

- c) the proposal is insufficiently developed to permit proper screening, and should be returned to the proponent for clarification; or
- d) the potential adverse impacts of the proposal are so unacceptable that it should be modified or abandoned.

NIRB ASSESSMENT AND DECISION

After a thorough assessment of all material provided to the Board (please see Appendix A), the decision of the Board as per section 12.4.4 of the NLCA is:

12.4.4 (a): the proposal may be processed without a review under Part 5 or 6; NIRB may recommend specific terms and conditions to be attached to any approval, reflecting the primary objectives set out in Section 12.2.5

RECOMMENDATIONS AND RECOMMENDED TERMS AND CONDITIONS

NIRB is recommending the following:

1. The Kitikmeot Inuit Association (KIA) impose environmental abatement Terms and Conditions through the issuance of an Inuit Owned Lands License, related to:
 - a. General Standards
 - b. Fuel and Chemical Storage
 - c. Campsites
 - d. Fisheries
 - e. Ground Disturbance
 - f. Wildlife

NIRB is also of the understanding that Indian and Northern Affairs Canada (INAC) issued an amendment to N2005C0023 to allow for additional land associated with the project activities (on Crown Land: See Appendix B). Therefore, NIRB recommends that INAC forward any renewal request for INAC LUP N2005C0023 (expires on July 19, 2007) to NIRB for re-screening. The reason for this is due to the change in the geographic scope of project activities which may have an adverse effect on area wildlife.

In addition, the Board is recommending the following or similar project-specific terms and conditions be imposed upon the Proponent through all relevant legislation pursuant to 12.4.4(a) of the NLCA:

1. Triex Minerals Corporation (the Proponent) shall maintain a copy of the Project Terms and Conditions at the site of operation at all times.
2. The Proponent shall forward copies of all permits required for the project to NIRB prior to the commencement of the project.
3. The NIRB shall be notified of any changes in operating plans or conditions associated with this project prior to any such change.
4. The Proponent shall operate in accordance with all commitments stated in all documents provided to NIRB, namely:
 - a. Screening Part 2 Form Project Specific Information Requirements (October 2006)

- b. Kitikmeot Inuit Association Application for Access to Inuit Owned Land, including Appendix A (October 2006)
 - c. Nunavut Water Board Water License Application Form and Supplementary Questionnaire
 - d. Triex Minerals Corporation Abandonment and Restoration Plan
 - e. Triex Minerals Corporation Spill Contingency Plan (to be updated, as required by Condition 5)
- 5. On or before April 30, 2007, the Proponent shall submit to NIRB, Environment Canada (EC), Government of Nunavut Department of the Environment (GN-DOE) and the Nunavut Water Board a *revised* Spill Contingency Plan, which addresses the comments provided to NIRB by GN-DOE and EC (See Appendix C).
- 6. On or before April 30, 2007, the Proponent shall submit to NIRB, Environment Canada (EC), and the GN-DOE a Wildlife Mitigation and Monitoring Plan, which must include:
 - a. The following requirements:
 - i. Any NIRB conditions contained within this Screening Decision
 - ii. Compliance with the *Migratory Birds Act* and *Regulations*
 - iii. Maintenance of flight altitudes of 610m during point to point flights, except where low-level flights are required
 - iv. The Proponent must ensure that camp waste is made inaccessible to wildlife at all times.
 - v. The Proponent must cease all activities that may interfere with migration of caribou, such as the movement of equipment, drilling, etc until migrating caribou have passed.
 - vi. Protocols which will be followed to ensure all personnel are aware of the Wildlife Mitigation and Monitoring Plan
 - vii. Annual reporting requirements to NIRB, the GN-DOE and the KIA regarding wildlife sightings, mitigation measures, and monitoring results
 - b. Predicted impacts to wildlife, including barren-land caribou, wolves, and any Species at Risk, from **all** project activities, including those on Crown land
 - c. Proposed site-specific measures to reduce anticipated adverse impacts to wildlife from **all** project activities, including those on Crown land
 - d. Proposed procedures for the Wildlife Mitigation and Monitoring Plan, including:
 - i. Identification of wildlife which require monitoring
 - ii. Frequency and monitoring period
 - iii. Locations where monitoring will occur
 - iv. Discussion regarding how the data collected in the Wildlife Mitigation and Monitoring program will be used to determine if adaptive mitigation and management strategies for wildlife are required
- 7. The Proponent shall submit an annual report with copies provided to the NIRB and the KIA by January 31 each year that the project is in operation commencing January 31, 2008. The report must contain, but not be limited to, the following information:
 - a. A summary of activities undertaken for the year and a work plan for the following year;
 - b. The results of any environmental studies undertaken and plans for future studies;
 - c. Wildlife sightings, mitigation measures, and monitoring results;
 - d. A discussion regarding the effects to human health from uranium exploration activities;
 - e. A summary of local hires and community consultations undertaken;
 - f. A summary of site-visits by Land Use Inspectors with results and follow-up actions;
 - g. The number of take-offs & landings from an airstrip with approved flight path with date and location;
 - h. The number of helicopter touch-downs on the land with date and location (provide unless confidential);

- i. Site photos;
 - j. Progressive reclamation work undertaken;
 - k. Efforts made to achieve compliance with the Canadian Wide Standards for Dioxins and Furans, and the Canadian Wide Standards for Mercury; and
 - l. A summary of how the Proponent has complied with NIRB conditions contained within this Screening Decision, and the conditions associated with all authorizations for the project proposal.
8. The Proponent shall locate all sumps, pits, spill basins, fuel caches 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 the contents from entering any water body frequented by fish. The sumps must be properly closed out at the end of the project.
9. The Proponent is required to use secondary containment measures (such as an impervious liner) for the storage of all barreled fuel rather than relying on natural depressions to contain spills.
10. The Proponent shall apply appropriate technologies to ensure complete combustion of wastes, and should use an approved incinerator for the disposal of combustible camp wastes which meets the emission limits established under the Canada-Wide Standards (CWS) for Dioxins and Furans and the CWS for Mercury. Efforts to meet the emission limits shall be reported to NIRB in the required annual report.
11. The Proponent is required to backfill or cap drill holes at the end of a project. Drill holes should be sealed by cementing the upper 30m of bedrock or the entire depth of the hole, whichever is less. Any drill cuttings with a uranium concentration of 0.05% or greater should be disposed of in the drill holes and sealed as required.
12. The Proponent is required to store all drill core a minimum of 100m from the high water mark of water bodies.
13. The Proponent shall be advised that camp-sites and fishing sites are located within the project area which may be currently used by local people during the time period of the project activities. Prior to commencement of project activities, the Proponent shall make all reasonable efforts to enquire if local people are in the area where activities are taking place. If local people are within the area, the Proponent should ensure the local people are aware of the project activities to take place.
14. The Proponent should be aware of the law regarding disturbance of archaeological and palaeontological sites and the removal of artifacts found. If a site is found it should remain undisturbed and its location should be reported to the Government of Nunavut Department of Culture, Language, Elders and Youth (see Appendix D).
15. The Proponent is required to ensure the camp-site is clean and tidy. Furthermore, upon abandonment of the project activities, the Proponent shall ensure that the project area is clean and tidy, and no remnants of past exploration activities are left within the project area, particularly any core storage areas. The area should left in a state as near as possible to pre-exploration conditions.

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 _____ April 3, 2007 _____ at Sanikiluaq, NU.

A handwritten signature in black ink, appearing to be 'Lucassie Arragutainaq', written in a cursive style.

Lucassie Arragutainaq, A/Chairperson

Appendix A File History

On February 7, 2007 the Nunavut Impact Review Board (NIRB) received a new project proposal from Triex Minerals for the Mountain Lake Uranium Exploration Project. The project proposal was received from the Kitikmeot Inuit Association (KIA). On February 19, 2007 NIRB requested additional information from the Proponent, and on March 7, 2007 NIRB received the required information and commenced the Part 4 Screening.

The project is located in the Hornby Bay Basin, in the West Kitikmeot region. The nearest community is Kugluktuk.

On March 21, 2007 NIRB received information from Indian and Northern Affairs Canada (INAC) indicating that INAC had amended Triex Minerals Land Use Permit N2005C0023 to include new areas for project activities, but did not consider this to be a significant amendment requiring NIRB screening.

Therefore, the Part 4 Screening included only activities on Inuit-Owned Lands, which are:

- Drilling activities from April 1 to September 30 of each year on Inuit-Owned Lands
- Use of existing camp at Kirwin Lake to support drilling on Inuit-Owned Lands (permitted under INAC Land Use Permit N2005C0023)
- Transportation of drill and crews via helicopter
- Temporary fuel storage at drill site locations
- Consumption of water and generation of wastes
- Hazardous waste storage
- Abandonment and restoration

This application was distributed to the community of Kugluktuk and to interested Federal and Territorial Agencies.

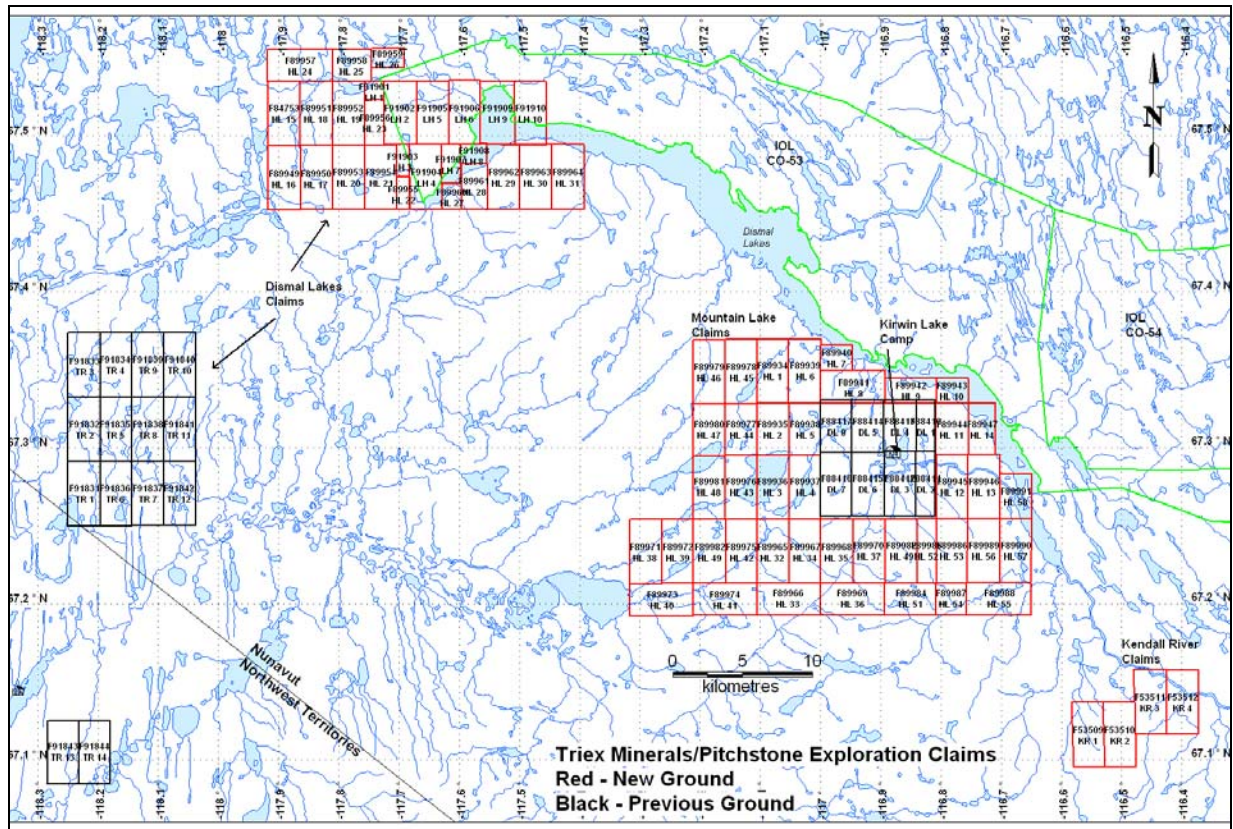
On March 28, 2007 NIRB received comments from the following Parties:

1. The Government of Nunavut Department of Environment (GN-DOE)
2. The Kitikmeot Inuit Association (KIA)
3. Environment Canada (EC)
4. The Government of Nunavut Department of Culture, Language, Elders and Youth

All Parties provided comments for NIRB's consideration. No concerns were expressed about the project proposal.

Appendix B

Current Land Holdings for Triex Minerals



Appendix C
Summary of Comments from GN-DOE and EC Related to Spill Contingency Plan

1. SPILL CONTINGENCY PLAN

Based on DOE's *Spill Contingency Planning and Reporting Regulations, and Spill Reporting in Nunavut: a Guide to the New Regulations*, we have the following comments and recommendations to make:

- Page 7 of the *Spill Contingency Plan* states that the proponent will “contact Federal and Territorial regulatory agencies to identify appropriate disposal methods before disposing of contaminated material.” The Spill Line and regulators do not provide disposal instructions for spilled and/or contaminated materials. It is the proponent's responsibility to develop a complete plan which addresses the steps to be taken from the start of the spill, up to and including the final clean up and disposal. Regulatory agencies such as DOE can review the final plan to assess its adequacy and provide advice at that time. Regulatory bodies can, and have, provided information and advice in emergency situations; however, these agencies should not be included in a spill plan as routine advisors.
- A contact number is provided in the spill plan, but it is not clear if the number is a 24 hour emergency contact number. The 24 hour number for the persons responsible for activating the contingency plan is required as this ensures the employee discovering the spill can activate a response and provides a 24 hour point of contact for the authority investigating the spill.
- Names and quantity of fuel and chemicals used should be updated in the current spill plan. Drill additives to be used as indicated in the NIRB Project Proposal Information Requirements Part 1 Form, should be reflected in the spill plan, and the MSDS of the chemicals should also be provided.
- The DOE monitors the movement of hazardous wastes, from the generator to final disposal, through use of a tracking document known as a Waste Manifest. A Waste Manifest must accompany all movements and all parties must register with DOE. This registration can be done at DOE by contacting Robert Eno at (867)975-7748 or reno@gov.nu.ca.
- The NWT-Nunavut spill report form has been updated, and can be obtained from the Spill Line. The proponent is advised to enter spill information electronically in the form so the information is legible to regulators inspecting the spill. Within a few months, it is anticipated that the Spill Line will be able to receive e-mailed spill reports. Until further notice, however, the form is to be filled out and faxed to the Spill Line as before.

Fuel Storage/Spill Contingency

- Drip pans, or other similar preventative measures, should be used when refuelling equipment on site.
- All fuel caches shall be located above the high water mark of any water body. Further, EC recommends the use of secondary containment, such as self-supporting insta-berms, when storing barreled fuel on location.

- Secondary containment should be of adequate size and volume to contain and hold fluids for the purpose of preventing spills (the worst-case scenario). Appropriate spill response equipment and clean-up materials (absorbents, containment devices, etc) must be on hand during any transfer of fuel or hazardous substances and at vehicle-maintenance areas.
- Transfer operations should be attended by trained personnel at all times.
- Decanting of snow or water from the berm area should proceed only if the appropriate chemical analysis has determined the contents meet the requirements of Section 36.3 of the Fisheries Act.
- All releases of harmful substances, regardless of quantity, are immediately reportable where the release:
 - is near or into a water body;
 - is near or into a designated sensitive environment or sensitive wildlife habitat;
 - poses an imminent threat to human health or safety; or
 - poses an imminent threat to a listed species at risk or its critical habitat.

Appendix D
Government of Nunavut Department of Culture, Language, Elders and Youth
Terms and Conditions and Confidential Coordinates



ARCHAEOLOGICAL AND PALAEOONTOLOGICAL 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]

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

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.

¹ s. 51(1)

² P.C. 2001-1111 14 June, 2001

“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.

Attachment 1**CONFIDENTIAL**

Borden No.	MhPo-1
Latitude	67 19 07 N
Longitude	116 41 39 W
Map No.	86N/7
Class.	prehistoric
Borden No.	MiPq-1 A
Latitude	67 27 21 N
Longitude	117 39 23 W
Map No.	86N/5
Class.	prehistoric; indigenous historic
Borden No.	MiPq-1 B
Latitude	67 27 06 N
Longitude	117 39 23 W
Map No.	86N/5
Class.	prehistoric