

Reasons for Decision:

NIRB's decision is based on specific considerations that reflect the primary objectives of the Land Claims Agreement. Our considerations in making this decision included:

- the impact of drilling activities on the ecosystem;
- disposal of drill cuttings and waste water;
- impact to water quality, aquatic habitat and wildlife and fish populations from chemicals, drill waste, drill fluids and potential fuel spills;
- storage and disposal of chemicals, fuel, garbage, sewage, and gray water, and impact of these on the ecosystem;
- the impact of noise from drilling activities and their disturbance to wildlife and traditional users of area;
- the impact of campsite and equipment on terrain;
- the impact of exploration activities on archaeological sites or cultural landmarks in the area; and
- clean up/restoration of the camp site and drilling locations upon abandonment.

This decision is based upon screening of Phase I of the project only.

Terms and Conditions:

That the terms and conditions attached to this screening report will apply.

Drill Sites

1. The Licensee shall not conduct any land based drilling within thirty-one (31) metres of the normal high water mark of a water body. Drilling wastes from land based drilling shall be disposed of in a sump such that the contents do not enter any water body.
2. For "on-ice" drilling the Permittee shall ensure that the release of total suspended solids in the receiving environment shall be in compliance with *Guidelines for Total Suspended Solids* contained in the *Canadian Council of Ministers for the Environment's (CCME) Canadian Water Quality Guidelines, Chapter 3 - Freshwater Aquatic Life* (i.e. 10mg/L for lakes with background level under 100mg/L, or 10% for those above 100mg/L).
3. The Licensee shall not use drilling muds or additives in connection with drill holes unless they are recirculated or contained such that they do not enter the water, or are certified to be non-toxic. The Licensee shall ensure that any drill cuttings and waste water that cannot be re-circulated be disposed of in a properly constructed sump or an appropriate natural depression that does not drain into a waterbody.
4. The Licensee shall ensure that drilling wastes do not enter any water body. The use of biodegradable, salt free drill additives is encouraged over non-biodegradable types. The proponent should be aware that the *Environmental Protection Act* has recently listed CaCl as a toxic substance. The proponent shall therefore ensure that all sumps containing CaCl are properly constructed and located in such a manner as to ensure that the contents will not enter any water body.

5. The Licensee shall ensure that the sump/depression capacity is sufficient to accommodate the volume of waste water and any fines that are produced so that there will be no additional impacts.
6. The Licensee shall ensure that disturbance of vegetation from deposit of drill fluids/cuttings is restricted to the area of the sump. Further, all sumps shall be backfilled and contoured to match the surrounding landscape at the end of each field season.
7. The Licensee shall, where flowing water from bore holes is encountered, plug, the bore hole in such a manner as to permanently prevent any further outflow of water. The occurrence shall be reported to the Nunavut Water Board and Land Use Inspector within 48 hours.
8. If the drilling requires water in sufficient volume that the source waterbody may be drawn down details must be submitted (volume required, size of waterbody, etc.) to DFO-FHM for review. DFO-FHM does not recommend the use of streams as a water source.

Water

9. The Licensee shall ensure that all water intake hoses are equipped with a screen with an appropriate mesh size to ensure that there is no entrapment of fish. Refer to the *Freshwater Intake End-of Pipe Fish Screen Guideline* (DFO 1995).

Fuel and Chemical Storage

10. The Licensee shall ensure that fuel storage containers are not located within thirty-one (31) metres of the ordinary high water mark of any body of water.
11. The Licensee shall ensure that any chemicals, fuels or wastes associated with the project do not spread to the surrounding lands or enter into any water body.
12. The Licensee shall construct an impermeable dyke around each stationary fuel container or group of stationary fuel containers where one container has the capacity exceeding 4,000 litres.
13. The fuel storage facilities of the Licensee, including tanks, hoses, pumps, fuel transfer lines and associated mechanical connections and valves shall be installed and maintained in accordance with the Environmental Code of Practice for Aboveground Storage Tank Systems Containing Petroleum Products (CCME Environmental Code) and the National Fire Code, any reasonable modifications or improvements that are deemed necessary shall be approved by the Engineer.
14. The Licensee shall take all reasonable precautions to prevent the possibility of migration of spilled petroleum fuel or chemicals over the ground surface.
15. The Licensee shall examine all fuel and chemical storage containers for leaks. All leaks should be prepared immediately.
16. The Licensee shall dispose of all combustible waste petroleum products by incineration or removal from the site.
17. The Permittee shall ensure all activities, including maintenance procedures and refueling, should be controlled to prevent the entry of petroleum products or other deleterious substances into the water. The use of drip pans, or other preventative measures when refueling equipment on site is recommended.

18. The Licensee shall have an approved emergency response and spill contingency plans in place prior to the commencement of the operation.
19. The Licensee shall immediately report all spills of petroleum and hazardous chemicals to the twenty four (24) hour spill report line at (867) 920-8130.

Waste Disposal

20. The Licensee shall not discharge or deposit any refuse substances or other waste materials in any body of water, or on the banks thereof, which will impair the quality of the waters of the natural environment.
21. The Licensee shall not locate any sumps or areas designated for waste disposal within thirty-one (31) metres of the ordinary high water mark of any body of water, and be sufficiently bermed or otherwise contained to ensure that these substances do not enter a waterway unless otherwise authorized.
22. The Licensee shall treat greywater and sewage according to the terms and conditions outlined in the NWB approval.
23. The Licensee shall backfill and recontour all sumps to match the natural environment prior to the expiry date of the license.
24. The Licensee shall incinerate all combustible and food wastes to reduce the attraction of wildlife to garbage.
25. The Licensee shall ensure that all wastes generated through the course of the operation are backhauled and disposed of in an approved dumpsite.
26. The Licensee shall deposit all scrap metal, discarded machinery and parts, barrels and kegs, at an approved disposal site.

Wildlife

27. The Licensee shall ensure that there is no damage to wildlife habitat in conducting this operation.
28. The Licensee shall not feed wildlife.
29. The Licensee shall use the latest bear detection and deterrent techniques to minimize man-bear interactions and shall report any Man-Bear Interactions to the nearest Renewable Resource Officer.
30. The Licensee shall ensure that the drill sites avoid known environmentally sensitive areas (denning, nesting etc.) by a minimum of 250 metres.
31. The Licensee shall not locate any operation so as to block or cause substantial diversion to migration of caribou.
32. The Licensee shall cease activities that may interfere with migration or calving, such as airborne geophysics surveys or movement of equipment, drilling activities until the caribou and their calves have vacated the area.
33. The Licensee shall not conduct any activity associated with the land use operation during critical periods of wildlife cycles (eg. caribou migration, calving, fish spawning or raptor nesting).
34. That the Licensee shall ensure that there is no hunting by employees of the company or any contractors hired.

35. That the Licensee remove any carcasses along the roadway to prevent attraction by scavengers, preventing further road kills.
36. The Licensee shall ensure that aircraft pilots adhere to recommended flight altitudes of greater than 300 m above ground level as to not disturb wildlife. Raptor nesting sites and concentrations of nesting or molting waterfowl should be avoided by aircraft at all times.
37. The Licensee shall ensure compliance with Section 36 of the Fisheries Act which requires that no person shall deposit or permit the deposit of a deleterious substance on any type in water frequented by fish or in any place under any conditions where the deleterious substance may enter such a water body.
38. The harmful alteration, disruption or destruction of fish habitat is prohibited under Section 35 of the Fisheries Act. No construction or disturbance of any stream/lake bed or banks of any definable watercourse is permitted unless authorized by DFO.

Environmental

39. The Licensee shall ensure that the land use area is kept clean and tidy at all times.
40. The Licensee shall prepare the site in such a manner as to prevent rutting of the ground surface.
41. The Licensee shall be required to undertake any corrective measures in the event of any damage to the land or water as a result of the Licensee's operation.
42. The Licensee shall not remove any material from below the ordinary high water mark of any waterbody.
43. The Licensee shall slope the sides of excavations and embankments except in solid rock to 2:1 (two horizontal to one vertical) unless otherwise approved in writing by a land use inspector.
44. The Licensee shall adopt such measures as required to control erosion by surface disturbance.
45. The Licensee may only excavate and stockpiles in areas designated.
46. The Licensee 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.
47. The Licensee shall suspend overland travel of equipment or vehicles if rutting occurs.

Structure & Storage Facilities

48. The Licensee shall not erect structures or store material on the surface ice of lakes or streams, except that which is for immediate use.
49. The Licensee shall locate all structures and storage facilities on gravel, sand or other durable land.
50. The Licensee shall use existing housing and operational facilities.
51. The Licensee shall ensure that non-acid generating materials are used for the maintenance of roads. It is recommended that a summary of all testing be compiled, and a plan provided for preliminary testing of rock used in lay-downs, roads, etc. for acid generation potential.
52. The Licensee shall complete leachate and acid generation tests on ore and waste rock in a manner approved by the NWB.

Archaeological Sites

53. The Licensee shall follow all terms and conditions for the protection and restoration of archaeological resources as outlined by the Department of Culture, Language, Elders and Youths (CLEY) in attached letter.

Reclamation

54. The Licensee shall remove all scrap metal, discarded machinery and parts, barrels and kegs, buildings and building material upon abandonment.
55. The Licensee shall complete all clean-up and restoration of the lands used prior to the expiry date of the permit.
56. The Licensee shall have in place a current Abandonment and Restoration plan for the site.

Monitoring

57. The Licensee shall monitor the impacts to wildlife by maintaining a log of wildlife observed (species, number, date, time, location observed) and their behavior (i.e. avoidance, segregation, disturbance/stress, alteration of migration patterns or movements by wildlife).
58. The Licensee shall submit to the NWB and NIRB a summary report of activities undertaken and any abandonment and restoration of the site.

Other Recommendations

1. NIRB would like to encourage the proponent to hire local people and services, to the extent possible.
2. NIRB advises proponents to consult with local residents regarding their activities in the region and do community consultation on the project to keep the communities informed.
3. Any amendment requests deemed by NIRB to be outside the original scope of the project will be considered a new project.
4. The Environmental Protection Branch (DOE), Department of Fisheries and Oceans (DFO), Nunavut Impact Review Board (NIRB), Nunavut Water Board (NWB), and the Kitikmeot Inuit Association (KIA) should be advised of any material changes to plans or operating conditions associated with the project.

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 _____ at Cambridge Bay, NU

Albert Ehloak, A/Chairperson