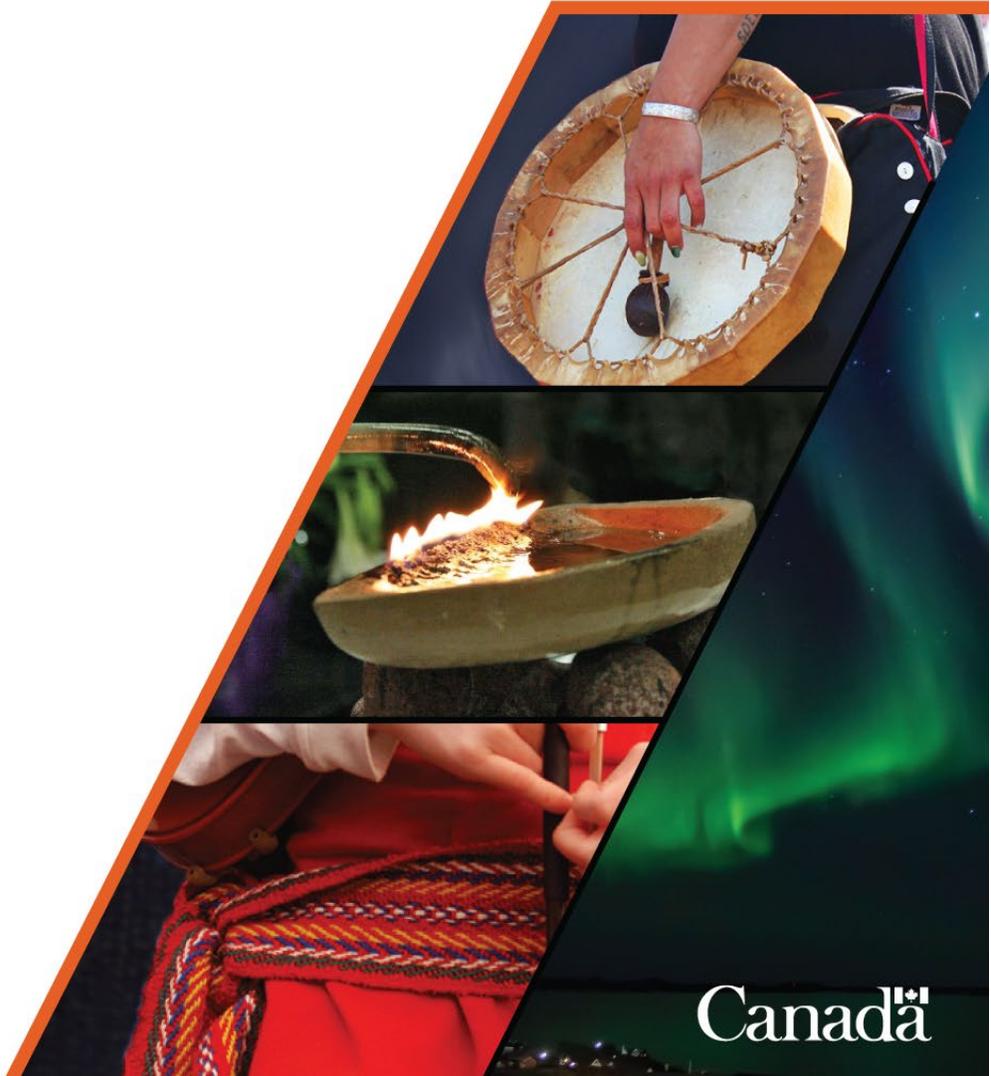




CIRNAC Comments to NIRB Re: Agnico Eagle Mine's Doris North Gold Mine and Phase 2 Hope Bay Belt Project 2023 Annual Report



Nunavut Regional Office
918 Federal Rd
Iqaluit, NU, X0A 3H0

Your file - Votre référence
05MN047
Our file - Notre référence
GCDOC # 126575826

July 4, 2024

Leah Klaassen
Impact Assessment Officer
Nunavut Impact Review Board
P.O. Box 1360
Cambridge Bay, NU, X0B 0C0
Via electronic mail to: info@nirb.ca

Dear Leah Klaassen,

Re: Comment Request for Agnico Eagle's Doris North Gold Mine Project and Phase 2 Hope Bay Belt Project 2023 Annual Report

On May 9, 2024, the Nunavut Impact Review Board (NIRB) requested parties to review and provide comments on Agnico Eagle Mines Limited's (AEM) Doris North Gold Mine Project and Phase 2 Hope Bay Belt Project 2023 Annual Report for effects and compliance monitoring, pursuant to Section 12.7 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty The Queen in Right of Canada (Nunavut Agreement)* and the *Project Certificate No's 003 and 009*.

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has conducted a review of the 2023 Annual Report and related documents in areas under its mandate and jurisdiction pertaining to effects and compliance monitoring. On this basis, CIRNAC would like to provide the comments below for NIRB's consideration.

CIRNAC appreciates the opportunity to review AEM's Doris North Gold Mine Project and Phase 2 Hope Bay Belt Project Annual Report and looks forward to working with NIRB and AEM for future reviews of this project. Should you have any questions, please do not hesitate to contact Courtney White by email at courtney.white@rcaanc-cirnac.gc.ca.

Sincerely,



Richard Bingley
A/Manager - Impact Assessment



1. Effects Monitoring

CIRNAC reviewed the 2023 Annual Report to assess valued components under its mandate for measurable effects against the potential impacts, predicted from the proposed development and operations of the Doris North Gold Mine Project and Phase 2 Hope Bay Belt Project. This assessment takes into account AEM's respective Final Environmental Impact Statements (FEIS), previous years' monitoring reports, and the requirements included in the Project Certificates (as amended). This assessment considered the following:

- a. **Whether the conclusions reached by AEM in the 2023 Annual Report are valid; and**
- b. **Any areas of significance requiring further supporting information or any changes to the monitoring program which may be required.**

CIRNAC has identified information under its mandate and jurisdiction that invalidates the conclusions reached by AEM in its 2023 Annual Report. Additionally, CIRNAC has identified information that warrants further clarification and has provided the NIRB and AEM with the following comments for consideration.

Comment Number:	CIRNAC #1
Subject:	Spill Reported for Water Discharged at Portal Decline (BOS-9)
Reference:	<ul style="list-style-type: none"> • Hope Bay Project 2023 NIRB Annual Report – Main Report • Hope Bay Project 2023 NWB Annual Report - Appendix D-4
Issue/Rationale:	<p>According to Appendix D of the 2023 Annual Report submitted to the NWB, the Portal Decline (BOS-9) was sampled on 3 June 2023 and results indicated that the waterbody was compliant with the discharge criteria outlined in Part D Item 6 of the licence. A total of 45.6 m³ of water was therefore dewatered from the Portal Decline to the tundra on 5 August 2023. Prior to starting the discharge, a due diligence sample was taken on 4 August 2023, to ensure field parameters were met and that conditions in the effluent remained the same. Upon receipt of analytical results on 18 August 2023, it was determined that the effluent discharged to the tundra exceeded the applicable arsenic criterion. Based on this exceedance, Appendix D to the Annual Report submitted to the NWB indicates that AEM declared this discharge as a spill. Moving forward, AEM has indicated that due diligence sampling will be completed in time for reception of analytical results prior to discharge commencing.</p> <p>Despite being identified as a spill in Appendix D of the 2023 Annual Report submitted to the NWB, CIRNAC notes that the spill is not mentioned in the 2023 Annual Report submitted to the NIRB. No information was provided on what, if any, actions were taken with regard to this discharge, once it was classified as a spill (e.g., observations at discharge area, sampling, mitigation, etc.) and whether the spill caused significant adverse impacts.</p>
Recommendation to Address Issues:	<p>CIRNAC recommends that AEM:</p> <ol style="list-style-type: none"> a) Provide a section justifying potential reasons for any differences identified in arsenic concentrations in all applicable annual reporting, b) Clarify what steps AEM will take to ensure that due diligence sampling will be completed in time for reception of analytical results prior to discharge commencing (at this or other similar sampling sites), and include updates in appropriate management plans, and c) Explain why this spill was not included in the 2023 Annual Report submitted to the NIRB.



Comment Number:	CIRNAC #2
Subject:	Updated Management Plans - Report Improvements / Clarifications
Reference:	<ul style="list-style-type: none"> • Care and Maintenance Plan (Version 2) (March 2024) • Emergency Response Plan (Version 6) (March 2024) • Human Resources Plan (Version 2) (April 2024) • Oil Pollution Prevention Plan (Version 2) (March 2024) • Quality Assurance and Quality Control Plan (Version 14) (March 2024) • Shipping Management Plan (Version 3) (March 2024) • Spill Contingency Plan (Version 17) (March 2024) • Waste Rock, Ore, and Mine Backfill Management Plan (Version 11) (March 2024) • Water Management Plan Doris-Madrid (Version 18) (January 2024)
Issue/Rationale:	<p>The 2023 Annual Report submitted to the NIRB included nine updated Monitoring and Management Plans, all of which are dated from March to January, 2024. CIRNAC carried out a high-level review of the updated Monitoring and Management Plans. Based on this review, CIRNAC notes that most of the document control descriptions of revisions ranged from non-existent, or inadequate, to providing no meaningful guidance for review of changes. The lack of adequate documentation and guidance as to the specific updates that have been made to the Plans hinders the ability of reviewers to efficiently and effectively review the Plans in a timely manner.</p>
Recommendation to Address Issues:	<p>CIRNAC recommends that AEM:</p> <ol style="list-style-type: none"> Improve Documentation of Revisions: AEM should review its approach to documenting revision updates in the Management Plans, ensuring that revisions are precisely described with specific details on the nature of the changes and their locations within the documents. Adhere to NIRB Guidelines: Ensure that all updates are in full compliance with NIRB guidelines on documentation and transparency.

Comment Number:	CIRNAC #3
Subject:	Secondary Containment and Spill Contingency Plan
Reference:	<ul style="list-style-type: none"> • Spill Contingency Plan (Version 17) (March 2024) • CIRNAC Water Resources Inspection Reports: (20 June 2022; 16 November 2022; 28 February 2023) • AEM Responses to CIRNAC Water Resources Inspection Reports • NIRB Project Certificate No. 009, Term and Condition 52
Issue/Rationale:	<p>Multiple inspections by CIRNAC's Water Resources Officers (20 June 2022; 16 November 2022; 28 February 2023; April 10 2024) identified deficiencies related to the storage of hazardous materials (including fuel) at the Hope Bay site.</p> <p>Specifically, the inspection reports concluded that some hazardous materials are being stored without the secondary containment prescribed by the Hope Bay Water Licences and associated Management Plans. The primary deficiency relates to the storage of hazardous materials in seacans without internal or external secondary containment.</p> <p>In responding to the inspection findings, AEM indicated that the approved Spill Contingency Plan does not provide clarity on the use of secondary containment for the purpose of storing enclosed seacans received from the sealift and not yet in use (inventory material) and secondary containment for chemicals stored and in use (material in use). AEM indicated that, since they are not in use, the inventory</p>



Comment Number:	CIRNAC #3
	<p>of seacans received from the sealift operation minimizes the probability of a spill since the containers inside the seacans are protected from the elements and from collision, which removes the primary cause of a spill. On this basis, AEM asserts that secondary containment is not necessary for inventory material, provided that the removal of containers or drums from a seacan occurs only in an area where containment is provided in the event of spillage.</p> <p>CIRNAC notes that the 2023 Annual Report contains an updated Spill Contingency Plan (Version 17; March 2024) that has yet to be approved by the NWB. The update includes significant revisions to Section 4.1.1 Management Response, including the following statement:</p> <p><i>“It is industry practice not to use secondary containment in the case of inventory seacans received from a sealift operation. Since the inventory seacans are not in use, the probability of a spill is minimized as the containers inside the seacans are protected from the elements and from collision. These would be the primary causes of a spill from a container.”</i></p> <p>The above-noted change to the Spill Contingency Plan was not included in the document revision history, nor was it flagged in the body of the document.</p> <p>CIRNAC has observed that the proposed change is significant in that it would fundamentally alter the management requirements for hazardous materials. Consistent with the requirements stipulated in Part B, item 13 of the Hope Bay Project water licenses, the proposed revision and any other significant changes to the Spill Contingency Plan, should be submitted to the NWB for approval in writing before coming into effect. Until such time, it is CIRNAC’s position that AEM is not operating in compliance with the requirements of its approved Spill Contingency Plan.</p>
Recommendation to Address Issues:	CIRNAC recommends that AEM ensures that all hazardous materials are stored within secondary containment, consistent with the requirements of the Hope Bay water licenses and the approved Spill Contingency Plan.

Comment Number:	CIRNAC #4
Subject:	Resolution of Proponent Commitments
Reference:	<ul style="list-style-type: none"> • Hope Bay Project 2023 NIRB Annual Report- Appendix C • NIRB Project Certificate No. 003, Amendment 2, Term and Condition 1
Issue/Rationale:	<p>AEM is required to provide updates on the resolution status of commitments that were made by its predecessor at the Final Hearing for the original project proposal and any new commitments made in association with subsequent project amendments. Included as Appendix C to the 2023 Annual Report, AEM has provided the resolution status for these commitments.</p> <p>Through its 2023 Annual Report submission, AEM recommends that the NIRB remove commitments that it understands are complete to allow for the presentation of a more accurate commitment list. If this were to occur it would be difficult for the NIRB and stakeholders to monitor AEM’s compliance with T&C 1 of the amended Project Certificate. Also, this would eliminate AEM’s ability to provide updates regarding the resolution status of its commitments in future annual report submissions.</p>
Recommendation to Address Issues:	CIRNAC requests that AEM provide the resolution status for all commitments it is responsible for fulfilling pursuant to Term and Condition 1 of the amended Project Certificate 003



Comment Number:	CIRNAC #5
Subject:	Information Regarding Labour Force Needs of the Project
Reference:	<ul style="list-style-type: none"> • Hope Bay Project 2023 NIRB Annual Report • NIRB Project Certificate No. 003, Amendment 2, Term and Condition 46
Issue/Rationale:	<p>Pursuant to Term and Condition 46 of the amended Doris North Gold Mine Project Certificate,</p> <p><i>“To the extent that such communications are consistent with and not limited by the Proponent’s obligations under the 2015 Hope Bay Inuit Impact and Benefit Agreement, the Proponent shall provide the Government of Nunavut and the NIRB information regarding the labour force needs of the Project as it proceeds:</i></p> <ul style="list-style-type: none"> • <i>the title and number of positions required by department or work area;</i> • <i>the potential start dates;</i> • <i>the level of education required (with reference to the specific positions);</i> <i>and</i> • <i>whether on-the-job or other forms of training and certification will be required (with reference to the specific positions).”</i> <p>AEM's 2023 Annual Report (p. 5-45) makes reference to Section 5 and Table 10.1-1 of the 2023 Socio-Economic Monitoring Program Report (Appendix D-3 of the Annual Report) for “details such as overall employment, Inuit and Kitikmeot employment, trainings, and skill levels that were withheld as part of the reduced activities of care and maintenance.” CIRNAC appreciates that in February 2022 the project entered into Care and Maintenance which affected AEM’s labour force needs. However, information pertaining to labour force needs of the project as specified in Term and Condition 46 cannot be found. According to the objective of Term and Condition 46, this information is intended to support co-ordination and collaboration of education and training initiatives with Government of Nunavut Initiatives.</p>
Recommendation to Address Issues:	CIRNAC requests that AEM provide information pertaining to the labour force needs of the project as specified in Term and Condition 46 of the amended Project Certificate.

Comment Number:	CIRNAC #6
Subject:	Resolution of Proponent Commitments
Reference:	<ul style="list-style-type: none"> • Hope Bay Project 2023 NIRB Annual Report • NIRB Project Certificate No. 009, Section 3.4
Issue/Rationale:	<p>According to section 3.4 of the Phase 2 Hope Bay Belt NIRB Project Certificate, AEM is expected to “fulfill all commitments made during the Final Hearing, within its Environmental Impact Statement and supporting documentation submitted during the Review, not just those commitments that have been incorporated into the Terms and Conditions of this Project Certificate.” Furthermore, AEM is encouraged to include a summary of the status of its progress to meet its commitments in annual report submissions to the NIRB. For ease of reference, Appendix B of the Project Certificate presents a Table of Commitments from the Phase 2 Hope Bay Belt Project Final Hearing.</p> <p>A status update for project certificate commitments is included as Appendix C-2 to the 2023 Annual Report . The commitments are organized by agency (stakeholder) and NIRB Commitment ID numbers from the Phase 2 Development Project</p>



Comment Number:	CIRNAC #6
	<p>Proposal Final Hearing. There is no reference made to the numbering format included in Appendix B of the Project Certificate.</p> <p>AEM recommends that the NIRB remove commitments that it understands are complete to allow for the presentation of a more accurate commitment list. If this were to occur it would be difficult for the NIRB and stakeholders to monitor AEM's fulfillment of its commitments. Also, this would eliminate AEM's ability to provide updates regarding the resolution status of its commitments in future annual report submissions.</p>
Recommendation to Address Issues:	<p>CIRNAC requests that AEM:</p> <ol style="list-style-type: none"> a) Continue to provide the resolution status for all commitments it is responsible for fulfilling as noted in section 3.4 of the Project Certificate. b) Include the numbering format provided in Appendix B of the Project Certificate when presenting the resolution status of its commitments.

Comment Number:	CIRNAC #7
Subject:	Consultations with Outfitting and Guide Business
Reference:	<ul style="list-style-type: none"> • Hope Bay Project 2023 NIRB Annual Report • NIRB Project Certificate No. 009, Term and Condition 44
Issue/Rationale:	<p>According to Term and Condition 44 of the Hope Bay Belt Phase 2 Project Certificate, AEM is “encouraged to consult with outfitting and guiding businesses that operate and travel through the regional study area regarding whether project infrastructure or activities are adversely affecting their use and experience of the surrounding environment.” Furthermore, the reporting requirements state “summaries of consultation and monitoring undertaken by the Proponent in fulfillment of this Term and Condition should be provided within the Proponent's annual report to the Nunavut Impact Review Board.” It is note that these written summaries can also include positive effects of the Project experienced by land users.</p> <p>The information provided in AEM's 2023 Annual Report to the NIRB for this Term and Condition is quite limited (p. 5-95). AEM notes that collaboration with outfitters occur throughout the year and that it meets with two outfitting groups each year. Provided there are no privacy concerns with the sharing of information, AEM's reporting summary can be strengthened by elaborating as to how it reaches outfitting and guiding businesses, identifying which businesses it has consulted over the past year, when these meetings occurred, and the topics that were discussed.</p>
Recommendation to Address Issues:	<p>CIRNAC recommends that AEM provide a more detailed summary of information as to how it has satisfied the reporting requirements for Term and Condition 44. Specifically, provided there are no privacy concerns with the sharing of information, it would be beneficial for AEM to provide information on how it reaches outfitting and guiding businesses, which businesses it consulted over the past year, when these meetings occurred, and the topics that were discussed.</p>

2. **Compliance Monitoring**

CIRNAC has a broad mandate for the co-management of water resources and the management of Crown land in Nunavut under the following applicable acts and regulations:



- The *Department of Crown-Indigenous Relations and Northern Affairs Act*;
- The *Nunavut Land Claims Agreement Act* and the *Nunavut Agreement*;
- The *Arctic Waters Pollution Prevention Act* and *Regulations*;
- The *Nunavut Waters and Nunavut Surface Rights Tribunal Act* and *Regulations*; and
- The *Territorial Lands Act* and *Regulations*.

CIRNAC's monitoring responsibilities are fulfilled by reviewing and providing expert advice and comments to the NIRB and the Nunavut Water Board (NWB) on Annual Reports and conducting site inspections. CIRNAC Inspectors conduct site inspections to ensure project activities are compliant with Terms and Conditions in any water licence(s), land use authorization(s), such as land use permits and leases, and the Project Certificate. Inspectors prepare site inspection reports with observations and recommendations, and they have the authority to issue and enforce directions with a timeline for implementing corrective measures.

The NIRB requested that regulatory authorities provide comments and/or information associated with their mandates and jurisdictions with respect to the following:

- a. ***Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically:***
 - i. ***Identify the Terms and Conditions from the Project Certificate which have been incorporated into any permits, certificates, licenses or other approvals issued for the Project, where applicable, and report annually to the NIRB on the status of those incorporated Terms and Conditions.***

CIRNAC issued the following Crown Land Leases for AEM's Doris North Gold Mine Project and Phase 2 Hope Bay Belt Projects, respectively:

- In 2007, CIRNAC issued lease 77A/3-1-2 for the construction and operation of the Roberts Bay Jetty and Marine Outfall Berm; expired 2017. In 2017, lease 77A/3-1-7 was renewed for a thirty year term.
- In 2018, CIRNAC issued lease 77A/3-3-2 for the Marine Outfall pipe, for a thirty year term.

CIRNAC has reviewed the Type A and Type B Water Licences associated with the Doris North Gold Mine Project and Phase 2 Hope Bay Belt Project with respect to Project Certificate No. 003; Amendment 002, and Project Certificate No. 009, and has included a concordance table (Appendix A) showing how the Terms and Conditions have been integrated into the Water Licences and CIRNAC land leases.

- ii. ***A summary of any inspections conducted during the 2023 reporting period and the results of these inspections;***

In 2023, the project's activities and monitoring were conducted under the following Water Licences:

- Type A Water Licence 2AM-DOH1335
- Type A Water Licence 2AM-BOS1835
- Type B Water Licence 2BB-MAE1727
- Type B Water Licence 2BB-BOS1727
- Type B Water Licence 2BE-HOP2232

CIRNAC conducted two inspections since the beginning of the 2023 reporting period to ensure that the licensee was in compliance with the Term and Conditions of the Water Licences 2AM-DOH1335, 2BB-BOS1727 and 2BE-HOP2232 and Land Lease numbers 77A/3-1-7 and 77A/3-3-2. An overview of the inspections is presented below for NIRB's consideration.



Inspection 1	Water Licence 2AM-DOH1335
Area:	Hope Bay
Date:	February 28, 2023
Focus:	Inspection to verify compliance with water licences 2AM-DOH1335, 2BB-BOS1727 and 2BE-HOP2232. The inspection focus was on fuel storage, waste and water management, site infrastructure as well as drilling and mining activities. Inspection of Crown Leases 77A/3-1-7 and 77A/3-3-2 were also conducted.
Observations:	<p>Waste Storage:</p> <ul style="list-style-type: none"> Absence of drip trays under heavy equipment at several locations. Presence of significant drill slurry and staining at some GeoTech drill sites. Leak observed in the line leading to the Tailings impoundment area. Improper storage of hazardous materials on top of sea cans, lacking a lined facility. Inaccurate chemical storage listings in the "Hope Bay Spill Contingency Plan March 2022" for a decommissioned site. Lack of a specific lined containment area for hazardous waste as outlined in the "Hope Bay Project Hazardous Waste Management Plan." <p>Water Usage:</p> <ul style="list-style-type: none"> Flow meter at Windy Lake is installed and operational. Strong diesel smell detected inside the Windy Lake pump house, with absorbent pads and a makeshift container full of diesel under the fuel filter.
Result:	<p>The inspector identified significant non-compliance issues during the inspection of facilities licensed under water licence 2AM-DOH1335, the licensee was directed and advised to take the following corrective actions:</p> <ul style="list-style-type: none"> Provide photographs of the containment measures at the waste storage facility. Submit before and after photographs of all drill sites on ice. Update the Spill Contingency Plan to reflect the current storage locations for chemicals. Include storage protocols for hazardous substances such as glycols and motor oils in the Spill Contingency Plan. Submit a storage plan for hazardous materials, detailing containment measures. Provide an inventory list of all hazardous materials, their storage locations, and their containment status. Ensure compliance with the Water Licence and relevant environmental standards for secondary containment of fuel and chemical storage. <p>The licensee has failed to adequately minimize the potential for spills and comply with PART I, Item 3 of the licence 2AM-DOH1335, as evidenced by improper storage practices.</p>

Inspection 2	Water Licence 2AM-D0H1335
Area:	Hope Bay
Inspection Date:	April 10, 2024
Focus:	Inspection to verify compliance with water licences 2AM-DOH1335, 2BB-BOS1727 and 2BE-HOP2232. The inspection focus was on fuel storage,



	waste and water management, site infrastructure as well as drilling and mining activities. Inspection of Crown Leases 77A/3-1-7 and 77A/3-3-2 were also conducted.
Observations:	<p>Waste Storage:</p> <ul style="list-style-type: none"> • Installation of more drip trays under parked vehicles noted; however, some trays were filled with snow. Recommendation to ensure trays are not flooded during the melt. • Uncertainty among licensee employees regarding the location of all hazardous materials. Approximately 18 sea cans of expired Jet fuel found outside containment. • Misconception among some employees about storing hazardous materials within a lined bermed area. Engineered drawing for this structure was not provided. • Waste Rock Stock Pile (WRSP) mostly snow-covered; multiple ripped containment bags observed. • Ten 205L barrels of methanol found outside of containment. <p>Water Usage:</p> <ul style="list-style-type: none"> • Flow meters at Windy Lake and Doris Lake were installed and operational.
Result:	<p>Storage of Hazardous Materials:</p> <ul style="list-style-type: none"> • All hazardous materials on-site must be stored in a manner approved by the Nunavut Water Board (NWB). Failure to comply will result in enforcement actions. • Misunderstandings between NWB and CIRNAC Waters representatives suggest that hazardous materials and waste at the Hope Bay Project are not stored as approved, jeopardizing compliance with the water licence conditions. • The licensee has failed to implement approved plans and operate within NWB guidelines, potentially leading to a warning letter if non-compliances persist. <p>Specific Violations and Responses:</p> <ul style="list-style-type: none"> • Violations include the improper storage of hazardous materials outside of approved containment areas, such as sea cans containing expired Jet fuel. • Contradictions between the approved spill contingency plan and actual storage practices were noted, particularly regarding the storage of chemicals in secondary containment. <p>Licensee Responses and Commitments:</p> <ul style="list-style-type: none"> • Despite commitments to improve storage practices, including plans to line and grade the Upper Laydown area for containment purposes, these actions have not been fully implemented. • Plans to remove hazardous materials via sealift backhaul or relocation to the Doris Camp pad have not been executed as stated in inspection reports.



	<ul style="list-style-type: none"> • Industry standards cited by the licensee do not align with the requirement for secondary containment as outlined in relevant water licences and management plans. <p>In summary, corrective actions have been identified and discussed, they are necessary to bring operations into compliance with the approved conditions of water licence 2AM-DOH1335 and associated environmental regulations.</p>
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iii. A summary of AEM’s compliance status with regard to authorizations that have been issued for the Project.

Inspections since 2022 have revealed ongoing challenges in meeting approved storage and containment requirements for hazardous materials. The licensee is urged to promptly address identified non-compliances and align operational practices with approved plans and environmental standards to avoid potential enforcement actions.

This highlights the need for AEM to enhance compliance measures, particularly concerning the proper storage and containment of hazardous materials as outlined in regulatory authorizations and management plans associated with the Hope Bay Project and Phase 2 Hope Bay Belt Project. CIRNAC will continue to work with AEM to ensure compliance with all water licence and land use requirements associated with the Doris North Gold Mine Project and Phase 2 Hope Bay Belt Project.



Appendix A: Project Certificate Terms and Conditions incorporated into any permits, certificates, licences or other approvals issued for the Project

NIRB Project Certificate No. 003; Amendment 002, Term & Conditions		Implemented in Licences or Permits
6	The Proponent shall report by January 1st of each calendar year to NIRB on its development plan for future phases of the Hope Bay Belt, including identifying development plans that may affect the selection of TIA as the preferred alternative for tailings management.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Items 6, and 14)
10	Should water from the TIA be discharged into Doris Creek, the Proponent shall ensure that monitoring of Tail Lake and Doris Creek water quality occurs, above and below the waterfall, and is verified by an independent, third party laboratory. The Proponent must provide copies of the results directly to the NIRB and NIRB's Monitoring Officer.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 3, 8, and 9) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part K (Item 2)
13	The Proponent shall collect additional water quality data for the 2006 field season and incorporate it into a revised water quality model to be submitted to the NWB as part of the water licence application. To ensure the protection of the receiving environment at the point of discharge, the Proponent will meet discharge criteria: a. Where discharge is to the freshwater environment, on a site specific basis set by the NWB where possible and as set by the Metal Mining Effluent Regulations (MMER); and, b. Where discharge is to Roberts Bay, discharge criteria set by the MMER and the Arctic Waters Pollution Prevention Act.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Items 3, 23, 24, 27, 28, 29, 30, 32) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Item 8)
15	The Proponent shall not permit the water discharged into Doris Creek to exceed the criteria set by the NWB.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Items 28, 29 and 30) ▪ Land Lease 77A/3-1-7, 77A/3-2-2, Part 32
16	The Proponent shall take all reasonable steps to prevent any discharge that is not in compliance with applicable regulatory approvals or requirements. If such a situation is encountered, the Proponent shall take immediate action to address the noncompliant discharge.	<ul style="list-style-type: none"> ▪ Water Licence 2AM- Water Licence Amendment 002, Part G (Items 28, 29, 30, 32) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Item 8) ▪ Land Lease 77A/3-1-7, 77A/3-2-2, Part 32
18	The Proponent shall submit to the NWB, as part of the water licence application, a program detailing the methodology for testing quarried rock for acid generation and metal leaching potential. The sampling, testing, and analysis must be done by a professional geologist registered in Nunavut.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Items 9 and 10) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Items 14 and 15)



NIRB Project Certificate No. 003; Amendment 002, Term & Conditions		Implemented in Licences or Permits
19	The Proponent shall install thermostor cables and temperature loggers in the jetty foundation as well as the new jetty foundation. The Proponent shall monitor the effects of the jetty on shallow water permafrost through operations, until such time as the NIRB determines that such monitoring is no longer necessary, and report the results of the monitoring collection to NIRB's Monitoring Officer.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 14, 18, and 19) ▪ Land Lease 77A/3-1-7, 77A/3-2-2, Part 41.1
31	The Proponent shall maintain a complete Closure and Reclamation Plan on file with the NWB prepared in accordance with requirements of the NWB and other regulators.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part L (Items 5, 6, and 7)
32	Prior to the commencement of operation the Proponent shall have a complete Environment, Health and Safety Management System in place which includes the following: <ul style="list-style-type: none"> ▪ Wildlife Mitigation and Monitoring Plan; ▪ Environmental Protection Plan; ▪ Emergency Response and Spill Contingency Plan; ▪ Occupational Health and Safety Plan; ▪ Human Resources Plan; ▪ Community Relations Plan; ▪ Monitoring and Follow-up Plan; and ▪ Auditing and Continuous Improvement Plan. When complete, these Plans shall be forwarded to the NIRB's Monitoring Officer.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I ▪ Land Lease 77A/3-1-7, 77A/3-2-2, Part 25-31 ▪ Land Lease 77A/3-1-7, 77A/3-2-2, Part 35
33	The Proponent shall ensure spill kits are at hand at the Roberts Bay oil handling facility at all times, and that appropriate containment measures are used to prevent, contain and respond to a spill in accordance with the Most recent version of the Oil Pollution Emergency Plan and Oil Pollution Prevention Plan reviewed by Transport Canada.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Items 10, 11, and 12) ▪ Land Lease 77A/3-1-7, 77A/3-2-2, Part 37
36	The Proponent shall continue year-round monitoring and recording of Doris Lake water levels during construction and operations. This will allow for detection of actual Doris Lake draw down below the sill level; computation of the amount of drawdown, quantification of the project impact, and implementation of adaptive mitigation and management measures as appropriate.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Item 34C) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 3, and 11) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 6B)
37	The Proponent shall develop and submit a detailed Groundwater Management Plan for review during the water licensing process and to the NIRB as part of the plans available on the Doris North project. The plan shall acknowledge uncertainties pertaining to predictions of groundwater quantity and quality and inform the Groundwater Management Plan. Indigenous and Northern Affairs Canada should be consulted with respect to the contents of the Plan and any required mitigation measures.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 6I) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Item 3)
39	At least six (6) months prior to operation of the effluent pipeline and diffuser system, the Proponent shall conduct and submit to the Board a hazard and operability study of the pipeline and marine outfall system as part of the land authorization process	<ul style="list-style-type: none"> • Land Lease 77A/3-23-2, Clause 42



NIRB Project Certificate No. 009, Term & Conditions		Implemented in NWB Water Type 'A' Water Licence No. 2AM-DOH1335 Amendment 002
1	The Proponent shall maintain an Air Quality Management Plan that addresses the following areas/issues: a) regular stack testing of incinerators to demonstrate emissions are within levels predicted or within applicable guidelines or standards; b) continuous NO ₂ monitoring and demonstration that NO ₂ emissions do not exceed levels impact predictions nor relevant guidelines; and c) implementation of dust suppression measures and demonstration that dustfall and concentrations of suspended particulate matter are within levels predicted or committed to, and within levels or limits established by applicable guidelines and regulations.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part E (Item 12) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part F (Items 1 and 6) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule D (Item 2M)
3	The Proponent shall maintain a Mine Closure and Reclamation Plan that addresses the following areas/issues: <p>a) adaptive management approaches for monitoring and mitigation measures to ensure long-term containment of the Tailings Storage Facility and Waste Rock Storage Areas;</p> <p>b) measures to maintain the integrity of the groundwater quality within and adjacent to the Project; and</p> <p>c) estimates of the approximate fill time for the mine pits.</p>	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 1, 2, 3, and 8) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Items 4, 5, and 7)



NIRB Project Certificate No. 009, Term & Conditions		Implemented in NWB Water Type 'A' Water Licence No. 2AM-DOH1335 Amendment 002
5	<p>The Proponent shall maintain a stand-alone Acid Rock Drainage and Metal Leaching Management Plan (or equivalent as may be specified under the Type "A" Water Licence) that includes the following information: a) procedures for inspection and sampling/testing of waste rock, ore, tailings storage facilities, and quarry source material; b) thermal monitoring of waste rock and tailings storage facilities, including tailings management areas; c) seepage management and monitoring; d) a schedule for reporting of results and periodic updating of predictions for seepage water quality; e) planning for optimal cover conditions above-ground mine- and quarry-related material storage facilities; f) contingency measures that may be implemented if required, including measures to address the potential for leaching of arsenic from waste rock and ore stockpiles, and tailings under neutral pH conditions; g) plans for comparing monitoring results from receiving waters to model predictions; and h) identification of thresholds that will trigger specific management actions, including active water treatment, if trends analyses indicate water quality objectives may be exceeded.</p>	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Items 2, 8, 11, 18, and 19) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 2) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule D (Items 1c and 2e) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part F (Items 1, 14, 18, 19[b, d, e, f, g, h, i, k], 20b, 21, and 22) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 3, 7, 8, 9, 10, 11, 12, 14, 16, 17, and 19) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule I ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 7 and 8)



NIRB Project Certificate No. 009, Term & Conditions		Implemented in NWB Water Type 'A' Water Licence No. 2AM-DOH1335 Amendment 002
6	In consultation with applicable regulatory agencies and experts such as Natural Resources Canada, the Proponent shall undertake additional site- specific geotechnical investigations, permafrost monitoring, mapping and thermal analysis to: a) document permafrost conditions, including seasonal thaw, amount of ground ice; b) inform the detailed design of project infrastructure, including foundations, such as water management structures, mine site and haul roads, waste rock storage facilities, and tailings storage facilities, including dam structures associated with the Doris North Tailings Impoundment Area; c) inform updates/revisions to management plans related to waste rock, ore, and tailings storage facilities, including adaptive management strategies with clear thresholds for implementation to minimize the potential for impacts from these facilities; and d) ensure the integrity of project infrastructure and components, including tailings cover, is maintained post-closure.	<ul style="list-style-type: none"> • Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) • Water Licence 2AM-DOH1323 Amendment 002, Part D (Item 6) • Water Licence 2AM-DOH1323 Amendment 002, Schedule D (Items 1e and 2l) • Water Licence 2AM-DOH1323 Amendment 002, Part E (Item 10) • Water Licence 2AM-DOH1323 Amendment 002, Part F (Items 4 and 19c) • Water Licence 2AM-DOH1323 Amendment 002, Part G (Item 3g) • Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 9 and 10) • Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 13 and 14)



NIRB Project Certificate No. 009, Term & Conditions		Implemented in NWB Water Type 'A' Water Licence No. 2AM-DOH1335 Amendment 002
7	The Proponent shall maintain an Erosion Management Plan designed to prevent or minimize erosion and its resulting effects from project-related land disturbance. The Plan shall include the following: a) identification of specific project activities that require erosion control; b) description of associated erosion issues; and c) specific measures to prevent or minimize erosion.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Item 6) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule D (Items 1e and 2l) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part E (Item 10) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part F (Items 4 and 19c) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part G (Item 3g) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 9 and 10) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 13 and 14)
8	As part of the Mine Closure and Reclamation Plan (or equivalent), the Proponent shall develop and implement a program to progressively reclaim disturbed areas within the project footprint, with an emphasis on restoring the natural aesthetics of the area through re-contouring to the extent practicable. Acceptability of reclamation efforts should be confirmed through the Proponent's public engagement with local communities and discussion of local aesthetic values (e.g., acceptability of the topography and landscape of the project areas following progressive reclamation efforts). Progressive reclamation efforts should also demonstrate consideration for the feasibility of topsoil/organic matter salvage to promote revegetation.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Item 12)



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9	The Proponent shall implement a Thermal Monitoring Plan to identify potential changes in talik distribution and flow paths that may result from the development of project infrastructure, including underground workings, tailings storage facilities, and water impoundment areas.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 7, 8, 9 and 10) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule I
10	Subject to potential receipt of more detailed direction from the Nunavut Water Board, the Proponent shall: a) monitor the effects of project activities and infrastructure on surface water quality conditions; b) ensure the monitoring data is sufficient to compare the impact predictions made for the Project with actual monitoring results; c) ensure that the sampling locations and frequency of monitoring is consistent with and reflects the requirements of the Aquatic Effects Monitoring Plan, and Water Management Plan; and d) on an annual basis, compare monitoring results with the impact assessment predictions in the FEIS and will identify any significant discrepancies between impact predictions and monitoring results.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Items 8 and 9) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part E (Items 2 and 11) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part F (Items 5b, 18a,b, 22, and 24) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 1, 12, 13, 14, 15 and 19) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 4) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule I



NIRB Project Certificate No. 009, Term & Conditions		Implemented in NWB Water Type 'A' Water Licence No. 2AM-DOH1335 Amendment 002
11	<p>The Proponent shall, reflecting any direction from responsible authorities, maintain an Aquatic Effects Monitoring Program (AEMP) designed to appropriately characterize the receiving environment and ensure that adequate data is available to assess impact predictions made for the Project and prevent adverse impacts from occurring. The AEMP should include measures to:</p> <p>a) determine the short and long-term effects in the aquatic environment resulting from the Project;</p> <p>b) evaluate the accuracy of Project effect predictions;</p> <p>c) assess the effectiveness of mitigation and management measures on Project effects;</p> <p>d) identify additional mitigation measures to avert or reduce environmental effects due to Project activities;</p> <p>e) comply with Metal and Diamond Mining Effluent Regulations requirements, should an Environmental Effects Monitoring program be triggered;</p> <p>f) reflect site-specific water quality conditions;</p> <p>g) include details comparing the watershed features from the Aimaokatalok, Windy, and Doris watersheds to the reference watersheds (Reference A, Reference B, Reference C and Reference D lakes and streams); and</p> <p>h) evaluate the mixing and non-mixing portion of the pit.</p>	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Items 1, 7, 9, 17 and 18) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 1, 3, 6, 14, 17, and 19) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule I
12	<p>Unless otherwise authorized, the Proponent shall maintain an appropriate setback distance between project quarries and borrow pits from fish-bearing or permanent water bodies as required to prevent acid rock drainage or metal leaching into such Water bodies and to mitigate the potential for impacts from runoff/sedimentation associated with project quarries and borrow pits</p>	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Item 18) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part F (Item 1)
13	<p>The Proponent shall ensure that all project infrastructure in watercourses are designed and constructed in such a manner that they do not unduly prevent or limit the movement of water or fish species in fish bearing streams and rivers, unless otherwise authorized by Fisheries and Oceans Canada.</p>	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Items 16 and 17)
15	<p>The Proponent shall implement all applicable Fisheries and Oceans Canada best management practices to avoid and mitigate serious harm to fish as a result of the construction, operations, and decommissioning of winter ice roads, and from under ice water withdrawals. This includes adequately screening the water intake pipes to prevent impingement and entrainment of fish.</p>	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Item 16) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part E (Item 8)



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16	The Proponent shall implement all applicable Fisheries and Oceans Canada best management practices to avoid and mitigate serious harm to fish as a result of water crossing construction, operations, and decommissioning for all fish bearing water crossings.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Items 16 and 17) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Item 13)
18	The Proponent shall ensure that the progressive reclamation efforts outlined in its Mine Closure and Reclamation Plan or equivalent encourage recolonization by native plant species. These efforts are expected to be informed by revegetation trials in the Project area and must include monitoring protocols over sufficient timeframes to measure success and ensure invasive plant species have not established.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Items 12 and 16)
19	The Proponent shall maintain a Road Management Plan which includes: a) maintenance of traffic logs and traffic counters along the all-weather road between the Doris-Madrid mine sites and Madrid-Boston mine sites. Where traffic levels exceed levels predicted for the Project, the Proponent shall develop and implement appropriate enhancements to its wildlife protection measures; b) information regarding the road design, safety barriers, berms and features designed to ensure safe wildlife movement; c) description of safety protocols and enforcement by the Proponent, including restrictions imposed during periods of low visibility, and training provided to road users; and d) program to monitor snow bank heights along Project roads to ensure they do not pose a barrier to movement of wildlife or other land users.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Items 1, 10, 11 and 21)
43	The Proponent should ensure that the development of all project monitoring plans, associated reporting and updates are undertaken with active engagement of Kitikmeot communities, land users, and harvesters. The Proponent should work with the Kitikmeot Inuit Association, the local Hunters and Trappers Organizations and the Kitikmeot Socio-Economic Monitoring Committee to report on the collection and integration of Inuit Qaujimaningit through its monitoring programs for the Project.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 14)
44	The Proponent is strongly encouraged to consult with outfitting and guiding businesses that operate in or travel through the regional study area regarding whether project infrastructure or activities is adversely affecting their use and experience of the surrounding environment	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 14)



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49	The Proponent shall maintain a current Community Involvement Plan which reflects relevant stakeholders with respect to the Project. a) Records of communication and engagement undertaken by the Proponent with stakeholders, including potentially impacted communities, are to be maintained throughout the life of the Project with outcomes reflected in this Plan.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 14) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part J (Item 18)
51	The Proponent shall conduct additional studies prior to and during operations as part of its freshwater and marine aquatic effects analyses to ensure that toxic trace elements concentrations anticipated to increase in the aquatic and marine environments during operation (and potentially accumulating in fish tissue) do not exceed regulatory requirements. The results of these studies should inform the Proponent's assessment of potential risks from consumption of fish, using Health Canada's hazard quotients as a descriptive tool.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Items 1, 2, 3, 4, 12, 13, 14, 15, 16, 17 and 19) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule I
52	The Proponent shall ensure that areas used to store fuel or hazardous materials include sufficient secondary containment and that all oil handling facilities have the required Oil Pollution Emergency Plan (OPEP) in place. The OPEP or other emergency response plans applicable to fuel or hazardous material storage areas are expected to include, as a minimum, the following: a) information on the placement of spill prevention and response equipment as necessary to initiate rapid response during an emergency; b) an up to date listing of critical TMAC and government spill response contacts, and a list of authorised emergency response personnel; c) an up to date listing of emergency response training conducted by TMAC's emergency response personnel; d) easily accessible and up to date spill report forms; and e) a listing of community organizations that would be contacted to inform traditional land users of any spills or response actions implemented to ensure continued public safety. The Proponent shall also demonstrate that the provisions of the OPEP or other applicable emergency response plans associated with the fuel tank farm at Roberts Bay are coordinated with the individual shipboard OPEPs required for vessels servicing the Project, and that the Shipping Management Plan addresses how response procedures between ship and shore will be coordinated.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Items 11, 13 and 15) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part H (Items 1, 7, 8, 9 10, and 11)



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53	The Proponent shall implement a monitoring and mitigation program for the tailings pipelines that includes the following: a) regular inspections to assess the stability of the tailings pipeline and land within the footprint of this infrastructure; b) early warning system(s) to identify a pipeline breach; c) measures to respond to and mitigate any accidental spills of tailings from the d) pipeline; and e) adaptive management to address unanticipated changes to land within the footprint of the tailings pipeline to ensure that the integrity of this infrastructure is maintained for the life of the Project.	<ul style="list-style-type: none"> ▪ Water Licence 2AM-DOH1323 Amendment 002, Part B (Item 13) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part D (Item 21) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part F (Items 1 and 19) ▪ Water Licence 2AM-DOH1323 Amendment 002, Part I (Item 9) ▪ Water Licence 2AM-DOH1323 Amendment 002, Schedule B (Item 5)

