

APPENDIX 3

Nunavut Impact Review Board Conformity Determination



**SCREENING DECISION REPORT
NIRB FILE NO.: 07EN021**

NIRB File No.: 07EN021
INAC File No.: N2009C0018, N2009C0019
KIA File No.: KTL306C031, KT305C004
NWB File No.: 2BE-CRA0710

February 26, 2010

Honourable Chuck Strahl
Minister of Indian and Northern Affairs Canada
Indian and Northern Affairs Canada
Gatineau, QC

Via email: Strahl.C@parl.gc.ca

Re: Screening Decision for CBR Gold Corp.'s amendment request with Indian and Northern Affairs Canada for its "Committee Bay Campsite and Mining Exploration" project proposal – Additional Application Terms and Conditions, NIRB File No. 07EN021

Dear Honourable Chuck Strahl:

The primary objectives of the Nunavut Impact Review Board (NIRB) are set out in section 12.2.5 of the Nunavut Land Claims Agreement (NLCA) as follows:

In carrying out its functions, the primary objectives of NIRB shall be at all times to protect and promote the existing and future well-being of the residents and communities of the Nunavut Settlement Area, and to protect the ecosystemic integrity of the Nunavut Settlement Area. NIRB shall take into account the well-being of the residents of Canada outside the Nunavut Settlement Area.

Section 12.4.3 of the NLCA states that:

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

- (a) such component or activity was not part of the original project proposal; or*
- (b) its inclusion would significantly modify the project.*

The NIRB has completed a review of CBR Gold Corp's request with Indian and Northern Affairs Canada (INAC) for amendment to the Land Use Permits (N2009C0018, N2009C0019) for its "Committee Bay Campsite and Mining Exploration" project.

After a thorough assessment of the project proposal, the amendment application information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the May 11, 2007 Screening Decision, NIRB file No.: 07EN021 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

PREVIOUSLY APPROVED PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously approved by the NIRB for file **07EN021** in a Screening Decision Report dated May 11, 2007 which is available from the NIRB's ftp site at the following link <http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>:

1. Committee Bay Resources Ltd. (the Proponent) shall operate the project in accordance with all commitments and mitigation measures stated in all correspondence and documents submitted to the Nunavut Impact Review Board (NIRB), Indian and Northern Affairs Canada (INAC), and the Nunavut Water Board (NWB).
2. The Proponent shall maintain a copy of this Screening Decision at the site of operation at all times.
3. The Proponent shall forward copies of all authorizations obtained for this project to NIRB prior to the commencement of the project.
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
5. The Proponent shall contact NIRB and Environment Canada (EC) if on-ice drilling will occur. The Proponent will submit the number and location all holes to be drilled prior to the activity.
6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB, KIA, INAC, EC and Government of Nunavut, Department of Environment (GN-DOE) by January 31st of each year following the calendar year reported. Annual reports must be provided until the project has been completed. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;
 - b. A summary of how the Proponent has complied with NIRB conditions contained within the Screening Decision, and the conditions associated with all authorizations for the project proposal;
 - c. Wildlife monitoring observations, including:

- i. description of any wildlife encounters and actions/mitigation taken
 - ii. maps of location of any sensitive wildlife sites
 - iii. timing of critical life history events
 - iv. potential impacts from the project
 - d. The results of environmental studies undertaken and plans for future studies;
 - e. A summary of local hires and initiatives;
 - f. A summary of community consultations undertaken and follow-up actions required to resolve any concerns expressed about the project proposal (if relevant);
 - g. A summary of site-visits by Land Use inspectors with results and follow-up actions;
 - h. A summary of site-visits with community members (if conducted); and
 - i. Efforts made to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*.
7. During the period of May 15th to July 15th, if caribou are observed calving in the project area, the Proponent must suspend all project activity (i.e. blasting, low-altitude flights, use of ATV's and snowmobiles, and the movement of equipment) until the caribou and calves have moved one (1) kilometre (km) away from project area. Furthermore, if caribou are observed within 1 (one) km of the project area, prior to May 15th or after July 15th, then drilling activities will be suspended until the caribou leave the area.
 8. The Proponent shall cease activities such as airborne geophysics surveys or movement of equipment that may interfere with caribou migration. Furthermore, the Proponent shall not conduct any exploration activities within ten (10) km of any important caribou crossings.
 9. The Proponent shall take care not to disturb nesting raptors from April 15th to September 1st, and stay at least 1.5 (one and half) km away from them while in transit by aircraft and to avoid approaching them closely while on foot.
 10. The Proponent must ensure that all aircraft maintain a flight altitude of at least 610 metres (m) during horizontal (point to point) flights at all times, particularly in bird nesting areas and when there are observed groups of caribou, and maintain a vertical distance of 1000 m and minimum horizontal of 1500 m from any observed concentrations of birds.
 11. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall ensure that there is not hunting or fishing, unless proper Nunavut authorizations have been acquired.
 12. In accordance with GN procedures and sections 5.6.52 and 5.6.55 of the Nunavut Land Claims Agreement, the Proponent shall contact the nearest Government of Nunavut Wildlife Office in the event of a defence kill of a Polar Bear, foxes, wolves or wolverine.
 13. The Proponent shall comply with *Transportation of Dangerous Goods Regulations*, the *Environmental Protection Act*, and the Part 3.6 of the *Guideline for the General Management of Hazardous Waste in Nunavut* when handling, storing, and managing hazardous wastes, fuel and contaminated material. A waste manifest must accompany all movements of hazardous waste. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.
 14. The Proponent shall be advised that calcium chloride (CaCl) is listed as a toxic substance under the *Canadian Environmental Protection Act* and the Proponent shall ensure that if

CaCl is used as a drill additive; all sumps containing CaCl are properly constructed and located to ensure that the contents will not enter any water body.

15. The Proponent shall ensure that disposal of combustible wastes comply with the *Canada-wide Standards for Dioxins and Furans* and the *Canada-wide Standard for Mercury*. Efforts made to achieve compliance shall be reported to the NIRB as part of the annual report.
16. The Proponent shall incinerate all combustible wastes daily, and remove the ash from incineration activities and non-combustible wastes from the project site to an approved facility for disposal.
17. The Proponent shall consult with community residents of the Kitikmeot region, conduct regular information meetings to ensure that residents are kept aware of the activities and progress of the project and its phases.
18. The Proponent shall confirm to EC's, INAC's and GN-DOE's satisfaction that the entire site has been reclaimed, as much as possible, to its previous condition during the abandonment and restoration stage of the project. Depending on the results of confirmation sampling, the need for post closure monitoring will be re-evaluated.

NEW RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS
(pursuant to Section 12.4.4(a) of the NLCA)

The Board is recommending that the following or similar **additional** project-specific terms and conditions be imposed upon the Proponent through all relevant legislation:

Winter Road

19. The Proponent shall select a winter route that maximizes the amount of frozen water bodies used.
20. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.
21. The Proponent shall ensure that no disturbance of the stream bed or banks of any definable watercourse be permitted.
22. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
23. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.
24. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs. Likewise, upon spring break up; or at such a time as the shorelines of frozen water bodies begin to thaw, the Proponent shall suspend all travel over water bodies if disturbance to the banks or shorelines of any definable water body occurs.
25. The Proponent shall ensure that winter lake/stream crossings are located to minimize approach grades and constructed entirely of ice and snow materials. Ice or snow free of sediment should be the only materials used to construct temporary crossings over any ice-covered watercourse. Cutting or filling of crossing approaches below the high water mark

will require prior review and approval by Fisheries and Oceans Canada - Fish Habitat Management Branch (DFO-FHM).

26. The Proponent shall not allow mechanized clearing to be carried out immediately adjacent to any watercourse.
27. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
28. The Proponent shall ensure that temporary crossings constructed from ice and snow, which may cause jams, flooding or impede fish passage and or water flow, are removed prior to spring break-up.
29. The Proponent shall implement sediment and erosion control measures prior to, and during operations to prevent sediment entry into the water during the spring thaw. This includes ensuring that a sufficient thickness of snow and ice is present on the winter road to prevent unnecessary erosion of the underlying ground surface and impact on underneath vegetation.
30. The Proponent shall re-vegetate exposed soil to assist in road-bed stabilization and sediment control.
31. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Fuel and Chemical Storage

32. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
33. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.

Drilling on Land

34. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.
35. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
36. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
37. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.
38. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of waste water and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
39. The Proponent shall not locate any sump within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal shall be sufficiently bermed or otherwise contained to ensure that substances do not enter a waterway unless otherwise authorized.

40. The Proponent shall ensure all drill holes are backfilled or capped at the end of the project. The Proponent shall backfill and restore all sumps to match the natural environment prior to the end of project.

Restoration

41. The Proponent shall ensure that all disturbed areas are stabilized as required, upon completion of work, and restored to a pre-disturbed state.
42. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
43. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following term and condition for reporting requirements:

6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB, KIA, INAC, EC and Government of Nunavut, Department of Environment (GN-DOE) by January 31st of each year following the calendar year reported. Annual reports must be provided until the project has been completed. The report must contain, but not be limited to, the following information:
- a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;
 - b. A summary of how the Proponent has complied with NIRB conditions contained within the Screening Decision, and the conditions associated with all authorizations for the project proposal;
 - c. Wildlife monitoring observations, including:
 - i. description of any wildlife encounters and actions/mitigation taken
 - ii. maps of location of any sensitive wildlife sites
 - iii. timing of critical life history events
 - iv. potential impacts from the project
 - d. The results of environmental studies undertaken and plans for future studies;
 - e. A summary of local hires and initiatives;
 - f. A summary of community consultations undertaken and follow-up actions required to resolve any concerns expressed about the project proposal (if relevant);
 - g. A summary of site-visits by Land Use inspectors with results and follow-up actions;
 - h. A summary of site-visits with community members (if conducted); and
 - i. Efforts made to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following:

Indian and Northern Affairs

Indian and Northern Affairs Canada (INAC) impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.

INAC should also consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.

The Board is currently also recommending the following:

1. The Proponent review the bear/carnivore detection and deterrent techniques outlined in “Safety in Grizzly and Black Bear Country” which can be down-loaded from this link: <http://www.nwtwildlife.com/Publications/safetyinbearcountry/safety.htm>. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a “Safety in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/pn-np/nu/auyuittuq/pdf/PolarBearEnglish2007final.pdf>.
2. If ice bridges are constructed, the Proponent follow the mitigation measures outlined in Fisheries and Oceans Canada’s (DFO) Operational Statement for Ice Bridges, available at the following internet address: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-co/provinces-territoires-territoires/nu/index-eng.htm>.

General

All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

Nunavut Water Board

The Nunavut Water Board (NWB) impose mitigation measures, conditions and monitoring requirements pursuant to the Water Licence, which require the Proponent to respect the sensitivities and importance of water in the area. These mitigation measures, conditions and monitoring requirements should be in regard to use of water, snow and ice; waste disposal; access infrastructure and operation for camps; drilling operations; spill contingency planning; abandonment and restoration planning; and monitoring programs. In particular, mitigation measures, conditions and monitoring requirements should be considered for the use of water, snow and ice for the development and maintenance of the winter road for this project.

INAC Water Resources

INAC Water Resources should consider the importance of conducting regular inspections, pursuant to the authority of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, while the project is in operation. The inspectors should focus on ensuring the Proponent is in compliance with the conditions imposed through the Water Licence.

REGULATORY REQUIREMENTS

The Proponent has been previously advised that the following legislation may apply to the project:

1. Section 36(3) of the *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14///en>) which states that no person shall deposit or permit the deposit of a deleterious substance in any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
2. The *Migratory Birds Convention Act* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>) which states that no person disturb or destroy the nests or eggs of migratory birds. If nests containing eggs or young are encountered, the Proponent shall avoid these areas until nesting is complete and the young have left the nest.
3. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut. The Proponent should consult the Species at Risk Public Registry (<http://www.sararegistry.gc.ca/>) to identify any Species at Risk within the project location. Further, the Proponent shall develop monitoring plans for each relevant Species at Risk in accordance with any applicable status reports, recovery strategies, action plans, and management plans posted on the Species at Risk Public Registry and in consultation with the Government Organization with Primary Management Responsibility. Monitoring plans should record the locations and frequency of observing species of special concern and note any actions taken to avoid contact or cause disturbance to the species, its residence, or its critical habitat.
4. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>) which requires that no person alter or disturb any archaeological or palaeontological sites in Nunavut unless permission is first granted through the permitting process. If any archaeological or palaeontological sites are found they should remain undisturbed and their location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth. The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
5. The *Transportation of Dangerous Goods Regulations*, *Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) which present the requirements for the handling, storing, managing and transportation of dangerous goods, including hazardous wastes, fuel and contaminated material. The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.

In addition, the Proponent is also advised that the following legislation may apply to the project:

1. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
2. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.
3. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.html>).

Validity of Land Claims Agreement

Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated February 26, 2010 at Sanikiluaq, NU.



Lucassie Arragutainaq, Chairperson

Attachments: Appendix A: Procedural History and Project Activities
Appendix B: Species at Risk in Nunavut
Appendix C: Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders

Appendix A

Procedural History and Project Activities

Procedural History

On February 2, 2010, the Nunavut Impact Review Board (NIRB or Board) received an application from Indian and Northern Affairs Canada (INAC) for an amendment to CBR Gold Corp.'s (formerly Committee Bay Resources Ltd) "Committee Bay Campsite and Mining Exploration" project. The project proposal did not require a conformity determination from the Nunavut Planning Commission as the project is located in the Kitikmeot region, an area with no currently approved land use plan.

Past File History

The original application for the project (NIRB File No.: 07EN021) was received from INAC on February 28, 2007. The project proposal was screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA) and on May 11, 2007 the NIRB issued a 12.4.4(a) screening decision to the Minister of INAC allowing the proposed mining exploration and campsite activities to proceed subject to project-specific recommended terms and conditions (May 11, 2007 Screening Decision Report).

On February 29, 2008 the NIRB received an application from the Nunavut Planning Commission for an amendment to the Proponent's water licence. After a thorough assessment of amendment request and the comments received, the NIRB determined that the request did not significantly change the general scope of the project and re-issued the original terms and conditions (Screening Decision dated May 11, 2007).

On January 26, 2009 the NIRB received an application from INAC for an extension to the Proponent's land use permits. After a review of the information provided, the NIRB determined that the proposed extension did not significantly change the general scope of the original project activities and re-issued the original terms and conditions.

Current File History

The current project proposal by CBR Gold Corp is for an amendment to their existing land use permits with INAC.

The NIRB determined that this request may result in a change to the original scope of the project and on February 4, 2010, the NIRB distributed the project proposal to community organizations in Kugaaruk and Repulse Bay, as well as to relevant federal and territorial government agencies, and Inuit organizations. The NIRB requested that interested parties review the proposal and the NIRB's previously recommended terms and conditions and provide the Board with any comments or concerns by February 11, 2010 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;

- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (providing any additional recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before February 11, 2010, the NIRB received comments from the following interested parties:

- Kitikmeot Inuit Association (KIA)
- Environment Canada (EC)
- Government of Nunavut – Department of Environment (GN-DoE)
- Fisheries and Oceans Canada (DFO)

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location:

<http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>

On February 12, 2010, the NIRB provided an opportunity for the proponent to respond to some questions that were raised by the GN-DoE during the public commenting period. The Proponent provided a response to concerns on February 12, 2010.

Project Activities

This project is located within the Kitikmeot region, approximately 260 kilometres (km) from Kugaaruk and approximately 270 km from Repulse Bay. The Proponent intends to conduct an extensive gold exploration program covering most of the Committee Bay greenstone belt. The original planned exploration was to take place from March 2007 to September 2009.

The original application, that was screened in accordance with Part 4, Article 12 of the NLCA, included the following project components/activities:

- Delivery of equipment, fuel and supplies required for program;
- Ice strip construction for temporary airstrip on lake at Hayes Camp;
- Exploration and drilling on ice and on land;
- Repositioning of drill equipment;
- Use of existing airstrip at Crater Lake Camp;
- Landing of aircraft with tundra tires on an esker at Ingot Camp;
- Use of existing seasonal exploration camps at Ingot, Crater, Hayes and Bullion camps;
- Chemical storage of drilling fluids;
- Fuel transportation and storage;
- Geochemical soil sampling;
- Gridding and ground geophysical surveys;
- Geological mapping and prospecting, sampling (rock, till and water) and stacking;

- Consumption of water for drilling purposes;
- Disposal of waste and wastewater;
- Preparation of landing site for helicopter; and
- Baseline environmental work at Hayes Camp.

The Proponent is currently applying for an amendment to their land use permits which includes the following additional components or activities:

- Increase the number of drills to be used from 3 to 6 drills
 - 6 drills to be used concurrently with 2 of the 4 camps open at any one time
- Build a temporary winter road approximately 10 kilometres long from Hayes Camp to the Three Bluffs deposit
 - Road to be used to haul water, drills and related equipment and personnel to the deposit to enable spring exploration drilling

The proposed original activities and the amended activities are to occur for a period of 1 year, from March 1, 2010 to October 30, 2011.

Appendix B Species at Risk in Nunavut

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: August 4, 2009

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (<i>anatum-tundrius</i> complex)	Special Concern	Schedule 1 (<i>anatum</i>) Schedule 3 (<i>tundrius</i>)	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Peary Caribou	Endangered	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Red Knot (<i>rufa</i> subspecies)	Endangered	Pending	EC

Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Atlantic Cod (Arctic population)	Special Concern	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Porsild's Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Red Knot (<i>islandica</i> subspecies)	Special Concern	Pending	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ Environment Canada (EC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency. The Department of Fisheries and Oceans (DFO) has responsibility for management of aquatic species.

Appendix C
Archaeological and Palaeontological Resources Terms and Conditions
for Land Use Permit Holders



BACKGROUND: Archaeology

As stated in Article 33 of the Nunavut Land Claims Agreement:

The archaeological record of the Inuit of Nunavut is a record of Inuit use and occupancy of lands and resources through time. The evidence associated with their use and occupancy represents a cultural, historical and ethnographic heritage of Inuit society and, as such, Government recognizes that Inuit have a special relationship with such evidence, which shall be expressed in terms of special rights and responsibilities. [33.2.1]

The archaeological record of Nunavut is of spiritual, cultural, religious and educational importance to Inuit. Accordingly, the identification, protection and conservation of archaeological sites and specimens and the interpretation of the archaeological record is of primary importance to Inuit and their involvement is both desirable and necessary. [33.2.2]

In recognition of the cultural, spiritual and religious importance of certain areas in Nunavut to Inuit, Inuit have special rights and interests in these areas as defined by Article 33 of the Nunavut Land Claims Agreement. [33.2.5]

BACKGROUND: Palaeontology

Under the Nunavut Act¹, the federal Government can make regulations for the protection, care and preservation of palaeontological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*², it is illegal to alter or disturb any palaeontological site in Nunavut unless permission is first granted through the permitting process.

Definitions

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

“archaeological site” means a place where an archaeological artifact is found.

“archaeological artifact” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

“palaeontological site” means a site where a fossil is found.

“fossil” includes:

- (a) natural casts
- (b) preserved tracks, coprolites and plant remains; and
- (c) the preserved shells and exoskeletons of invertebrates and the eggs, teeth and bones of vertebrates.

Terms and Conditions

- 1) The permittee shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 2) The permittee shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 3) The permittee shall immediately contact the Department of Culture, Language, Elders and Youth (867) 934-2046 or (867) 975-5500 or 1 (866) 934-2035 should an archaeological site or specimen, or a palaeontological site or fossil be encountered or disturbed by any land use activity.
- 4) The permittee shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation, until permitted to proceed with the authorization of the Department of Culture, Language, Elders and Youth, Government of Nunavut.
- 5) The permittee shall follow the direction of the Department of Culture, Language, Elders and Youth and DIAND in restoring disturbed archaeological or palaeontological sites to an acceptable condition.
- 6) The permittee shall provide all information requested by the Department of Culture, Language, Elders and Youth concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.

- 7) The permittee shall make best efforts to ensure that all persons working under authority of the permit are aware of these conditions concerning archaeological sites and artifacts, and palaeontological sites and fossils.
- 8) The permittee shall avoid the known archaeological and/or palaeontological sites listed in Attachment 1.
- 9) The permittee shall have an archaeologist or palaeontologist perform the following functions, as required by the Department of Culture, Language, Elders and Youth:
 - a. survey
 - b. inventory and documentation of the archaeological or palaeontological resources of the land use area
 - c. assessment of potential for damage to archaeological or palaeontological sites
 - d. mitigation
 - e. marking boundaries of archaeological or palaeontological sites
 - f. site restoration

The Department of Culture, Language, Elders and Youth shall authorize by way of a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit, all procedures subsumed under the above operations.

NIRB ASSESSMENT AND DECISION

The NIRB has completed a review of North Country Gold Corp.'s (NCG) request to Indian and Northern Affairs Canada (INAC) for an amendment to their land use permit with the addition of three land use applications for their "Committee Bay Project – Camp and Airstrip" project.

After a thorough assessment of the project proposal, the amendment application, the three additional land use applications, the Proponent's additional long-term project development information and the comments received (please see *Procedural History* and *Project Activities* in **Appendix A**), in accordance with Section 12.4.3 of the NLCA, the Board has determined that this request will result in a change to the original scope of the project. Therefore, the NIRB is re-issuing the recommended project-specific terms and conditions contained in the February 26, 2010 Screening Decision, NIRB file No.: 07EN021 in addition to new terms and conditions which are designed to mitigate any potential impacts to the environment as per Section 12.4.4(a) of the NLCA.

PREVIOUSLY APPROVED PROJECT-SPECIFIC TERMS AND CONDITIONS

The following terms and conditions were previously approved by the NIRB for file **07EN021** in a Screening Decision Report dated February 26, 2010 and is available from NIRB's ftp site using the following link <http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>:

1. The Proponent shall operate the project in accordance with all commitments and mitigation measures stated in all correspondence and documents submitted to the Nunavut Impact Review Board (NIRB), Indian and Northern Affairs Canada (INAC), and the Nunavut Water Board (NWB).
2. The Proponent shall maintain a copy of this Screening Decision at the site of operation at all times.
3. The Proponent shall forward copies of all authorizations obtained for this project to NIRB prior to the commencement of the project.
4. The Proponent shall operate the site in accordance with all applicable Acts, Regulations and Guidelines.
5. The Proponent shall contact NIRB and Environment Canada (EC) if on-ice drilling will occur. The Proponent will submit the number and location all holes to be drilled prior to the activity.
6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB, KIA, INAC, EC and Government of Nunavut, Department of Environment (GN-DOE) by January 31st of each year following the calendar year reported. Annual reports must be provided until the project has been completed. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;

- b. A summary of how the Proponent has complied with NIRB conditions contained within the Screening Decision, and the conditions associated with all authorizations for the project proposal;
 - c. Wildlife monitoring observations, including:
 - i. description of any wildlife encounters and actions/mitigation taken
 - ii. maps of location of any sensitive wildlife sites
 - iii. timing of critical life history events
 - iv. potential impacts from the project
 - d. The results of environmental studies undertaken and plans for future studies;
 - e. A summary of local hires and initiatives;
 - f. A summary of community consultations undertaken and follow-up actions required to resolve any concerns expressed about the project proposal (if relevant);
 - g. A summary of site-visits by Land Use inspectors with results and follow-up actions;
 - h. A summary of site-visits with community members (if conducted); and
 - i. Efforts made to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*.
7. During the period of May 15th to July 15th, if caribou are observed calving in the project area, the Proponent must suspend all project activity (i.e. blasting, low-altitude flights, use of ATV's and snowmobiles, and the movement of equipment) until the caribou and calves have moved one (1) kilometre (km) away from project area. Furthermore, if caribou are observed within 1 (one) km of the project area, prior to May 15th or after July 15th, then drilling activities will be suspended until the caribou leave the area.
 8. The Proponent shall cease activities such as airborne geophysics surveys or movement of equipment that may interfere with caribou migration. Furthermore, the Proponent shall not conduct any exploration activities within ten (10) km of any important caribou crossings.
 9. The Proponent shall take care not to disturb nesting raptors from April 15th to September 1st, and stay at least 1.5 (one and half) km away from them while in transit by aircraft and to avoid approaching them closely while on foot.
 10. The Proponent must ensure that all aircraft maintain a flight altitude of at least 610 metres (m) during horizontal (point to point) flights at all times, particularly in bird nesting areas and when there are observed groups of caribou, and maintain a vertical distance of 1000 m and minimum horizontal of 1500 m from any observed concentrations of birds.
 11. The Proponent shall ensure that there is no damage to wildlife habitat in conducting this operation. Deliberate feeding of any wildlife is absolutely prohibited. The Proponent shall ensure that there is not hunting or fishing, unless proper Nunavut authorizations have been acquired.
 12. In accordance with GN procedures and sections 5.6.52 and 5.6.55 of the Nunavut Land Claims Agreement, the Proponent shall contact the nearest Government of Nunavut Wildlife Office in the event of a defence kill of a Polar Bear, foxes, wolves or wolverine.
 13. The Proponent shall comply with *Transportation of Dangerous Goods Regulations*, the *Environmental Protection Act*, and the Part 3.6 of the *Guideline for the General Management of Hazardous Waste in Nunavut* when handling, storing, and managing hazardous wastes, fuel and contaminated material. A waste manifest must accompany all movements of

hazardous waste. The Proponent must register with GN-DOE by contacting Robert Eno at 867-975-7748 or reno@gov.nu.ca.

14. The Proponent shall be advised that calcium chloride (CaCl) is listed as a toxic substance under the *Canadian Environmental Protection Act* and the Proponent shall ensure that if CaCl is used as a drill additive; all sumps containing CaCl are properly constructed and located to ensure that the contents will not enter any water body.
15. The Proponent shall ensure that disposal of combustible wastes comply with the *Canada-wide Standards for Dioxins and Furans* and the *Canada-wide Standard for Mercury*. Efforts made to achieve compliance shall be reported to the NIRB as part of the annual report.
16. The Proponent shall incinerate all combustible wastes daily, and remove the ash from incineration activities and non-combustible wastes from the project site to an approved facility for disposal.
17. The Proponent shall consult with community residents of the Kitikmeot region, conduct regular information meetings to ensure that residents are kept aware of the activities and progress of the project and its phases.
18. The Proponent shall confirm to EC's, INAC's and GN-DOE's satisfaction that the entire site has been reclaimed, as much as possible, to its previous condition during the abandonment and restoration stage of the project. Depending on the results of confirmation sampling, the need for post closure monitoring will be re-evaluated.

Winter Road

19. The Proponent shall select a winter route that maximizes the amount of frozen water bodies used.
20. The Proponent shall not erect camps or store materials on the surface ice of lakes or streams, except that which is for immediate use.
21. The Proponent shall ensure that no disturbance of the stream bed or banks of any definable watercourse be permitted.
22. The Proponent shall not move any equipment or vehicles without prior testing the thickness of the ice to ensure the lake is in a state capable of fully supporting the equipment or vehicles.
23. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging.
24. The Proponent shall suspend overland travel of equipment or vehicles if rutting occurs. Likewise, upon spring break up; or at such a time as the shorelines of frozen water bodies begin to thaw, the Proponent shall suspend all travel over water bodies if disturbance to the banks or shorelines of any definable water body occurs.
25. The Proponent shall ensure that winter lake/stream crossings are located to minimize approach grades and constructed entirely of ice and snow materials. Ice or snow free of sediment should be the only materials used to construct temporary crossings over any ice-covered watercourse. Cutting or filling of crossing approaches below the high water mark

will require prior review and approval by Fisheries and Oceans Canada - Fish Habitat Management Branch (DFO-FHM).

26. The Proponent shall not allow mechanized clearing to be carried out immediately adjacent to any watercourse.
27. The Proponent shall avoid disturbance on slopes prone to natural erosion, and alternative locations shall be utilized.
28. The Proponent shall ensure that temporary crossings constructed from ice and snow, which may cause jams, flooding or impede fish passage and or water flow, are removed prior to spring break-up.
29. The Proponent shall implement sediment and erosion control measures prior to, and during operations to prevent sediment entry into the water during the spring thaw. This includes ensuring that a sufficient thickness of snow and ice is present on the winter road to prevent unnecessary erosion of the underlying ground surface and impact on underneath vegetation.
30. The Proponent shall re-vegetate exposed soil to assist in road-bed stabilization and sediment control.
31. The Proponent shall ensure that the land use area is kept clean and tidy at all times.

Fuel and Chemical Storage

32. The Proponent shall locate all fuel and other hazardous materials a minimum of thirty-one (31) metres away from the high water mark of any water body and in such a manner as to prevent their release into the environment.
33. The Proponent shall store all fuel and chemicals in such a manner that they are inaccessible to wildlife.

Drilling on Land

34. The Proponent shall not conduct any land based drilling or mechanized clearing within thirty-one (31) metres of the normal high water mark of a water body.
35. The Proponent shall not allow any drilling wastes to spread to the surrounding lands or water bodies.
36. If an artesian flow is encountered, the Proponent shall ensure the drill hole is immediately plugged and permanently sealed.
37. The Proponent shall ensure that all drill areas are constructed to facilitate minimizing the environmental footprint of the project area. Drill areas should be kept orderly with garbage removed daily to an approved disposal site.
38. The Proponent shall ensure that all sump/depression capacities are sufficient to accommodate the volume of waste water and any fines that are produced. The sumps shall only be used for inert drilling fluids, and not any other materials or substances.
39. The Proponent shall not locate any sump within thirty-one (31) metres of the normal high water mark of any water body. Sumps and areas designated for waste disposal shall be sufficiently bermed or otherwise contained to ensure that substances do not enter a waterway unless otherwise authorized.

40. The Proponent shall ensure all drill holes are backfilled or capped at the end of the project. The Proponent shall backfill and restore all sumps to match the natural environment prior to the end of project.

Restoration

41. The Proponent shall ensure that all disturbed areas are stabilized as required, upon completion of work, and restored to a pre-disturbed state.
42. The Proponent shall remove all garbage, fuel and equipment upon abandonment.
43. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season.

***NEW* RECOMMENDED PROJECT-SPECIFIC TERMS AND CONDITIONS**
(pursuant to Section 12.4.4(a) of the NLCA)

The Board is recommending that the following or similar ***additional*** project-specific terms and conditions be imposed upon the Proponent through all relevant legislation.

General

44. The Proponent shall operate in accordance with all commitments stated in its applications and correspondence provided to NIRB.

Water Use

45. The Proponent shall not extract water from any fish-bearing water body unless the water intake hose is equipped with a screen of appropriate mesh size to ensure that there is no entrapment of fish. Small lakes or streams should not be used for water withdrawal unless approved by the Nunavut Water Board.
46. The Proponent shall not use water, including constructing or disturbing any stream, lakebed or the banks of any definable water course unless approved by the Nunavut Water Board.

Waste Disposal and Incineration

47. The Proponent shall keep all garbage, food, domestic wastes, and petroleum-based chemicals (e.g. greases, gasoline, glycol-based antifreeze) and debris in bags placed in a covered metal container or equivalent until disposed of at an approved facility so that all such wastes remain inaccessible to wildlife at all times.

Fuel and Chemical Storage

48. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks), when storing barreled fuel and chemicals at all locations.
49. The Proponent shall use adequate secondary containment or a surface liner (e.g. self-supporting insta-berms and fold-a-tanks) at all re-fuelling stations. Appropriate spill response equipment and clean-up materials (e.g., shovels, pumps, barrels, drip pans, and absorbents) must be readily available during any transfer of fuel or hazardous substances, as well as at vehicle-maintenance areas and at drill sites.

50. The Proponent shall inspect and document the condition of all fuel caches on a weekly basis. All fuel and chemical storage containers must be clearly marked with the Proponent's name and examined for leaks immediately upon delivery. Caches shall be marked in such a manner to be easily identifiable in all seasons (long-pole flags, GPS coordinates recorded, maintain updated maps of cache locations, and caches placed in areas of minimal snow accumulation) to ensure year round access for inspection.
51. The Proponent shall remove and treat hydrocarbon contaminated soils on site or transport them to an approved disposal site for treatment.
52. The Proponent shall ensure that all personnel are properly trained in fuel and hazardous waste handling procedures, as well as spill response procedures. All spills of fuel or other deleterious materials of any amount must be reported immediately to the 24 hour Spill Line at (867) 920-8130.

Wildlife - General

53. The Proponent shall ensure that all project personnel and contractors are made aware of the measures to protect wildlife and are provided with training and/or advice on how to implement these measures.

Migratory Birds and Raptors Disturbance

54. The Proponent shall not disturb or destroy the nests or eggs of any birds. If nests are encountered and/or identified, the Proponent shall take precaution to avoid further interaction and or disturbance (e.g., a 100 metre buffer around the nests). If active nests of any birds are discovered (i.e. with eggs or young), the Proponent shall avoid these areas until nesting is complete and the young have left the nest.

Aircraft Flight Restrictions

55. The Proponent shall ensure that aircraft/helicopter do not, unless for emergency, touch-down in areas where wildlife are present.
56. The Proponent shall advise all pilots of relevant flight restrictions and enforce their application over the project area, including flight paths to/from the project area.

Caribou and Muskoxen Disturbance

57. The Proponent shall cease activities that may interfere with the migration or calving of caribou or muskox, until the caribou or muskox have passed or left the area.
58. The Proponent shall not block or cause any diversion to caribou migration, and shall cease activities likely to interfere with migration such as airborne geophysics surveys, drilling or movement of equipment or personnel until such time as the caribou have passed.
59. The Proponent shall not construct or operate any camp, cache any fuel or conduct blasting within 10 km, or conduct any drilling operation within 5 km, of any paths or crossings known to be frequented by caribou (e.g. designated caribou crossings).

All-Weather Road and Ground Disturbance

60. The Proponent shall not move any equipment or vehicles unless the ground surface is in a state capable of fully supporting the equipment or vehicles without rutting or gouging. Overland travel of equipment or vehicles must be suspended if rutting occurs.

61. The Proponent shall implement suitable erosion and sediment suppression measures on disturbed areas before, during and after construction in order to prevent sediment from entering any water body.
62. All construction and road vehicles must be fitted with standard and well-maintained noise suppression devices and engine idling is to be minimized.

Establishment of New Quarries

63. The Proponent shall clearly stake and flag pit and quarry boundaries so they remain visible to other land users.
64. The Proponent shall locate quarry/pit facilities so as to protect unique geographical features and natural aesthetics.
65. The Proponent shall ensure there is no obstruction of natural drainage, flooding or channel diversion from quarry/pit access, stockpiles, or other structures or facilities. The Proponent shall ensure that silt fences/curtains are installed down gradient of any quarry activities.
66. The Proponent shall maintain an undisturbed buffer zone between the periphery of quarry sites and the high water mark of any water body that is of an adequate distance to ensure erosion control.
67. The Proponent shall locate screening and crushing equipment on stable ground, at a location with ready access to stockpiles.

Restoration of Disturbed Area

68. The Proponent shall complete all clean-up and restoration of the lands used prior to the end of each field season and/or upon abandonment of site. This restoration should include re-vegetation and/or stabilization of exposed soil and road bed.

Other

69. The Proponent should, to the extent possible, hire local people and to consult with local residents regarding their activities in the region.
70. Any activity related to this application, and outside the original scope of the project as described in the application, will be considered a new project and should be submitted to the NIRB for Screening.

MONITORING AND REPORTING REQUIREMENTS

The Board has previously recommended the following:

6. The Proponent shall submit a comprehensive annual report with copies provided to the NIRB, KIA, INAC, EC and Government of Nunavut, Department of Environment (GN-DOE) by January 31st of each year following the calendar year reported. Annual reports must be provided until the project has been completed. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year, including any progressive reclamation work undertaken, and a work plan for the following year –site photos should be provided where relevant;

- b. A summary of how the Proponent has complied with NIRB conditions contained within the Screening Decision, and the conditions associated with all authorizations for the project proposal;
- c. Wildlife monitoring observations, including:
 - i. description of any wildlife encounters and actions/mitigation taken
 - ii. maps of location of any sensitive wildlife sites
 - iii. timing of critical life history events
 - iv. potential impacts from the project
- d. The results of environmental studies undertaken and plans for future studies;
- e. A summary of local hires and initiatives;
- f. A summary of community consultations undertaken and follow-up actions required to resolve any concerns expressed about the project proposal (if relevant);
- g. A summary of site-visits by Land Use inspectors with results and follow-up actions;
- h. A summary of site-visits with community members (if conducted); and
- i. Efforts made to achieve compliance with the *Canada-Wide Standards for Dioxins and Furans*, and the *Canada-Wide Standards for Mercury*.

In **addition**, the Board is recommending the following:

Addition of Incineration Management Plan to the Corporate and Social Responsibility Action Plan and Abandonment & Restoration Plan

The Proponent use an EC approved incinerator for the disposal of combustible camp wastes as outlined in the *Technical Document for Batch Waste Incineration* (<http://www.ec.gc.ca/gdd-mw/default.asp?lang=En&n=F53EDE13-1>) which provides information on appropriate incineration technologies, best management and operational practices, monitoring and reporting. The Proponent shall produce an Incineration Management Plan for the camp to be submitted to the EC and the NIRB before the commencement of any camp expansion.

Updated Spill Contingency Plan and Abandonment & Restoration Plan

The Proponent shall submit an updated Spill Contingency Plan and Abandonment & Restoration Plan to include its quarry activities. These updated plans shall be submitted to EC and the NIRB prior to the commencement of any quarrying activity.

The Proponent shall update its Spill Contingency Plan emergency contact numbers as required for the Government of Nunavut-Department of Environment (867-975-4644) and the Manager of Pollution Control and Air Quality (867-975-7748). The contact information for EC should be updated to Curtis Didham 867-975-4644 (Section 7.3) and attach a map indicating the fuel storage sites and locations of spill kits.

Fuel and Chemical Storage

The Proponent should implement the recommendations found in the 2003 CCME Guidance Document PN 1326 entitled “Environmental Code of Practice for Above Ground and Underground Storage Tank Systems containing Petroleum Product and Allied Petroleum Products”.

Wildlife Log/Record of Observations

The Proponent shall maintain a record of wildlife observations while operating within the project area, including noting observations of Species at Risk identified in or near the project area (e.g. peregrine falcon, and wolverine). The reports should include 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. 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). 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.

A copy of this wildlife record or report should be submitted annually at the end of the operational season to the following Government of Nunavut contacts:

- a. **Manager, Wildlife:** Dustin Fredlund, (867) 982-7441, dfredlund@gov.nu.ca
- b. **Conservation Officer, Kitikmeot Region:** Allen Niptanatiak (867) 982-7451, ANiptanatiak1@gov.nu.ca
- c. **Regional Biologist:** Mathieu Dumond, (867) 982-7444, mdumond@gov.nu.ca.

OTHER NIRB CONCERNS AND RECOMMENDATIONS

In addition to the project-specific terms and conditions, the Board has previously recommended the following:

Indian and Northern Affairs

Indian and Northern Affairs Canada (INAC) impose mitigation measures, conditions and monitoring requirements pursuant to the Federal Land Use Permit, which require the Proponent to respect the sensitivities and importance of the area. These mitigation measures, conditions and monitoring requirements should be in regard to the location and area; type, location, capacity and operation of facilities; use, storage, handling and disposal of chemical or toxic material; wildlife and fisheries habitat; and petroleum fuel storage.

INAC should also consider the importance of conducting regular Land Use Inspections, pursuant to the authority of the Federal Land Use Permit, while the project is in operation. The Land Use Inspections should be focused on ensuring the Proponent is in compliance with the conditions imposed through the Federal Land Use Permit.

Wildlife

The Proponent review the bear/carnivore detection and deterrent techniques outlined in “Safety in Grizzly and Black Bear Country” which can be down-loaded from this link: <http://www.nwtwildlife.com/Publications/safetyinbearcountry/safety.htm>. Note that some recommendations in this manual are also relevant to polar bears. There is a DVD about polar bears and safety available from Nunavut Parks at the following link <http://www.nunavutparks.com/english/visitor-information/suggested-resources.html> and a “Safety in Polar Bear Country” pamphlet from Parks Canada at the following link <http://www.pc.gc.ca/pn-np/nu/auyuittuq/pdf/PolarBearEnglish2007final.pdf>.

Ice Bridges

If ice bridges are constructed, the Proponent follow the mitigation measures outlined in Fisheries and Oceans Canada's (DFO) Operational Statement for Ice Bridges, available at the following internet address: <http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces-territoires/nu/index-eng.htm>.

General

All Authorizing Agencies shall notify the NIRB of any changes in operating plans or conditions associated with this project prior to any such change.

Nunavut Water Board

The Nunavut Water Board (NWB) impose mitigation measures, conditions and monitoring requirements pursuant to the Water Licence, which require the Proponent to respect the sensitivities and importance of water in the area. These mitigation measures, conditions and monitoring requirements should be in regard to use of water, snow and ice; waste disposal; access infrastructure and operation for camps; drilling operations; spill contingency planning; abandonment and restoration planning; and monitoring programs. In particular, mitigation measures, conditions and monitoring requirements should be considered for the use of water, snow and ice for the development and maintenance of the winter road for this project.

INAC Water Resources

INAC Water Resources should consider the importance of conducting regular inspections, pursuant to the authority of the *Nunavut Waters and Nunavut Surface Rights Tribunal Act*, while the project is in operation. The inspectors should focus on ensuring the Proponent is in compliance with the conditions imposed through the Water Licence.

The Board is currently **also** recommending the following:

Quarry Activity

The Proponent shall undertake quarrying in accordance with the *Nunavut Mining Safety Ordinance* and the *Territorial Quarrying Regulations* or equivalent. The Proponent shall practice progressive reclamation in accordance with the restoration guidelines outlined in Indian and Northern Affairs Canada's *Northern Land Use Guidelines Pits and Quarries* (Draft, 2008).

Transport Canada

If the proposed all-weather road between the Hayes camp and the Three Bluffs Exploration Gold Deposit including the airstrip should include any work(s) to be built or placed in, on, over, under, through or across any navigable waterway it may create a potential interference to navigation. The Proponent is required to submit a *Navigable Waters Protection Act (NWPA)* application for each individual work to the *Navigable Waters Protection Program (NWPP)* for review to determine if the work is exempt or requires Formal Approval. Applications can be made to the *Navigable Waters Protection Program Prairie and Northern Region*, Transport Canada nwp-pen.pn@tc.gc.ca.

Fisheries and Oceans Canada

If the Proponent can meet the conditions outlined in the *Mineral Exploration Activities Operational Statement* (<http://www.dfo-mpo.gc.ca/regions/central/habitat/os-eo/provinces->

territories-territoires/nu/os-eo24-eng.htm), then the DFO has no concerns regarding this project as it is unlikely to cause significant adverse effects to fish and fish habitat. If the Proponent cannot meet the conditions in the Operational Statement, they should submit an application to DFO for review.

Wildlife

The Proponent ensures that any problem wildlife or any interaction with carnivores should be reported immediately to the local Government of Nunavut, Department of Environment Conservation Office (Conservation Officer of the Kitikmeot, Monica Angohiatok in Kugluktuk at 867-982-7450 or Jacob Keanik in Gjoa Haven at 867-360-7605) especially:

- If a situation occurs where wildlife becomes a nuisance (returning frequently, or unable to deter),
- If you have killed wildlife (either to resolve a conflict or unintentionally),
- If you have injured wildlife and have not been able to relocate or destroy,
- If a human has been attacked or bitten by wildlife. Note: Current policy is for any wildlife that attack humans to be destroyed; only in special circumstances would wildlife not be destroyed. If no further injury or human life is in danger contact the Conservation Officer to report and for further instructions.
- Contact the Wildlife Manager, Dustin Fredlund, 867-982-7441, dfredlund@gov.nu.ca for information and advice on measures which minimize wildlife-human conflict.

The Proponent review Environment Canada's "Environmental Assessment Best Practice Guide for *Wildlife at Risk in Canada*", available at the following link: http://www.cws-scf.ec.gc.ca/publications/eval/index_e.cfm. The guide provides information to the Proponent on what is required when Wildlife at Risk, including *Species at Risk*, are encountered or affected by the project.

REGULATORY REQUIREMENTS

The Proponent has been previously advised that the following legislation may apply to the project:

1. The *Fisheries Act* (<http://laws.justice.gc.ca/en/showtdm/cs/F-14//en>).
2. The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* (<http://www.canlii.org/ca/sta/n-28.8/whole.html>).
3. The *Migratory Birds Convention Act* and *Migratory Birds Regulations* (<http://laws.justice.gc.ca/en/showtdm/cs/M-7.01>).
4. The *Species at Risk Act* (<http://laws.justice.gc.ca/en/showtdm/cs/S-15.3>). Attached in **Appendix B** is a list of Species at Risk in Nunavut.
5. The *Nunavut Wildlife Act* which contains provisions to protect and conserve wildlife and wildlife habitat, including specific protection measures for wildlife habitat and species at risk.

6. The *Nunavut Act* (<http://laws.justice.gc.ca/en/showtdm/cs/N-28.6>). The Proponent must comply with the proposed terms and conditions listed in the attached **Appendix C**.
7. The *Navigable Waters Protection Act (NWPA)* (<http://laws.justice.gc.ca/en/N-22/index.html>).
8. The Proponent is advised that the *Canadian Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/>) lists calcium chloride (CaCl) as a toxic substance. The Proponent should assess alternatives to the use of CaCl as a drill additive, including biodegradable and non-toxic additives.
9. The *Transportation of Dangerous Goods Regulations, Transportation of Dangerous Goods Act* (<http://www.tc.gc.ca/tdg/menu.htm>), and the *Environmental Protection Act* (<http://laws.justice.gc.ca/en/C-15.31/text.html>) The Proponent must ensure that proper shipping documents accompany all movements of dangerous goods. The Proponent must register with the GN-DOE Manager of Pollution Control and Air Quality at 867-975-7748.

In addition, the Proponent is also advised that the following legislation may apply to the project:

10. The *Aeronautics Act* (<http://laws.justice.gc.ca/en/A-2/>) part of which outlines the requirements concerning the *Canadian Aviation Regulations (CARs)* requirements (<http://www.tc.gc.ca/civilaviation/regserv/affairs/cars/menu.htm>).

Validity of Land Claims Agreement

Section 2.12.2

Where there is any inconsistency or conflict between any federal, territorial and local government laws, and the Agreement, the Agreement shall prevail to the extent of the inconsistency or conflict.

Dated January 28, 2011 at Sanikiluaq, NU.



Lucassie Arragutainaq, Chairperson

Attachments: Appendix A: Procedural History and Project Activities
Appendix B – Species at Risk in Nunavut
Appendix C – Archaeological and Palaeontological Resources Terms and Conditions for Land Use Permit Holders.

Appendix A

Procedural History and Project Activities

Procedural History

On December 15 and December 16, 2010 the Nunavut Impact Review Board (NIRB or Board) was forwarded three land use permit applications (N2009C0018; 056J12001; 056J11001) from Indian and Northern Affairs Canada (INAC) in support of North Country Gold Corp.'s (NCG) Committee Bay Project. The NIRB had previously assigned this project the file number **07EN021**. This project is located within the Kitikmeot region which does not have an approved Land Use Plan; therefore a conformity determination from the Nunavut Planning Commission was not required for this file.

On December 17, 2010 the NIRB wrote to the Minister of INAC and requested an extension to the screening timeline for this file, citing that more time was required for interested parties to provide comment, particularly given the holiday season and the scope of the proposal.

Previous File History

The original Committee Bay project proposal (NIRB File No.: 07EN021) was received from INAC on February 28, 2007 and screened in accordance with Part 4, Article 12 of the Nunavut Land Claims Agreement (NLCA). On May 11, 2007 the NIRB issued a 12.4.4(a) screening decision to the Minister of INAC indicating that the proposed mining exploration and campsite activities could proceed subject to project-specific recommended terms and conditions.

On February 29, 2008 the NIRB received an application from the Nunavut Planning Commission for an amendment to the Proponent's water licence for this project. After a thorough assessment of the amendment request and the comments received, the NIRB determined that the request did not significantly change the general scope of the project and on March 28, 2008 re-issued the original terms and conditions contained in the May 11, 2007 Screening Decision Report.

On January 26, 2009 the NIRB received an application from INAC for an extension to the Proponent's land use permits. After a review of the information provided, the NIRB determined that the proposed extension did not significantly change the general scope of the original project and on February 11, 2009 re-issued the original terms and conditions contained in the May 11, 2007 Screening Decision Report.

On February 2, 2010 the NIRB received an application from INAC for an amendment to the Proponent's land use permit N2009C0018, N2009C0019. After a thorough assessment of amendment request and the comments received, the NIRB determined that the request significantly changed the scope of the project. On February 26, 2010 the NIRB issued a 12.4.4(a) screening decision to the Minister of INAC indicating that the proposed exploration and campsite activities could proceed subject to the project-specific terms and conditions contained in the May 11, 2007 Screening Decision Report, with *new* recommended terms and conditions for the amended activities.

Current File History

The current project proposal is for an extension to NCG's existing INAC land use permit N2009C0018 as well as the addition of a quarry permit and a surface lease.

The NIRB determined that this request resulted in a change to the original scope of the project and distributed the project proposal was distributed to community organizations in the Kitikmeot Region and Repulse Bay, as well as to relevant federal and territorial government agencies, and Inuit organizations. The NIRB requested that interested parties review the proposal and the NIRB's previously recommended terms and conditions and provide the Board with any comments or concerns by January 17, 2011 regarding:

- Whether the project proposal is likely to arouse significant public concern; and if so, why;
- Whether the project proposal is likely to cause significant adverse eco-systemic and socio-economic effects; and if so, why;
- Whether the project is of a type where the potential adverse effects are highly predictable and mitigable with known technology, (providing any additional recommended mitigation measures); and
- Any matter of importance to the Party related to the project proposal.

On or before January 17, 2011 the NIRB received comments from the following interested parties (see Comments and Concerns section below):

- **Kitikmeot Inuit Association (KitIA)**
- **Government of Nunavut – Mineral & Petroleum Resources - Department of Economic Development and Transportation (GN-EDT)**
- **Government of Nunavut – Department of Environment (GN-DOE)**
- **Transport Canada (TC)**
- **Fisheries and Oceans Canada (DFO)**
- **Environment Canada (EC)**
- **Parks Canada (PC)**

All comments provided to NIRB regarding this project proposal can be viewed on NIRB's ftp-site, at the following location:

<http://ftp.nirb.ca/SCREENINGS/COMPLETED%20SCREENINGS/>

Project Activities

The Committee Bay project is a gold exploration project located in the Kitikmeot region, consisting of 202 active mineral claims and 14 mineral leases along an area known as the Committee Bay Greenstone Belt. The Three Bluffs Deposit is located on crown lands near the northern border of Ukkusiksalik National Park approximately 220 kilometres (km) southwest of Kugaaruk, 235 km west of Repulse Bay and 300 km north of the Meadowbank gold mine. NCG is currently proposing to upgrade its existing infrastructure in order to facilitate increased exploration activities in the project area from March 1, 2011 to October 15, 2016.

The original application, which was previously screened in accordance with Part 4, Article 12 of the NLCA, included the following project components/activities:

- Delivery of equipment, fuel and supplies required for program;
- Ice strip construction for temporary airstrip on lake at Hayes Camp;
- Exploration and drilling on ice and on land;
- Repositioning of drill equipment;
- Use of existing airstrip at Crater Lake Camp;
- Landing of aircraft with tundra tires on an esker at Ingot Camp;
- Use of existing seasonal exploration camps at Ingot, Crater, Hayes and Bullion camps;
- Chemical storage of drilling fluids;
- Fuel transportation and storage;
- Geochemical soil sampling;
- Gridding and ground geophysical surveys;
- Geological mapping and prospecting, sampling (rock, till and water) and stacking;
- Consumption of water for drilling purposes;
- Disposal of waste and wastewater;
- Preparation of landing site for helicopter; and
- Baseline environmental work at Hayes Camp.

The current project proposal is for an extension to NCG's existing INAC land use permit N2009C0018 as well as the addition of a quarry permit and a surface lease, to allow for the following additional components and activities:

- Increase in exploration activities, including additional drills, and revamping and addition of accommodation, camp buildings and services at the present Hayes Camp (INAC surface lease application 056J12001):
 - Use of 7 diamond and 2 RC drills positioned on the Three Bluffs Deposit for drilling of up to 60,000 metres in 2011 and 2012
 - Airborne and ground geophysics surveys
 - Geological mapping and prospecting
 - Infrastructure upgrade to accommodate up to 100 persons by adding:
 - 11 – 12x14 foot sleepers,
 - 1 – 200 cubic metres (m³) commercial kitchen,
 - 1 – 200 m³ commercial washroom,
 - 1 – 200 m³ dining/rec room,
 - 2 – 600 m³ shops.
 - Adding vehicles, heavy equipment, infrastructure, waste water treatment plant, incinerator, and drilling equipment.
- Improving and increasing the length of the current Hayes Camp airstrip (amendment to INAC land use permit application N2009C0018, including new quarry permit):
 - Upgrading the current esker airstrip to 3000' through levelling/grading and lengthening,
 - Quarrying of approximately 5000 m³ of ¾ crush to top coat the airstrip.

- Building an all-weather road from Hayes Camp to the Three Bluffs Gold deposit including a 5000' airstrip (INAC application 056J11001):
 - Construction of an approximately 6-10 kilometre (km) long road connecting the Hayes Camp to the Three Bluffs Exploration Gold Deposit.
 - Temporary fuel storage for heavy equipment along the road corridor in 204 Litre drums with a maximum of 19 drums per cache, secured with berms and spill kits.
 - Installation of culverts may be required to facilitate site drainage. Location of culverts to be determined based on 2011 hydrology survey. Currently no changes in water courses are planned.
 - Construction schedule:
 - April to June 2011, and Sept 2011: equipment mobilization
 - June to Sept 2011: Study hydrology and geomorphology of the proposed road corridor to assess the best position of the all-weather road
 - Sept 2011 to Aug 2013: road construction

Appendix B

Species at Risk in Nunavut

This list includes species listed on one of the Schedules of SARA (*Species at Risk Act*) and under consideration for listing on Schedule 1 of SARA. These species have been designated as at risk by COSEWIC (Committee on the Status of Endangered Wildlife in Canada). This list may not include all species identified as at risk by the Territorial Government.

- Schedule 1 is the official legal list of Species at Risk for SARA. SARA applies to all species on Schedule 1. The term “listed” species refers to species on Schedule 1.
- Schedule 2 and 3 of SARA identify species that were designated at risk by the COSEWIC prior to October 1999 and must be reassessed using revised criteria before they can be considered for addition to Schedule 1.
- Some species identified at risk by COSEWIC are “pending” addition to Schedule 1 of SARA. These species are under consideration for addition to Schedule 1, subject to further consultation or assessment.

Schedules of SARA are amended on a regular basis so it is important to periodically check the SARA registry (www.sararegistry.gc.ca) to get the current status of a species.

Updated: August 4, 2009

Species at Risk	COSEWIC Designation	Schedule of SARA	Government Organization with Lead Management Responsibility ¹
Eskimo Curlew	Endangered	Schedule 1	EC
Ivory Gull	Endangered	Schedule 1	EC
Ross's Gull	Threatened	Schedule 1	EC
Harlequin Duck (Eastern population)	Special Concern	Schedule 1	EC
Rusty Blackbird	Special Concern	Schedule 1	Government of Nunavut
Felt-leaf Willow	Special Concern	Schedule 1	Government of Nunavut
Peregrine Falcon (<i>anatum-tundrius</i> complex)	Special Concern	Schedule 1 (<i>anatum</i>) Schedule 3 (<i>tundrius</i>)	Government of Nunavut
Short-eared Owl	Special Concern	Schedule 3	Government of Nunavut
Peary Caribou	Endangered	Pending	Government of Nunavut
Beluga Whale (Eastern Hudson Bay population)	Endangered	Pending	DFO
Red Knot (<i>rufa</i> subspecies)	Endangered	Pending	EC

Beluga Whale (Cumberland Sound population)	Threatened	Pending	DFO
Atlantic Cod (Arctic population)	Special Concern	Pending	DFO
Beluga Whale (Western Hudson Bay population)	Special Concern	Pending	DFO
Beluga Whale (Eastern High Arctic – Baffin Bay population)	Special Concern	Pending	DFO
Bowhead Whale (Eastern Canada – West Greenland population)	Special Concern	Pending	DFO
Killer Whale (Northwest Atlantic / Eastern Arctic populations)	Special Concern	Pending	DFO
Porsild’s Bryum	Threatened	Pending	Government of Nunavut
Atlantic Walrus	Special Concern	Pending	DFO
Narwhal	Special Concern	Pending	DFO
Red Knot (<i>islandica</i> subspecies)	Special Concern	Pending	EC
Horned Grebe (Western population)	Special Concern	Pending	EC
Barren-ground Caribou (Dolphin and Union population)	Special Concern	Pending	Government of Nunavut
Grizzly Bear	Special Concern	Pending	Government of Nunavut
Polar Bear	Special Concern	Pending	Government of Nunavut
Wolverine (Western Population)	Special Concern	Pending	Government of Nunavut

¹ Environment Canada (EC) has a national role to play in the conservation and recovery of Species at Risk in Canada, as well as responsibility for management of birds described in the Migratory Birds Convention Act (MBCA). Day-to-day management of terrestrial species not covered in the MBCA is the responsibility of the Territorial Government. Populations that exist in National Parks are also managed under the authority of the Parks Canada Agency. The Department of Fisheries and Oceans (DFO) has responsibility for management of aquatic species.

Appendix C
Archaeological and Palaeontological Resources Terms and Conditions
for Land Use Permit Holders



INTRODUCTION

The Department of Culture, Language, Elders and Youth (CLEY) routinely reviews land use applications sent to the Nunavut Water Board, Nunavut Impact Review Board and the Department of Indian and Northern Affairs Canada. These terms and conditions provide general direction to the permittee/proponent regarding the appropriate actions to be taken to ensure the permittee/proponent carries out its role in the protection of Nunavut’s archaeological and palaeontological resources.

TERMS AND CONDITIONS

- 1) The permittee/proponent shall have a professional archaeologist and/or palaeontologist perform the following **Functions** associated with the **Types of Development** listed below or similar development activities:

	Types of Development (See Guidelines below)	Function (See Guidelines below)
a)	Large scale prospecting	Archaeological/Palaeontological Overview Assessment
b)	Diamond drilling for exploration or geotechnical purpose or planning of linear disturbances	Archaeological/ Palaeontological Inventory
c)	Construction of linear disturbances, Extractive disturbances, Impounding disturbances and other land disturbance activities	Archaeological/ Palaeontological Inventory or Assessment or Mitigation

Note that the above-mentioned functions require either a Nunavut Archaeologist Permit or a Nunavut Palaeontologist Permit. CLEY is authorized by way of the *Nunavut and Archaeological and Palaeontological Site Regulations*¹ to issue such permits.

¹ P.C. 2001-1111 14 June, 2001

- 2) The permittee/proponent shall not operate any vehicle over a known or suspected archaeological or palaeontological site.
- 3) The permittee/proponent shall not remove, disturb, or displace any archaeological artifact or site, or any fossil or palaeontological site.
- 4) The permittee/proponent shall immediately contact CLEY at (867) 934-2046 or (867) 975-5500 should an archaeological site or specimen, or a palaeontological site or fossil, be encountered or disturbed by any land use activity.
- 5) The permittee/proponent shall immediately cease any activity that disturbs an archaeological or palaeontological site encountered during the course of a land use operation until permitted to proceed with the authorization of CLEY.
- 6) The permittee/proponent shall follow the direction of CLEY in restoring disturbed archaeological or palaeontological sites to an acceptable condition. If these conditions are attached to either a Class A or B Permit under the Territorial Lands Act INAC's directions will also be followed.
- 7) The permittee/proponent shall provide all information requested by CLEY concerning all archaeological sites or artifacts and all palaeontological sites and fossils encountered in the course of any land use activity.
- 8) The permittee/proponent shall make best efforts to ensure that all persons working under its authority are aware of these conditions concerning archaeological sites and artifacts and palaeontological sites and fossils.
- 9) If a list of recorded archaeological and/or palaeontological sites is provided to the permittee/proponent by CLEY as part of the review of the land use application the permittee/proponent shall avoid the archaeological and/or palaeontological sites listed.
- 10) Should a list of recorded sites be provided to the permittee/proponent, the information is provided solely for the purpose of the proponent's land use activities as described in the land use application, and must otherwise be treated confidentially by the proponent.

LEGAL FRAMEWORK

As stated in Article 33 of the *Nunavut Land Claims Agreement*:

Where an application is made for a land use permit in the Nunavut Settlement Area, and there are reasonable grounds to believe that there could be sites of archaeological importance on the lands affected, no land use permit shall be issued without written consent of the Designated Agency. Such consent shall not be unreasonably withheld. [33.5.12]

Each land use permit referred to in Section 33.5.12 shall specify the plans and methods of archeological site protection and restoration to be followed by the permit holder, and any other conditions the Designated Agency may deem fit. [33.5.13]

Palaeontology and Archaeology

Under the *Nunavut Act*², the federal government can make regulations for the protection, care and preservation of palaeontological and archaeological sites and specimens in Nunavut. Under the *Nunavut Archaeological and Palaeontological Sites Regulations*³, it is illegal to alter or disturb any palaeontological or archaeological site in Nunavut unless permission is first granted through the permitting process.

Definitions

As defined in the *Nunavut Archaeological and Palaeontological Sites Regulations*, the following definitions apply:

“archaeological site” means a place where an archaeological artifact is found.

“archaeological artifact” means any tangible evidence of human activity that is more than 50 years old and in respect of which an unbroken chain of possession or regular pattern of usage cannot be demonstrated, and includes a Denesuline archaeological specimen referred to in section 40.4.9 of the Nunavut Land Claims Agreement.

“palaeontological site” means a site where a fossil is found.

“fossil” includes:

Fossil means the hardened or preserved remains or impression of previously living organisms or vegetation and includes:

- (a) natural casts;*
- (b) preserved tracks, coprolites and plant remains; and*
- (c) the preserved shells and exoskeletons of invertebrates and the preserved eggs, teeth and bones of vertebrates*

² s. 51(1)

³ P.C. 2001-1111 14 June, 2001

GUIDELINES FOR DEVELOPERS FOR THE PROTECTION OF ARCHAEOLOGICAL RESOURCES IN THE NUNAVUT TERRITORY

(NOTE: Partial document only, complete document at: <http://gov.nu.ca/cley/english/arch.html>)

Introduction

The following guidelines have been formulated to ensure that the impacts of proposed developments upon heritage resources are assessed and mitigated before ground surface altering activities occur. Heritage resources are defined as, but not limited to, archaeological and historical sites, burial grounds, palaeontological sites, historic buildings and cairns. Effective collaboration between the developer, the Department of Culture, Language, Elders and Youth (CLEY), and the contract archaeologist(s) will ensure proper preservation of heritage resources in the Nunavut Territory. The roles of each are briefly described.

CLEY is the Nunavut Government agency which oversees the protection and management of heritage resources in Nunavut, in partnership with land claim authorities, regulatory agencies, and the federal government. Its role in mitigating impacts of developments on heritage resources is as follows: to identify the need for an impact assessment and make recommendations to the appropriate regulatory agency; set the terms of reference for the study depending upon the scope of the development; suggest the names of qualified individuals prepared to undertake the study to the developer; issue an archaeologist or palaeontologist permit authorizing field work; assess the completeness of the study and its recommendations; and ensure that the developer complies with the recommendations.

The primary regulatory agencies that CLEY provides information and assistance to are the Nunavut Impact Review Board, for development activities proposed for Inuit Owned Lands (as defined in Section 1.1.1 of the Nunavut Land Claims Agreement), and the Department of Indian and Northern Affairs, for development activities proposed for federal Crown Lands.

A developer is the initiator of a land use activity. It is the obligation of the developer to ensure that a qualified archaeologist or palaeontologist is hired to perform the required study and that provisions of the contract with the archaeologist or palaeontologist allow permit requirements to be met; i.e. fieldwork, collections management, artifact and specimen conservation, and report preparation. On the recommendation of the contract archaeologist or palaeontologist in the field and the Government of Nunavut, the developer shall implement avoidance or mitigative measures to protect heritage resources or to salvage the information they contain through excavation, analysis, and report writing. The developer assumes all costs associated with the study in its entirety.

Through his or her active participation and supervision of the study, the contract archaeologist or palaeontologist is accountable for the quality of work undertaken and the quality of the report produced. Facilities to conduct fieldwork, analysis, and report preparation should be available to this individual through institutional, agency, or company affiliations. Responsibility for the curation of objects recovered during field work while under study and for documents generated in the course of the study as well as remittance of artifacts, specimens and documents to the

repository specified on the permit accrue to the contract archaeologist or palaeontologist. This individual is also bound by the legal requirements of the *Nunavut Archaeological and Palaeontological Sites Regulations*.

Types of Development

In general, those developments that cause concern for the safety of heritage resources will include one or more of the following kinds of surface disturbances. These categories, in combination, are comprehensive of the major kinds of developments commonly proposed in Nunavut. For any single development proposal, several kinds of these disturbances may be involved

- *Linear disturbances: including the construction of highways, roads, winter roads, transmission lines, and pipelines;*
- *Extractive disturbances: including mining, gravel removal, quarrying, and land filling;*
- *Impoundment disturbances: including dams, reservoirs, and tailings ponds;*
- *Intensive land use disturbances: including industrial, residential, commercial, recreational, and land reclamation work, and use of heritage resources as tourist developments.*
- *Mineral, oil and gas exploration: establishment of camps, temporary airstrips, access routes, well sites, or quarries all have potential for impacting heritage resources.*

Types of Studies Undertaken to Preserve Heritage Resources

Overview: An overview study of heritage resources should be conducted at the same time as the development project is being designed or its feasibility addressed. They usually lack specificity with regard to the exact location(s) and form(s) of impact and involve limited, if any, field surveys. Their main aim is to accumulate, evaluate, and synthesize the existing knowledge of the heritage of the known area of impact. The overview study provides managers with baseline data from which recommendations for future research and forecasts of potential impacts can be made. A Class I Permit is required for this type of study if field surveys are undertaken.

Reconnaissance: This is done to provide a judgmental appraisal of a region sufficient to provide the developer, the consultant, and government managers with recommendations for further development planning. This study may be implemented as a preliminary step to inventory and assessment investigations except in cases where a reconnaissance may indicate a very low or negligible heritage resource potential. Alternately, in the case of small-scale or linear developments, an inventory study may be recommended and obviate the need for a reconnaissance.

The main goal of a reconnaissance study is to provide baseline data for the verification of the presence of potential heritage resources, the determination of impacts to these resources, the generation of terms of reference for further studies and, if required, the advancement of

preliminary mitigative and compensatory plans. The results of reconnaissance studies are primarily useful for the selection of alternatives and secondarily as a means of identifying impacts that must be mitigated after the final siting and design of the development project. Depending on the scope of the study, a Class 1 or Class 2 Permit is required for this type of investigation.

Inventory: A resource inventory is generally conducted at that stage in a project's development at which the geographical area(s) likely to sustain direct, indirect, and perceived impacts can be well defined. This requires systematic and intensive fieldwork to ascertain the effects of all possible and alternate construction components on heritage resources. All heritage sites must be recorded on Government of Nunavut Site Survey forms. Sufficient information must be amassed from field, library and archival components of the study to generate a predictive model of the heritage resource base that will:

- allow the identification of research and conservation opportunities;
- enable the developer to make planning decisions and recognize their likely effects on the known or predicted resources; and
- make the developer aware of the expenditures, which may be required for subsequent studies and mitigation. A Class 1 or 2 permit is required

Assessment: At this stage, sufficient information concerning the numbers and locations of heritage resources will be available, as well as data to predict the forms and magnitude of impacts. Assessments provide information on the size, volume, complexity and content of a heritage resource, which is used to rank the values of different sites or site types given current archaeological knowledge. As this information will shape subsequent mitigation program(s), great care is necessary during this phase.

Mitigation: This refers to the amelioration of adverse impacts to heritage resources and involves the avoidance of impact through the redesign or relocation of a development or its components; the protection of the resource by constructing physical facilities; or, the scientific investigation and recovery of information from the resource by excavation or other method. The type(s) of appropriate mitigative measures are dictated by their viability in the context of the development project. Mitigation strategies must be developed in consultation with, and approved by, the Department of Culture, Language, Elders and Youth. It is important to note that mitigation activities should be initiated as far in advance of the construction of the development as possible.

Surveillance and monitoring: These may be required as part of the mitigation program.

Surveillance may be conducted during the construction phase of a project to ensure that the developer has complied with the recommendations.

Monitoring involves identification and inspection of residual and long-term impacts of a development (i.e. shoreline stability of a reservoir); or the use of impacts to disclose the presence of heritage resources, for example, the uncovering of buried sites during the construction of a pipeline.



NIRB File No.: 07EN021

AANDC File Nos.: N2014C0002 & N2014C0004

Previous AANDC File Nos.: N2009C0019 & N2009C0018

KIA File Nos.: KTL306C031, KTL305C004

NWB File No.: 2BE-CRA1015

April 22, 2014

The Honourable Bernard Valcourt
Minister of Aboriginal Affairs and Northern Development
c/o Tracey McCaie, A/Manager Land Administration
Aboriginal Affairs and Northern Development Canada
P.O. Box 100,
Iqaluit, NU X0A 0H0

Sent via email: tracey.mccaie@aandc.gc.ca; landsmining@aandc.gc.ca

Re: Application Exempt from the Requirement for Screening pursuant to Section 12.4.3 of the NLCA: North Country Gold Corp.'s "Committee Bay Project – Three Bluffs Deposit" project, Kitikmeot & Kivalliq Regions

Dear Tracey McCaie:

On February 3, 2014 the NIRB received an application from Aboriginal Affairs and Northern Development Canada (AANDC) to renew and replace Land Use Permit (LUP) No. N2009C0019 with LUP No. N2014C0002 associated with North Country Gold Corp.'s (NCG) ongoing "Bullion Camp" project. On February 5, 2014 the NIRB received a second application from AANDC to renew and replace Land Use Permit No. N2009C0018 with LUP No. N2014C0004 associated with NCG's "Hayes Camp" project. Both of these LUPs are associated with the overall "Committee Bay Project – Three Bluffs Deposit" exploration project, previously screened under NIRB File No. 07EN021. Noting this, on February 10, 2014 the NIRB issued correspondence indicating that as a portion of the project proposal appeared to be located in an area with an approved land use plan in place (Keewatin Regional Land Use Plan), a conformity determination from the Nunavut Planning Commission may be required. On March 27, 2014 the NIRB received indication from the NPC that the extension request does not change the scope of the originally reviewed project and issued the original positive conformity determination dated February 27, 2007 remained in effect. On March 28, 2014 the NIRB provided notification to NCG that additional information was required to allow the NIRB to conduct its assessment of the latest applications, and received the requested information on the same day.

Please be advised that the original project proposal (NIRB File No.: 07EN021) was received by the NIRB from Indian and Northern Affairs Canada (INAC; now AANDC) on March 1, 2007 and was screened by the Board in accordance with Part 4, Article 12 of the Nunavut Land Claims

Agreement (NLCA). On May 11, 2007 the NIRB issued the enclosed NLCA 12.4.4(a) screening decision to the Minister of INAC which indicated that the proposed project could proceed subject to the NIRB's recommended project-specific terms and conditions.

Additional authorization and extension requests associated with the "Committee Bay Project – Three Bluffs Deposit" project have also been reviewed by the NIRB following screening of the original project proposal (File No. 07EN021). A summary of the additional applications associated with NIRB File No. 07EN021 is presented in Table 1.

Table 1: Additional applications associated with NIRB File No. 07EN021

Authorization	Application			NIRB Decision	
	Date Received by NIRB	Type	Reason for Application	Date Issued	Type
NWB Water Licence (2BE-CRA0710)	February 29, 2008	Amendment	Add drills and increase daily water use	March 28, 2008	Reissued May 11, 2007 SDR
INAC LUP (N2007C0001; N2007C0002)	January 26, 2009	Extension	Continue exploration activities	February 11, 2009	Reissued May 11, 2007 SDR
INAC LUP (N2009C0018; N2009C0019)	February 2, 2010	Amendment	Construction of winter trail between Hayes Camp and deposit	February 26, 2010	New SDR: May 11, 2007 SDR with <i>additional</i> terms and conditions
INAC LUP (N2009C0018)	December 15&16, 2010	Extension	Upgrade existing infrastructure, increase drilling, and construct all-weather road from Hayes Camp to deposit	January 28, 2011	New SDR: February 26, 2010 SDR with <i>additional</i> terms and conditions
INAC Quarry Permit (056J12002)		New Permit			
INAC Surface Lease (056J11001)		New Permit			
AANDC LUP (N2009C0019)	January 3, 2012	Extension	Continue exploration activities with additional equipment	February 22, 2012	Reissued January 28, 2011 SDR
AANDC LUP (N2009C0018)	January 25, 2012	Amendment and Extension			
GN Land Use Permit	July 19, 2012	New Permit	Storage of fuel, core boxes and timber within the Municipality of Rankin Inlet	August 29, 2012	Reissued January 28, 2011 SDR
AANDC LUP (N2009C0019)	February 27, 2013	Amendment & Extension	Continue exploration activities at 8 new mineral leases	March 6, 2013	Reissued January 28, 2011 SDR

Notes: AANDC = Aboriginal Affairs and Northern Development Canada; GN = Government of Nunavut; INAC = Indian and Northern Affairs Canada; LUP = Land Use Permit; NIRB = Nunavut Impact Review Board; NWB = Nunavut Water Board; SDR = Screening Decision Report

The current AANDC applications, the original NIRB Screening Decision Report (File No. 07EN021) and related file information are available from the NIRB's online public registry at the following location:

<http://ftp.nirb.ca/01-SCREENINGS/COMPLETED%20SCREENINGS/2007/07EN021-North%20Country%20Gold-Committee%20Bay/>.

PREVIOUSLY-SCREENED PROJECT PROPOSAL:

As previously screened by the NIRB (File No. 07EN021), the "Committee Bay Project - Camp and Airstrip" project was located within the Kitikmeot region, approximately 220 kilometres (km) southwest of Kugaaruk and 235 km west of Repulse Bay near the northern border of Ukkusiksalik National Park. The Proponent had initially indicated that it intended to explore potential gold deposits along the Committee Bay Greenstone Belt seasonally from March 2007 to March 2009.

Project components/activities included the following:

- Use of existing seasonal exploration camps at Ingot, Crater, Hayes and Bullion camp sites between March and September;
- Construction of temporary ice strip on a lake at Hayes Camp;
- Use of existing airstrip at Crater Lake Camp;
- Landing of aircraft with tundra tires on an esker at Ingot Camp;
- Exploration activities as well as transport of personnel and supplies supported by snow machines, helicopters and Twin Otter aircraft;
- Exploration and drilling on ice and on land;
- Chemical storage of drilling fluids;
- Fuel transportation and storage;
- Geochemical soil sampling;
- Gridding and ground geophysical surveys;
- Geological mapping and prospecting, sampling (rock, till and water) and stacking;
- Consumption of water for drilling purposes;
- Generation of waste and wastewater;
- Preparation of landing site for helicopter; and,
- Baseline environmental work at Hayes Camp.

The components associated with the previous February 29, 2008 application for an amendment to the Type B Nunavut Water Board licence (No. 2BE-CRA0710) for the proposal included additional domestic water use for camps and a new drill site.

The January 26, 2009 extension request for AANDC Land Use Permits N2007C0001 and N2007C0002 involved activities in support of continued exploration at the Committee Bay Greenstone Belt for an additional two years, between March 2009 and March 2011.

The activities and components associated with the previous February 2, 2010 amendment application for AANDC Land Use Permits N2009C0018 and N2009C0019 included:

- Exploration activities to continue between March 1, 2010 and October 30, 2011;

- Increase the number of drills from 3 to 6;
- 6 drills to be used concurrently with 2 of the 4 camps open at any one time; and,
- Construction of a temporary winter road approximately 10 kilometres long from Hayes Camp to the Three Bluffs deposit for hauling water, drills and related equipment and personnel to the deposit to enable spring exploration drilling.

The activities and components associated with the December 2010 extension request for AANDC Land Use Permit N2009C0018 and the addition of a quarry permit and surface lease included:

- Upgrade existing infrastructure in order to facilitate increased exploration activities in the project area from March 1, 2011 to October 15, 2016;
- Increase exploration activities, including use of additional drills, and updating camp accommodation and services at the present Hayes Camp:
 - Use of 7 diamond and 2 RC drills positioned on the Three Bluffs Deposit for drilling of up to 60,000 metres in 2011 and 2012,
 - Airborne and ground geophysics surveys,
 - Geological mapping and prospecting,
 - Infrastructure upgrade to accommodate up to 100 persons,
 - Adding vehicles, heavy equipment, infrastructure, waste water treatment plant, incinerator, and drilling equipment.
- Improve condition of and increase length of Hayes Camp airstrip:
 - Upgrade current esker airstrip to 3000 feet in length through levelling and grading,
 - Quarry approximately 5000 cubic metres of ¾ crush to top coat the airstrip.
- Build an all-weather road from Hayes Camp to the Three Bluffs Gold deposit including a 5000 foot airstrip:
 - Construct approximately 6-10 kilometre (km) of road connecting the Hayes Camp to the Three Bluffs Exploration Gold Deposit.
 - Temporary fuel storage for heavy equipment along the road corridor in 205 Litre drums with a maximum of 19 drums per cache, secured with berms and spill kits.
 - Installation of culverts as required for site drainage. Location of culverts to be determined based on 2011 hydrology survey.
 - Construction schedule:
 - April to June 2011, and Sept 2011: equipment mobilization
 - June to Sept 2011: Study hydrology and geomorphology of the proposed road corridor to assess the best position of the all-weather road
 - Sept 2011 to Aug 2013: road construction

The activities and components associated with the January 3 and January 25, 2012 requests included a proposal to extend the term of both of the AANDC Land Use Permits (N2009C0019, N2009C0018) from March 2012 to March 2014, as well as to amend AANDC Land Use Permit N2009C0018 to include the following additional components:

- Use of explosives for blasting of gravel and/or work for the purposes of obtaining crushed material and aggregate to complete the upgrades to the all-weather 3000 foot airstrip at Hayes Camp including the addition of 2 explosive magazines and a mini drill which will also require a new quarry permit;

- Addition of new equipment: 2 Huggland personnel carriers, 1 All Track, and 4 additional snow machines;
- Addition of 2 new skid mounted 35,000 litre double walled fuel tanks to compliment the 2 already in place at the Hayes Camp to further reduce the need for drummed fuel; and,
- Total amount of fuel required for the 2012 season will remain at approximately 1,500,000 litres.

The activities and components associated with the July 19, 2012 application for a Land Use Permit (Government of Nunavut, Community and Government Services) within the Municipality of Rankin Inlet included:

- Temporary storage of 51,250 litres of diesel fuel secured in an insta-berm;
- Storage of 15 pallets of core boxes and one pallet of core box lids;
- Storage of four lifts of timber; and,
- One sea can.

The activities and components associated with the previous February 27, 2013 amendment and extension included:

- Additional exploration at eight (8) pending mineral leases; and,
- Removal of 33 mineral claims from the exploration program.

CURRENT APPLICATION:

North Country Gold Corp. is currently proposing to renew its AANDC Land Use Permits for the Bullion Camp (previous AANDC No. N2009C0019, to be replaced by AANDC No. N2014C0002) and Hayes Camp (previous AANDC No. N2009C0018, to be replaced by AANDC No. N2014C0004) in order to continue with previously approved exploration activities.

Please note that Section 12.4.3 of the NLCA states that:

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

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

(b) its inclusion would significantly modify the project.”

After completing a review of the information provided in support of the current application, the NIRB is of the understanding that the proposed renewal does not change the general scope of the original project activities, and the exceptions noted in NLCA 12.4.3(a) and (b) do not apply. Therefore, this application is exempt from the requirement for screening pursuant to Section 12.4.3 of the NLCA and the activities therein remain subject to the terms and conditions recommended in the January 28, 2011 Screening Decision Report (enclosed).

The Board notes that an annual report for the 2013 calendar year has not yet been provided by NCG; the NIRB looks forward to receiving the requested information pursuant to term and condition 6 of the enclosed Screening Decision Report.

At this time, the NIRB cautions the Proponent and AANDC that the progressive amendments and extensions to the physical and temporal scope of the Committee Bay Project – Three Bluffs Deposit project since the conclusion of the original NIRB assessment in May 2007 may cause concern for potential additive effects not contemplated during the original assessment and associated development of management plans by the Proponent. Additional proposed changes to the Project could warrant a new screening by the NIRB of all associated activities.

If you have any questions or require additional clarification, please contact Tara Arko, Technical Advisor, at (867) 983-4611 or tarko@nirb.ca.

Sincerely,



Amanda Hanson
A/Executive Director
Nunavut Impact Review Board

cc: Jo Price, North Country Gold
Nicholas Kavanagh, Aboriginal Affairs and Northern Development Canada
Phyllis Beaulieu, Nunavut Water Board
Geoff Clark, Kitikmeot Inuit Association
Luigi Torretti, Kitikmeot Inuit Association
Luis Manzo, Kivalliq Inuit Association

Enclosure: NIRB Screening Decision Report, File No.: 07EN021 (January 28, 2011)