12, Section 12.9.1 and 12.9.2 of the *Nunavut Agreement* and ss. 136(1) and 137(1) of the *NuPPAA*, the terms and conditions of the NIRB Project Certificate (including all amendments) shall be implemented by all government departments and agencies in accordance with their authorities and jurisdictional responsibilities, and shall incorporate the relevant terms and conditions of the NIRB Project Certificate into permits, certificates, licences or other government approvals issued by these departments or agencies.

If the Kivalliq Inuit Association or other Designated Inuit Organization, or person or body that would normally have standing to seek this type of court determination, have concerns that any term or condition is not being implemented, these parties may seek a determination before the appropriate court regarding whether or not the terms and conditions in the Project Certificate have been implemented.

This Project Certificate is implemented by regulatory authorities in accordance with the *Nunavut Agreement* (Section 12.9.7) and the *NuPPAA* (s. 137(5)):

Nunavut Agreement, Article 12, 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.

NuPPAA, s. 137(5): The validity of a licence, permit or other authorization is not to be challenged before a court on the grounds that a regulatory authority fettered its discretion or acted without jurisdiction by incorporating the terms and conditions referred to in subsection (1) into it.

The NIRB has the authority to reconsider the terms and conditions of the Project Certificate to ensure that the terms and conditions are achieving their intended purpose. Clearly, the NIRB expects the Proponent to meet its obligations under this Project Certificate. However, under Article 12, Section 12.8.2 of the *Nunavut Agreement* and s. 112(1) of the *NuPPAA*, the NIRB may revisit specific terms and conditions in the Project Certificate if the NIRB determines that the terms and conditions are not achieving their purpose.

3.1. General Principles of Interpretation Applicable to Terms and Conditions:

In order to view the project-specific terms and conditions set out within this amended Project Certificate in the appropriate context, the following general principles of interpretation apply to the Project Certificate in its entirety, with all terms and conditions being interpreted in accordance with:

- a. The NIRB's Final Hearing Report (namely NIRB File No.: 16MN056, Final Hearing Report for the Whale Tail Pit Project, November 6, 2016, available from the NIRB's public registry) and Reconsideration Report and Recommendations for the Whale Tail Pit Expansion Project (October 18, 2019);
- b. The rights, responsibilities, authorities, and jurisdiction granted under the *Nunavut Agreement* and the *NuPPAA*;

- c. The limits and obligations imposed under laws of general application applicable to the Proponent or any party referred to in the term and condition, as those laws may be amended over time (e.g., privacy legislation, worker's health and safety, etc.);
- d. The specific jurisdictional and policy limits applicable to regulatory authorities, Nunavut Tunngavik Incorporated, the Kivalliq Inuit Association, or other regulatory authority with jurisdiction in respect of the Project;
- e. Where terms and conditions include specific references to items that must be taken into consideration or included in work plans, etc. these specific references are intended to establish minimum expectations but are not intended to limit the Proponent or prevent the Proponent from undertaking additional measures beyond those expressly prescribed in such terms and conditions; and
- f. As noted in the Final Hearing Report or the Reconsideration Report and Recommendations for the Whale Tail Pit Expansion Project, for those items where a more stringent version of the precautionary principle has been applied, it is the Board's expectation that the adaptive management strategies chosen will be highly responsive to early warning signs that risks may materialize, and that rather than waiting for impacts to be noted before mitigation measures are triggered, thresholds and active management targets will be set to require responses long before adverse impacts are likely.

3.2. Format of Terms and Conditions

Wherever possible, the NIRB has used the following format for the project-specific terms and conditions set out within this Project Certificate to provide clear direction on the intended application, objectives, and reporting requirements:

Category: Identifies the relevant environmental component or project activity to which the term and condition applies. Wherever possible categories have been labelled to directly associate back to the Environmental Impact Statement prepared for the Project.

Responsible Parties: Identifies the parties responsible for implementation of the term and condition. While this is generally the Proponent, at times other regulatory authorities have been identified as also having a role in the Proponent's compliance with the term and conditions (such as consulting with the Proponent, participating on a working group, etc.).

Project Phase: Identifies the phase(s) of Project development to which the term and condition is applicable. Project phase may include any one or more of the following:

- Pre-Construction - includes site preparation and staging of materials and equipment in advance of construction
- Construction
- Operations
- Temporary Closure /Care and Maintenance
- Closure and Post-Closure - includes abandonment, decommissioning and reclamation

Objective: Provides a short description of the impact or effect being mitigated, or issue the term and conditions is meant to address. Where relevant, expectations have been provided regarding the timing for when terms and conditions will be deemed to be satisfied (i.e., sunset clause), and who has discretion for determining they are satisfied.

Term or Condition: Provides specific direction on the required action or follow up. In most instances the NIRB has endeavoured to use wording that is clearly understood by all parties, but that also allows for some flexibility for the Proponent to determine how best to achieve the stated objective. However, there are some terms and conditions for which the Board has decided that more explicit direction is necessary, and more prescriptive language has been used in those terms and conditions .

Varied Term or Condition: Where the Minister has varied the Board's recommendations for a Term or Condition, the Board has identified the Varied Term or Condition, with deletions to the Term or Condition identified by strike through text and additions to the text identified in bold and underlining.

REVISED Term or Condition: Where, upon reconsideration, the Board has recommended an amendment to the Terms and Conditions in the Project Certificate and the Minister has accepted the Board's recommendation, the Board has added the revision to the original Term and Condition, and identified the Term or Condition as REVISED; deletions to the Term or Condition are identified by strikethrough text and additions to the text are identified in bold and underlining. Upon issuance of an amendment to the Project Certificate, the Proponent is required to comply with the text of the REVISED Term or Condition.

NEW Term or Condition: Where, upon reconsideration, the Board has recommended that the Project Certificate be amended by adding a new Term and Condition and the Minister has accepted the Board's recommendation, the Board has added the Term or Condition to the relevant section, and has identified the Term or Condition as NEW. Upon issuance of an amendment to the Project Certificate, the Proponent is also required to comply with any NEW Terms or Conditions added to the Project Certificate.

Reporting Requirements: Sets out any specific reporting parameters required to measure achievement of objectives or to demonstrate compliance, as well as the required frequency of reporting. Consideration will be given to coordination of Project Certificate reporting requirements with reporting requirements as established by other regulatory instruments associated with the Project.

It should be noted that, for some of the recommended terms and conditions, a non-binding **Commentary** section has also been added following the specific term and condition as an aid to interpretation. The Commentary section reflects clarification of the term and condition, recording the common understanding and interpretation resulting from discussions and guidance provided during the Project Certificate Workshop held via teleconference on March 9, 2018 and the Whale Tail Pit Expansion Proposal Project Certificate Workshop held via teleconference on February 5, 2020. The Commentary section is offered as a reference only and is not legally binding; in the event of a conflict between the wording in the Project Certificate and the clarification provided in the Commentary, the express wording of the Project Certificate prevails.

3.3. Flexibility

It is acknowledged that the NIRB's monitoring program will have varying requirements over the course of the Project lifecycle, and that monitoring requirements will apply from construction to eventual reclamation and abandonment. In areas where there may be a need for flexibility in relation to the terms and conditions of the Project Certificate or their application, the NIRB has endeavoured to reflect this in the associated language and/or acknowledge that objectives may be achieved through various means.

The NIRB retains the ability to give additional clarification or direction on an ongoing basis through its Monitoring Officer, with respect to compliance requirements for the Project. Upon request by the Proponent or other parties, the NIRB can provide additional clarification or direction regarding implementation of Project Certificate terms and conditions.

Where the objective of a Project Certificate term or condition can be achieved through more efficient alternate means, the Proponent is encouraged to consult with the NIRB (and other parties as required) to seek acceptance of proposed alternatives.

The 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. Clearly, the NIRB expects the Proponent to meet its obligations under this Project Certificate; however, the NIRB may revisit the Project Certificate if the NIRB determines that the terms and conditions are not achieving their purpose. In the event that the monitoring program needs to be modified to better achieve its purpose, the Board, the Proponent, the Designated Inuit Organization or other interested parties may cause the Board, under Section 12.8.2 of the *Nunavut Agreement* and s. 112(1) of the *NuPPAA* to revisit the monitoring program, or any other terms and conditions in the Project Certificate.

3.4. Proponent Commitments

The Board expects that the Proponent will fulfill all commitments made during the Final Hearing, within its Environmental Impact Statement and supporting documentation submitted during the Review, not just those commitments that have been incorporated into the Terms and Conditions of this Project Certificate. Within its decision to approve the Whale Tail Pit Expansion Project to proceed, the Board required more formal tracking of the development and implementation of these commitments, therefore the direction provided in this section within the original Project Certificate No. 008 has been moved to [new term and condition 68](#). ~~To support transparency and accountability associated with the Proponent's commitments, the Board encourages the Proponent to provide, in an annual report to the NIRB, a summary of the status of the Proponent's progress with respect to meeting any commitments which are intended to prevent or mitigate adverse ecosystemic or socio-economic effects of the Project and that are beyond the scope of ensuring compliance with Project Certificate terms and conditions.~~

4.0 OVERVIEW OF NIRB MONITORING PROGRAM

As set out in Article 12, Sections 12.7.1 and 12.7.2 of the *Nunavut Agreement* and s. 135 of the *NuPPAA*, the NIRB has the jurisdiction to establish a project-specific monitoring program to: measure the ecosystemic and socioeconomic effects of a project; assess whether the project is in compliance with the prescribed project terms and conditions; share information with regulatory authorities to support the enforcement of land, water or resource use approvals and agreements; and to assess the accuracy of predictions contained in the environmental impact statements. Given the Board's application of the precautionary approach to several aspects of the assessment for this Project, in the Board's view project-specific monitoring will play a crucial role in addressing the uncertainty regarding project effects and enabling all parties to adapt mitigation measures on an ongoing basis to ensure the Project's negative effects are prevented or limited to the extent possible.

The role of the Board with respect to the establishment of monitoring programs is to focus the terms and conditions in relation to the Project. With respect to existing or future general regional and territorial monitoring programs that may include some of the same monitoring parameters/indicators as the project-specific monitoring program, the *Nunavut Agreement* and *NuPPAA* also directs the NIRB to avoid

duplication but facilitate co-ordination and integration between the project-specific monitoring programs required by the NIRB and more general programs such as the Nunavut General Monitoring Program.⁵ Where the requirements of regional or territorial programs are more extensive or substantively different from those established through the Project Certificate, at all times the Proponent must ensure compliance with the project certificate terms and conditions.

In order to co-ordinate, integrate and avoid duplication with other monitoring programs, but also to ensure that the NIRB's project-specific monitoring program yields the information required to measure effects and adequately assess compliance with terms, conditions, regulatory instruments and agreements, the NIRB's monitoring program will continue to be developed through consultation with Responsible Authorities, the resource and land owners, and the Proponent as the remaining regulatory instruments for the Project are developed. Following the issuance of the Project Certificate by the NIRB, the framework for a project-specific monitoring program will be developed and will be provided in draft form as Appendix A to the Project Certificate. As noted in the Preamble, this framework cannot be issued in final form until key regulatory authorizations, including land use permits, water licences, mineral leases, etc. are issued so that the monitoring program supplements and supports, but does not duplicate, the monitoring requirements in regulatory and land use instruments. Prior to finalization, the Proponent will be required to comply with all aspects of the draft framework as directed by the NIRB.

4.1. Board Guidance on General Regulatory and Administrative Responsibilities

Both the NIRB and the Proponent have various administrative and regulatory obligations that support the efficient and effective implementation of the Project Certificate, including responsibilities to ensure interested members of the public have reasonable access to information about the Project as it progresses. The NIRB provides the following guidance regarding the regulatory and administrative responsibilities of the NIRB and the Proponent.

NIRB Monitoring Responsibilities

1. The NIRB will appoint Monitoring Officers as required to monitor the Project in accordance with the purpose of a monitoring program as set out in Article 12, Section 12.7.2 of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*, and s. 135 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*), for the full life of the Project, including closure and reclamation. Subject to direction from the NIRB, the responsibilities of the NIRB Monitoring Officers will include:
 - a. Providing direction to the Proponent, the Project's advisory groups, regulatory authorities, and the Kivalliq Socio-Economic Monitoring Committee to provide the NIRB with information respecting the activities relating to the Project, its impacts and the implementation of any mitigative measures;
 - b. Conducting a periodic evaluation of the program for the Project;
 - c. Producing a report of the adequacy of the program based on the information obtained during the periodic evaluations of the program for the Project and on the ecosystemic and socio-economic impacts of the Project; and

⁵ See Sections 12.7.4 and 12.7.5 of the *Nunavut Agreement* and s. 135(6) of the *NuPPAA*.

- d. Where appropriate, recommending to the NIRB reconsideration of Project Certificate Terms and Conditions in accordance with section 12.8.2 of the *Nunavut Agreement*.
2. The NIRB will report annually (in English, Inuinnaqtun, and Inuktitut) on the results of its Monitoring Program for the Project.
3. The NIRB will schedule periodic updates regarding its Monitoring Program for the communities most affected by the Project.
4. The NIRB Monitoring Officer(s) will schedule periodic site inspections at the Project, coordinating with other regulatory agencies to the extent possible.

General Regulatory Requirements

5. The Proponent must obtain all required federal and territorial permits and other approvals, and shall comply with the requirements of such regulatory instruments.
6. The Proponent shall take prompt and appropriate action to remedy any occasion of non-compliance with environmental laws and regulations and/or regulatory instruments, and shall report any non-compliance as required by law immediately. A description of all instances of non-compliance and associated follow up is to be reported annually to the NIRB.
7. The Proponent shall meet with respective licensing authorities prior to the commencement of construction to discuss the posting of adequate performance bonding. Licensing authorities are encouraged to take every measure to require that sufficient security is posted before construction begins.

Monitoring Records

8. All monitoring information collected pursuant to the Project Certificate and various regulatory requirements for the Project shall, if appropriate, given the type of monitoring conducted, contain the following information:
 - a. The name of the person(s) who performed the sampling or took the measurements including any relevant accreditations;
 - b. The date, time and place of sampling or measurement, and weather conditions;
 - c. The date of analysis;
 - d. The name of the person(s) who performed the analysis including any relevant accreditations;
 - e. A description of the analytical methods or techniques used; and
 - f. A discussion of the results of any analysis.
9. The Proponent shall make significant monitoring results and/or summaries of significant results available in English, Inuinnaqtun, and Inuktitut, to the extent feasible.
10. The Proponent shall keep and maintain the records, including results, of all Project-related monitoring data and analysis for the life of the Project, including closure and post-closure monitoring.
11. The Proponent shall maintain the Environmental Impact Statement and the environmental monitoring programs developed for the Project, with predictions updated as new baseline data is collected. If the results of monitoring programs necessitate updates to effects predictions, the

Proponent shall update the associated management programs and plans as required to address or reflect the updated assessment of effects.

12. The Proponent shall establish a publically-accessible Project-specific web portal or web page to make available in a central location all significant non-confidential monitoring and reporting information submitted to regulatory authorities pursuant to the Project Certificate and other territorial or federal permits issued for the Project. For clarity, posting on the Project-specific site does not replace any reporting obligation of the Proponent pursuant to the Project Certificate or any territorial or federal permit.

On-going Engagement in Project Monitoring, Modelling, Management, and Reporting

13. The Proponent is encouraged to provide on-going opportunities for consultation and comment on any substantive revisions to the Project-specific monitoring program, modelling, studies, management plans, management measures, and reporting under the Project Certificate.
14. To the extent feasible, the NIRB will provide an opportunity for comment on any substantive revisions to the Project-specific monitoring, modelling, studies, management plans, management measures, and reporting provided by the Proponent under the Project Certificate.

5.0 ENFORCEABILITY OF TERMS AND CONDITIONS

As established under ss. 74(g) and 219 of the *NuPPAA*, the Proponent is required to carry out the Project in accordance with the terms and conditions in this Project Certificate. Failing to meet the requirements of the terms and conditions in this Project Certificate is an offence.

In addition, under Article 12, Part 8 of the *Nunavut Agreement*, and s. 112 of the *NuPPAA* if the Board determines that these terms and conditions are not achieving their purpose for any reason, including due to instances of significant non-compliance, the NIRB may revisit the terms and conditions contained in the Project Certificate.

6.0 PROJECT SPECIFIC TERMS AND CONDITIONS

6.1. Terms and Conditions Of the Meadowbank Project Certificate No. 004 Applying To the Whale Tail Pit Project

With respect to the NIRB's regulatory process and outcomes, the Whale Tail Pit Project is unique. As Agnico Eagle plans to use some of the existing gold processing and accommodations infrastructure at the existing Meadowbank Gold Mine site⁶, including some waste rock storage, the mill and tailings facility and the camp and kitchen structures to support the new mining operations at the Whale Tail Pit, there are some terms and conditions in the existing Meadowbank NIRB Project Certificate (No. 004, as amended)^{7,8} that will continue to apply to that infrastructure after the Meadowbank Gold Mine may cease operations, but while this infrastructure continues to be used by the operations at the Whale Tail Pit. Specifically, the Board has identified that aspects of the following existing terms and conditions in the amended Project Certificate No. 004⁹ will continue to apply to the Project infrastructure associated with the Meadowbank Gold Mine site, even after the closure and reclamation of the developed pits at the Meadowbank Gold Mine site:

- General Monitoring Commitments and Regulatory Requirements, Terms and Conditions 2-4 and 6, 7, 21 and 23;
- Water Quality and Waste Management, Terms and Conditions 8-14, 18, 19, 25-28;
- Project Alternatives and Planned Changes, Term and Condition 29;
- All-Weather Access Road, Terms and Conditions 32, 34 and 35;
- Marine Environment, Terms and Conditions 36-38 and 40-45;
- Fish and Fish Habitat, Terms and Conditions 46, 47, and 50-52;
- Wildlife and Terrestrial Environment, Terms and Conditions 54 and 56-61;
- Noise, Term and Condition 62;
- Socio-Economics, Terms and Conditions 63-65;
- Human Health, Term and Condition 68;
- Archaeology, Terms and Conditions 69 and 70;
- Air Quality, Terms and Conditions 71-74;
- Accidents and Malfunctions, Term and Condition 75;
- Abandonment and Reclamation, Terms and conditions 78-80; and
- Other, Terms and Conditions 81-84.

⁶ The NIRB previously reviewed the related but distinct Meadowbank Gold Mine project (NIRB File No. 03MN107) in accordance with Part 5 of Article 12 of the *Nunavut Agreement*. The Meadowbank Gold Mine project was allowed to proceed pursuant to the NIRB Project Certificate No. 004 which was issued December 30, 2006 following the then Minister of Indian and Northern Affairs' approval of the Meadowbank Gold Mine project.

⁷ The NIRB issued amendment 001 of the Project Certificate to Agnico Eagle Mines Limited on November 20, 2009 following the approval by the then Minister of Indian and Northern Affairs for the reconsideration of Condition 32.

⁸ The NIRB issued the amendment 002 of the Project Certificate to Agnico Eagle Mines Limited on August 12, 2016 following the approval by the Minister of Indigenous and Northern Affairs for the Vault Pit Expansion Project.

⁹ Ibid.

The continued applicability of these existing terms and conditions as identified in the Meadowbank Project Certificate No.: 004 was addressed in the NIRB Final Hearing Report and was further discussed by the NIRB, the Proponent and parties during the Project Certificate Workshop held on March 9, 2018. During the discussions at the Project Certificate Workshop, the parties confirmed that the terms and conditions within the amended Meadowbank Project Certificate No.: 004 and listed above are intended to extend beyond the end of operations at the Meadowbank Mine and will continue to apply to the Whale Tail Pit Project. As discussed at the Project Certificate Workshop, the Proponent may choose the extent to which the reporting and monitoring requirements under the Meadowbank Project Certificate No.: 004 and this Project Certificate can be integrated. However, as expressed by the parties and the NIRB, if the Proponent chooses to provide integrated reporting and monitoring, the documents provided must clearly identify the linkage between the information provided and the specific Project Certificate terms and conditions. Further detail regarding the Monitoring Program for the Project will also be provided within Appendix A as the Program details are developed.

6.2. Terms of the Whale Tail Pit Project Applying to the Expansion

With respect to the Whale Tail Pit Expansion Proposal (Amendment 001; Expansion Proposal), the Whale Tail Pit Project Certificate No. 008 terms and conditions will continue to apply in full. The Board notes that where existing terms and conditions are specific to approved project infrastructure, these terms and conditions are expected to be applied inclusively to the Expansion Proposal components such as the IVR pit and associated infrastructure, and monitoring programs to the assessment of the updated impact predictions provided within the FEIS Addendum for Whale Tail Pit Expansion Proposal. These terms and conditions, including associated management, monitoring and reporting requirements, will continue to apply to the Expansion Proposal infrastructure and include, but are not limited to, the following:

- Terrestrial Environment (Geology and Geochemistry) – Term and Condition 7;
- Geological Features, Soils and Permafrost – Term and Condition 10;
- Hydrogeology and Groundwater Quantity and Quality – Terms and Conditions 14 and 16;
- Surface Water Hydrology, Surface Water Quality and Sediment Quality – Terms and Conditions 17 and 19.

6.3. Whale Tail Pit Project Terms and Conditions

6.3.1. Ecosystemic Terms and Conditions

Air Quality

<u>Revised</u> Term and Condition No.	1.
Category:	Air Quality – Air Quality Mitigation and Adaptive Management
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure that impacts of the project on air quality are identified, effectively mitigated and adaptively managed throughout the Project.
Term or Condition:	The Proponent shall:

	a) Develop and implement an Air Quality Monitoring and Management Plan that includes clear objectives and that specifies air quality monitoring thresholds that will trigger adaptive management responses and actions; b) In the implementation of the Plan, the Proponent shall demonstrate through active and passive monitoring of dustfall, for criteria air contaminant concentrations, incinerator stack testing, and vegetation, soil and snow chemistry sampling that dustfall and emissions of carbon monoxide (CO), nitrogen dioxide (NO₂), ozone (O₃), sulphur dioxide (SO₂), suspended particulate matter, mercury, dioxins and furans, and other chemicals remain within predicted levels and, where applicable, within levels or limits established by all applicable guidelines and regulations; c) <u>The Proponent shall ensure continuous NO₂ monitoring is undertaken downwind of mining activities to allow for comparison to relevant standards including the Canadian Ambient Air Quality Standards;</u> d) If exceedances occur, the Proponent shall provide an explanation for the exceedance, a description of planned mitigation, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures; and e) The Proponent shall also develop, implement, and report on the quality assurance and quality control protocols used to ensure data reliability and proper functioning of equipment.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board (NIRB) 30 days prior to commencement of construction, and the Proponent shall report on its development and implementation of this Plan and associated monitoring results annually to the NIRB.

Commentary: *It is expected that in the reporting of monitoring results, the Proponent will clearly identify: parameters that are being evaluated and compared to predicted levels set out in the Environmental Impact Statement; and parameters that are being evaluated and compared to levels or limits established by applicable guidelines and regulations.*

Term and Condition No.	2.
Category:	Air Quality – Dust suppression
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure that mitigation and adaptive management measures effectively mitigate dust impacts on Project roads.
Term or Condition:	Prior to commencing construction activities the Proponent shall update the existing Dust Management and Monitoring Plan for the Meadowbank Mine site to address and/or include the following additional items:

	- Align plan requirements with commitments made in the Final Environmental Impact Statement and during the Final Hearing to monitor dust along the existing all-weather access road, the Amaruq haul road and any other roads and trails associated with the Project. - Verify commitments to the utilization of dust suppressants along the all-weather access road, the Amaruq haul road and any other roads and trails associated with the Project, including a description of the type of suppressant to be utilized and the frequency and timing of applications to be made throughout the various seasons of road use. - Outline the specific triggers, thresholds, and adaptive management measures that will apply if monitoring indicates that dust deposition is higher than predicted.
Reporting Requirements:	The Proponent shall report annually to the Nunavut Impact Review Board with a summary of its dust management activities.

Climate and Meteorology

Term and Condition No.	3.
Category:	Climate and Meteorology – Greenhouse Gas Reduction Plan
Responsible Parties:	The Proponent
Project Phase:	Construction, Operations, Temporary Closure/Care and Maintenance, and Closure
Objective:	To monitor and reduce greenhouse gas emissions produced by the Project.
Term or Condition:	The Proponent shall maintain a Greenhouse Gas Emissions (GHG) Reduction Plan which includes: - An estimate of the Project's GHG baseline emissions; - A description of monitoring measures to be undertaken, including the methods, frequency, parameters, and a description the analysis that will be carried out on the monitoring data generated; and - A description of mitigative and adaptive strategies planned, and taken, to reduce project-related greenhouse gas emissions over the Project lifecycle.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board (NIRB) within 60 days of the issuance of the Project Certificate, with results submitted annually thereafter or as may otherwise be required by the NIRB.

Noise and Vibration

Term and Condition No.	4.
Category:	Noise and Vibration – Noise Reduction
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction

Objective:	To ensure worker health and safety.
Term or Condition:	The Proponent shall demonstrate consideration for noise reduction when siting and constructing the camp and other project infrastructure.
Reporting Requirements:	Site design plans with reference to noise dispersion modelling shall be submitted to the Nunavut Impact Review Board 30 days prior to the commencement of construction activities.

Term and Condition No.	5.
Category:	Noise and Vibration – Noise Reduction
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations
Objective:	To minimize sensory disturbance to humans and wildlife
Term or Condition:	The Proponent shall: a) Conduct noise monitoring at least once during each phase of the Project at four (4) locations in the vicinity of the Whale Tail Pit Project and at two (2) locations along the haul road to demonstrate that noise levels remain within predicted levels for all Project areas; and b) If monitoring identifies an exceedance, the Proponent shall provide an explanation for the exceedance, a description of planned mitigation, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures.
Reporting Requirements:	Results of all noise monitoring undertaken by the Proponent for the Project shall be provided to the Nunavut Impact Review Board on an annual basis.

Terrestrial Environment (Geology and Geochemistry)

Term and Condition No.	6.
Category:	Mine Contact Water Quality
Responsible Parties:	The Proponent
Project Phase:	Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure mine contact water quality is maintained and to require that the Proponent conduct monitoring and implement adaptive management measures to mitigate potential impacts to the receiving environment from mine contact water.
Term or Condition:	The Proponent shall: a) Conduct detailed hydrodynamic modelling during operations and closure to evaluate the mixing of the Waste Rock Storage Facility seepage into Mammoth Lake post-closure; and b) Based on the results of the modelling implement monitoring programs and adaptive management strategies that minimize the need for active intervention, including long-term treatment of mine contact water.

Reporting Requirements:	The Proponent shall provide a summary of activities undertaken to address the requirements of this term and condition in annual report(s) to the Nunavut Impact Review Board.
-------------------------	---

Term and Condition No.	7.
Category:	Mine Waste Rock and Tailings Management Plan
Responsible Parties:	The Proponent
Project Phase:	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To minimize the potential for impacts associated with the Tailings Storage Facility and the Waste Rock Storage Facility.
Term or Condition:	Prior to commencement of mining of the Whale Tail deposit, and in consultation with applicable regulatory agencies, including Natural Resources Canada, the Proponent shall as part of a Mine Waste Rock and Tailings Management Plan that reflects site-specific geological and geochemical conditions: a) Develop and implement monitoring programs for the Tailings Storage Facility and the Waste Rock Storage Facility at the Whale Tail Pit; b) Establish thresholds that will trigger the requirement for the Proponent to implement adaptive management strategies to minimize the potential for impacts from these Facilities; and c) Identify the adaptive management strategies that will be used by the Proponent to minimize the potential for impacts from these Facilities.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 60 days prior to the start of construction of the Waste Rock Storage Facility, with subsequent updates or revisions to the Plan submitted annually thereafter or as may otherwise be required by the NIRB for the life of the Project.

Commentary: To clarify, Natural Resources Canada is not a regulatory authority responsible for approving tailings and/or waste rock storage facilities. However, recognizing the expertise of Natural Resources Canada in respect of issues such as permafrost, the Proponent is encouraged to consult with Natural Resources Canada to minimize the potential for impacts from these Facilities.

The reference to the Tailings Storage Facility (TSF) in this term and condition refers to the existing facility located at Meadowbank Gold Mine site; and the Mine Waste Rock and Tailings Management Plan should be updated to consider the modifications proposed to the existing TSF to accommodate the tailings resulting from the processing of additional ore from the Whale Tail Pit.

Term and Condition No.	8.
Category:	Acid Rock Drainage and Metal Leaching Management Plan
Responsible Parties:	The Proponent

Project Phase:	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To address potential impacts from acid rock drainage and metal leaching.
Term or Condition:	The Proponent shall submit a detailed Acid Rock Drainage and Metal Leaching Management Plan that includes the following items: ▪ Waste rock segregation and testing, ▪ Thermal monitoring of waste rock; ▪ Seepage management and monitoring; ▪ A schedule for reporting of results and periodic updating of predictions for the WRSF pond quality; ▪ Planning for optimal cover conditions; ▪ Contingency measures that may be implemented if required; ▪ Plans for comparing monitoring results from receiving waters to model predictions; and ▪ The identification of thresholds that will trigger management actions if trends analysis indicates water quality objectives may be exceeded.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 30 days prior to the start of construction, with subsequent updates or revisions to the Plan submitted annually thereafter or as may otherwise be required by the NIRB for the life of the Project.

Geological Features, Soils and Permafrost

Term and Condition No.	9.
Category:	Site-specific Geotechnical Studies
Responsible Parties:	The Proponent
Project Phase:	Pre-construction
Objective:	To prevent potential impacts to sensitive land features.
Term or Condition:	The Proponent shall undertake the additional site-specific geotechnical investigations required to identify sensitive land features and to inform final engineering design prior to the construction of project components such as the waste rock storage facility and quarries.
Reporting Requirements:	Results from these studies should be submitted to the Nunavut Impact Review Board at least 30 days prior to the start of construction of these facilities, with results or updates submitted annually thereafter as applicable.

Term and Condition No.	10.
Category:	Site-specific Permafrost Monitoring, Mapping and Thermal Analysis
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure

Objective:	To prevent or limit project impacts to pre-existing permafrost and seasonal ground ice conditions and to ensure integrity of site infrastructure is maintained.
Term or Condition:	In consultation with applicable regulatory agencies such as Indigenous and Northern Affairs Canada and Natural Resources Canada, the Proponent shall undertake additional site-specific permafrost monitoring, mapping and thermal analysis to: ▪ Document permafrost conditions, including seasonal thaw and amount of ground ice; ▪ Inform the detailed design of project infrastructure such as the Whale Tail pit, water management structures, mine site and haul roads, waste rock storage facility, tailings storage facility; and ▪ Ensure the integrity of such infrastructure is maintained after construction.
Reporting Requirements:	Results of these studies should be submitted to the Nunavut Impact Review Board at least 30 days prior to the start of construction of these facilities, with subsequent updates submitted annually thereafter.

Commentary: To clarify, Natural Resources Canada is not a regulatory authority responsible for approving tailings and/or waste rock storage facilities. However, recognizing the expertise of Natural Resources Canada in respect of issues such as permafrost, the Proponent is encouraged to consult with Natural Resources Canada to minimize the potential for impacts from these Facilities.

The reference to the Tailings Storage Facility (TSF) in this term and condition refers to the existing facility located at Meadowbank Gold Mine site; and the Mine Waste Rock and Tailings Management Plan should be updated to consider the modifications proposed to the existing TSF to accommodate the tailings resulting from the processing of additional ore from the Whale Tail Pit.

Term and Condition No.	11.
Category:	Erosion Management Plan
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure management of erosion from land disturbance.
Term or Condition:	The Proponent shall develop and implement an Erosion Management Plan to prevent or minimize erosion and its resulting effects from project-related land disturbance.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 30 days prior to the start of construction, with updates submitted annually thereafter or as may otherwise be required by the NIRB.

Term and Condition No.	12.
Category:	Closure and Reclamation Plan –Progressive Reclamation and Restoration Reflecting Natural Aesthetics and Community Aesthetic Values
Responsible Parties:	The Proponent
Project Phase:	Operations, Temporary Closure/Care and Maintenance, and Closure
Objective:	To ensure that disturbed land parcels no longer required for operations are progressively reclaimed with the natural aesthetics restored to the extent practicable, and in a manner that considers community aesthetic values.
Term or Condition:	As part of the Closure and Reclamation Plan, the Proponent shall develop and implement a program to: a) Progressively reclaim disturbed areas within the project footprint, with an emphasis on restoring the natural aesthetics of the area through re-contouring to the extent practicable; and b) In a manner that demonstrates that the Proponent has considered the aesthetic values of local communities (e.g. information regarding the acceptability of the topography and landscape of the project areas following progressive reclamation efforts).
Reporting Requirements:	The Proponent shall provide a summary of its progressive reclamation efforts and associated feedback received from communities with respect to aesthetic values solicited by the Proponent as part of its public engagement processes in its annual reporting to the Nunavut Impact Review Board.

Term and Condition No.	13.
Category:	Closure and Reclamation Plan – Topsoil Management
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, and Closure
Objective:	To ensure that disturbed land can support revegetation on closure.
Term or Condition:	The Proponent shall explore the feasibility of topsoil/organic matter salvage as part of project development and provide updates to the Closure and Reclamation Plan based on this investigation.
Reporting Requirements:	The Proponent shall provide a summary of its management of topsoil in annual reports to the Nunavut Impact Review Board.

Hydrogeology and Groundwater Quantity and Quality

Term and Condition No.	14.
Category:	Talik Distribution and Flow
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To provide information on potential project impacts on talik distribution and flow.

Term or Condition:	The Proponent shall develop and implement a Thermal Monitoring Plan to identify potential changes in talik distribution and flow paths that may result from the development of project infrastructure, including the Whale Tail pit, dikes, and water impoundments.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 60 days prior to the start of construction of these facilities, with subsequent updates submitted annually thereafter or as may otherwise be required by the NIRB.

Term and Condition No.	15.
Category:	Groundwater Monitoring Plan – Hydraulic Conditions
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To understand potential project effects on site-specific hydrogeological conditions, and better understand the potential effects of the existing environment on the project.
Term or Condition:	Subject to the additional direction and requirements of the Nunavut Water Board, the Proponent shall prepare and implement a Groundwater Monitoring Plan that, at a minimum includes: ▪ The collection of additional site-specific hydraulic data (e.g., from new monitoring wells) in key areas during the pre-development, construction and operation phases; ▪ Definition of vertical and horizontal groundwater flows in the project development areas; ▪ Delineates monitoring plans for both vertical and horizontal ground water; and ▪ Thresholds that will trigger the implementation of adaptive management strategies that reflect site-specific conditions encountered at the project site.
Reporting Requirements:	The required Groundwater Monitoring Plan should be submitted to the Nunavut Impact Review Board at least 30 days prior to the start of construction, with subsequent plan revisions or updates submitted annually thereafter.

Term and Condition No.	16.
Category:	Groundwater Monitoring Plan – Hydrogeological Characterization and Mine Closure
Responsible Parties:	The Proponent
Project Phase:	Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To assess the potential for arsenic diffusion from the walls of the Whale Tail Pit.

Term or Condition:	Within two years of commencing operations, the Proponent shall: a) Conduct additional analyses to determine the approximate fill time for the Whale Tail Pit at closure; b) Undertake a hydrogeological characterization study to assess the potential for arsenic and phosphorous diffusion from submerged Whale Tail pit walls; c) If the results of the characterization study indicate a moderate to high potential for arsenic and/or phosphorous diffusion, perform detailed hydrodynamic modelling of the flooded pit lake prior to closure to evaluate meromictic conditions and flooded pit water quality; and d) Add these required activities to the site Groundwater Monitoring Plan.
Reporting Requirements:	An updated Groundwater Monitoring Plan that outlines the Proponent's plans to fulfill this term and condition should be submitted to the Nunavut Impact Review Board at least 30 days prior to the start of construction, with subsequent plan revisions or updates submitted annually thereafter.

Surface Water Hydrology, Surface Water Quality and Sediment Quality

Term and Condition No.	17.
Category:	Surface Water Hydrology, Surface Water Quality, Sediment Quality and Freshwater Aquatic Environment – Core Receiving Environment Monitoring Program and Water Quality and Flow Plan
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To mitigate potential impacts to surface waters.
Term or Condition:	The Proponent shall: a) Monitor the effects of project activities and infrastructure on surface water quality conditions; b) Ensure the monitoring data is sufficient to compare the impact predictions in the Environmental Impact Statement (EIS) for the Project with actual monitoring results; c) Ensure that the sampling locations and frequency of monitoring is consistent with and reflects the requirements of the Water Quality and Flow Plan and the Core Receiving Environmental Monitoring Program; and d) On an annual basis, the Proponent will compare monitoring results with the impact assessment predictions in the EIS and will identify any significant discrepancies between impact predictions and monitoring results.
Reporting Requirements:	The plan should be submitted to the Nunavut Impact Review Board at least 30 days prior to the start of construction, with results submitted annually thereafter.

Term and Condition No.	18.
Category:	Groundwater and Surface Water Quality; and Hydrological Features and Hydrogeology – Site Water Monitoring and Management Plan
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance and Closure and Post-Closure Monitoring
Objective:	To minimize the use of natural waters as practicable and limit potential impacts to the receiving environment from contact (site) water.
Term or Condition:	The Proponent shall, reflecting any direction from the Nunavut Water Board, maintain a Site Water Monitoring and Management Plan designed to: ▪ Minimize the amount of water that contacts mine ore and wastes; ▪ Appropriately manage all contact water and discharges to protect local aquatic resources; and ▪ Implement water conservation and recycling to maximize water reuse and minimize the use of natural waters. The Plan should include monitoring that demonstrates contact water (runoff and shallow groundwater) from the ore storage and waste rock storage areas is captured and managed, as per the Waste Rock Facility Management Plan.
Reporting Requirements:	The plan should be submitted to the Nunavut Impact Review Board at least 60 days prior to the start of construction, with results submitted annually thereafter.

Term and Condition No.	19.
Category:	Groundwater and Surface Water Quality, Sediment Quality and Freshwater Aquatic Environment – Core Receiving Environmental Monitoring Program
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To mitigate potential impacts to groundwater, surface waters and freshwater aquatic environment.
Term or Condition:	The Proponent shall, reflecting any direction from responsible authorities such as the Nunavut Water Board, Fisheries and Oceans Canada and Environment and Climate Change Canada, maintain a Core Receiving Environment Monitoring Program (CREMP) designed to: ▪ Determine the short and long-term effects in the aquatic environment resulting from the Project; ▪ Evaluate the accuracy of Project effect predictions; ▪ Assess the effectiveness of mitigation and management measures on Project effects;

	- Identify additional mitigation measures to avert or reduce environmental effects due to Project activities; - Comply with Metal Mining Effluent Regulations requirements, should an Environmental Effects Monitoring program be triggered; - Reflect site-specific water quality conditions; - Include details comparing the watershed features in the Whale Tail watershed to those watersheds used as reference lakes; and - Evaluate the mixing and non-mixing portion of the pit. The CREMP should include sufficient sampling and monitoring programs to appropriately characterize the receiving environment to ensure that adequate data is available to assess impact predictions made within the Environmental Impact Statement for the Whale Tail Pit Project.
Reporting Requirements:	The updated plan should be submitted to the Nunavut Impact Review Board at least 60 days prior to the start of construction, with results submitted annually thereafter.

Freshwater Aquatic Environment

Term and Condition No.	20.
Category:	Freshwater Aquatic Environment – Setbacks
Responsible Parties:	The Proponent
Project Phase:	Construction, Operations, Temporary Closure/Care and Maintenance and Closure
Objective:	To mitigate impacts of runoff/sedimentation from project quarries and borrow pits into freshwater aquatic habitat.
Term or Condition:	Unless otherwise authorized, the Proponent shall maintain an appropriate setback distance between project quarries and borrow pits from fish-bearing or permanent waterbodies as required to prevent acid rock drainage or metal leaching into such waterbodies.
Reporting Requirements:	Throughout quarry development and operation, the Proponent shall, on an annual basis, provide information regarding quarry setback distances maintained and/or mitigation measures implemented by the Proponent in fulfillment of this term and condition in the Proponent's annual report to the Nunavut Impact Review Board.

Commentary: Recognizing that the objective underlying this term and condition is mitigation of impacts of runoff/sedimentation, the Proponent, in meeting the requirements of the term and condition is responsible for mitigating the potential for impacts from runoff/sedimentation associated with project quarries and borrow pits.

Term and Condition No.	21.
Category:	Freshwater Aquatic Environment – Watercourses
Responsible Parties:	The Proponent
Project Phase:	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To prevent blockages or restrictions to fish passages.

Term or Condition:	The Proponent shall ensure that all project infrastructures in watercourses are designed and constructed in such a manner that they do not unduly prevent or limit the movement of water or fish species in fish bearing streams and rivers, unless otherwise authorized by Fisheries and Oceans Canada.
Reporting Requirements:	Throughout the life of the Project, the Proponent shall report on how the Proponent has maintained and/or implemented mitigation measures in fulfillment of this term and condition in the Proponent's annual report to the Nunavut Impact Review Board.

Term and Condition No.	22.
Category:	Freshwater Aquatic Environment – Blasting
Responsible Parties:	The Proponent, Fisheries and Oceans Canada
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance and Closure.
Objective:	To mitigate impacts of explosives use on fish and fish habitat.
Term or Condition:	The Proponent shall engage with Fisheries and Oceans Canada to develop project specific thresholds, mitigation and monitoring for any blasting activities that would exceed the requirements of Fisheries and Oceans Canada's <i>Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters</i> .
Reporting Requirements:	If project-specific thresholds, mitigation and monitoring requirements are developed, the Proponent shall identify these requirements in the annual report provided to the Nunavut Impact Review Board.

Term and Condition No.	23.
Category:	Freshwater Aquatic Environment – Trophic Status
Responsible Parties:	The Proponent, Environment and Climate Change Canada, Fisheries and Oceans Canada
Project Phase:	Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To minimize potential project impacts to freshwater ecosystem productivity.
Term or Condition:	The Proponent shall, reflecting any direction from Environment and Climate Change Canada and Fisheries and Oceans Canada: a) Conduct additional analysis to support the conclusions that a change in trophic status in Mammoth Lake would not impact fish productivity; b) Undertake additional site-specific studies to assess the predicted trophic change on lake ecosystem productivity to monitor potential changes to downstream environments; and c) Monitor actual loadings/concentrations in the receiving environment, identify trends in downstream chemistry and productivity, and track trophic status of Mammoth Lake.

Reporting Requirements:	The Plan for undertaking these additional studies and associated monitoring should be submitted to the Nunavut Impact Review Board (NIRB) at least 30 days prior to operations, with updates submitted annually thereafter or as may otherwise be required by the NIRB. A report on the results of these studies and associated monitoring should be provided at least 30 days prior to closure.
-------------------------	--

Commentary: For clarity, the Proponent's obligations to conduct additional analysis under 23(a) is expected to objectively test the Proponent's conclusions in the Environmental Impact Statement that a change in trophic status in Mammoth Lake would not impact fish productivity.

Term and Condition No.	24.
Category:	Freshwater Aquatic Environment – Fisheries Habitat Offsetting Plan
Responsible Parties:	The Proponent, Fisheries and Oceans Canada
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To determine the viability of the flooded south basin of Whale Tail Lake as an effective offset for habitat losses.
Term or Condition:	The Proponent shall engage Fisheries and Oceans Canada, and other interested parties to further assess: ▪ Whether the increased surface area of Whale Tail Lake is a viable offset to habitat losses resulting from development of the Project; and ▪ Whether Whale Tail end pit would support fish in the post closure scenario. Results of this assessment should be incorporated into the Habitat Compensation Plan and/or the Conceptual Fisheries Offsetting Plan as appropriate.
Reporting Requirements:	The updated information should be submitted to the Nunavut Impact Review Board at within 60 days of the issuance of the Project Certificate.

Vegetation

Term and Condition No.	25.
Category:	Vegetation – Invasive Species
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To prevent the introduction of invasive species.
Term or Condition:	The Proponent shall: a) Ensure that equipment and supplies brought to the project sites are clean and free of soils that could contain plant seeds or organic matter not naturally occurring in the area b) Ensure that vehicle tires and treads are inspected prior to initial use in project areas;

	c) Incorporate protocols for monitoring for the potential introduction of invasive vegetation species (e.g. surveys of plant populations in previously disturbed areas) into relevant monitoring and management plans for the terrestrial environment; and d) Ensure any introductions of non-indigenous plant species must be promptly reported to the Government of Nunavut Department of Environment.
Reporting Requirements:	At least <u>30</u> days prior to first shipment of equipment and supplies to the site, the Proponent's mitigation plans, protocols, monitoring and inspection program required in fulfillment of this term and condition shall be provided to the Nunavut Impact Review Board (NIRB) for review. Subsequently, information regarding inspections, monitoring results, and any reports as referenced above shall be included in the Proponent's annual report to the NIRB.

Term and Condition No.	26.
Category:	Vegetation – Mine Closure and Reclamation Plan
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To encourage re-establishment of vegetation in disturbed areas as part of progressive reclamation efforts.
Term or Condition:	The Proponent shall include revegetation strategies within its Mine Closure and Reclamation Plan that support progressive reclamation, and promote natural revegetation and recovery of disturbed areas compatible with the surrounding natural environment. These strategies should include exploration of the feasibility and practicality of topsoil/organic matter salvage through Project development. Consideration for the results of similar reclamation efforts at other northern projects, including the Meadowbank Gold Mine Project, must be demonstrated.
Reporting Requirements:	Within three (3) years from the commencement of construction, information regarding the revegetation strategies developed and implemented by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board (NIRB). Subsequently, information regarding the Proponent's progress in fulfillment of this Term and Condition shall be provided annually in the Proponent's annual report to the NIRB.

Terrestrial Wildlife and Wildlife Habitat

Revised Term and Condition No.	27.
Category:	Wildlife and Wildlife Habitat –Terrestrial Advisory Group
Responsible Parties:	The Proponent, Government of Nunavut, Kivalliq Inuit Association and Baker Lake Hunters and Trappers Organization

Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To establish an advisory group to provide technical oversight on the Project's mitigation, monitoring, and adaptive management measures related to the protection of wildlife.
Term or Condition:	The Proponent shall participate in a Terrestrial Advisory Group with the Government of Nunavut, the Baker Lake Hunters and Trappers Organization, the Kivalliq Inuit Association, and other parties as appropriate to continually review and refine mitigation and monitoring details within the Terrestrial Ecosystem Management Plan. Additional caribou collar data, results from associated studies, Inuit Qaujimajatuqangit shared by knowledge holders , and other monitoring data as available should be considered for incorporation as appropriate.
Reporting Requirements:	Finalized Terms of Reference for the Terrestrial Advisory Group shall be provided to the Nunavut Impact Review Board (NIRB) within six (6) months of issuance of the Project Certificate. A summary of outcomes from Terrestrial Advisory Group meetings shall be provided to the NIRB on an annual basis in the Proponent's Annual Report.

New Commentary: Recognizing the importance of active participation of the Baker Lake Hunters and Trappers Organization in the Terrestrial Advisory Group, the Proponent, and relevant government agencies are strongly encouraged to provide direct funding support as necessary to support its full and active participation.

Revised Term and Condition No.	28.
Category:	Wildlife and Wildlife Habitat – Terrestrial Ecosystem Management Plan
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To mitigate, monitor, and adaptively manage potential impacts to wildlife.
Term or Condition:	The Proponent shall maintain a Terrestrial Ecosystem Management Plan (TEMP) throughout all phases of the Project. The Plan shall include detailed monitoring, mitigation, and adaptive management measures for wildlife, with consideration for each Project activity predicted to affect wildlife, and with inclusion of specific triggers for mitigation and adaptive management intervention. The TEMP shall demonstrate consideration for all relevant commitments made by the Proponent throughout the Nunavut Impact Review Board's review of the Project. Updates to the TEMP may be required when there are significant changes in project development plans, monitoring results indicating biologically-meaningful changes, significant updates to the scientific understanding of management methods relevant to wildlife at the project site, Inuit Qaujimajatuqangit, Traditional Knowledge, changes in climatic conditions

	that might subject wildlife to unexpected impacts, or as otherwise necessary.
Reporting Requirement	The Proponent shall submit a revised TEMP to the Nunavut Impact Review Board (NIRB) within one (1) year of issuance of the Project Certificate, with subsequent versions provided as appropriate. Results of the TEMP shall be reported to the NIRB annually, <u>including details of how Inuit Qaujimaqatugangit contributed by knowledge holders has been considered and utilized in associated activities and updates.</u>

Term and Condition No.	29.
Category:	Wildlife and Wildlife Habitat – Caribou Data and Analyses
Responsible Parties:	The Proponent, the Government of Nunavut
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance,
Objective:	To reduce uncertainty associated with the potential impacts of the Project, including the haul road, as well as of the Meadowbank Gold Mine and its All-Weather Access Road on caribou and thereby improve caribou protection measures.
Term or Condition:	The Proponent shall, in collaboration with the Government of Nunavut, collect additional caribou collar data and conduct analyses of this data to quantify the zone of influence and associated effects of project components on caribou movement for a study area that includes the Whale Tail mine site, the haul road, the Meadowbank Gold Mine and its All-Weather Access Road.
Reporting Requirements:	A summary of the analyses and associated effects shall be provided annually in the Proponent's annual report to the Nunavut Impact Review Board.

Commentary: The Government of Nunavut's caribou collaring and caribou monitoring data will assist the Proponent in completing Project effects monitoring. While the Government of Nunavut will facilitate the collection of necessary collaring and caribou monitoring data that relates to the Government of Nunavut - Kivalliq Ungulate Monitoring Program for the fulfillment of this Term and Condition, the Government of Nunavut will not be responsible for costs associated with fulfilling the "zone of influence and associated effects of project components" analysis stated in the Term and Condition.

<u>Revised</u> Term and Condition No.	30.
Category:	Wildlife and Wildlife Habitat – Caribou Data and Analyses
Responsible Parties:	The Proponent, <u>Government of Nunavut, Kivalliq Inuit Association, Baker Lake Hunters and Trappers Organization</u>
Project Phase:	Pre-construction, Construction, and Operations,
Objective:	To verify the effectiveness of the caribou protection measures within the Terrestrial Ecosystem Management Plan.
Term or Condition:	The Proponent shall <u>collect additional data on caribou group sizes in proximity to the Project, and shall work with the Terrestrial Advisory Group</u>

	to refine appropriate caribou group size thresholds that trigger additional mitigation. Initially, the group size thresholds should be set at 110 (fall), 25 (winter and summer), and 12 (spring) work with the Government of Nunavut, the Baker Lake Hunters and Trappers Organization and the Kivalliq Inuit Association through the Terrestrial Advisory Group to develop and update thresholds to trigger implementation of mitigation measures on both the AWAR and Whale Tail Haul road, up to and including temporary road closures. The Proponent shall consider how these thresholds and mitigation measures reflect caribou life cycle sensitivities as well as demonstrate how Inuit Qaujimajatuqangit was incorporated throughout the development of these criteria and procedures.
Reporting Requirements:	The Proponent shall ensure modifications to the group size thresholds are incorporated into the Terrestrial Ecosystem Management Plan is updated to reflect the thresholds agreed upon by parties, and that this Plan along with a summary of consultation with the Terrestrial Advisory Group are submitted on an annual basis or as thresholds are otherwise modified in the Proponent's annual report to the to the Nunavut Impact Review Board.

Term and Condition No.	31.
Category:	Wildlife and Wildlife Habitat – Road traffic management
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To minimize impacts to caribou and other terrestrial wildlife from road traffic.
Term or Condition:	The Proponent shall develop and implement a Road Access Management Plan and maintain traffic monitoring logs along the haul road between the Whale Tail Pit project and the Meadowbank mine. Where traffic exceeds levels predicted within the Environmental Impact Statement, the Proponent shall develop and implement appropriate modifications to its wildlife protection measures.
Reporting Requirements:	The Road Access Management Plan shall be provided to the Nunavut Impact Review Board (NIRB) 90 days prior to operations commencing. An annual summary of the monthly maximum, minimum and average traffic levels shall be provided to the NIRB in the Proponent's annual report.

Term and Condition No.	32.
Category:	Wildlife and Wildlife Habitat – Wildlife mitigation
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To minimize impacts to caribou from roads
Term or Condition:	The Proponent shall engage with the Baker Lake Hunters and Trappers Organization and other relevant parties to ensure that safety barriers,

	berms, and designed crossings associated with project infrastructure, including the haul road, are constructed and operated as necessary to allow for the safe passage of caribou and other terrestrial wildlife.
Reporting Requirements:	Summaries of engagement with the Baker Lake Hunters and Trappers Organization regarding implementation of this condition shall be provided to the Nunavut Impact Review Board along with details of the selected crossings in the Proponent's annual report to the Nunavut Impact Review Board.

Term and Condition No.	33.
Category:	Wildlife and Wildlife Habitat – Monitoring and Mitigation
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To provide the information base necessary to analyze, understand and appropriately manage project interactions with wildlife.
Term or Condition:	The Proponent shall provide wildlife incident reports to the appropriate authorities in a timely fashion. Wildlife incident reports should include the following information: a) Locations (i.e., latitude and longitude), species, number of animals, a description of the animal activity, and a description of the gender and age of animals if possible; b) Prior to conducting project activities, the Proponent should map the location of any sensitive wildlife sites such as denning sites, calving areas, caribou crossing sites, and raptor nests in the project area, and identify the timing of critical life history events (i.e., calving, mating, denning and nesting); and c) Additionally, the Proponent should indicate potential impacts from the project, and ensure that operational activities are managed and modified to avoid impacts on wildlife and sensitive sites
Reporting Requirements:	A summary regarding all wildlife incidents reported, including a reference to whether compensation was or will be provided by the Proponent for direct mortalities, as well as a description of any other steps taken in fulfillment of this term and condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

Commentary: Items (b) and (c) are not typically included in the wildlife incidents reports, but rather are expected to be included in the Terrestrial Ecosystem Management Plan and will be provided in accordance with the requirements of term and condition #28.

Birds and Bird Habitat

Term and Condition No.	34.
Category:	Birds and Bird Habitat – Mitigation, Monitoring, and Adaptive Management for Migratory Birds
Responsible Parties:	The Proponent, Environment and Climate Change Canada
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To develop and implement appropriate mitigation and monitoring measures for migratory birds
Term or Condition:	The Proponent will maintain a Migratory Birds Protection Plan for the Project in consultation with Environment and Climate Change Canada and other interested parties. The plan should include and/or demonstrate that the Proponent give consideration to the following: ▪ Information obtained from baseline characterization of migratory bird and vegetation communities within the predicted flood area; ▪ Results of field tests and/or the thorough literature review of the effectiveness of preferred deterrence prior to actual flooding; and ▪ Details regarding monitoring the effectiveness of mitigation measures during flooding.
Reporting Requirements:	Results of implementation of the Migratory Birds Protection Plan shall be reported to the Nunavut Impact Review Board on an annual basis in the Proponent's annual report.

Term and Condition No.	35.
Category:	Birds and Bird Habitat – Mitigation and Monitoring Measures for Species at Risk
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To mitigate and monitor potential impacts to Species at Risk.
Term or Condition:	The Proponent shall ensure that the mitigation and monitoring strategies developed for Species at Risk are updated as necessary to maintain consistency with any applicable status reports, recovery strategies, action plans, and management plans that may become available through the duration of the Project.
Reporting Requirements:	Information regarding development, implementation and monitoring of the measures developed by the Proponent in fulfillment of this term and condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

Term and Condition No.	36.
Category:	Birds and Bird Habitat – Raptor Mitigation Measures
Responsible Parties:	The Proponent, the Government of Nunavut – Department of Environment
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To mitigate potential impacts to raptors from project operations.
Term or Condition:	Prior to removal or deterrence of raptors, the Proponent will contact the Government of Nunavut – Department of Environment to discuss proposed mitigation options and, if required, will obtain the necessary permits.
Reporting Requirements:	The Proponent shall include summaries of any mitigation measures implemented and permits obtained in fulfillment of this term and condition in the Proponent's annual report to the Nunavut Impact Review Board.

Marine Environment including Marine Wildlife and Habitat

Term and Condition No.	37.
Category:	Shipping Management Plan
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure that parties are provided with information on how potential impacts from project-related shipping activities will be mitigated.
Term or Condition:	The Proponent shall maintain a Shipping Management Plan in coordination and consultation with applicable regulatory authorities and the Kivalliq Inuit Association, and the Hunters and Trappers Organizations of the Kivalliq communities.
Reporting Requirements:	The updated plan should be submitted to the Nunavut Impact Review Board at least 90 days prior to the start to commencement of shipping activities, with subsequent updates submitted annually thereafter in the Proponent's annual report or as may otherwise be required by the NIRB.

Term and Condition No.	38.
Category:	Marine Shipping Route
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations
Objective:	To ensure that marine shipping activities avoid sensitive wildlife habitat and disruption of Inuit harvesting activities.
Term or Condition:	The Proponent shall ensure that marine shipping activities avoid sensitive wildlife habitat and species along the shipping route and use a routing south of Coats Island as the primary shipping route, subject to vessel and human safety considerations.
Reporting Requirements:	Confirmation that the requirements of this term and condition are being effectively implemented by shipping companies contracted by the

	Proponent should be submitted as part of annual reporting to the Nunavut Impact Review Board.
--	---

Term and Condition No.	39.
Category:	Marine Shipping – Seabird Colonies
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure that marine shipping activities avoid seabirds and marine mammals.
Term or Condition:	The Proponent shall ensure that, subject to vessel safety requirements, a setback distance of at least 500 metres is maintained from colonies and aggregations of seabirds and marine mammals during Project shipping transiting through Hudson Strait, Hudson Bay, and Chesterfield Inlet.
Reporting Requirements:	Confirmation that the requirements of this term and condition are being effectively implemented by shipping companies contracted by the Proponent should be submitted as part of annual reporting to the Nunavut Impact Review Board.

Commentary: The term “seabirds” includes all marine birds, including seabirds, coastal waterfowl and sea ducks.

Term and Condition No.	40.
Category:	Ship-based Marine Mammal Monitoring Program
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations
Objective:	To ensure that the project avoids vessel collision with and/or disturbance of marine mammals and seabird colonies.
Term or Condition:	The Proponent shall develop and implement a ship-based marine mammal monitoring program, as part of a Marine Mammal Management and Monitoring Plan, in consultation with Fisheries and Oceans Canada, communities, and other interested parties. The Proponent shall report any accidental contact by project vessels with marine mammals or seabird colonies to applicable responsible authorities including Fisheries and Oceans Canada and Environment and Climate Change Canada.
Reporting Requirements:	The Plan should be submitted to the Nunavut Impact Review Board at least 90 days prior to commencement of shipping activities, with subsequent updates submitted annually thereafter. Confirmation that the requirements of the Plan are being effectively implemented by shipping companies contracted by the Proponent should be provided with annual reporting.

Commentary: The term “seabirds” includes all marine birds, including seabirds, coastal waterfowl and sea ducks. The term “seabird colonies” refers to aggregation and concentrations of birds on land and on water.

The scope of the Marine Mammal Management Plan includes management of seabirds.

Term and Condition No.	41.
Category:	Marine Shipping – Public Engagement
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations
Objective:	To ensure that potential impacted communities are informed about marine shipping activities.
Term or Condition:	The Proponent shall provide notification to communities regarding scheduled ship transits throughout the regional study area, including Hudson Bay and Chesterfield Inlet.
Reporting Requirements:	The Proponent shall provide a summary of public consultation undertaken to address this term and condition in its annual report to the Nunavut Impact Review Board.

Term and Condition No.	42.
Category:	Marine Shipping – Public Engagement
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations
Objective:	To ensure that potentially impacted communities are informed about marine shipping activities and can provide feedback to inform project related shipping.
Term or Condition:	The Proponent shall design monitoring programs to ensure that local users of the marine area along the shipping route have the opportunity to provide feedback and input in relation to monitoring and evaluating potential project-induced impacts and changes in marine mammal distributions. The Proponent shall demonstrate how feedback received from community consultations has been incorporated into the most appropriate mitigation or management plans.
Reporting Requirements:	The Proponent shall provide a summary of public consultation undertaken to address this term and condition in its annual report to the Nunavut Impact Review Board.

Term and Condition No.	43.
Category:	Marine Shipping Contractors
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure that marine shipping contractors and/or companies meet all applicable regulatory requirements.
Term or Condition:	The Proponent shall contract only certified vessels to carry cargo for the Project, and will ensure shippers are aware of the requirements of the

	Shipping Management Plan, the Risk Management and Emergency Response Plan, and the Oil Pollution Emergency Plan. ¹⁰
Reporting Requirements:	Evidence of meeting the requirements of this term and condition should be submitted as part of annual reporting to the Nunavut Impact Review Board.

6.3.2. Socio-Economic Terms and Conditions

Economic Development and Business Opportunities

Term and Condition No.	44.
Category:	Economic Development and Opportunities – Socio-Economic Monitoring and Kivalliq Socio-Economic Monitoring Committee
Responsible Parties:	The Proponent and Kivalliq Socio-Economic Monitoring Committee
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	Encourages continued participation with the Kivalliq Socio-Economic Monitoring Committee along with other agencies and the communities of the Kivalliq region;
Term or Condition:	The Proponent is strongly encouraged to continue to participate in the work of the Kivalliq Socio-Economic Monitoring Committee along with other agencies and the communities of the Kivalliq region, and to identify areas of mutual interest and priority for inclusion into a collaborative monitoring framework that includes socio-economic priorities related to the Project, communities, and the Kivalliq region as a whole.
Reporting Requirements:	Information regarding the Proponent's efforts in fulfillment of this term and condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

Term and Condition No.	45.
Category:	Economic Development and Opportunities – Socio-Economic Monitoring
Responsible Parties:	The Proponent, Kivalliq Inuit Association, Government of Nunavut, Indigenous and Northern Affairs Canada, and Kivalliq communities
Project Phase:	Pre-Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	Development and establishment of a project specific Whale Tail Pit Socio-Economic Monitoring Committee to oversee the project-specific monitoring program.
Term or Condition:	The Proponent shall work in collaboration with other socio-economic stakeholders including, the Government of Nunavut, Indigenous and Northern Affairs Canada, the Kivalliq Inuit Association, and communities of the Kivalliq region, to establish a socio-economic working group for the Project to develop and oversee a Kivalliq Projects AEM Socio-Economic Monitoring Program. The working group will develop a Terms of Reference, which outlines each member's roles and responsibilities with

¹⁰ Revised wording is issued in the Notice of Errata Letter (November 28, 2017) from the NIRB to the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs.

	regards to, where applicable, project specific socio-economic monitoring throughout the life of the projects. The Proponent shall work with the other parties to use the updated Kivalliq Projects Socio-Economic Monitoring Program to monitor the predicted impacts outlined in the projects' respective environmental impact statements as well as regional concerns identified by the Kivalliq Socio-Economic Monitoring Committee. The Proponent shall work in collaboration with all other socio-economic stakeholders such as the Government of Nunavut, Indigenous and Northern Affairs Canada, Kivalliq Inuit Association, and the communities of the Kivalliq region in developing this program, which should include a process for adaptive management and mitigation in the event unanticipated impacts are identified.
Reporting Requirements:	The Terms of Reference for this multi-party, multi-project Working Group are to be provided to the Nunavut Impact Review Board (NIRB) upon completion, and within one (1) year of issuance of the Project Certificate. The Proponent shall produce annual joint "AEM Kivalliq Projects" Socio-Economic Monitoring reports throughout the life of the Projects that are submitted to the NIRB and discussed with the wider Kivalliq Socio-Economic Monitoring Committee. Details of the Kivalliq Projects Socio-Economic Monitoring Program are to be provided to the NIRB upon finalization, and within one (1) year of issuance of the Project Certificate.

Revised Term and Condition No.	46.
Category:	Economic Development and Opportunities – Socio-Economic Monitoring
Responsible Parties:	The Proponent, Kivalliq Socio-Economic Monitoring Committee, Kivalliq Inuit Association, Government of Nunavut, Indigenous and Northern Affairs Canada, and Kivalliq communities
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	Development of the project-specific socio-economic monitoring program and on-going monitoring of project-related socio-economic effects.
Term or Condition:	The Proponent should develop a Project-specific Whale Tail Pit Socio-Economic Monitoring Program designed to: ▪ Monitor for project-induced effects, including the impacts predicted in the Environmental Impact Statement through indicators presented in the Whale Tail Pit Socio-Economic Monitoring Plan; ▪ Reflect regional socio-economic concerns identified by the Kivalliq Socio-Economic Monitoring Committee (KivSEMC); ▪ Work in collaboration with all other socio-economic stakeholders such as the Kivalliq Inuit Association, the Government of Nunavut, and Indigenous and Northern Affairs Canada, and the communities of the Kivalliq region to develop the program; and

	▪ Include a process for adaptive management and mitigation to respond if unanticipated impacts are identified; and ▪ Monitor the success of existing and newly implemented gender-specific initiatives to determine their success and why they were considered successful or to identify any challenges to their implementation.
Reporting Requirements:	Details of the Whale Tail Pit Socio-Economic Monitoring Program should be submitted to the Nunavut Impact Review Board (NIRB) within one (1) year of issuance of the Project Certificate. The Proponent should produce annual Whale Tail Pit socio-economic monitoring reports throughout the life of the Project that are submitted to the NIRB and shared with the wider KivSEMC.

Term and Condition No.	47.
Category:	Economic Development and Opportunities – Socio-Economic Monitoring and Kivalliq Socio-Economic Monitoring Committee
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	To identify risks and potential effects of temporary mine closures on communities and develop appropriate offsetting measures.
Term or Condition:	The Proponent should undertake an analysis of the risk of temporary mine closure, giving particular consideration to how communities in the Kivalliq region may be affected by temporary closure of the mine, including consideration of the measures that can be taken to mitigate the potential for adverse effects (e.g. development of programs that provide transferable skills, identification of employment options that can include transfers amongst Agnico Eagle operations, etc.) This analysis is required to be updated as necessary to reflect significant changes to the Project or the socio-economic conditions in the region that may increase the risks and potential effects of temporary mine closures.
Reporting Requirements:	This initial results of the Proponent's analysis should be provided to the Nunavut Impact Review Board (NIRB) within six (6) months of the issuance of the Project Certificate. Any updates to the analyses should be provided to the NIRB within three (3) months following completion of updated analyses by the Proponent.

Employment, Education and Training

Term and Condition No.	48.
Category:	Employment – Staff Schedule
Responsible Parties:	The Proponent
Project Phase:	Construction, Operation, Temporary Closure/Care and Maintenance, Closure
Objective:	To produce accurate labour market information regarding available Project employment and skill requirements for the Project to support economic

	and employment forecasting.
Term or Condition:	The Proponent is strongly encouraged to submit staff schedule forecasts that should, at a minimum, include the following: - Title of positions required by department and division; - Quantity of positions available by project phase and year; - Transferable skills, both certified and uncertified which may be required for, or gained during, employment within each position; - The National Occupational Classification code for each individual position. The Proponent should also identify and register all trades occupations, journeypersons, and apprentices working with the Project and make this information available to the Government of Nunavut to assist in delivery of training initiatives and programs.
Reporting Requirements:	The Staff Schedule should be submitted to the Nunavut Impact Review Board six (6) months prior to each phase of the Project (construction, operations, closure).

Commentary: It is recommended that the Staff Schedule required to be submitted to the Nunavut Impact Review Board under this term and condition should also be provided to the Kivalliq Socio-Economic Monitoring Committee as well.

Term and Condition No.	49.
Category:	Employment
Responsible Parties:	The Proponent
Project Phase:	Construction, Operation, Temporary Closure/Care and Maintenance, Closure
Objective:	To ensure long-term success for employment and training of Nunavummiut.
Term or Condition:	The Proponent shall make best efforts to collaborate with the Government of Nunavut's Career Development Officer, Regional Manager of Career Development, and Director of Career Development. Semi-annual calls, at a minimum, should be initiated by the Proponent to address: - Hiring procedures and policies - Issues regarding employee recruitment and retention - AEM policies regarding career pathways and opportunities for advancement - Internal and/or partnered training and development of employees - Long-term labour market plans to facilitate training in communities
Reporting Requirements:	Summary information addressing the Proponent's fulfillment of this term and condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

Term and Condition No.	50.
Category:	Employment
Responsible Parties:	The Proponent
Project Phase:	Construction, Operation, Temporary Closure/Care and Maintenance, Closure
Objective:	Objectives to be included within the Socio-Economic Monitoring Plan
Term or Condition:	The Proponent will report the results of its Labour Market Analysis (LMA) and Inuit Work Barrier Study (WBS) to the Kivalliq Socio-Economic Monitoring Committee upon completion in 2018, which should integrate the findings into its ongoing work identifying gaps between the Kivalliq labour market and mining market needs, and how to activate latent labour pool in the Kivalliq region to maximize labour “capture” from mining for the region. The Proponent shall report the results and implications of the LMA and WBS within its first year’s Annual Report to the Nunavut Impact Review Board (NIRB), and show how the results have been integrated into an updated Socio-Economic Monitoring Plan for the Whale Tail Pit Project. The Proponent will participate in the work of the Kivalliq Socio-Economic Monitoring Committee along with other agencies and the communities of the Kivalliq region and to identify areas of mutual interest and priority for incorporation into a collaborative monitoring framework that includes socio-economic priorities related to the Project, communities, and the Kivalliq region as a whole. The Proponent will work in collaboration with other socio-economic stakeholders including, the Government of Nunavut, Indigenous and Northern Affairs Canada, the Kivalliq Inuit Association, and communities of the Kivalliq region to establish a socio-economic working group for the Project to develop and oversee a Kivalliq Projects AEM Socio-Economic Monitoring Program. The working group should develop a Terms of Reference which outlines each member’s roles and responsibilities with regards to, where applicable, project-specific socio-economic monitoring throughout the life of the Projects. The Terms of Reference for this multi-party, multi-project Working Group are to be provided to the Nunavut Impact Review board upon completion, and within one year of issuance of the Project Certificate. The Proponent will work with the other parties to use the updated Kivalliq Projects Socio-Economic Monitoring Program to monitor the predicted impacts in the Projects’ respective environmental impact statements as well as regional concerns identified by the Kivalliq Socio-Economic Monitoring Committee. The Proponent is encouraged to work in collaboration with all other socio-economic stakeholders such as the Government of Nunavut, Indigenous and Northern Affairs Canada, Kivalliq Inuit Association, and the communities of the Kivalliq region in developing

	this program, which should include a process for adaptive management and mitigation in the even unanticipated impacts are identified. The Proponent shall produce annual joint “AEM Kivalliq Projects” Socio-Economic Monitoring reports throughout the life of the Projects that are submitted to the Nunavut Impact Review board and discussed with the wider Kivalliq Socio-Economic Monitoring Committee. Details of the Kivalliq Projects Socio-Economic Monitoring Program are to be provided to the NIRB upon finalization, and within one year of issuance of the Project Certificate.
Reporting Requirements:	The Terms of Reference for this multi-party, multi-project Working Group are to be provided to the Nunavut Impact Review Board (NIRB) upon completion, and within one (1) year of issuance of the Project Certificate. Details of the Kivalliq Projects Socio-Economic Monitoring Program are to be provided to the NIRB upon finalization, and within one (1) year of issuance of the Project Certificate. The Proponent shall produce annual joint “AEM Kivalliq Projects” Socio-Economic Monitoring reports throughout the life of the Projects that are to be submitted as part of the Proponent’s annual report to the NIRB.

Revised Term and Condition No.	51.
Category:	Employment – socioeconomic closure planning
Responsible Parties:	The Proponent
Project Phase:	Construction, Operation, Temporary Closure/Care and Maintenance, Closure
Objective:	To ensure workers at the Project would be supported once operations cease, or in the event of temporary closure.
Term or Condition:	The Proponent shall develop a conceptual Socio-economic Closure Plan that: ▪ Links the socio-economic closure plans for Meadowbank and Whale Tail; ▪ Identifies regular update and multi-party review requirements; ▪ Shows evidence of consideration of socio-economic lessons learned from other northern mine closure experiences; ▪ Includes evidence of consultation with Kivalliq communities and governance bodies on socio-economic objectives/goals related to closure planning; ▪ Emphasizes plans, policies, and programs to increase transferable skills of Inuit workers, including into trades and other skilled positions; and ▪ Includes all plans, policies and programs related to socioeconomic factors in a temporary closure situation; and

	Includes a Workforce Transition Plan between the Whale Tail Project and other production mines owned and operated by the Proponent in the Kivalliq region. The Proponent shall advance the recommendations of the Conceptual Socio-economic Closure Plan through the development of a Final Socio-economic closure Plan that will be part of the Whale Tail Pit Project Final Closure and Reclamation Plan.
Reporting Requirements:	The conceptual socio-economic closure plan will be provided to the Nunavut Impact Review Board within one (1) year of issuance of the Project Certificate, and updated as needed prior to closure with information provided in the Proponent's annual report to the Nunavut Impact Review Board. The Conceptual Socio-economic Closure Plan will not be a stand-alone plan but will be included as part of the Whale Tail Pit Project Interim Closure Plan. The Whale Tail Pit Project Interim Closure Plan will be updated to include the Conceptual Socio-economic Closure Plan one year after the issuance of the amended water license and be provided to the Nunavut Water Board and Nunavut Impact Review Board. The Proponent will include updates on the progress of advancing recommendations of the Conceptual Socio-economic Closure Plan through its annual reports to the Nunavut Impact Review Board (NIRB).

Term and Condition No.	52.
Category:	Education and Training—Transferable Skills and Certifications
Responsible Parties:	The Proponent, Government of Nunavut, Training Organizations
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	Ensuring that the Project maximizes opportunities for the regional workforce to obtain transferable skills and certifications.
Term or Condition:	The Proponent should develop and maintain an easily referenced listing of formal certificates and licences that may be acquired via on-site training or training during project employment. The listing shall indicate which of these certifications and licences would be transferable to a similar job site within Nunavut.
Reporting Requirements:	The initial listing should be provided to the Nunavut Impact Review Board within six (6) months of the Project Certificate being issued. Updates to the list should be included in the Proponent's annual reports submitted to the Nunavut Impact Review Board and shared with the wider Kivalliq Socio-Economic Monitoring Committee throughout the life of the Project.

Population Demographics

Term and Condition No.	53.
Category:	Population Demographics – Monitoring Demographic Changes
Responsible Parties:	The Proponent and the Kivalliq Socio-Economic Monitoring Committee

Project Phase:	Pre-Construction, Construction, Operation, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	Monitoring demographic changes affecting the Kivalliq communities and the territory as a whole is important to understand and evaluate the Proponent's predictions with regards to population demographics and whether any trends are identified which may be correlated with the Project.
Term or Condition:	Provided the collection and sharing of such information is consistent with and not limited by any Inuit Impact and Benefit Agreement with the Kivalliq Inuit Association and that employees are willing to voluntarily provide this information, the Proponent should collect and provide project-specific data concerning employee community of residence and number of employees that relocated from the year prior (where available, to and from, for Arviat, Baker Lake, Chesterfield Inlet, Coral Harbour, Nauyasat, Rankin Inlet and Whale Cove). The details of this process will be captured in the terms of reference for the project specific Whale Tail Pit Socio-Economic Monitoring Committee.
Reporting Requirements:	Summaries of this information should be included in the annual Whale Tail Pit socio-economic monitoring reports submitted to the Nunavut Impact Review Board and shared with the wider Kivalliq Socio-Economic Monitoring Committee throughout the life of the Project.

Traditional Activity and Knowledge

Term and Condition No.	54.
Category:	Traditional Activity and Knowledge
Responsible Parties:	The Proponent
Project Phase:	Construction, Operations, and Post-Closure Monitoring
Objective:	To demonstrate the incorporation of Inuit Qaujimaningit in its Monitoring Plans
Term or Condition:	The Proponent should ensure that the development of all project monitoring plans and associated reporting and updates are undertaken with active engagement of Kivalliq communities, land users, and harvesters. The Proponent should work with the Kivalliq Inuit Association, the local Hunters and Trappers Organizations and the Kivalliq Socio-Economic Monitoring Committee to report on the collection and integration of Inuit Qaujimaningit through its monitoring programs for the Project.
Reporting Requirements:	To the extent that the sharing of such information is consistent with, and not limited by, any confidentiality or other agreements, summaries addressing the Proponent's fulfillment of this term and condition should be included in the Proponent's annual report to the Nunavut Impact Review Board.

Heritage Resources

Term and Condition No.	55.
Category:	Archaeological Surveys
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations
Objective:	To provide parties with updated information on the status of heritage resources in the project footprint.
Term or Condition:	The Proponent shall conduct archaeological surveys prior to land disturbance related to the Project and report survey results to applicable parties, including the Government of Nunavut – Department of Culture and Heritage.
Reporting Requirements:	Evidence of meeting the requirements of this term and condition should be submitted as part of the Proponent's annual reporting to the Nunavut Impact Review Board.

Term and Condition No.	56.
Category:	Archaeological Discoveries
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To ensure that any archaeological sites encountered are reported to appropriate regulatory authorities.
Term or Condition:	The Proponent shall report any archaeological site discovered during the construction, operation, and closure phases to the Government of Nunavut – Department of Culture and Heritage and the Kivalliq Inuit Association. Upon discovering an archeological site, the Proponent shall: - Take all reasonable precautions necessary to protect the site until further direction is received from the Government of Nunavut – Department of Culture and Heritage; and - If it becomes necessary to disturb an archaeological site, the Proponent shall consult with the Government of Nunavut – Department of Culture and Heritage, the Kivalliq Inuit Association, and potential impacted communities to establish a site specific mitigation plan, and obtain all necessary authorizations and comply with all applicable laws.
Reporting Requirements:	Evidence of meeting the requirements of this term and condition should be submitted as part of the Proponent's annual reporting to the Nunavut Impact Review Board.

Individual and Community Wellness

Term and Condition No.	57.
Category:	Individual and Community Wellness
Responsible Parties:	The Proponent
Project Phase:	Operations
Objective:	To promote employee health and well-being.
Term or Condition:	The Proponent shall update its Occupational Health and Safety Plan to include sexual health and well-being information in its employee orientation programming. In addition, the Proponent shall undertake an education program to inform workers of the range of health services available onsite.
Reporting Requirements:	The updated plan shall be provided to the Nunavut Impact Review Board (NIRB), once completed within six (6) months of issuance of the Project Certificate. Summaries of the education programs undertaken and any future updates or modifications to the Occupational Health and Safety Plan and the education program shall be included in the Proponent's annual report to the NIRB.

Term and Condition No.	58.
Category:	Individual and Community Wellness
Responsible Parties:	The Proponent, the Government of Nunavut
Project Phase:	Operations
Objective:	To ensure effective coordination between the health services provided by the Project and those provided by local communities through the Government of Nunavut.
Term or Condition:	The Proponent is encouraged to form a subcommittee which includes Government of Nunavut representatives to reach consensus decisions on health related issues that the Proponent or the Government of Nunavut bring forward (e.g. programs and services to address sexually transmitted infections, a process for the treatment and transport of workers that may require medical services beyond that which the mine provides, monitoring and reporting on the impacts of the Project on health services within the potentially impacted communities and particularly, Baker Lake. etc.)
Reporting Requirements:	Information regarding the Proponent's fulfillment of this term and condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

Term and Condition No.	59.
Category:	Health and Wellbeing – Cross-cultural Awareness
Responsible Parties:	The Proponent, the Kivalliq Inuit Association
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring
Objective:	To support the elimination of cultural barriers and promote recognition for

	Inuit Qaujimajatuqangit to establish a healthy workplace for all Project employees.
Term or Condition:	The Proponent is encouraged to work with the Kivalliq Inuit Association to establish cross-cultural training initiatives, which promote respect and consideration for the importance of Inuit Qaujimajatuqangit to the Inuit identity and to make this training available to Project employees and on-site sub-contractors. The Proponent should actively monitor the implementation of these initiatives, including the following items: ▪ Descriptions of the goals of each program offered; ▪ Language of instruction; ▪ Schedules and location(s) of when each program was offered; ▪ Uptake by employees and/or family members where relevant, noting Inuit and non-Inuit participation rates; and ▪ Completion rates for enrolled participants, noting Inuit and non-Inuit participation rates.
Reporting Requirements:	Summaries of the cross-cultural training initiatives implemented by the Proponent in fulfilment of this term and condition should be submitted as part of the Proponent's annual reporting to the Nunavut Impact Review Board.

Community Infrastructure and Public Services

Term and Condition No.	60.
Category:	Community Infrastructure and Services – Impacts to Health Services
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To identify trends and provide understanding of potential Project-specific impacts to local health services.
Term or Condition:	The Proponent shall engage with the Government of Nunavut to develop a process to ensure that any conditions first treated at the mine site and requiring ongoing care is appropriately accommodated in a timely manner at community health centres as required.
Reporting Requirements:	Evidence of meeting the requirements of this term and condition should be submitted as part of the Proponent's annual reporting to the Nunavut Impact Review Board.

Term and Condition No.	61.
Category:	Community Infrastructure – Access to Housing
Responsible Parties:	The Proponent, the Government of Nunavut and the Nunavut Housing Corporation
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure

Objective:	To ensure that Project benefits include improvement in access to housing in potentially impacted communities.
Term or Condition:	The Proponent, in collaboration with the Government of Nunavut and the Nunavut Housing Corporation, is encouraged to investigate measures and programs designed to assist Project employees with pursuing home ownership or accessing affordable housing options in the Kivalliq region. The Proponent should provide access to financial literacy, financial planning, and personal budgeting as part of the regular Life Skills Training and/or Career Path Program.
Reporting Requirements:	Evidence of meeting the requirements of this term and condition should be submitted as part of the Proponent's annual reporting to the Nunavut Impact Review Board.

Term and Condition No.	62.
Category:	Community Infrastructure and Services – Impacts to Infrastructure
Responsible Parties:	The Proponent and the Government of Nunavut
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure
Objective:	To address potential Project-related impacts to community infrastructure within the Local and Regional Study Areas.
Term or Condition:	The Proponent should work with the Government of Nunavut to develop an effects monitoring program that identifies Project-related pressures to community infrastructure such as airport and transportation infrastructure, policing, health and social services, in Baker Lake and all the point-of-hire communities of the Kivalliq Region.
Reporting Requirements:	Evidence of meeting the requirements of this term and condition should be submitted as part of the Proponent's annual reporting to the Nunavut Impact Review Board.

6.3.3. Other Terms and Conditions

Human Health and Ecological Risk Assessment

Term and Condition No.	63.
Category:	Assessment of Risks from Consumption of Fish and Freshwater Aquatic Environment
Responsible Parties:	The Proponent
Project Phase:	Construction, Operation, and Care and Maintenance
Objective:	To minimize the potential risks from consumption of fish containing methylmercury.

Term or Condition:	The Proponent shall conduct additional studies as part of its freshwater aquatic effects analyses to ensure that methylmercury concentrations anticipated to increase during operations in the aquatic environment (including in fish tissue) do not exceed regulatory requirements. In addition, the Proponent shall consider assessing potential risks from consumption of fish containing methylmercury by using Health Canada's hazard quotients as a descriptive tool.
Reporting Requirements:	A summary of the results of these additional studies, including the assessment of the potential risk to people from consumption of fish, shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

Commentary: The updates to the Core Receiving Environment Monitoring Program (CREMP) that reflect the Proponent's plans to undertake these additional studies should be provided in accordance with the timeline set out in Term and Condition #19.

Cumulative Effects

Term and Condition No.	64.
Category:	Cumulative Effects
Responsible Parties:	The Proponent
Project Phase:	Construction, Operation, and Care and Maintenance
Objective:	To assist in the identification and management of potential cumulative effects associated with ongoing exploration and possible future phases of development.
Term or Condition:	Within its annual reporting, the Proponent is encouraged to include detailed updates on the status of ongoing exploration programs associated with the Project and associated implications for future phase developments of the Amaruq property.
Reporting Requirements:	Status updates in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.

New Terms and Conditions for the Project Certificate No. 008, Amendment 001

NEW Term and Condition No.	65.
Category:	Wildlife and Wildlife Habitat – Wildlife mitigation
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance,
Objective:	To mitigate impacts to migrating caribou by constructing the Whale Tail haul road in a manner that facilitates caribou movement across the road.
Term or Condition:	The Proponent shall, in consultation with the Terrestrial Advisory Group, develop a construction plan for the widening of the Whale Tail haul road which includes:

	- Design features of the Whale Tail haul road intended to facilitate caribou movement across the road; - Identified sections of the roadside that will be constructed with slopes and top-dressing material appropriate for caribou crossing. The plan must incorporate available Inuit Qaujimajatuqangit in the selection of caribou crossing locations.
Reporting Requirements:	The final construction plan shall be provided to the Nunavut Impact Review Board (NIRB) prior to widening the Whale Tail haul road. Within three months of completion of construction to widen the Whale Tail haul road, the Proponent shall file an 'as-built report' with the NIRB, which includes the backfill height, slope and top-dressing material specifications of designed wildlife crossing sections.

NEW Term and Condition No.	66.
Category:	Whale Tail Haul Road – Safety and Communication Protocols
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance,
Objective:	To ensure effective communication and safety of community members in the event of unauthorized public use of the Whale Tail haul road.
Term or Condition:	The Proponent shall operate the Whale Tail haul road as a private access road, implement any reasonable measures to limit public access to the road, and develop strategies that account for unauthorized use. These measures must include, but are not limited to, the following: - The posting of signs in English and Inuktitut at the gate, each major bridge crossing, and each 10 kilometres of road, stating that public use of the road is prohibited; - Annually advertise and hold at least one community meeting in the Hamlet of Baker Lake to explain to the community that the road is restricted to mine use only; - Place local notices (e.g., radio, television, social media) at least quarterly to explain to the community that the road is restricted to mine use only; - Record all unauthorized non-mine use of the road, and require all mine personnel using the road to monitor and report unauthorized non-mine use of the road; and, - Develop management strategies to ensure public and operator safety in the event of unauthorized public use.
Reporting Requirements:	Report unauthorized road use and accidents or other safety incidents on the road to the Government of Nunavut, the Kivalliq Inuit Association, the Baker Lake Hunters and Trappers Organization and the Hamlet of Baker Lake immediately, and to the Nunavut Impact Review Board annually.

NEW Term and Condition No.	67.
Category:	Surface Water Hydrology and Surface Water Quality, Sediment Quality and Freshwater Aquatic Environment – Alternative Effluent Discharge Locations
Responsible Parties:	The Proponent
Project Phase:	Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective:	To evaluate the potential aquatic effects to the alternative effluent discharge locations (Lakes D1 and D5) and downstream.
Term or Condition:	Subject to the additional direction and requirements of the Nunavut Water Board (NWB), the Proponent shall: - Conduct an evaluation of the potential aquatic effects to Lakes D1 and D5 and downstream that may result from the discharge of treated effluent. The evaluation will include: - Additional water quality and phytoplankton baseline data in Lakes D1 and D5 - Updated water balance and water quality forecast - Updated near field and far field effluent discharge modelling - Updated Water Management Plan, Water Quality and Flow Monitoring Plan, and Core-Receiving Environment Monitoring Plan - Provide adequate rationale for the need to use the alternative discharge contingency, based on the thresholds established as per the Whale Tail Pit Expansion Project water management decision tree. - In the event that discharge to Lakes D1 and/or D5 is not approved to proceed by the NWB, the Proponent will develop alternative effluent management plans as part of the Water Management Plan.
Reporting Requirements:	At least 90 days prior to any decision to use the effluent discharge alternatives, the Proponent shall submit the requested evaluation, and rationale for use of the effluent discharge alternatives to the Nunavut Water Board, the Nunavut Impact Review Board (NIRB) and relevant regulatory authorities, for approval to proceed with discharge to one or both of Lakes D1 and D5. If the alternative discharge contingency is approved to proceed, the Proponent will submit the results of its monitoring annually to the NIRB.

NEW Term and Condition No.	68.
Category:	Implementation of Commitments
Responsible Parties:	The Proponent
Project Phase:	Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance,
Objective:	To demonstrate accountability for the Proponent's commitments associated with the Whale Tail Pit Project Proposal and the Whale Tail Pit Expansion Project Proposal.
Term or Condition:	The Proponent shall maintain an up-to-date listing of the status of implementation for its commitments made during the Nunavut Impact Review Board's (NIRB) assessment of the Whale Tail Pit Project Proposal and the Whale Tail Pit Expansion Project Proposal through engagement of parties and active monitoring of associated implementation.
Reporting Requirements:	The Proponent shall provide a status report on the implementation of all its commitments within three (3) months of issuance of the Project Certificate for the Whale Tail Pit Expansion Proposal and annually thereafter within its annual report to the NIRB.

APPENDIX A: MONITORING PROGRAM

[To be developed]

DRAFT