

Schedule of Amendments to the Nunavut Impact Review Board's Back River Gold Mine Project Certificate [007]

| AMENDMENT NUMBER | DATE OF AMENDMENT | TYPE OF AMENDMENT |
|-------------------------|--------------------------|--|
| 01 | August 7, 2024 | Amendment of Project Certificate to reflect the change to ownership and corporate name of the Proponent, and modifications to the Project associated with the Back River Energy Centre Project. |
| | | |

1 BACKGROUND

Whereas:

- A. In July 2017, pursuant to the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*, the Nunavut Impact Review Board (Board or NIRB) completed a Review of the potential ecosystemic and socio-economic effects of the Back River Gold Mine Project (the Project), NIRB No File. 12MN036, a project proposal submitted by Sabina Gold & Silver Corp., and issued the NIRB's Revised Final Hearing Report for the Back River Gold Mine Project,¹ recommending that the Project should be allowed to proceed subject to recommended terms and conditions;
- B. In December 2017, the Minister of Indigenous-Crown Relations and Northern Affairs (as the Minister was referred to at that time) on behalf of the Responsible Ministers, accepted the NIRB's revised Final Hearing Report for the Back River Gold Mine Project (July 2017), and the recommended terms and conditions in Project Certificate No.: 007, which was issued by the NIRB in December 2019 (the Project Certificate);
- C. In August 2022, the NIRB received a referral from the Nunavut Planning Commission for the Board's assessment of a significant modification to the Project as requested by the Proponent in the "Back River Energy Centre" Project Proposal (Energy Centre Proposal²). Amendments to the Project in the Energy Centre Proposal included the construction, operation, and reclamation of 13 Wind Turbine Generations along with a solar panel array including the associated access roads and electrical transmission line and Electrical Station. The Board conducted further assessment of the potential impacts as a reconsideration of the terms and conditions in Project Certificate No.: 007 under Article 12, Section 12.8.2 of the *Nunavut Agreement* and s. 112 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (NuPPAA). In April 2024, the Board issued its Reconsideration Report and Recommendations.³ The NIRB recommended that the Energy Centre Proposal be allowed to proceed with modifications to Terms and Conditions 9, 10, 12, 34, 37, 39, 41, 45, 50, 51, 53 and the addition of new Terms and Conditions 95, 96, and 97 within Project Certificate 007;
- D. On July 8, 2024, the Minister of Northern Affairs, Prairies Economic Development Canada, and the Canadian Northern Economic Development Agency, on behalf of the Responsible Ministers, indicated that the Responsible Ministers accepted the Board's recommendation that the Proposal should be allowed to proceed under Article 12, Section 12.8.3 of the *Nunavut Agreement* and s. 112(6)(a) of the NuPPAA. The Responsible Ministers also accepted each of the Board's recommended new and revised terms and conditions in Project Certificate No. 007 without variation.

¹ NIRB Revised Final Hearing Report, Back River Gold Mine Project, Sabina Gold & Silver Corp, NIRB File No. 12MN036, July 18, 2017. Public Registry ID.: 312668.

² Once approved to proceed, the Board changed the reference from "proposal" to "project", so the references to the "Back River Energy Centre Proposal" are updated in the Project Certificate to the Back River Energy Centre Project (Energy Centre Project).

³ NIRB, *Reconsideration Report and Recommendations for the Back River Energy Centre Proposal, B2Gold Corporation's Back River Gold Mine Project, Project Certificate No. 007*, NIRB File No. 12MN036, April 12, 2024. Public Registry ID.: 349350.

- E. Throughout the Board's assessments of the Project and the Energy Centre Project, the Board ~~has~~ considered the commitments made by Sabina Gold & Silver Corp. and its successor, B2Gold Back River Corp. (B2Gold Nunavut)⁴ (the Proponent), and the Board has every expectation that the Proponent will fulfill the commitments made during the Public Hearings, within its Final Environmental Impact Statement and subsequent Final Environmental Impact Statement Addenda, and contained within supporting documentation submitted during the review and reconsideration of the Project and subsequent modifications, not solely the commitments that are expressly included as terms and conditions in this Project Certificate;
- F. The Board has determined, pursuant to Sections 12.5.5 and 12.8.2 of Article 12 of the *Nunavut Agreement* and s. 112 of the *NuPPAA*, that taking into account the implementation of the measures necessary to prevent or mitigate the potential adverse environmental and socio-economic effects associated with the Project, including as modified by the Energy Centre Project and set out as terms and conditions in this Project Certificate as amended, the Back River Gold Mine Project and the Energy Centre Project are not likely to cause significant adverse ecosystemic and socio-economic effects;
- G. The Board has found, pursuant to Sections 12.5.5 and 12.8.2 of Article 12 of the *Nunavut Agreement* and s. 112 of the *NuPPAA* and taking into account all matters relevant to its mandate including Section 12.2.5 of the *Nunavut Agreement* and s. 23 of the *NuPPAA*, that the Back River Gold Mine Project, as modified by the Energy Centre Project, will enhance and protect the existing and future well being of the residents and communities of the Nunavut Settlement Area;
- H. Recognizing the importance of co-ordination, integration, and avoiding duplication with other monitoring requirements in permits, licences and other authorizations, the project-specific monitoring program, provided as Appendix A to this Project Certificate, will be issued in final form after key regulatory authorizations, including land use permits, water licences and mineral leases, are issued.
- I. As noted in s. 111(4) of *NuPPAA*, the Project Certificate is not a statutory instrument for the purposes of the *Statutory Instruments Act*; and
- J. The Proponent may carry out the Project and the Back River Energy Centre Proposal subject to ss. 74(f) and 74(g) of the *NuPPAA* and may obtain any licence, permit or other authorization required by or under any other Act of Parliament or any territorial law and complying with any other requirements set out in such an Act or law.

Now therefore, the Nunavut Impact Review Board pursuant to Section 12.5.12 and Section 12.8.2 of Article 12 of the *Nunavut Agreement*, and s. 112 of *NuPPAA*, issues this amended Project Certificate for the Back River Gold Mine Project, as modified by the Back River Energy Centre Project to B2Gold Back River Corp., subject to the terms and conditions contained herein.

⁴ On September 23, 2023 the NIRB was advised that Sabina Gold & Silver Corp had amalgamated with a subsidiary of B2Gold Corporation, and would continue forward as one under a new name: B2Gold Back River Corp. (B2Gold Nunavut). Accordingly, references to the Proponent include the original Proponent of the Back River Gold Project, Sabina Gold & Silver Corp. and its successor, B2Gold Nunavut

2 PROCEDURAL HISTORY

2.1 The Back River Gold Mine Project

On June 14, 2012, the Nunavut Impact Review Board (NIRB or Board) received the “Back River Gold Mine Project” (NIRB File No. 12MN036; the Back River Project or the Project) proposal directly from Sabina Gold & Silver Corp. (Sabina or the Proponent). Sabina’s proposal indicated its intent to pursue a NIRB-Nunavut Water Board (NWB) coordinated process for the Type “A” Water Licensing requirement of the Back River development, and on July 12, 2012 the NIRB received a referral from the NWB to screen the proposal under Article 12, Section 12.3.5, of the *Agreement Between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)*.

Following the Board’s distribution of the project proposal for comment to communities in the Kitikmeot region, Inuit organizations, relevant federal and territorial agencies, transboundary communities and groups, as well as interested parties, on September 25, 2012 the NIRB issued its Screening Decision Report for the Project to the Minister of Aboriginal Affairs and Northern Development, recommending that the project proposal be the subject of a public Review pursuant to section 12.4.4(b) of the *Nunavut Agreement*. On December 17, 2012, the Minister issued its decision, supporting the NIRB’s recommendation, and referred the project proposal for Review under Article 12, Part 5 of the *Nunavut Agreement*.

After project scoping and the development of environmental impact statement guidelines, the submission of Sabina’s *Draft* Environmental Impact Statement (DEIS) for the Back River Project, information request and technical commenting periods for the DEIS, and community information sessions, the NIRB hosted a Pre-Hearing Conference in Cambridge Bay from November 13 to November 19, 2014. The Pre-Hearing Conference consisted of technical meetings as well as community roundtable sessions, and was attended by the Proponent, the Kitikmeot Inuit Association, federal and territorial government departments, and Community Representatives from seven (7) Kitikmeot communities or settlements, and representatives from the Northwest Territories. The NIRB issued its Pre-Hearing Conference report containing its decision on December 19, 2014, which contained further direction for the development and a Final Environmental Impact Statement (FEIS), and details related to the coordinated assessment process being facilitated between the NIRB and the NWB.

On July 3, 2015, Sabina issued correspondence to the NIRB containing updates regarding Sabina’s development of the FEIS, and the completion of its Feasibility Study for the Project. Within the correspondence Sabina noted its decision to withdraw from the NIRB/NWB coordinated assessment process, and that it would proceed through a separate NWB process pending completion of the NIRB’s Review. Further, Sabina also indicated that it had removed the development of the George mine from the FEIS and that it would reengage the NIRB, and relevant parties should it consider advancing the George property at a later date.

After the development and submission of the FEIS, the NIRB completed an internal conformity review, technical commenting and response periods, and a technical meeting, the NIRB held a Final Hearing in Cambridge Bay from April 25 to April 30, 2016. The Final Hearing was attended by Community Representatives from seven (7) Kitikmeot communities or settlements, representatives from the Northwest Territories, the Kitikmeot Inuit Association, relevant territorial and federal departments, interested parties and stakeholder groups, as well as members of the public. On June 15, 2016, the NIRB issued its 2016 Final Hearing Report to the Minister of Indigenous and Northern Affairs with respect to

Sabina's Back River Gold Mine project proposal as required under section 12.5.6 of the *Nunavut Agreement*. The Report concluded that due to the potential for significant adverse ecosystemic and socio-economic effects in Nunavut and also in the Northwest Territories that, in the Board's view, could be adequately managed and mitigated, the Back River Gold Mine Project Proposal should not proceed at that time.

On January 12, 2017, the Minister of Indigenous and Northern Affairs, writing on behalf of the Federal Responsible Ministers including Environment and Climate Change, Fisheries and Oceans and the Canadian Coast Guard, Natural Resources, and Transport Canada, referred the 2016 Final Hearing Report for the Back River Project back to the NIRB for further Review under section 12.5.7(e) of the *Nunavut Agreement* to further assess deficiencies with respect to five (5) main ecosystemic issues. Within the letter the Ministers identified sections of the Report that contained deficiencies or insufficient information related to ecosystemic and socioeconomic impacts: caribou and terrestrial wildlife; freshwater aquatic environment; marine environment; water quality (ground and surface); and climate and meteorology. It was further noted that, following the issuance of the Report by the Board, the Ministers invited and received feedback regarding the Report's findings from Indigenous Organizations, the Government of the Northwest Territories and the Government of Nunavut, as well as unsolicited comments from the Proponent and other interested organizations and individuals. While indicating that the additional comments received were not all consistent, with some questioning the Report's conclusions or supporting the 2016 Final Hearing Report, the Ministers confirmed that the additional feedback was given consideration in the Government of Canada's decision-making regarding the Report's acceptability. All correspondence issued following the NIRB's 2016 Final Hearing Report and copied to the Board was posted on the NIRB's Public Registry for the Back River Project at www.nirb.ca/project/124149.

Consistent with the direction provided within the Minister's January 12, 2017, referral, on January 23, 2017, the NIRB initiated a supplemental Review period for the Project and requested that the Proponent provide an addendum to the Final Environmental Impact Statement (FEIS Addendum) to supplement the Board's further assessment of the proposal. The NIRB requested that the FEIS Addendum focus on areas where uncertainty or lack of confidence was expressed within the Board's 2016 Final Hearing Report, the five (5) key deficiencies identified in the Minister's referral, as well as any other relevant areas which could support the Board's further Review. The correspondence also directed that the FEIS Addendum should clearly identify any further supporting information on predicted impacts and anticipated effectiveness of proposed mitigation measures, and updated details on negotiations, communications, and results of community consultations conducted since the Board's 2016 Final Hearing Report was issued. Additionally, within the January 23, 2017, correspondence the Board highlighted its intent to facilitate a supplemental public technical review period for the FEIS Addendum, a technical meeting via teleconference, and a supplemental Final Hearing as part of its further Review of the Back River Gold Mine Project proposal.

On February 16, 2017, the NIRB received a FEIS Addendum submission from Sabina which was organized to address the issues and direction previously identified within the NIRB's January 23, 2017, correspondence. Following receipt of the submission and an internal conformity check of the Addendum to confirm its suitability for supporting a public technical review, on February 23, 2017, the NIRB formally accepted the submission and initiated the technical review period. The NIRB held its technical review period between February 23 and April 24, 2017, followed by a response period by the Proponent. On May 24, 2017, NIRB hosted a technical meeting via teleconference attended by the Proponent, the Kitikmeot Inuit Association, and federal and territorial government departments.

The NIRB held its supplemental Final Hearing in Cambridge Bay from May 31 to June 3, 2017, which was attended by the Community Representatives from seven (7) Kitikmeot communities or settlements, representatives from the Northwest Territories, the Kitikmeot Inuit Association, relevant territorial and federal departments, interested parties and stakeholder groups, as well as members of the public. As part of the supplemental Final Hearing, the NIRB facilitated two (2) days of technical sessions which included presentations by the Proponent and registered Intervenor, with commenting and question periods for Intervenor and the Board, as well as two (2) days of community roundtable sessions which also included presentations by the Proponent and registered Intervenor, with commenting and question periods for Community Representatives, the public, and the Board.

On July 18, 2017, the NIRB issued a revised Final Hearing Report, which built on the 2016 Final Hearing Report, to provide a summary of all information provided to the Board throughout the Review of the Project, including all information provided to the Board prior to and during both public hearings. Within the revised Final Hearing Report, the Board noted significant improvements to the Project and associated effects mitigation, management, and monitoring measures which gave the Board confidence that the Project could now be allowed to proceed to the regulatory stage. With this recommendation, the Board also provided recommended Terms and Conditions to the Responsible Ministers to ensure that the Project would be developed in a manner consistent with the objectives set out in Article 12, section 12.2.5 of the *Nunavut Agreement*.

On November 28, 2017, the NIRB provided the Minister with a Notice of Errata as follow up to the July 18, 2017, NIRB revised Final Hearing Report in respect of Sabina Gold & Silver Corp.'s Back River Gold Mine Project Proposal. The Errata corrected the wording in NIRB's recommended Term and Condition #91 to clarify that the jurisdiction of Transport Canada extends to the certification of vessels, not individual shipping companies. The corrected Term and Condition is included in this Project Certificate.

On December 5, 2017, the NIRB received notification from the Honourable Carolyn Bennett, Minister of Crown-Indigenous Relations and Northern Affairs that the Revised Final Hearing Report for the Review of Sabina Gold & Silver Corp.'s Back River Gold Mine Project had been accepted pursuant to section 12.5.7(a) of the *Nunavut Agreement*.

All correspondence issued following the NIRB's 2016 Final Hearing Report and the 2017 Revised Final Hearing Report and copied to the Board was posted on the NIRB's Public Registry for the original Back River Project at www.nirb.ca/project/124149.

2.2 The Back River Energy Centre

On August 12, 2022, the NIRB received a referral from the Nunavut Planning Commission to assess a significant modification to Sabina's Back River Gold Mine Project; referred to as the Back River Energy Centre Project Proposal (Energy Centre Proposal)⁵. In January 2023, the NIRB determined that the assessment of the Energy Centre Proposal would be conducted as a formal reconsideration of the terms and conditions of Project Certificate No. 007 under Article 12, Section 12.8.2(b) and 12.8.2(c) of the *Nunavut Agreement* and ss. 112(1)(b) and 112(1)(c) of *NuPPAA*, a reconsideration of the Terms and Conditions of Project Certificate No. 007 was required.

⁵ Once approved to proceed, the Board changed the reference from "proposal" to "project", so the references to the "Back River Energy Centre Proposal" are updated in the Project Certificate to the Back River Energy Centre Project (Energy Centre Project).

In March 2023, the NIRB reviewed the Proponent's 2023 Impact Statement Addendum (2023 IS Addendum) which assessed the potential impacts of the changes to the Back River Gold Mine Project as proposed in the Energy Centre Proposal and concluded that the 2023 IS Addendum conformed to the Board's Back River Guidelines. The Board then initiated the technical review stage of the Board's assessment, and held community information sessions in five (5) of the seven (7) potentially affected Kitikmeot communities.⁶

On September 23, 2023, the NIRB was provided an update that the original proponent of the Back River Gold Project, Sabina Gold & Silver Corp. had amalgamated with a subsidiary of B2Gold Corporation, and would continue forward as one under a new name: B2Gold Back River Corp. (B2Gold Nunavut). On July 4, 2024 in correspondence to the Minister of Northern Affairs, Prairies Economic Development Canada and the Northern Economic Development, B2Gold Nunavut confirmed that B2Gold Back River Corp. would be the successor to Sabina Gold & Silver Corp. under the Project Certificate.

On October 3-5, 2023, the NIRB conducted an in-person Technical Meeting, Community Roundtable and Pre-Hearing Conference in Cambridge Bay attended by representatives from Nunavut Tunngavik Incorporated, the Kitikmeot Inuit Association, relevant territorial and federal departments, interested parties and stakeholder groups, and members of the public. The Community Roundtable had Community Representatives from seven (7) potentially affected Kitikmeot communities and settlements: Cambridge Bay, Kugluktuk, Gjoa Haven, Kugaaruk, Taloyoak, Omingmaktok (Bay Chimo) and Kingaok (Bathurst Inlet). The NIRB also had Community Representatives from the Northern Saskatchewan communities of Black Lake, Fond du Lac, and Hatchet Lake. The details regarding the Technical Meeting, Community Roundtable and Pre-Hearing Conference are provided in the NIRB's Pre-Hearing Conference Decision Report.⁷

After receiving Final Written Submissions, the NIRB conducted an in-person Public Hearing in Cambridge Bay on February 27-29, 2024, for participants unable to attend in person, the Board provided audio and visual linkages. Regulators and other Intervenor including the Northwest Territories and territorial and federal departments. The Community Roundtable Community Representatives were from Cambridge Bay, Kugluktuk, Kugaaruk, Gjoa Haven, Taloyoak, and Omingmaktok, and Kingaok. Unfortunately, due to scheduling conflicts, representatives of the Athabasca Denesuliné, including the Athabasca Denesuliné Né Né Land Corporation, and representatives from the communities of Fond du Lac, Black Lake, and Hatchet Lake, were unable to participate in the Public Hearing in-person or remotely. However, representatives of the Athabasca Denesuliné had previously participated in the assessment, providing written comments and Final Written Submissions and attending the Technical Meeting, Pre-Hearing Conference and Community Roundtable in Cambridge Bay in October 2023. Although their representatives did not participate in the Public Hearing for the file, the comments and knowledge shared with the Board prior to the Public Hearing by the representatives of the Athabasca Denesuliné about the Energy Centre Proposal were included in the Public Hearing Record for the file and were considered by the Board in the Board's decision-making.

On April 12, 2024, the Board provided its decision to the Responsible Ministers recommending that the Back River Energy Centre Project be allowed to proceed, subject to new and amended Terms and Conditions of Project Certificate No. 007 and specific revisions to the Monitoring Program for the Back

⁶ As the communities of Omingmaktok (Bay Chimo) and Kingaok (Bathurst Inlet) are seasonal communities, these communities were not included in the community tour. Unfortunately, due to weather and mechanical issues, the NIRB had to cancel the session in Kugluktuk.

⁷ NIRB Public Registry ID No.: Inuktitut (349274), English (345594), and Inuinnaqtun (349272).

River Gold Mine Project. On July 8, 2024 the Responsible Ministers accepted the Board's recommendations and accepted, without variation, the Board's recommended revisions to 11 existing terms and conditions, and the addition of three (3) new terms and conditions.

Consequently, Amendment No. 1 to the Project Certificate was issued to change the name of the Proponent to B2Gold Back River Corp. and to incorporate the amendments the Board recommended to reflect the modifications to the Project as proposed under the Back River Energy Centre Proposal.

All correspondence issued following the NIRB's Public Hearing Report and copied to the Board was posted on the NIRB's Public Registry for the Back River Energy Centre Project at www.nirb.ca/project/125740.

2.3 Project Description

2.4 The Back River Gold Mine Project

The Back River Gold Mine Project (NIRB File No. 12MN036; the Back River Project or the Project) consists of the proposed mobilization, construction, operation, closure, reclamation, and post-closure monitoring of a gold mine operation in the Kitikmeot region of Nunavut. The Project would be located approximately 400 kilometres (km) southwest of the community of Cambridge Bay, 95 km southeast of the southern end of Bathurst Inlet, and 520 km northeast of Yellowknife, Northwest Territories. The proponent for the Back River Project was Sabina Gold & Silver Corp. (the Proponent or Sabina).

The Back River Project includes two (2) main development areas with a winter ice road interconnecting the Goose Property with the Marine Laydown Area (MLA), which would be located at Bathurst Inlet. The Goose Property encompasses four (4) mineral deposits: Umwelt, Llama, Echo, and Goose Main, which would all be accessed using conventional open pit and underground methods. The Goose Property would comprise of a processing plant, four (4) deposits to be mined through open and underground mining methods, an all-weather air strip, a camp facility, and associated mining facilities. The MLA would be located approximately 130 km north-northwest of the Goose Property and would be the primary staging area for equipment, material, fuel, and other supplies required for the construction and operation of the Project. The MLA would consist of a single grounded terminal barge, laydown areas, a camp facility, and associated storage and maintenance facilities. The George Property, an advanced exploration camp located approximately 50 km northwest of Goose Property, currently has four (4) mineral deposits identified for potential future development. Sabina would also construct an annual spur road from the winter ice road to the George Property for transportation of supplies to the site. The continuation of a diamond drilling based mineral exploration program for the George Property and the Wishbone claim of mineral leases was included within the scope of the Board's assessment, while further advanced exploration (i.e., bulk sampling and infrastructure development) was explicitly not included with the understanding such activities would require further assessment by the NIRB prior to occurring.⁸

Total minable mineral reserves for the Project are estimated at approximately 19,792 thousand tonnes at 5.70 grams per tonne for a quality of contained gold of 3,628 thousand ounces. Ore mined at the Goose

⁸ Pursuant to correspondence submitted by Sabina on July 3, 2015, the Proponent removed the George site from the mine development proposal, instead noting it as a site of continued exploration within the FEIS for the Back River Project. For more information, see Section 1.7: Scope of the NIRB's Assessment and Environmental Impact Statement Guidelines of the revised Final Hearing Report for the Project.

Property would be hauled to ore stockpiles located at the Goose Site where the ore would be processed within an ore processing plant (mill) using conventional gravity concentration and cyanidation techniques at a nominal capacity of 6,000 tonnes of ore per day.

A tailings storage facility would be built south-southeast of the Goose Main open pit for tailings deposition during the first two (2) years of production, with tailings then to be directly deposited into the mined-out Umwelt open pit for approximately four (4) subsequent years, and then into the mined out Goose Main open pit for the remaining four (4) years of the mine life. Sabina proposed to passively and actively fill the remaining mined-out pits with lake water to mitigate the potential generation of acid and the leaching of metals. The gold doré bars produced at the processing plant would be stored on-site and then transported off-site by aircraft on a semi-weekly basis.

The Project would be resupplied annually using a lightering terminal and barge and fuel storage facility at the MLA, with supplies to be transported annually from southern Canada by barge during the open water season. Project materials would be transported annually from the MLA to the Goose Property using a winter ice road from mid-January to April.

2.4.1 Back River Energy Centre Project

A detailed description of the scope of the Back River Energy Centre Project is provided in Sections 1.4 and 2.1 of the NIRB's Reconsideration and Recommendations Report.⁹ In summary, the Energy Centre Project is an addition to the Back River Gold Mine Project involving the construction, operation, and reclamation of up to 13 Wind Turbine Generators, a solar panel array and Battery Energy Storage System and associated infrastructure including access roads, an electrical station and electrical transmission lines. The Energy Centre Project did not propose any other changes to the mining activities under the previously approved Back River Gold Mine Project.

3 IMPLEMENTATION

The NIRB has the authority to reconsider the terms and conditions of the Project Certificate to ensure that the terms and conditions are achieving their purpose. Clearly the NIRB expects the Proponent to meet its obligations under this Certificate, however, the NIRB may revisit the Certificate if the NIRB determines that the terms and conditions are not achieving their purpose.

If the Kitikmeot Inuit Association or other Designated Inuit Organization, or person or body that would normally have standing to seek this type of court determination, have concerns that any term or condition is not being implemented, these parties may seek a determination before the appropriate court regarding whether or not the terms and conditions in the Project Certificate have been implemented. This Project Certificate is implemented by authorizing agencies in accordance with the implementation provisions of the *Nunavut Agreement* (Article 12, Section 12.9.7, as cited below) and s. 137(5) of *NuPPAA*:

A licence, permit, certificate or other governmental approval which implements or incorporates any term or condition of a NIRB project certificate may not be called into

⁹ NIRB, *Reconsideration Report and Recommendations for the Back River Energy Centre Proposal, B2Gold Corporation's Back River Gold Mine Project, Project Certificate No. 007*, NIRB File No. 12MN036, April 12, 2024. NIRB Public Registry ID.: 349350 (English).

question in a court of law on the grounds that the issuing agency thereby fettered its discretion or otherwise acted without jurisdiction, when implementing any term or condition of a NIRB project certificate.

For greater clarity, unless specified otherwise, all terms and conditions, including amendments thereto, apply to the original approved Back River Gold Mine Project and to any approved modifications to the Project.

3.1 Overview of NIRB Monitoring Program

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

The role of the Board with respect to the establishment of monitoring programs, is to focus the terms and conditions in relation to the Project. With respect to existing or future general regional and territorial monitoring programs that may include some of the same monitoring parameters/indicators as the project-specific monitoring program, the *Nunavut Agreement* and the *NuPPAA* also direct the NIRB to avoid duplication but facilitate co-ordination and integration between the project-specific monitoring programs required by the NIRB and more general programs and initiatives such as the Nunavut General Monitoring Plan.¹⁰ Where the requirements of regional or territorial programs are more extensive or substantively different than those established through the Project Certificate, at all times the Proponent must ensure compliance with the Project Certificate terms and conditions.

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

¹⁰ See Sections 12.7.4 and 12.7.5 of the *Nunavut Agreement*.

Following any amendment to the Project Certificate, Appendix A, the draft framework, and the project-specific monitoring program will be amended as necessary to ensure compliance with the Project Certificate terms and conditions.

3.2 Board Guidance on General Regulatory and Administrative Responsibilities

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

NIRB Monitoring Responsibilities

1. The NIRB will appoint a Monitoring Officer(s) as required to monitor the Project in accordance with the purpose of a monitoring program as set out in section 12.7.2 of the *Nunavut Agreement* and s. 135 of the *NuPPAA*, for the full life of the Project, including closure and reclamation. Subject to direction from the NIRB, the responsibilities of the NIRB Monitoring Officer(s) will include:
 - a. Providing direction to the Proponent, the Project's advisory and/or working groups, regulatory agencies, and the Kitikmeot Socio-Economic Monitoring Committee to supply the NIRB with reports and information respecting the Project's operations, impacts, and the implementation of mitigative measures;
 - b. Conducting a periodic evaluation of the monitoring program for the Project;
 - c. Compiling a report on the adequacy of the monitoring program and on the ecosystemic and socio-economic impacts of the Project; and
 - d. Where appropriate, recommending to the NIRB reconsideration of Project Certificate Terms and Conditions in accordance with section 12.8.2 of the *Nunavut Agreement* and s. 112 of the *NuPPAA*.
2. The NIRB will report annually (in English, Inuinnaqtun, and Inuktitut) on the results of its Monitoring Program for the Project.
3. The NIRB will schedule periodic updates regarding its Monitoring Program for the communities most affected by the Project.
4. The NIRB Monitoring Officer(s) will schedule periodic site inspections at the Project, coordinating with other regulatory agencies to the extent possible.

General Regulatory Requirements

5. The Proponent must obtain all required federal and territorial permits and other approvals, and shall comply with the requirements of such regulatory instruments.
6. The Proponent shall take prompt and appropriate action to remedy any occasion of non-compliance with environmental laws and regulations and/or regulatory instruments, and shall report any non-compliance as required by law immediately. A description of all instances of non-compliance and associated follow up is to be reported annually to the NIRB.

7. The Proponent shall meet with respective licensing authorities prior to the commencement of construction to discuss the posting of adequate performance bonding. Licensing authorities are encouraged to take every measure to require that sufficient security is posted before construction begins.

Monitoring Records

8. All monitoring information collected pursuant to the Project Certificate and various regulatory requirements for the Project shall, if appropriate, given the type of monitoring conducted, contain the following information:
 - a. The name of the person(s) who performed the sampling or took the measurements including any relevant accreditations;
 - b. The date, time and place of sampling or measurement, and weather conditions;
 - c. The date of analysis;
 - d. The name of the person(s) who performed the analysis including any relevant accreditations;
 - e. A description of the analytical methods or techniques used; and
 - f. A discussion of the results of any analysis.
9. The Proponent shall make significant monitoring results and/or summaries of significant results available in English, Inuinnaqtun, and Inuktitut, to the extent feasible.
10. The Proponent shall keep and maintain the records, including results, of all Project-related monitoring data and analysis for the life of the Project, including closure and post-closure monitoring.
11. The Proponent shall maintain the Final Environmental Impact Statement, Final Environmental Impact Statement Addenda, and the environmental monitoring programs developed for the Project, with predictions updated as new baseline data is collected. If the results of monitoring programs necessitate updates to effects predictions, the Proponent shall update the associated management programs and plans as required to address or reflect the updated assessment of effects.
12. The Proponent shall establish a publicly-accessible Project-specific web portal or web page to make available in a central location all significant non-confidential monitoring and reporting information submitted to Regulatory Authorities pursuant to the Project Certificate and other territorial or federal permits issued for the Project. For clarity, posting on the Project-specific site does not replace any reporting obligation of the Proponent pursuant to the Project Certificate or any territorial or federal permit.

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

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

3.3 General Principles of Interpretation Applicable to Terms and Conditions:

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

- a. The NIRB's revised Final Hearing Report¹¹, the Reconsideration Report and Recommendations for the Energy Centre Project¹², and the associated Ministers' response letters should be read together;
- b. The rights, responsibilities, authorities, and jurisdiction granted under the *Nunavut Agreement* and the *NuPPAA*;
- c. The limits and obligations imposed under laws of general application applicable to the Proponent or any party referred to in the term and condition, as those laws may be amended over time (e.g., privacy legislation, worker's health and safety, etc.);
- d. The specific jurisdictional and policy limits applicable to authorizing agencies, Nunavut Tunngavik Incorporated, the Kitikmeot Inuit Association, or other regulatory authority with jurisdiction in respect of the Project;
- e. Where terms and conditions include specific references to items that must be taken into consideration or included in work plans, etc. these specific references are intended to establish minimum expectations but are not intended to limit the Proponent or prevent the Proponent from undertaking additional measures beyond those expressly prescribed in such terms and conditions; and
- f. As noted in the Board's Reports in respect of the Project and approved modification, for those items where a more stringent version of the precautionary principle has been applied, it is the Board's expectation that the adaptive management strategies chosen will be highly responsive to early warning signs that risks may materialize, and that rather than waiting for impacts to be noted before mitigation measures are triggered, thresholds and triggers will be set to require responses long before adverse impacts are likely.
- g. Unless specified otherwise, all terms and conditions, including amendments thereto, apply to the original approved Back River Gold Mine Project and to any subsequent significant modifications to the Project.

3.4 Format of Terms and Conditions:

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

¹¹ NIRB Revised Final Hearing Report, Back River Gold Mine Project, Sabina Gold & Silver Corp, NIRB File No. 12MN036, July 18, 2017. NIRB Public Registry ID.: 312668

¹² NIRB, Reconsideration Report and Recommendations for the Back River Energy Centre Proposal, B2Gold Corporation's Back River Gold Mine Project, Project Certificate No. 007, NIRB File No. 12MN036, April 12, 2024. NIRB Public Registry ID.: 349350 (English)

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

Responsible Parties: Identifies the parties responsible for implementation of the term and condition. While this is generally the Proponent, at times other agencies have been implicated as appropriate.

Project Phase: Identifies the phase(s) of Project development to which the term and condition is applicable. The NIRB's definition of "Project Phases" may differ from definitions used by Authorizing Agencies. As used in the Project Certificate, project phase may include any one or more of the following:

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

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

Term or Condition: Provides specific direction on the required action or follow up. In most instances the NIRB has endeavoured to use generalized wording to allow for maximum flexibility in achieving the stated objective, however, more explicit direction has been provided where deemed necessary.

REVISED Term or Condition: Where, upon reconsideration, the Board has recommended an amendment to the terms or conditions in the Project Certificate and the Minister has accepted the Board's recommendation, the Board denoted deletions to the original text of the term or condition identified by strike through text and additions to the text identified in bold and underlining. Upon issuance of an amendment to the Project Certificate, the Proponent is required to comply with the text of the REVISED term or condition.

NEW Term or Condition: Where, upon reconsideration, the Board has recommended that the Project Certificate be amended by adding a new term or condition and the Minister has accepted the Board's recommendation, the Board has added the term or condition to the relevant section, has identified the term or condition as NEW and has added an alphabetical listing to the existing numbered term or condition immediately preceding the NEW term or condition. Upon issuance of an amendment to the Project Certificate, the Proponent is also required to comply with any NEW terms or conditions added to the Project Certificate.

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

It should be noted that, for some of the recommended terms and conditions, a non-binding **Commentary** section has also been added following the specific term and condition as an aid to interpretation. The Commentary section reflects clarification of the term and condition, recording the common understanding and interpretation resulting from discussions and guidance provided during the Project Certificate Workshop held via teleconference on December 14, 2017, and the comment period in July 10 to July 22, 2024 for Amendment No. 1. The Commentary section is offered as a reference only and is not legally binding; in the event of a conflict between the wording in the Project Certificate and the clarification provided in the Commentary, the express wording of the Project Certificate prevails.

3.5 Flexibility

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

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

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

The NIRB has the authority to reconsider the terms and conditions of the Project Certificate to ensure that the terms and conditions are achieving their purpose. Clearly the NIRB expects the Proponent to meet its obligations under this Project Certificate; however, the NIRB may revisit the Project Certificate if the NIRB determines that the terms and conditions are not achieving their purpose. In the event that the monitoring program needs to be modified to better achieve its purpose, the Board, the Proponent, the Designated Inuit Organization, or other interested parties may cause the Board, under Section 12.8.2 of the *Nunavut Agreement* and s. 135 of *NuPPAA* to revisit the monitoring program, or any other terms and conditions in the Project Certificate.

3.6 Enforcement

As noted in section 12.10.3 of the *Nunavut Agreement*, where the terms and conditions of the Project Certificate are implemented or incorporated by reference into permits, certificates, licences or other governmental approvals, the enforcement of the terms and conditions included in that authorization remains with the agency responsible for the authorization (i.e., Regulatory Authority). Under s. 74(g) and s. 219 of the *NuPPAA*, the Proponent is required to carry out the Project, and approved modifications in accordance with the terms and conditions in this Project Certificate; failing to meet the requirements of the terms and conditions in this Project Certificate is an offence. In addition, under Part 8, Article 12 of the *Nunavut Agreement*, if the Board determines that these terms and conditions are not achieving their purpose for any reason, including instances of significant non-compliance, the NIRB may revisit the terms and conditions contained in the Project Certificate.

3.7 Proponent Commitments

The Board expects that the Proponent will fulfill all commitments made during both Final Hearings and the Public Hearing conducted in association with the Board's reconsideration of the Project Certificate associated with the assessment of the Energy Centre Project, within its Final Environmental Impact Statement and Final Environmental Impact Statement Addenda, and supporting documentation submitted during the Board's assessments of the Back River Project and approved modifications, not just those commitments that have been incorporated into the Terms and Conditions of this Project Certificate.

To support transparency and accountability associated with the Proponent's commitments, the Board encourages the Proponent to provide in an annual report to the NIRB, a summary of the status of the Proponent's progress with respect to meeting any commitments which are intended to prevent or mitigate adverse ecosystemic or socio-economic effects of the Project and that are beyond the scope of merely ensuring compliance with Project Certificate terms and conditions.

4 PROJECT-SPECIFIC TERMS AND CONDITIONS

Commentary: For the clarity of all parties reviewing the terms and conditions that follow, the NIRB notes that for all terms and conditions in the Project Certificate involving reporting and discussion on Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, the requirements in those terms and conditions are subject to any limits on the collection, use and disclosure of Inuit Qaujimajatuqangit, Indigenous and Community Knowledge that may be imposed under specific agreements with knowledge holders, the Kitikmeot Inuit Association, or other relevant parties and the Proponent.

4.1 Ecosystemic Terms and Conditions

Air Quality

| Term and Condition No. | 1. |
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| Category: | Air Quality – Air Quality Monitoring and Management Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To provide parties with updated information on air quality baseline information and monitoring conducted on-site. |
| Term or Condition: | <p>The Proponent shall have in place an Air Quality Monitoring and Management Plan, which shall include the following:</p> <ul style="list-style-type: none"> a. Description of air monitoring stations including proposed timing of installation, location, and any factors considered with regards to planning for the installation; b. Plans for the collection of total suspended dust samples year round, including sampling for metals content relevant to the Project; c. Description of dustfall collectors; d. Description of lichen surveys; e. Identification of near field, far field and reference sites locations with demonstrated consideration for ambient wind conditions; f. Baseline data collected prior to significant construction activity; and g. A description of the proposed annual reporting mechanism and response framework. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 90 days prior to the start of construction of the Back River Gold Mine Project and the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads), with results submitted annually thereafter or as may otherwise be required by the NIRB.</p> <p>Whenever the Proponent makes subsequent revisions to the Air Quality Monitoring and Management Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

Commentary: The term “year round” is intended to convey that samples are collected during various times of the year, but does not mean continuous monitoring every day of the year.

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| Term and Condition No. | 2. |
| Category: | Air Quality – Air Quality Mitigation and Adaptive Management |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that mitigation and adaptive management measures effectively mitigate impacts on-site. |
| Term or Condition: | The Proponent shall demonstrate through monitoring of air quality that all emissions remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. In cases where exceedances occur, the Proponent shall provide an explanation for the exceedance, a description of planned mitigation, and shall conduct additional monitoring to evaluate the effectiveness of mitigative measures. |
| Reporting Requirements: | A summary of monitoring results and any exceedances noted shall be provided in the Proponent’s annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 3. |
| Category: | Air Quality – Air Quality Monitoring and Management Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that mitigation and adaptive management measures effectively mitigate dust impacts on-site. |
| Term or Condition: | <p>The Proponent shall have in place dust management and monitoring plans which address the following items:</p> <ol style="list-style-type: none"> Reflect commitments made in the Final Environmental Impact Statement, the Final Environmental Impact Statement Addendum, and through the Nunavut Impact Review Board’s impact assessment process; Verify commitments to use dust suppressants on-site, including a description of the type of suppressant to be used, as well as the frequency and timing of applications to be made throughout the periods of applicable use; Specify commitments to the use of appropriate dust suppression measures when conducting activities in the landfill such as topping or capping; Outline the specific adaptive management measures to be considered should monitoring indicate that dust deposition is higher than predicted, specifically where project-related traffic is greater than initially expected or where meteorological events have instigated additional deposition; and |

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| | e. Demonstrate consideration for the implementation of alternative methods (e.g., windscreens) to limit the deposition of dust generated from the Project. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 90 days prior to commencement of construction activities of the Back River Gold Mine Project and the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads). Information regarding updates to the management and monitoring plans and/or mitigation measures implemented by the Proponent in fulfillment of this Term and Condition shall be provided in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Air Quality Monitoring and Management Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

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| Term and Condition No. | 4. |
| Category: | Air Quality – Incineration Management Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that waste management operations are conducted in line with regulatory guidelines. |
| Term or Condition: | The Proponent shall develop and implement an Incineration Management Plan that demonstrates consideration for the recommendations provided in Environment and Climate Change Canada's Technical Document for Batch Waste Incineration (2010). ¹³ |
| Reporting Requirements <u>REVISED:</u> | <p>The initial Incineration Management Plan must be submitted to the Nunavut Impact Review Board at least 60 days prior to the commencement of construction and must be tested within the first year of operations. Subsequently, unless otherwise directed by Environment and Climate Change Canada, every three (3) years the Proponent shall provide the Nunavut Impact Review Board with confirmation of any changes to the Proponent's Incineration Management Plan in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Incineration Management Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

¹³ Environment Canada, 2010. Technical Document for Batch Waste Incineration.

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| Term and Condition No. | 5. |
| Category: | Air Quality – Stack Monitoring |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To monitor waste management operations. |
| Term or Condition: | The Proponent shall provide the results of all stack testing conducted on temporary or permanent incinerators operated for the Project for the year in which testing was conducted. |
| Reporting Requirements: | In years when a stack test occurs, results to be reported to the Nunavut Impact Review Board and to Environment and Climate Change Canada annually, or as may otherwise be required. |

Climate and Meteorology

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| Term and Condition No. | 6. |
| Category: | Climate and Meteorology – Greenhouse Gas Reduction Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction, Operations, Temporary Closure/Care and Maintenance, and Closure |
| Objective: | To monitor and reduce greenhouse gas emissions produced by the Project. |
| Term or Condition: | <p>The Proponent shall maintain a Greenhouse Gas Emissions (GHG) Reduction Plan which includes:</p> <ol style="list-style-type: none"> An estimate of the Project's GHG baseline emissions; A description of monitoring measures to be undertaken, including the methods, frequency, parameters, and a description of data analysis; and A description of mitigative and adaptive strategies planned, and taken, toward reducing the project-related emission of greenhouse gases over the Project's life. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) prior to commencement of construction activities of the Back River Gold Mine Project, and at least 60 days prior to construction of the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads), with results submitted every two (2) years thereafter, or as may otherwise be required by the NIRB. The contributions and reductions of GHG emissions shall be reported separately for each of the Back River Gold Mine Project and the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads) respectively.</p> <p>Whenever the Proponent makes subsequent revisions to the Greenhouse Gas Emissions Reduction Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.</p> |

Commentary: The term “baseline emissions” denotes the emissions as predicted by Proponent prior to project development, but reflecting the GHG emissions of existing Project infrastructure (i.e., existing exploration camp and associated infrastructure).

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| Term and Condition No. | 7. |
| Category: | Climate and Meteorology – Mine Closure and Reclamation Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To ensure mitigation, monitoring, and adaptive management measures are in place for the long-term stability, containment, and integrity of project components, including the approved Modifications, and the protection of environmental features. |
| Term or Condition: | <p>The Proponent shall maintain a Mine Closure and Reclamation Plan designed to: identify the processes that may act upon the mine components after closure and reclamation so that they can be factored within the design and operation of the mine; ensure physical and chemical stability of mine components that remain after closure; ensure mine components that remain after closure will not require long-term active care; and consider future use and aesthetics of the area with the surrounding lands. This plan should include:</p> <ol style="list-style-type: none"> An adaptive management component that documents monitoring and mitigation measures to ensure long-term containment of the Tailings Storage Facility and Waste Rock Storage Areas; Details for monitoring the thermal condition and stability of storage facilities; Details on the triggers for implementing alternative mitigation options; Details pertaining to ongoing monitoring and research being conducted to supplement the adaptive management protocols; Details on the plans to maintain the integrity of the groundwater quality within and adjacent to the Project; and Details on how the Proponent will carry out continued analyses over time to confirm or update the approximate fill time for the mine pits. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 60 days prior to the start of construction of the Project and any approved Modifications with results submitted annually thereafter or as may otherwise be required by the NIRB.</p> <p>Whenever the Proponent makes subsequent revisions to the Mine Closure and Reclamation Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is also posted on the Proponent’s project website.</p> |

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| Term and Condition No. | 8. |
| Category: | Climate and Meteorology – Weather Monitoring and Adaptive Management |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To monitor local weather and adaptively manage potential impacts from extreme or abnormal weather conditions. |
| Term or Condition: | The Proponent shall provide a summary report of meteorological conditions experienced within the project area including details related to temperature, wind velocities and patterns, precipitation, as well the onset of seasonal freeze and thaw cycles, and highlight extreme or outlying weather events. |
| Reporting Requirements: | Results to be included in the Proponent's annual report to the Nunavut Impact Review Board. |

Noise and Vibration

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| <u>REVISED</u> Term and Condition No. | 9. |
| Category: | Noise and Vibration – Noise Reduction |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, and Final Closure |
| Objective: | To ensure worker health and safety. |
| Term or Condition <u>REVISED:</u> | The Proponent shall demonstrate consideration for noise reduction measures when siting and constructing the Goose Property, Marine Laydown Area, camps, wind turbines, solar array, Battery Energy Storage System, and associated Energy Centre Project Infrastructure. Further, the Proponent shall demonstrate that noise levels will remain within reasonable limits and no further mitigation (e.g. additional sound proofing) is required. |
| Reporting Requirements <u>REVISED:</u> | During construction of the Back River Gold Mine Project, and the Energy Centre Project Infrastructure, the Proponent shall, on an annual basis, provide information regarding mitigation measures and monitoring undertaken in fulfillment of this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. When operations commence, and the sound levels associated with operations become stable and predictable, the Proponent shall provide information regarding monitoring results and any updates to mitigation measures every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board. In relation to the operation of the wind turbines specifically, within one (1) year of the wind turbines becoming operational, the Proponent shall report on the required noise level monitoring and mitigation as required by this Term and Condition in the Proponent's annual report to |

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| | the Nunavut Impact Review Board. Thereafter, the Proponent shall provide information regarding monitoring results and any updates to mitigation measures every year in the Proponent's annual report. |
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| <u>REVISED</u> Term and Condition No. | 10. |
| Category <u>REVISED</u> : | Noise and Vibration – Noise and Vibration Reduction |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction and Operation |
| Objective <u>REVISED</u> : | To ensure worker health and safety and to prevent and mitigate potential impacts on terrestrial wildlife, including caribou, birds, moose, musk ox, foxes, wolves, etc. |
| Term or Condition <u>REVISED</u> : | <p>The Proponent shall demonstrate its consideration of options to further mitigate noise generated from project activities, equipment, and components during normal operations as well as from project activities, equipment, and components that would remain operational during staged reduction events (e.g., noise barriers, acoustic insulation, exhaust silencers).</p> <p>For the wind turbines specifically, the Proponent shall monitor for both noise and vibration to confirm that the noise and vibration levels associated with the normal operation of the wind turbines remains within the predicted levels as set out in the 2023 IS Addendum. If monitoring identifies that noise and/or vibration exceeds predicted levels, the Proponent shall provide an explanation for the exceedance, a description of planned mitigation and shall conduct additional monitoring to evaluate the effectiveness of mitigation measures.</p> |
| Reporting Requirements <u>REVISED</u> : | <p>Within 60 days of the issuance of Project Certificate 007, Amendment 001 to reflect the addition of the Energy Centre Project the Proponent shall update its Noise Abatement Plan to include the Energy Centre Project Infrastructure and to incorporate any relevant commitments made during the Board's assessment of the Energy Centre Project.</p> <p>During construction of the Back River Project including the Energy Centre Project Infrastructure, the Proponent shall, on an annual basis, provide information regarding mitigation measures and monitoring undertaken in fulfillment of this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. During operations, once the sound levels associated with operations become stable and predictable, the Proponent shall provide information regarding monitoring results and any updates to mitigation measures every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Noise Abatement Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

Terrestrial Environment

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| Term and Condition No. | 11. |
| Category: | Terrestrial Environment – Permafrost Mapping and Monitoring |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To monitor and plan for changing permafrost conditions. |
| Term or Condition: | The Proponent shall conduct further permafrost mapping to document permafrost temperature, thickness of seasonal thaw and amount of ground ice in the project development area. This information will be made available to inform the detailed design of project infrastructure. |
| Reporting Requirements <u>REVISED:</u> | <p>During construction of the Project, including the Energy Centre Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads), the Proponent shall, on an annual basis, provide additional permafrost mapping information documented in fulfillment of this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. Subsequently, once monitoring has demonstrated that the areas assessed are stable, every two (2) years the Proponent shall identify, in the Proponent's annual report to the Nunavut Impact Review Board, any updates to the Proponent's previous permafrost mapping results.</p> <p>Whenever the Proponent makes subsequent revisions to the Permafrost Monitoring Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan(s) is posted on the Proponent's project website.</p> |

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| <u>REVISED</u> Term and Condition No. | 12. |
| Category: | Terrestrial Environment – Permafrost Monitoring |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To monitor and mitigate impacts from the Project and approved Modifications on permafrost. |
| Term or Condition <u>REVISED:</u> | The Proponent shall monitor the effects of the Project on permafrost conditions relative to project infrastructure, including associated roads, waste rock stockpiles, trails, quarries, wind turbine generators, solar panel array, Battery Energy Storage System, transmission lines, and service roads. Should permafrost degradation be observed, the Proponent shall report on measures implemented to restore and promote permafrost integrity. |
| Reporting Requirements <u>REVISED:</u> | During construction of the Project and any approved Modifications, the Proponent shall, on an annual basis, provide information regarding the results of monitoring and identifying any mitigation measures undertaken in fulfillment of this Term and Condition in the Proponent's annual report |

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| | <p>to the Nunavut Impact Review Board. Subsequently, once monitoring has demonstrated that the area(s) assessed are stable, the Proponent shall provide information regarding monitoring results and any updates to mitigation measures every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Permafrost Monitoring Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan(s) is posted on the Proponent's project website.</p> |
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| Term and Condition No. | 13. |
| Category: | Terrestrial Environment – Sensitive Landform Mitigation and Monitoring |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate project impacts on sensitive landforms. |
| Term or Condition: | The Proponent shall undertake additional geotechnical investigations as required to identify sensitive landforms, modify engineering design for project infrastructure (e.g., tailings storage facilities, waste rock piles, and landfill), and develop and implement mitigation and monitoring measures to prevent or minimize the impacts of the Project's activities and infrastructure on sensitive landforms. Plans for the investigations, mitigation, and monitoring measures are to be included within appropriate management plans. |
| Reporting Requirements <u>REVISED:</u> | <p>During construction of the Project and any approved Modifications, the Proponent shall, on an annual basis, provide information regarding the results of additional geotechnical investigations undertaken and any associated mitigation and monitoring measures implemented by the Proponent in the Proponent's annual report to the Nunavut Impact Review Board. Subsequently, once monitoring has demonstrated that the area(s) assessed are stable, the Proponent shall provide information regarding any updates to mitigation measures and monitoring every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Monitoring Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan is posted on the Proponent's project website.</p> |

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| Term and Condition No. | 14. |
| Category: | Terrestrial Environment – Waste Management Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure waste management is protective of the surrounding environment. |
| Term or Condition: | The Proponent shall provide a Waste Management Plan that describes how the local environment, including permafrost integrity and water quality, will not be harmed by wastes at project landfills. The Proponent shall demonstrate that the use of liners at waste management facilities has been considered and adopted, wherever feasible. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board at least 60 days prior to the start of construction of the Project and any approved Modifications.</p> <p>Whenever the Proponent makes subsequent revisions to the Waste Management Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

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| Term and Condition No. | 15. |
| Category: | Terrestrial Environment – Progressive Reclamation Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To ensure that project components, areas, and infrastructure are progressively reclaimed throughout the life of the Project including approved Modifications. |
| Term or Condition: | <p>The Proponent shall have in place a plan for the progressive reclamation of project components, areas, and infrastructure throughout the life of the Project. The plan shall detail:</p> <ol style="list-style-type: none"> projected timelines for the reclamation of project features, methodologies for undertaking such activities, and monitoring measures to ensure the effectiveness of reclamation methods employed; specific measures for adaptive management and triggers for their application, should monitoring results reveal trends that could affect the reclamation and closure objectives.; and, how Inuit Qaujimagatuqangit and Traditional Knowledge was collected, and used to inform closure plans and the design of project components. |
| Reporting Requirements: | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 90 days prior to the start of construction, with results and details submitted annually thereafter or as may otherwise be required by NIRB.</p> <p>Whenever the Proponent makes subsequent revisions to the Monitoring</p> |

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| | Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan is posted on the Proponent's project website. |
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Geological Features, Surficial and Bedrock Geology, and Geochemistry

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| Term and Condition No. | 16. |
| Category: | Geological Features, Surficial and Bedrock Geology and Geochemistry – Aggregate Sources |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, and Closure |
| Objective: | To inform parties on the quarry or borrow materials required for the development of project infrastructure. |
| Term or Condition: | The Proponent shall develop site-specific quarry operation and management plans in advance of the development of any potential quarry site or borrow pit. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board and the Kitikmeot Inuit Association at least 30 days prior to the use of borrow or quarry sites for review. Information regarding the Proponent's fulfillment of this Term and Condition and identifying any amendments to existing site-specific quarry operation and management plans shall be provided annually in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Monitoring Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan is posted on the Proponent's project website.</p> |

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| Term and Condition No. | 17. |
| Category: | Geological Features, Surficial and Bedrock Geology and Geochemistry – Monitoring of Tailings and Treatment Sludges |
| Responsible Parties: | The Proponent |
| Project Phase: | Operations, Temporary Closure/Care and Maintenance |
| Objective: | To mitigate potential impacts to the receiving environment caused by remobilization of arsenic. |
| Term or Condition: | The Proponent shall conduct tests of the tailings and treatment sludges as they are produced to evaluate the potential for remobilization of arsenic from these materials. |
| Reporting Requirements: | The results of the tests should be submitted the Nunavut Impact Review Board (NIRB), the Kitikmeot Inuit Association, and other interested parties annually or as may otherwise be required by the NIRB. |

Commentary: For clarity, the Proponent's testing is limited to grab sampling only and does not impose an obligation for continuous testing of tailings and treatment sludge. The parties also acknowledge that the

reporting requirements apply to any remobilization of arsenic beyond levels predicted in the FEIS and FEIS Addendum.

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| Term and Condition No. | 18. |
| Category: | Hydrogeology and Groundwater Quantity and Quality – Geotechnical Characterization Program |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations |
| Objective: | To minimize the impacts of contaminated water to the groundwater and receiving environment. |
| Term or Condition: | The Proponent shall undertake an infill geotechnical characterization program to determine the extent of the fractured bedrock contact zone and apply proposed mitigation measures as necessary. The program should include permeability testing, seepage analysis and planning for thermal monitoring of the western ridge, where appropriate. |
| Reporting Requirements <u>REVISED:</u> | During construction of the Project and any subsequently approved Modifications, the Proponent shall, on an annual basis, provide information regarding the results of the infill geotechnical characterization program and any required mitigation measures in the Proponent's annual report to the Nunavut Impact Review Board. Subsequently, once monitoring has demonstrated that the area(s) assessed are stable, the Proponent shall provide information regarding any updates to the infill geotechnical characterization program and any required mitigation measures every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board. |

Hydrological Features and Hydrogeology

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| Term and Condition No. | 19. |
| Category: | Hydrological Features and Hydrogeology |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To manage saline groundwater and minimize the impacts to permafrost, soil, surface water, vegetation and wildlife. |
| Term or Condition: | The Proponent shall, reflecting any direction from the Nunavut Water Board, maintain a saline water management plan which includes monitoring of thermal conditions, monitoring of saline water at the Goose site, and mitigation measures designed to address the potential for higher-than-predicted volumes of saline water inflows into the open pits and the underground mine, treatment and disposal methods. The plan should include accurate characterization of saline water inflows into the underground mine workings. |
| Reporting Requirements <u>REVISED:</u> | The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 60 days prior to the commencement of operations, with results submitted annually thereafter or as may otherwise be required by the NIRB. |

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| | Whenever the Proponent makes subsequent revisions to the Saline Water Management Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website. |
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| Term and Condition No. | 20. |
| Category: | Hydrological Features and Hydrogeology |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To minimize the impacts of contaminated water to the groundwater and receiving environment. |
| Term or Condition: | The Proponent shall develop a thermal monitoring plan to address the potential changes in permafrost/talik distribution, flow distribution and flow paths that may be directly or indirectly affected by the Project facilities and activities. Thermal monitoring should be considered at a minimum for the critical cross sections of the Main Dam, Llama Pit, and Umwelt Pit. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 60 days prior to the start of construction, with results submitted annually thereafter or as may otherwise be required by the NIRB.</p> <p>Whenever the Proponent makes subsequent revisions to the Thermal Monitoring Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

Groundwater and Surface Water Quality

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| Term and Condition No. | 21. |
| Category: | Groundwater and Surface Water Quality, Sediment Quality and Freshwater Aquatic Environment – Aquatic Effects Monitoring Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To mitigate potential impacts to groundwater and surface waters. |
| Term or Condition: | <p>The Proponent shall, reflecting any direction from the Nunavut Water Board, maintain an Aquatic Effects Monitoring Plan (AEMP) designed to:</p> <ul style="list-style-type: none"> ▪ determine the short and long-term effects in the aquatic environment resulting from the Project; ▪ evaluate the accuracy of Project effect predictions; ▪ assess the effectiveness of mitigation and management measures on Project effects; ▪ identify additional mitigation measures to avert or reduce environmental effects due to Project activities; and ▪ comply with Metal Mining Effluent Regulations requirements, should an Environmental Effects Monitoring program be triggered. |

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| | The AEMP should include sufficient sampling and monitoring programs to appropriately characterize the receiving environment to ensure that adequate data is available to assess impact predictions made within the Final Environmental Impact Statement. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 90 days prior to the start of construction of the Project and any approved Modifications, with results submitted annually thereafter or as may otherwise be required by the NIRB.</p> <p>Whenever the Proponent makes subsequent revisions to the Aquatic Effectives Monitoring Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

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| Term and Condition No. | 22. |
| Category: | Groundwater and Surface Water Quality; and Hydrological Features and Hydrogeology – Site Water Monitoring and Management Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance and Closure and Post-Closure Monitoring |
| Objective: | To minimize the use of natural waters as practicable and limit potential impacts to the receiving environment from contact (site) water. |
| Term or Condition: | The Proponent shall, reflecting any direction from the Nunavut Water Board, maintain a Site Water Monitoring and Management Plan designed to: minimize the amount of water that contacts mine ore and wastes; appropriately manage all contact water and discharges to protect local aquatic resources; and, implement water conservation and recycling to maximize water reuse and minimize the use of natural waters. The plan should include monitoring that demonstrates contact water (runoff and shallow groundwater) from the ore storage and waste rock storage areas is adequately captured and managed, as per the Mine Waste Rock Management Plan. |
| Reporting Requirements <u>REVISED:</u> | <p>The plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 90 days prior to the start of construction, with results submitted annually thereafter or as may otherwise be required by the NIRB.</p> <p>Whenever the Proponent makes subsequent revisions to the Site Water Monitoirng and Management Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is posted on the Proponent's project website.</p> |

Freshwater Aquatic Environment

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| Term and Condition No. | 23. |
| Category: | Freshwater Aquatic Environment – Setbacks |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction, Operations, Temporary Closure/Care and Maintenance and |

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| | Closure |
| Objective: | To mitigate impacts of runoff/sedimentation into freshwater aquatic habitat. |
| Term or Condition: | The Proponent shall maintain an appropriate setback distance between project quarries and fish-bearing or permanent waterbodies, or implement appropriate mitigation measures, as required to prevent acid rock drainage or metal leaching into such waterbodies. |
| Reporting Requirements: | Throughout quarry development and operation, the Proponent shall, on an annual basis, provide information regarding quarry setback distances maintained and/or mitigation measures implemented by the Proponent in fulfillment of this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 24. |
| Category: | Freshwater Aquatic Environment – Watercourses |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To prevent blockages or restrictions to fish passages. |
| Term or Condition: | The Proponent shall ensure that all project infrastructure in watercourses are designed and constructed in such a manner that they do not unduly prevent and limit the movement of water in fish bearing streams and rivers, unless otherwise authorized by Fisheries and Oceans Canada (DFO). |
| Reporting Requirements <u>REVISED:</u> | Information regarding design, construction, and inspection measures implemented by the Proponent in fulfillment of this Term and Condition for the Project and any approved Modifications, shall be provided in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 25. |
| Category: | Freshwater Aquatic Environment – Blasting |
| Responsible Parties: | The Proponent, Fisheries and Oceans Canada (DFO) |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance and Closure. |
| Objective: | To mitigate impacts of explosives use on fish and fish habitat. |
| Term or Condition: | The Proponent shall engage with Fisheries and Oceans Canada (DFO) in exploring possible project specific thresholds, mitigation and monitoring for blasting that would exceed the requirements of Fisheries and Oceans Canada's <i>Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters</i> (D.G. Wright and G.E. Hopky, 1998). |
| Reporting Requirements: | Information regarding the thresholds adopted, mitigation and/or monitoring measures associated with blasting developed and implemented by the Proponent in fulfillment of this Term and Condition shall be provided in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 26. |
| Category: | Freshwater Aquatic Environment – Fish Passage |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, Fisheries and Oceans Canada (DFO) |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To minimize potential impacts to the migration of Arctic Grayling. |
| Term or Condition: | The Proponent shall engage Fisheries and Oceans Canada (DFO), the Kitikmeot Inuit Association, and other interested parties during the regulatory phase on the design, construction, and operation of adequate fish passage to permit migration of Arctic Grayling from Goose Lake to natural spawning and rearing habitat located in upper Rascal Stream East, south of the planned airstrip. Any additional information required to ensure the design of the fish passage will be completed prior to significant construction activities at the Goose Property. |
| Reporting Requirements <u>REVISED:</u> | The updated information should be submitted to the Nunavut Impact Review Board (NIRB) at least 30 days prior to construction of the fish passages for both the Project and any approved Modifications, with results submitted annually thereafter or as may otherwise be required by the NIRB. |

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| Term and Condition No. | 27. |
| Category: | Freshwater Aquatic Environment – Water Withdrawal Sites |
| Responsible Parties: | The Proponent, Nunavut Water Board, Fisheries and Oceans Canada (DFO) |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To minimize impacts to freshwater fish habitat that may be used for water withdrawal. |
| Term or Condition: | The Proponent shall provide bathymetry, depth, and location of proposed water withdrawal sites, volumes to be extracted, anticipated water level decreases, and fish habitat features within each waterbody proposed to be used for winter water withdrawal in support of the annual construction of the winter ice roads. If additional waterbodies are required the Proponent shall provide all required information on the additional proposed lakes prior to the use of the waterbodies. |
| Reporting Requirements: | The information for each waterbody should be provided to the Nunavut Impact Review Board (NIRB), Fisheries and Oceans Canada (DFO), and the Nunavut Water Board (NWB) during the regulatory phase. Information on additional waterbodies should be provided to the NIRB, the DFO, the NWB, and other interested parties at least 90 days prior to the start of water withdrawal or as otherwise directed by DFO or the NWB. |

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| Term and Condition No. | 28. |
| Category: | Freshwater Aquatic Environment – Winter Ice Road |
| Responsible Parties: | The Proponent |

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| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To mitigate impacts to fish and fish habitat |
| Term or Condition: | The Proponent shall implement all applicable Fisheries and Oceans Canada (DFO) best management practices to avoid and mitigate serious harm to fish as a result of the construction, operation, and decommissioning of winter ice roads, and from under ice water withdrawals. This includes adequately screening the water intakes pipes to prevent impingement and entrainment of fish. |
| Reporting Requirements: | Information regarding best management practices and/or mitigation measures implemented by the Proponent in fulfillment of this Term and Condition shall be provided in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 29. |
| Category: | Freshwater Aquatic Environment – Water Crossings |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To mitigate impacts to fish and fish habitat. |
| Term or Condition: | The Proponent shall implement all applicable Fisheries and Oceans Canada (DFO) best management practices to avoid and mitigate serious harm to fish as a result of water crossing construction, operation, and decommissioning for all fish-bearing water crossings. These measures should include, but are not limited to, appropriate design of water crossings to facilitate fish passage at both high and low flows, timing windows that incorporate spawning, incubation and hatch times for all species using watercourses, sediment and erosion control, protection of riparian vegetation, and other forms of bank stabilization. |
| Reporting Requirements <u>REVISED:</u> | Information regarding best management practices and/or mitigation measures implemented by the Proponent in fulfillment of this Term and Condition for the Project and any approved Modifications shall be provided in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 30. |
| Category: | Freshwater Aquatic Environment – Monitoring Program for Culverts |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To minimize the impacts to fish bearing watercourses. |
| Term or Condition: | Unless otherwise directed by Fisheries and Oceans Canada (DFO), the Proponent's monitoring program for culverts on fish bearing watercourses during the operations and closure phases shall include measures to ensure that barriers to fish passage do not form over time as a result of crossing damage due to ice blockage, flooding, or movement of debris; all of which |

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| | may occur at freshet. Detailed design drawings and an updated monitoring program shall be produced prior to construction. |
| Reporting Requirements <u>REVISED:</u> | The updated drawings and monitoring program should be submitted to the Nunavut Impact Review Board (NIRB) and Fisheries and Oceans Canada (DFO) at least 30 days prior to the construction of the culverts of the Project and any approved Modifications, with results submitted annually thereafter or as may otherwise be required by the NIRB and DFO. |

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| Term and Condition No. | 31. |
| Category: | Freshwater Aquatic Environment – Monitoring Program for Culverts |
| Responsible Parties: | The Proponent |
| Project Phase: | Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To minimize the impacts to fish and fish habitat |
| Term or Condition: | The Proponent should provide annual monitoring updates regarding the Rascal Stream Fish Passage that enables parties to determine its effectiveness. |
| Reporting Requirements <u>REVISED:</u> | Monitoring updates regarding the Rascal Stream Fish Passage shall be included in the annual report to NIRB for the Back River Gold Mine Project. In years when monitoring is not required by Fisheries and Oceans Canada (DFO), the Proponent will include a statement in the annual report confirming no active monitoring has occurred. |

Vegetation

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| Term and Condition No. | 32. |
| Category: | Vegetation – Site Footprint |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective <u>REVISED:</u> | To minimize the impacts of the Project and approved Modifications on vegetation. |
| Term or Condition: | The Proponent shall ensure that Project activities are planned and conducted in such a way as to minimize the Project footprint. |
| Reporting Requirements <u>REVISED:</u> | In the Proponent's annual report to the Nunavut Impact Review Board, the Proponent shall provide information regarding the current Project footprint, taking into account construction and progressive reclamation activities, and including information regarding the loss or alteration of vegetation associated with Project activities (including identifying the type of any habitat losses resulting from these effects). Results shall be reported for all components of the Project including the Energy Centre infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads). |

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| Term and Condition No. | 33. |
| Category: | Vegetation – Invasive Species |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To prevent the introduction of invasive species. |
| Term or Condition: | The Proponent shall ensure that equipment and supplies brought to the project sites are clean and free of soils that could contain plant seeds not naturally occurring in the area. Vehicle tires and treads in particular must be inspected prior to initial use in project areas. The Proponent shall also incorporate protocols for monitoring for the potential introduction of invasive vegetation species (e.g. surveys of plant populations in previously disturbed areas) into relevant monitoring and management plans for the terrestrial environment. Any introductions of non-indigenous plant species must be promptly reported to the Government of Nunavut Department of Environment. |
| Reporting Requirements <u>REVISED:</u> | At least 30 days prior to first shipment of equipment and supplies to the site, including equipment and supplies for the Energy Centre Project, the Proponent's mitigation plans, protocols, monitoring and inspection program required in fulfillment of this Term and Condition shall be provided to the Nunavut Impact Review Board for review. Subsequently, information regarding inspections, monitoring results, and any reports to the Government of Nunavut Department of Environment as referenced above shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

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| <u>REVISED</u> Term and Condition No. | 34. |
| Category: | Vegetation – Vegetation Monitoring Plan |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, the Government of Nunavut |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective <u>REVISED:</u> | To minimize potential impacts to vegetation along the winter road/trail routings and around all project sites, including project components added to the Back River Project under the Energy Centre Proposal. |
| Term or Condition <u>REVISED:</u> | <p>The Proponent shall have in place a Vegetation Monitoring Plan that is designed to quantify the potential impacts on vegetation from the Project, including the annual construction/operation of the winter ice roads and trails. The plan should include all commitments discussed throughout the assessment of the Project (and subsequent modifications), including commitments to consult with the Kitikmeot Inuit Association, the Government of Nunavut, and other relevant parties, as well as:</p> <ol style="list-style-type: none"> Establishment of pre-construction and post-operation vegetation conditions annually with supporting photographs to allow for long-term comparisons of vegetation conditions along winter ice |

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| | <p>road/trail routings and around project sites including the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads);</p> <p>b. Incorporation of measures to prevent or minimize potential destabilization and erosion along winter ice road/trail routings and around project sites, including the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads);</p> <p>c. Details on the triggers for implementing adaptive management options if effects to vegetation are observed, including potential impacts from dust deposition; and,</p> <p>d. Discussion of how the findings from monitoring efforts would be used to inform reclamation planning.</p> |
| Reporting Requirements <u>REVISED:</u> | <p>Within 60 days of the issuance of Project Certificate 007, Amendment No. 1 to reflect the addition of the Energy Centre Project, the Proponent shall submit an updated Vegetation Monitoring Plan to the Nunavut Impact Review Board (NIRB) to include the addition of the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads).</p> <p>Whenever the Proponent makes subsequent revisions to the Vegetation Monitoring Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.</p> |

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| Term and Condition No. | 35. |
| Category: | Vegetation – Revegetation and Reclamation |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To maximize revegetation in reclaimed areas. |
| Term or Condition: | The Proponent shall develop a progressive revegetation program for disturbed areas that are no longer required for operations, such as a program to incorporate measures for the use of test plots, reseeding, and replanting of native plants as necessary. It is further recommended that this program be directly associated with the management plans for erosion control established for the Project. |
| Reporting Requirements: | <p>The program and associated revegetation results should be provided within the Proponent's annual report submitted to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Monitoring Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan is posted on</p> |

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| | the Proponent's project website. |
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| Term and Condition No. | 36. |
| Category: | Vegetation – Mine Closure and Reclamation Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To maintain an up-to-date revegetation plan for the Project. |
| Term or Condition: | The Proponent shall include revegetation strategies within its Mine Closure and Reclamation Plan that support progressive reclamation, and promote natural revegetation and recovery of disturbed areas compatible with the surrounding natural environment. These strategies should include exploration of the feasibility and practicality of topsoil/organic matter salvage through Project development. The Closure and Reclamation Plan should be updated on an on-going basis as more information becomes available from similar reclamation efforts at other northern projects, as applicable. |
| Reporting Requirements REVISED: | <p>Within three (3) years from the commencement of construction of the Back River Gold Mine Project, information regarding the revegetation strategies developed and implemented by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board and this information will include reclamation strategies for the Energy Centre Project. Subsequently, information regarding the Proponent's progress in fulfillment of this Term and Condition shall be provided annually in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Monitoring Plan(s), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan is posted on the Proponent's project website.</p> |

Terrestrial Wildlife and Wildlife Habitat

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| REVISED Term and Condition No. | 37. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Mitigation and Monitoring Plan |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate, monitor, and adaptively manage potential impacts to wildlife. |
| Term or Condition REVISED: | The Proponent shall have in place a Wildlife Mitigation and Monitoring Program Plan (WMMPP) throughout all phases of the Project. The plan shall include detailed monitoring, mitigation, and adaptive management measures for wildlife, and shall detail considerations for: species-specific sensitive wildlife periods and areas; activities known to affect wildlife; specific triggers for mitigation and adaptive management intervention; and |

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| | <p>implementation of all commitments made throughout the Nunavut Impact Review Board's (NIRB) assessment of the Project. The Proponent shall demonstrate appropriate refinements to the WMMPP's design throughout the life of the Project, as necessary to allow for the identification of long-term trends and cumulative effects where project interactions with wildlife are identified. Updates to the WMMPP may be triggered by significant changes in project development plans including the development of the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads); monitoring results indicating biologically-meaningful changes, significant updates to the scientific understanding of management methods relevant to wildlife at the project site, Inuit Qaujimajatuqangit, Traditional Knowledge, changes in climatic conditions that might subject wildlife to unexpected impacts, or as otherwise necessary.</p> |
| <p>Reporting Requirements <u>REVISED:</u></p> | <p>Within 60 days of the issuance of Project Certificate 007, Amendment No. 1 to reflect the addition of the Energy Centre Project, the Proponent shall submit an updated version of the Wildlife Mitigation and Monitoring Program Plan (WMMPP) to the Nunavut Impact Review Board (NIRB). Whenever the Proponent makes subsequent revisions to the Wildlife Mitigation and Monitoring Program Plan (WMMPP), the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the WMMPP should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the WMMPP.</p> |

Commentary: Measures included in the WMMPP shall be inclusive of all commitments made by the Proponent throughout the Review of the Project. Further, the Proponent shall, throughout the duration of the Project, collaborate with the Kitikmeot Inuit Association, the Government of Nunavut, and other relevant parties to develop updated mitigation, monitoring, and adaptive management measures within the Wildlife Mitigation and Monitoring Program Plan.

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| Term and Condition No. | 38. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Monitoring |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, the Government of Nunavut |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To monitor wildlife in collaboration with other monitoring bodies. |

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| Term or Condition: | In consultation with the Government of Nunavut, the Kitikmeot Inuit Association, and other relevant parties, the Proponent shall make efforts to contribute to existing and planned cumulative effects and regional monitoring programs for caribou, grizzly bear, wolverine and muskox, as appropriate. Relevant details of coordination through data sharing arrangements or agreements should be highlighted. |
| Reporting Requirements <u>REVISED:</u> | Information regarding the Proponent's consultation, coordination and other contribution efforts undertaken in fulfillment of this Term and Condition for both the Back River Project and the Back River Energy Centre Project shall be provided in the Proponent's annual report to the Nunavut Impact Review Board. Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the WMMPP should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the WMMPP. |

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| <u>REVISED</u> Term and Condition No. | 39. |
| Category: | Wildlife and Wildlife Habitat – Caribou Mitigation and Adaptive Management Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To mitigate potential impacts to caribou throughout the life of the Project including approved Modifications. |
| Term or Condition <u>REVISED:</u> | The Proponent shall provide, within its Wildlife Mitigation and Monitoring Program Plan (WMMPP), measures for the staged reduction of project activities should caribou occur in proximity to the project site, including the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads). The WMMPP will include a detailed description of all project activities, equipment, and components that would be managed during different phases of staged reduction mitigation events, including rapid and planned operational shutdowns should caribou calving or post-calving ranges overlap with the Project. Any planned activity restrictions/cessations should be of sufficient duration to take into account annual variation in the timing and distribution of calving and post-calving caribou interactions with the Project. |
| Reporting Requirements <u>REVISED:</u> | Within 60 days of the issuance of Project Certificate 007, Amendment No. 1 to reflect the addition of the Energy Centre Project, the Proponent shall submit an updated version of the Wildlife Mitigation and Monitoring Program Plan (WMMPP) to the Nunavut Impact Review Board. Whenever |

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| | <p>the Proponent makes subsequent revisions to the WMMPP, the Proponent shall submit the updated Plan to the NIRB within 60 day of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.</p> <p>Subsequently, the Proponent shall provide include an annual summary of the measures taken and monitoring results under the WMMPP in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the Wildlife Mitigation and Monitoring Program Plan should be discussed in the Proponent's Annual Report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the WMMPP.</p> |
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Commentary: Additional details to be contained within the WMMPP shall include a quantitative description of the noise produced by all activities, equipment, and components that would be managed during the staged reduction events, in addition to an analysis of the zones over which continuous and instantaneous noise thresholds for caribou would be exceeded within the project area. The Proponent shall provide updated details throughout the life of the Project should activities, equipment, or components alter the zones of influence as originally assessed.

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| Term and Condition No. | 40. |
| Category: | Wildlife and Wildlife Habitat – Caribou Monitoring |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, the Government of Nunavut |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that implementation of adaptive management is not unduly delayed by potential lag times associated with delayed access to collar data. |
| Term or Condition: | In consultation with the Kitikmeot Inuit Association, the Government of Nunavut, and relevant parties, the Proponent shall ensure that the utilization of satellite collar data as an early detection method for caribou takes into consideration an agreed-upon biological buffer, as well as potential lag times associated with delayed access to collar data, for the development of thresholds for monitoring and adaptive management triggers. |
| Reporting Requirements <u>REVISED:</u> | Within one (1) year of construction of the Back River Mine Project or the Energy Centre Project, information regarding the Proponent's fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. Subsequently, information regarding the Proponent's in fulfillment of this Term and Condition shall be included every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board. |

Commentary: The term “agreed-upon biological buffer” references the biological buffer agreed to by the relevant parties at the Supplemental Final Hearing, but this buffer may be updated during the life of the Project to reflect any subsequent agreements by the Proponent, the Kitikmeot Inuit Association, the Government of Nunavut, and other relevant parties.

| REVISED Term and Condition No. | 41. |
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| Category: | Wildlife and Wildlife Habitat – Caribou Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate potential impacts to caribou during periods of heightened sensitivity. |
| Term or Condition REVISED: | <p>The Proponent shall demonstrate consideration for the increased potential of caribou presence in the area when planning outdoor construction activities (including site clearing, blasting, and operation of heavy equipment) during the July 26 to August 31 period.</p> <p>The Proponent shall also demonstrate consideration for the increased potential of caribou presence in the area during this period when constructing and operating the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads) including, but not limited to a discussion of the Proponent’s plans for caribou-specific mitigation, monitoring and adaptive management if there is increased caribou presence in the area.</p> |
| Reporting Requirements REVISED: | <p>Information regarding the Proponent’s fulfillment of this Term and Condition shall be included in the Proponent’s annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been solicited and considered by the Proponent should also be discussed in the Proponent’s annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to the information and plans developed by the Proponent under this Term and Condition.</p> |

| Term and Condition No. | 42. |
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| Category: | Wildlife and Wildlife Habitat – Caribou Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that mitigation measures apply for all caribou. |

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| Term or Condition: | The Proponent shall ensure that all caribou mitigation and monitoring measures (including mitigation for shifts in calving and post-calving ranges) included within the Wildlife Mitigation Monitoring Program Plan apply to all caribou, regardless of the herd. |
| Reporting Requirements <u>REVISED:</u> | <p>Information regarding the Proponent's fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board, and shall reference both the Back River Mine Project and the Energy Centre Infrastructure Project.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been solicited and considered by the Proponent should also be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to the information and plans developed by the Proponent under this Term and Condition.</p> |

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| Term and Condition No. | 43. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Mitigation Measures |
| Responsible Parties: | The Proponent, the Government of Nunavut |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that specific criteria and procedures are developed should wildlife be deemed project-tolerant. |
| Term or Condition: | In consultation with the Government of Nunavut (GN) and other relevant authorities, the Proponent shall include criteria and procedures within its Wildlife Mitigation and Monitoring Program Plan governing the deterring of wildlife from blast zones and the relaxation of mitigation measures for animals deemed project-tolerant. Caribou shall be deterred using only agreed-upon deterrence measures established in consultation with the GN and only if their safety is deemed at risk. |
| Reporting Requirements <u>REVISED:</u> | <p>The information should be submitted to the Nunavut Impact Review Board (NIRB) at least 90 days prior to the start of construction of the Back River Gold Mine Project, or the Energy Centre Project Infrastructure, included within the WMMPP, and reported on annually to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been solicited and considered by the Proponent should also be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to the</p> |

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| | information and plans developed by the Proponent under this Term and Condition. |
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| Term and Condition No. | 44. |
| Category: | Wildlife and Wildlife Habitat – Muskox Mitigation Measures |
| Responsible Parties: | The Proponent, the Government of Nunavut |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED</u> : | To mitigate potential impacts to muskox from project activities, including approved Modifications. |
| Term or Condition: | In collaboration with the Government of Nunavut, the Proponent shall specify within its Wildlife Mitigation and Monitoring Plan specific mitigation measures, trigger distances, and group size thresholds for the protection of muskox in proximity to project activities (e.g., blasting, heavy truck traffic, and aircraft). |
| Reporting Requirements <u>REVISED</u> : | Information regarding the Proponent's fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. Reporting shall include both the Back River Mine Project and the Energy Centre Project. Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee have been solicited and considered by the Proponent should also be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to the information and plans developed by the Proponent under this Term and Condition. |

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| <u>REVISED</u> Term and Condition No. | 45. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED</u> : | To mitigate potential disturbances to wildlife migration and movement from Project infrastructure including the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads). |
| Term or Condition <u>REVISED</u> : | The Proponent shall ensure that safety barriers, berms, and designed crossings associated with project infrastructure, including site roads, the winter ice road, and the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads) are constructed as necessary to allow for the safe passage of caribou and other terrestrial wildlife and do not interfere with wildlife denning sites. |

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| Reporting Requirements: | <p>Information regarding the Proponent's fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the WMMPP should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components.</p> |
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| Term and Condition No. | 46. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Monitoring and Adaptive Management Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To ensure that all direct mortalities are reported and considered in the development of adaptive management protocols for both the Project and approved Modifications. |
| Term or Condition: | The Proponent shall file an incident report to the local wildlife conservation office for any and all direct wildlife mortalities that occur in association with the Project. All incident reports should include sufficient detail to demonstrate how monitoring and mitigation measures failed to prevent the mortality, as well as information pertaining to what measures would be put in place to prevent the incident from reoccurring. The Proponent shall reach an agreement with the appropriate Designated Inuit Organization regarding compensation for any direct mortality of wildlife resulting from the Project. |
| Reporting Requirements <u>REVISED:</u> | A summary regarding incidents reported to regulatory authorities, the Kitikmeot Inuit Association and Environment and Climate Change Canada (Canadian Wildlife Service), including mortalities from the wind turbines, and if compensation was or will be provided by the Proponent for direct mortalities, as well as a description of steps taken in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 47. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Mitigation and Monitoring Measures |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, Environment and Climate Change Canada (with respect to migratory birds) |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |

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| Objective: | To mitigate potential impacts to wildlife through interaction with water attenuation ponds and/or tailings storage areas. |
| Term or Condition: | The Proponent shall, in consultation with the Kitikmeot Inuit Association, develop and implement measures to prevent the use of water attenuation ponds and tailings storage areas by wildlife, including waterfowl, other migratory birds, and caribou, with sufficient monitoring to assess whether these measures are effective or whether further deterrents may be required. |
| Reporting Requirements <u>REVISED:</u> | Information regarding development, implementation and monitoring of the measures developed by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and/or the Caribou Technical Advisory Group have been incorporated into the measures and monitoring which should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted. |

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| Term and Condition No. | 48. |
| Category: | Wildlife and Wildlife Habitat – Wildlife Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To mitigate potential impacts to wildlife from attraction to the Project, including approved Modifications. |
| Term or Condition: | The Proponent shall develop and implement mitigation measures and monitoring programs to limit the attraction of predators and scavengers to Project facilities, and to limit impacts from specific project activities. |
| Reporting Requirements <u>REVISED:</u> | Information regarding mitigation measures implemented and/or updated by the Proponent in fulfillment of this Term and Condition for the Back River Mine Project and for the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads) shall be included in Wildlife Mitigation and Monitoring Program Plan (WMMPP) and in the Proponent's annual report to the Nunavut Impact Review Board. Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the WMMPP should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the WMMPP. |

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| Term and Condition No. | 49. |
| Category: | Wildlife and Wildlife Habitat – Annual Reporting to the Nunavut Impact Review Board |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To provide annual updates to the Nunavut Impact Review Board and relevant parties for ongoing monitoring and collaboration purposes. |
| Term or Condition: | <p>The Proponent shall report to the Nunavut Impact Review Board (NIRB) regarding its terrestrial wildlife monitoring efforts, with inclusion of the following information:</p> <ul style="list-style-type: none"> a. Description of all updates to terrestrial wildlife baseline data; b. A description of the involvement of local communities in its monitoring programs; c. A detailed presentation and analysis of the distribution relative to Project infrastructure and activities for caribou and other terrestrial mammals observed during surveys and incidental sightings; and d. Results of the annual monitoring programs, including methodologies and statistical approaches used to support conclusions drawn. |
| Reporting Requirements <u>REVISED:</u> | <p>Information regarding the Proponent's efforts in fulfillment of this Term and Condition for both the Project and approved Modifications shall be included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into monitoring programs should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted on the plans.</p> |

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| <u>REVISED</u> Term and Condition No. | 50. |
| Category: | Wildlife and Wildlife Habitat – Annual Reporting to the Nunavut Impact Review Board |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED:</u> | To provide annual updates to the Nunavut Impact Review Board (NIRB) and relevant parties to verify the effectiveness of ongoing monitoring and mitigation efforts for the Project (and approved Modifications). |
| Term or Condition <u>REVISED:</u> | Within its annual report to the NIRB, the Proponent shall incorporate a review section which includes: |

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| | <ul style="list-style-type: none"> a. An examination for trends in the measured natural variability of Valued Ecosystem Components in the region relative to the baseline reporting; b. A detailed analysis of wildlife responses to operations with emphasis on wildlife behaviour, mortalities, and displacements (if any), and responses to project operations; c. A detailed description of staged reduction mitigation events, including operational shutdowns, undertaken throughout the year in response to wildlife in proximity to the Project and including the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads). Details shall include, but are not limited to: <ul style="list-style-type: none"> i. A description of the aggregation and species of wildlife encountered including terrestrial wildlife such as caribou, migratory birds, moose, musk ox, foxes and wolves, etc.; ii. Environmental conditions; iii. A description of the sequence of activities ceased as well as the duration of cessation; and iv. The effectiveness of the applied mitigation measures and potential amendments that may be required. d. A demonstration and description of how the monitoring results contribute to cumulative effects monitoring associated with the Project; and e. Any proposed changes to the monitoring survey methodologies, statistical approaches, or proposed adaptive management stemming from the results of the monitoring program. |
| Reporting Requirements <u>REVISED:</u> | <p>Information regarding the Proponent's efforts in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and feedback from the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been considered by the Proponent in the fulfillment of this Term and Condition should be included in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the Proponent's monitoring and mitigation programs.</p> |

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| <u>REVISED</u> Term and Condition No. | 51. |
| Category: | Wildlife and Wildlife Habitat – Caribou Technical Advisory Group |
| Responsible Parties <u>REVISED:</u> | The Proponent, Kitikmeot Inuit Association, and the Government of Nunavut |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |

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| Objective: | To establish an advisory group to provide technical oversight on the Project's mitigation, monitoring, and adaptive management measures related to caribou. |
| Term or Condition <u>REVISED:</u> | <p>In collaboration with the Kitikmeot Inuit Association, the Government of Nunavut, and other relevant parties, the Proponent shall develop and participate in a Caribou Technical Advisory Group. As part of its function, the group shall seek to:</p> <ul style="list-style-type: none"> ▪ Provide independent advice on study design(s) and analyses for the testing and evaluation of the Project's adaptive management measures for reducing disturbance to caribou: ▪ Undertake appropriate testing of the caribou detection methods, group size thresholds, and distance thresholds employed as recommended by the advisory group; ▪ On the basis of these tests, and any other available evidence, provide analyses and a written evaluation of the caribou protection measures and where appropriate make necessary adjustments to those measures; ▪ Submit reports to the Nunavut Impact Review Board (NIRB), and other relevant parties, for review; and ▪ Provide independent advice on mitigation, monitoring study design(s), and adaptive management of the potential for effects on caribou associated with the Energy Centre Project Infrastructure (wind turbines, solar panel array, Battery Energy Storage System, transmission lines, and service roads). |
| Reporting Requirements <u>REVISED:</u> | <p>Information regarding the Proponent's fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge, and feedback from the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been considered by the Proponent in the fulfillment of this Term and Condition should be included in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the Proponent's monitoring and mitigation programs.</p> |

Commentary: Where possible the Proponent shall include relevant hunters and trappers associations and/or knowledgeable land users in the membership of the group and shall demonstrate its consideration for community input and Inuit Qaujimajatuqangit as part of the group's function. The Proponent acknowledges that it is the responsibility of the Proponent to carry out the studies, analyses, evaluation and reports that may be required. The Proponent also commits to taking advice from the Caribou Technical Advisory Group into consideration when carrying out these tasks.

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| Term and Condition No. | 52. |
| Category: | Wildlife and Wildlife Habitat – Caribou Mitigation |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, the Government of Nunavut, the Government of the Northwest Territories |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure caribou protection in the context of additional exploration |
| Term or Condition: | The Proponent shall, in collaboration with the Government of Nunavut, the Government of the Northwest Territories, the Kitikmeot Inuit Association and other relevant parties, thoroughly evaluate the potential impacts to caribou from planned mineral exploration within its mineral tenures and outside the approved project development area. The Proponent must demonstrate that the potential for adverse effects to caribou populations can be prevented prior to exploration occurring. |
| Reporting Requirements: | Within one (1) year of construction, information regarding the Proponent's fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. Subsequently, information regarding the Proponent's fulfillment of this Term and Condition shall be included every two (2) years in the Proponent's annual report to the Nunavut Impact Review Board. |

Commentary: *The application of this term and condition is limited to planned mineral exploration which is based out of, or substantially supported by, infrastructure or operations at the Back River Project sites.*

Birds and Bird Habitat

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| <u>REVISED</u> Term and Condition No. | 53. |
| Category: | Birds and Bird Habitat – Mitigation, Monitoring, and Adaptive Management for Birds and Bird Habitat |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective <u>REVISED</u> : | To develop and implement appropriate mitigation and monitoring measures for birds and bird habitat for the Project (including approved Modifications). |
| Term or Condition <u>REVISED</u> : | <p>The Proponent shall have in place specific measures for the protection and monitoring of birds and bird habitat within its Wildlife Mitigation and Monitoring Program Plan (WMMPP). Protection measures shall include, but are not limited to:</p> <ul style="list-style-type: none"> ▪ Mitigation and monitoring measures applied at all times throughout project operations to limit impacts to birds and bird habitat from specific project activities and infrastructure; ▪ Mitigation and monitoring measures applied during periods of heightened sensitivity or alternative circumstances; |

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| | <ul style="list-style-type: none"> Adaptive management measures with specific triggers for intervention including but not limited to reduced or shutdown procedures for inclement weather during migration; Protocols for collaboration with relevant parties, and the Project's advisory groups, throughout the Project, including on-going consideration and incorporation of Inuit Qaujimaningit, to ensure the effective delivery of the WMMPP as related to bird and bird habitat protection; and, Conducting a bird mortality survey annually for five (5) years once the turbines are operational to confirm predictions. If predictions are confirmed, then the survey can be completed every three (3) years to ensure that predictions remain consistent. |
| Reporting Requirements <u>REVISED:</u> | <p>Within 60 days of the issuance of Project Certificate 007, Amendment No. 1 to reflect the addition of the Energy Centre Proposal, the Proponent shall submit an updated version of the Wildlife Mitigation and Monitoring Program Plan (WMMPP) to the Nunavut Impact Review Board (NIRB). Whenever the Proponent makes subsequent revisions to the WMMPP, the Proponent shall submit the updated Plan to the NIRB within 60 days of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the Wildlife Mitigation and Monitoring Program Plan should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the WMMPP.</p> |

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| Term and Condition No. | 54. |
| Category: | Birds and Bird Habitat – Mitigation Measures for Birds and Species at Risk |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate potential impacts to Species at Risk. |
| Term or Condition: | If Species at Risk or their nests and eggs are encountered during project activities or monitoring programs, the primary mitigation measure must be avoidance. The Proponent shall establish clear zones of avoidance for nest of birds, particularly for Species At Risk, based on species-specific nest setback distances outlined in the Wildlife Mitigation and Monitoring Program Plan. |
| Reporting Requirements <u>REVISED:</u> | Information regarding the Proponent's fulfillment of this Term and Condition for both the Back River Project and the Energy Centre Project shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 55. |
| Category: | Birds and Bird Habitat – Mitigation and Monitoring Measures for Species at Risk |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate and monitor potential impacts to Species at Risk. |
| Term or Condition: | The Proponent shall ensure that the mitigation and monitoring strategies developed for Species at Risk are updated as necessary to maintain consistency with any applicable status reports, recovery strategies, action plans, and management plans that may become available through the duration of the Project. |
| Reporting Requirements <u>REVISED:</u> | Information regarding mitigation and monitoring strategies implemented and/or updated by the Proponent in fulfillment of this Term and Condition for both the Back River Project and the Energy Centre Project shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 56. |
| Category: | Birds and Bird Habitat – Bird Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate potential impacts to birds from construction and clearing activities for the Project and any approved Modifications. |
| Term or Condition: | The Proponent shall, to the extent possible, schedule required ground-disturbance activities (e.g. clearing) to occur prior to the seasonal return of migratory birds to the project area and shall install nesting deterrents (e.g. flagging) to discourage birds from nesting in areas likely to be disturbed by construction/clearing activities. If clearing is to occur during the nesting season, a nest survey should take place to identify nests and establish appropriate setbacks to ensure nests remain undisturbed until the young have fledged or left the nest. Pre-clearing nest surveys should be conducted less than 14 days prior to land clearing activities as a consideration for the short nesting cycles of some arctic-nesting birds. |
| Reporting Requirements <u>REVISED:</u> | Throughout construction of the Project and any approved Modifications, information regarding scheduling issues and/or results of surveys conducted by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. After construction, whenever clearing activities are undertaken that could lead to migratory bird nest disturbance or deterrence from migratory bird nests, information regarding scheduling issues, and/or surveys conducted by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

Commentary: It is noted that the Proponent is not limited to the use of flagging as a nesting deterrent, with flagging having been provided as an example ONLY. It is also highlighted that the reference to “nest surveys” means non-intrusive nest surveys only.

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| Term and Condition No. | 57. |
| Category: | Birds and Bird Habitat – Raptor Mitigation Measures |
| Responsible Parties: | The Proponent, the Government of Nunavut – Department of Environment |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective REVISED: | To mitigate potential impacts to raptors from project operations, including approved Modifications. |
| Term or Condition: | Prior to removal or deterrence of raptors, the Proponent will contact the Government of Nunavut – Department of Environment to discuss proposed mitigation options and, if required, will obtain the required permits prior to undertaking any activity that can lead to the destruction of raptor nests or the deterring of raptors from nesting sites. |
| Reporting Requirements REVISED: | Throughout construction of the Project and any approved Modifications, information regarding mitigation measures implemented by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent’s annual report to the Nunavut Impact Review Board. After construction, whenever clearing activities are undertaken that could lead to destruction of raptor nests or raptor deterrence from nests, information regarding mitigation measures implemented by the Proponent in fulfillment of this Term and Condition shall be included in the Proponent’s annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 58. |
| Category: | Birds and Bird Habitat – Seaducks and Waterfowl Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate potential impacts to seaducks and waterfowl from shipping activities. |
| Term or Condition: | The Proponent shall include measures within the Wildlife Mitigation and Monitoring Program Plan to ensure that, subject only to vessel safety requirements, a setback distance of at least 500 metres is maintained from colonies and moulting aggregations of seaducks and waterfowl during Project shipping transiting through Bathurst/Elu Inlet, Lambert Channel, and Eastern Lancaster Sound. |
| Reporting Requirements: | Information regarding measures implemented shall be included in the Proponent’s annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 59. |
| Category: | Birds and Bird Habitat – Bird Mortality Reporting |
| Responsible Parties: | The Proponent, Environment and Climate Change Canada |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective REVISED : | To report bird mortalities to appropriate parties for both the Project and approved Modifications. |
| Term or Condition: | Any incidents of bird mortalities associated with project activities are to be recorded and reported to Environment and Climate Change Canada (Canadian Wildlife Service). The Proponent shall work with the Canadian Wildlife Service to determine appropriate recording and reporting format and timing. |
| Reporting Requirements REVISED : | Information regarding these incidents for the Back River Project and the Energy Centre Project including bird strikes from wind turbines shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 60. |
| Category: | Birds and Bird Habitat – Wildlife Mitigation Measures |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To mitigate potential impacts to wildlife from aircraft operations. |
| Term or Condition: | Subject to safety requirements, the Proponent shall ensure that project aircraft maintain sufficient cruising altitudes to avoid disturbance to migratory birds. In particular, the Proponent shall maintain appropriate altitudes in proximity to observed concentrations of migratory birds, caribou and muskoxen that may be encountered during aircraft flights to the George property and other exploration areas, as well as during the transfer of employees between project facilities. |
| Reporting Requirements: | Initially, until aviation contracts have been established, the Proponent shall provide details on an annual basis regarding the Proponent's measures taken to fulfill this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. Once longer term arrangements with contractors have been established, the Proponent shall provide these details in the Proponent's annual report to the Nunavut Impact Review Board every two (2) years or whenever there is a change or addition to the contractors. |

Commentary: The application of this term and condition is limited to planned mineral exploration which is based out of, or substantially supported by, infrastructure or operations at the Back River Project sites.

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| Term and Condition No. | 61. |
| Category: | Birds and Bird Habitat – Aircraft Monitoring Measures |
| Responsible Parties: | The Proponent |

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| Project Phase: | Pre-construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure |
| Objective: | To ensure that project aircraft are in compliance with operational procedures, commitments, and regulatory requirements. |
| Term or Condition: | The Proponent shall ensure that pilots are informed of minimum cruising altitude guidelines and that a daily log or record of flight paths and cruising altitudes for project aircraft is maintained to monitor adherence and to follow up on complaints. |
| Reporting Requirements: | The Proponent shall provide a summary of this information in the Proponent's annual report to the Nunavut Impact Review Board, and will make specific logs or records available to the Nunavut Impact Review Board upon request. |

Marine Environment

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| Term and Condition No. | 62. |
| Category: | Marine Environment - General |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure potential impacts to the marine environment are identified and appropriately mitigated. |
| Term or Condition: | The Proponent shall maintain a marine monitoring program at the Marine Laydown Area to enable identification of potential impacts of the Project on the marine environment and to inform adaptive management actions. The monitoring program shall be in line with the proposed monitoring in the Aquatic Effects Monitoring Program, or as required by applicable regulatory authorities. At a minimum, water sampling should include end of pipe and control area samples, collected on a regular basis to confirm salinity levels of the discharge and the receiving environment. |
| Reporting Requirements: | The program plan should be submitted to the Nunavut Impact Review Board (NIRB) at least 60 days prior to the commencement of shipping, with results submitted annually thereafter or as may otherwise be required by the NIRB. |

Marine Wildlife

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| Term and Condition No. | 63. |
| Category: | Marine Wildlife – Monitoring |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure protection of seals and seal lairs. |
| Term or Condition: | The Proponent shall undertake a survey for seals and seal lairs annually prior to construction of the winter airstrip and ice road on Bathurst Inlet, and shall take every precaution to align these components to ensure that seal dens/lairs are not impacted by Project infrastructure or activities. |

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| Reporting Requirements: | Survey results shall be provided on an annual basis in the Proponent's annual report to the Nunavut Impact Review Board |
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| Term and Condition No. | 64. |
| Category: | Marine Wildlife – Monitoring |
| Responsible Parties: | The Proponent, Fisheries and Oceans Canada, and other interested parties |
| Project Phase: | Prior to Project-Shipping |
| Objective: | To ensure protection of marine mammals during Project shipping. |
| Term or Condition: | The Proponent shall ensure that shipping companies contracted for the Project have in place appropriate ship-based marine mammal monitoring programs and protocols developed through consultation with Fisheries and Oceans Canada, communities, and other interested parties. Consideration should be provided for utilizing, trained observers for full-time marine wildlife monitoring with established data collection and recording protocols. |
| Reporting Requirements: | Initially, until contracts with shippers have been established, the Proponent shall provide details on an annual basis regarding the protocols and measures implemented with contracted shipping companies in fulfillment of this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. Once longer term arrangements with shippers have been established, the Proponent shall provide these details in the Proponent's annual report to the Nunavut Impact Review Board every two (2) years or whenever there is a change or addition to the shipping companies retained by the Proponent. |

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| Term and Condition No. | 65. |
| Category: | Marine Environment – Marine Shipping |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure community safety and protection of marine/wildlife habitat |
| Term or Condition: | The Proponent shall ensure contracted shipping companies are made aware of and required to avoid sensitive wildlife habitat and species along the shipping route and use appropriate protocols and equipment to reduce the potential for an accidental release of fuel or other deleterious substances into the marine environment. These protocols should also be communicated to local communities. |
| Reporting Requirements: | Initially, until contracts with shippers have been established, the Proponent shall provide details on an annual basis regarding the protocols and measures implemented with contracted shipping companies in fulfillment of this Term and Condition in the Proponent's annual report to the Nunavut Impact Review Board. Once longer term arrangements with shippers have been established, the Proponent shall provide these details in the Proponent's annual report to the Nunavut Impact Review Board every two (2) years or whenever there is a change or addition to the shipping companies retained by the Proponent. |

4.2 Socio-economic Terms and Conditions

Economic Development and Opportunities

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| Term and Condition No. | 66. |
| Category: | Economic Development and Opportunities – Socio-Economic Monitoring and Kitikmeot Socio-Economic Monitoring Committee |
| Responsible Parties: | The Proponent and Kitikmeot Socio-Economic Monitoring Committee |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Description of the general monitoring framework to be developed in consultation with the Kitikmeot Socio-Economic Monitoring Committee. |
| Term or Condition: | The Proponent is strongly encouraged to participate in the work of the Kitikmeot Socio-Economic Monitoring Committee along with other agencies and the communities of the Kitikmeot region, and to identify areas of mutual interest and priority for inclusion into a collaborative monitoring framework that includes socio-economic priorities related to the Project, communities, and the Kitikmeot region as a whole. |
| Reporting Requirements: | Information regarding the Proponent efforts in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

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| Term and Condition No. | 67. |
| Category: | Economic Development and Opportunities – Socio-Economic Monitoring |
| Responsible Parties: | The Proponent, Kitikmeot Inuit Association, Government of Nunavut, Crown-Indigenous Relations and Northern Affairs Canada, and Kitikmeot communities |
| Project Phase: | Pre-Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Development and establishment of a project specific a Back River Socio-Economic Monitoring Committee to oversee the project-specific monitoring program. |
| Term or Condition: | The Proponent should work with other socio-economic stakeholders including the Kitikmeot Inuit Association, the Government of Nunavut, Crown-Indigenous Relations and Northern Affairs Canada, and communities of the Kitikmeot region, to establish a Back River Socio-Economic Monitoring Committee for the Project to develop and oversee the Back River Socio-Economic Monitoring Program. The Back River Socio-Economic Monitoring Committee should develop Terms of Reference outlining each member's roles and responsibilities for project-specific socio-economic monitoring throughout the life of the Project. |
| Reporting Requirements REVISED: | <p>The Terms of Reference should be submitted to the Nunavut Impact Review Board within six (6) months of issuance of the Project Certificate. All updates to the Terms of Reference should be submitted to the Nunavut Impact Review Board during annual socio-economic reporting.</p> <p>Whenever the Proponent makes subsequent revisions to the Terms of</p> |

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| | Reference, the Proponent shall submit the updated Terms of Reference to the NIRB within 60 days of revising the Terms and will ensure the updated Terms of Reference are also posted on the Proponent's project website. |
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| Term and Condition No. | 68. |
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| Category: | Economic Development and Opportunities – Socio-Economic Monitoring |
| Responsible Parties: | The Proponent, Kitikmeot Socio-Economic Monitoring Committee, Kitikmeot Inuit Association, Government of Nunavut, Crown-Indigenous Relations and Northern Affairs Canada, and Kitikmeot communities |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Development of the project-specific socio-economic monitoring program and on-going monitoring of project-related socio-economic effects. |
| Term or Condition: | <p>The Proponent should develop a Project-specific Back River Socio-Economic Monitoring Program designed to:</p> <ul style="list-style-type: none"> ▪ Monitor for project-induced effects, including the impacts predicted in the Final Environmental Impact Statement through indicators presented in the Back River Socio-Economic Monitoring Plan; ▪ reflect regional socio-economic concerns identified by the Kitikmeot Socio-Economic Monitoring Committee (K-SEMC); ▪ work in collaboration with all other socio-economic stakeholders such as the Kitikmeot Inuit Association, the Government of Nunavut, and Crown-Indigenous Relations and Northern Affairs Canada, and the communities of the Kitikmeot region to develop the program; and ▪ include a process for adaptive management and mitigation to respond if unanticipated impacts are identified. |
| Reporting Requirements REVISED: | <p>Details of the Back River Socio-Economic Monitoring Program should be submitted to the NIRB within one (1) year of issuance of the Project Certificate.</p> <p>Whenever the Proponent makes subsequent revisions to the Back River Socio-Economic Monitoring Program, the Proponent shall submit the updated Program to the NIRB within 60 day of revising the Program and will ensure the updated Program is also posted on the Proponent's project website.</p> <p>The Proponent should produce annual Back River socio-economic monitoring reports throughout the life of the Project that are submitted to the Nunavut Impact Review Board and shared with the wider K-SEMC.</p> |

| Term and Condition No. | 69. |
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| Category: | Economic Development and Opportunities – Socio-Economic Monitoring and Kitikmeot Socio-Economic Monitoring Committee |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |

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| Objective: | Identify risks and potential effects of temporary mine closures on the Kitikmeot Region. |
| Term or Condition: | The Proponent should undertake an analysis of the risk of temporary mine closure, giving particular consideration to how communities in the Kitikmeot region may be affected by temporary closure of the mine, including economic, social, and cultural effects. This analysis is required to be updated as necessary to reflect significant changes to the Project or the socio-economic conditions in the region that may increase the risks and potential effects of temporary mine closures. |
| Reporting Requirements: | This initial results of the Proponent's analysis should be provided to the Nunavut Impact Review Board within nine (9) months of the issuance of the Project Certificate. Whenever the Proponent makes subsequent revisions to the analysis of risk of temporary mine closures, the Proponent shall submit the updated Program to the NIRB within 60 days of revising the Program and will ensure the updated Program is also posted on the Proponent's project website. |

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| Term and Condition No. | 70. |
| Category: | Economic Development and Opportunities – Socio-Economic Monitoring and Kitikmeot Socio-Economic Monitoring Committee (K-SEMC) |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Ensuring that the Proponent's Socio-Economic Management Plan addresses the risks and potential effects of temporary mine closures on the Kitikmeot Region. |
| Term or Condition: | The Proponent is required to update its Socio-Economic Management Plan to include defined measures to address the risks and mitigate the potential effects of temporary closure. |
| Reporting Requirements <u>REVISED:</u> | The required updates to the Socio-Economic Monitoring Program (and the Socio-Economic Management Plan included within the Program) should be provided to the Nunavut Impact Review Board within three (3) months of the completion of the analysis or updates to the analysis of the risk of temporary mine closure in the term and condition noted above. The Proponent shall reference the updates to its Socio-Economic Monitoring Program and associated Management Plan in the annual Back River socio-economic monitoring reports that are submitted to the Nunavut Impact Review Board and shared with the wider K-SEMC throughout the life of the Project. The Proponent shall ensure this information is also posted on the Proponent's project website. |

Employment

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| Term and Condition No. | 71. |
| Category: | Employment – Staff Schedule |
| Responsible Parties: | The Proponent |

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| Project Phase: | Pre-Construction, Construction, Operation, Temporary Closure/Care and Maintenance, Closure |
| Objective <u>REVISED</u> : | To produce accurate labour market information regarding available Project employment and skill requirements for the Project, including approved Modifications, to support economic and employment forecasting. |
| Term or Condition: | <p>To the extent the sharing of such information is consistent with and not limited by any Inuit Impact Benefit Agreement with the Kitikmeot Inuit Association, and in consultation with the Government of Nunavut during preparation, the Proponent should submit detailed staff schedule information, consisting of at least the following items:</p> <ul style="list-style-type: none"> a. Title of positions required by department and division; b. Quantity of positions available by project phase and year; c. Transferable skills, both certified and uncertified which may be required for, or gained during, employment within each position; and d. The National Occupational Classification code for each individual position. |
| Reporting Requirements <u>REVISED</u> : | The Staff Schedule should be submitted to the Nunavut Impact Review Board at least 60 days prior to pre-construction and construction of the Project and any approved Modifications, six (6) months–prior to the commencement of operations, if the Proponent identifies significant deviations from the labour force requirements in the FEIS and FEIS Addendum, or as may be required by the Nunavut Impact Review Board. |

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| Term and Condition No. | 72. |
| Category: | Employment – Registration of Trades Workers |
| Responsible Parties: | The Proponent, Government of Nunavut |
| Project Phase: | Pre-Construction, Construction, Operation, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | To ensure that the Government of Nunavut has accurate information to assist in its role as overseer of the apprenticeship program in Nunavut and in providing access to training initiatives and programs. |
| Term or Condition: | The Proponent is encouraged to identify and register all trades occupations, journeypersons, and apprentices working with the Project, as well as to provide the Government of Nunavut with information regarding the number of registered apprentices and journeypersons from other jurisdictions employed at the Project. |
| Reporting Requirements: | Information regarding the Proponent's efforts in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

Education and Training

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| Term and Condition No. | 73. |
| Category: | Education and Training—Training Opportunities |
| Responsible Parties: | The Proponent, Government of Nunavut, Training Organizations |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective <u>REVISED:</u> | Ensuring that the local, regional, and territorial training opportunities associated with the Project, including approved Modifications, maximize opportunities for the regional workforce to obtain transferable skills and certifications. |
| Term or Condition: | The Proponent is encouraged to work with training organizations and/or government departments offering mine-related or other training to ensure that Project-specific training programs can yield additional opportunities for residents and employees to gain meaningful and transferable skills and certifications. |
| Reporting Requirements <u>REVISED:</u> | The Proponent should summarize the results of these efforts in the annual Back River socio-economic monitoring reports submitted to the Nunavut Impact Review Board and shared with the wider Kitikmeot Socio-Economic Monitoring Committee throughout the life of the Project. The Proponent shall ensure this information is also posted on the project website. |

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| Term and Condition No. | 74. |
| Category: | Education and Training—Transferable Skills and Certifications |
| Responsible Parties: | The Proponent, Government of Nunavut, Training Organizations |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective <u>REVISED:</u> | Ensuring that the Project, including approved Modifications, maximizes opportunities for the regional workforce to obtain transferable skills and certifications. |
| Term or Condition: | The Proponent shall develop and maintain an easily referenced listing of formal certificates and licences that may be acquired via on-site training or training during project employment. The listing shall indicate which of these certifications and licences would be transferable to a similar job site within Nunavut. |
| Reporting Requirements <u>REVISED:</u> | The initial listing should be provided to the Nunavut Impact Review Board within six (6) months of the Project Certificate or any amendments to the Project Certificate being issued. Updates to the list should be included in the annual Back River socio-economic monitoring reports submitted to the Nunavut Impact Review Board, and should also be shared with the wider Kitikmeot Socio-Economic Monitoring Committee throughout the life of the Project. The Proponent shall ensure this information is also posted on the project website. |

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| Term and Condition No. | 75. |
| Category: | Education and Training – Educational Opportunities |
| Responsible Parties: | The Proponent, Government of Nunavut, Kitikmeot Socio-Economic Monitoring Committee |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective <u>REVISED</u> : | Ensuring that the local, regional and territorial educational opportunities maximize the opportunities for Project employment including opportunities resulting from the Energy Centre Project. |
| Term or Condition: | The Proponent is encouraged to work with the Back River Socio-Economic Monitoring Committee and with the Kitikmeot Socio-Economic Monitoring Committee (K-SEMC) to review and monitor education utilization rate trends for Project employees throughout the Project to identify whether or not the Project's employees are accessing educational opportunities available to them in the Kitikmeot region and/or any Northwest Territories communities. |
| Reporting Requirements <u>REVISED</u> : | The summary of this information should be included in the annual Back River socio-economic monitoring reports submitted to the Nunavut Impact Review Board noting opportunities through the Back River Project and the Energy Centre Project and shared with the wider K-SEMC throughout the life of the Project. The Proponent shall ensure this information is also posted on the project website. |

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| Term and Condition No. | 76. |
| Category: | Education and Training – Inuktitut/Inuinnaqtun Training |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Monitoring training measures being taken to reduce language barriers to Inuit employment on-site. |
| Term or Condition: | <p>The Proponent is encouraged to provide the following information regarding any second language courses offered on-site:</p> <ul style="list-style-type: none"> a. Description of courses offered (to include general outline); b. Timing and frequency of courses offered; c. The number of individuals (and percentage of workforce), including Inuit and non-Inuit, taking part in each course, including completion rates; and d. Any noted outcomes or lessons learned from the courses offered. |
| Reporting Requirements: | A summary of this information should be included in the annual Back River socio-economic monitoring reports submitted to the Nunavut Impact Review Board and shared with the wider K-SEMC throughout the life of the Project. |

Population Demographics

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| Term and Condition No. | 77. |
| Category: | Population Demographics – Monitoring Demographic Changes |
| Responsible Parties: | The Proponent and the Kitikmeot Socio-Economic Monitoring Committee |
| Project Phase: | Pre-Construction, Construction, Operation, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Monitoring demographic changes affecting the Kitikmeot communities and the territory as a whole is important to understand and evaluate the Proponent's predictions with regards to population demographics and whether any trends are identified which may be correlated with the Project. |
| Term or Condition: | Provided the collection and sharing of such information is consistent with and not limited by any Inuit Impact and Benefit Agreement with the Kitikmeot Inuit Association, the Proponent should provide project-specific data concerning employee community of residence and number of employees that relocated from the year prior (where available, to and from, for Cambridge Bay, Kugluktuk, Taloyoak, Gjoa Haven, and Kugaaruk). The details of this process will be captured in the terms of reference for the project specific Back River Socio-Economic Monitoring Committee. |
| Reporting Requirements: | Summaries of this information should be included in the annual Back River socio-economic monitoring reports submitted to the Nunavut Impact Review Board and shared with the wider Kitikmeot Socio-Economic Monitoring Committee throughout the life of the Project. |

Traditional Activity and Knowledge

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| Term and Condition No. | 78. |
| Category: | Traditional Activity and Knowledge – Incorporation of IQ and TK |
| Responsible Parties: | The Proponent, the Kitikmeot Inuit Association, and Kitikmeot Socio-Economic Monitoring Committee |
| Project Phase: | Pre-Construction, Construction, Operation, Temporary Closure/Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | To ensure monitoring efforts are informed by and reflect Inuit Qaujimaningit and local community knowledge. |
| Term or Condition: | The Proponent is strongly encouraged to ensure that the development of all project monitoring plans and 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 and the Kitikmeot Socio-Economic Monitoring Committee to report on the collection and integration of Inuit Qaujimaningit and Traditional Knowledge through its monitoring programs for the Project. |
| Reporting Requirements <u>REVISED:</u> | To the extent the sharing of such information is consistent with, and not limited by, any confidentiality or other agreements with the Kitikmeot Inuit Association, summaries addressing the Proponent's fulfillment of this Term and Condition should be included in the annual Back River socio-economic |

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| | <p>monitoring reports submitted to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit and Indigenous and Community Knowledge, discussions of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted should also be included.</p> |
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| Term and Condition No. | 79. |
| Category: | Traditional Activity and Knowledge – Inuit Environmental Advisory Committee |
| Responsible Parties: | The Proponent and Kitikmeot Inuit Association |
| Project Phase: | Pre-Construction, Construction, Operation, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | Establishing and reporting on the Inuit Environmental Advisory Committee as a mechanism to incorporate community input (including Inuit Qaujimaningit and Traditional Knowledge) into monitoring plans, programs, and mitigation measures. |
| Term or Condition: | <p>The Proponent shall establish an Inuit Environmental Advisory Committee. To the extent the sharing of such information is consistent with and not limited by any Inuit Impact Benefit Agreement with the Kitikmeot Inuit Association, once established, the Proponent shall provide the Nunavut Impact Review Board with the following information about the Committee:</p> <ul style="list-style-type: none"> a. Number of members and home communities; b. Selection process; c. Description of work to be undertaken; and d. Outcome of any work undertaken. |
| Reporting Requirements <u>REVISED:</u> | <p>Information regarding the Proponent's efforts in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Information regarding how Inuit Qaujimajatuqangit and Indigenous and Community Knowledge, discussions of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted should also be included.</p> |

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| Term and Condition No. | 80. |
| Category: | Traditional Activity and Knowledge – Wildlife Harvesting |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operation, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | To assess the potential impacts of winter ice road usage on caribou harvesting. |
| Term or Condition: | If the results from monitoring reveal extensive public use of the winter ice road, or a trend of increasing use of the winter ice road for harvesting, the |

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| | Proponent shall conduct a harvest study in nearby communities of wildlife harvested from the areas surrounding the winter ice road. |
| Reporting Requirements <u>REVISED:</u> | Information regarding the Proponent's efforts in fulfillment of this Term and Condition shall be included in the Proponent's annual report to the Nunavut Impact Review Board. Information regarding how Inuit Qaujimajatuqangit and Indigenous and Community Knowledge, discussions of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted should also be included. |

Non-Traditional Land Use and Resource Use

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| Term and Condition No. | 81. |
| Category: | Non-Traditional Activity and Resource Use |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction, Operations, and Post-Closure Monitoring |
| Objective: | To assess and monitor potential project effects on non-traditional activity and knowledge. |
| Term or Condition: | The Proponent is encouraged to consult with outfitting and guiding businesses that operate in the regional study area regarding use of the land and marine areas in proximity to project infrastructure or activities and any noted project effects, particularly for effects in relation to the experience of the natural environment. |
| Reporting Requirements <u>REVISED:</u> | Information regarding the consultations and monitoring undertaken by the Proponent in fulfillment of this Term and Condition should initially be provided within two (2) years of the construction of the Back River Mine Project and the Energy Centre Project Infrastructure in the Proponent's annual report to the Nunavut Impact Review Board and any updated information should be provided in the annual report to the Nunavut Impact Review Board every year thereafter. |

Heritage Resources

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| Term and Condition No. | 82. |
| Category: | Heritage Resources – Assessment of Archaeological and Heritage Resources |
| Responsible Parties: | The Proponent, Government of Nunavut – Department of Culture and Heritage |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective <u>REVISED:</u> | To assess and monitor potential project effects to archaeological and heritage resources including from approved Modifications. |
| Term or Condition: | In any year in which changes to the project footprint are expected to occur or an archaeological permit will be requested, the Proponent will provide the Government of Nunavut – Department of Culture and Heritage (GN-CH) with a series of maps and tables indicating the current status of all |

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| | archaeological sites within the Project Development Area. Tables provided should include textual descriptions of map contents, and the Proponent shall consult with the GN-CH to establish the contents of the maps and tables to be submitted within its annual status reports. |
| Reporting Requirements: | To be submitted for each year in which changes to the project footprint are expected to occur or an archaeological permit will be requested. Specific reporting requirements will be as agreed to by the Government of Nunavut – Department of Culture and Heritage. |

Health and Wellbeing

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| Term and Condition No. | 83. |
| Category: | Health and Wellbeing – Employee Housing |
| Responsible Parties: | The Proponent, Government of Nunavut, Nunavut Housing Corporation |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | To assess and monitor the extent to which the Project enhances employee access to a range of housing options. |
| Term or Condition: | The Proponent is strongly encouraged to communicate and collaborate with the Government of Nunavut and the Nunavut Housing Corporation on potential housing initiatives with a view to enhancing employee access to a range of housing options, including homeownership. Initiatives may include, but are not limited to, the provision of financial literacy, financial planning, and personal budgeting training. |
| Reporting Requirements <u>REVISED:</u> | Provided the sharing of such information is consistent with and not limited by the terms and conditions of any applicable Inuit Impact Benefit Agreement with the Kitikmeot Inuit Association, these efforts should be reported to the Nunavut Impact Review Board within the annual Back River Socio-Economic Monitoring Report. |

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| Term and Condition No. | 84. |
| Category: | Health and Wellbeing – Employee Housing |
| Responsible Parties: | The Proponent, Government of Nunavut (GN), Nunavut Housing Corporation, Kitikmeot Socio-Economic Monitoring Committee |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective: | To assess and monitor the potential for project-induced effects on regional access to housing. |
| Term or Condition: | The Proponent is strongly encouraged to work with the Kitikmeot Socio-Economic Monitoring Committee (K-SEMC), the Nunavut Housing Corporation, and the GN to design and implement a voluntary housing survey to be offered to its Nunavummiut employees. |
| Reporting Requirements: | The frequency and content of the survey should be determined by the collaborating parties, but content may include changes to address, housing status (i.e., public/social, privately owned/rented, government, etc.) and migration intentions of Project employees. |

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| | Non-confidential results of the survey should be reported to the GN and other members of the K-SEMC and summary information of these results should be reported to the Nunavut Impact Review Board within the annual Back River Socio-Economic Monitoring Report. |
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| Term and Condition No. | 85. |
| Category: | Health and Wellbeing – Cross-cultural Awareness |
| Responsible Parties: | The Proponent, Kitikmeot Inuit Association |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure / Care and Maintenance, Closure, and Post-Closure Monitoring |
| Objective <i>REVISED</i> : | To support the elimination of cultural barriers and promote recognition for Inuit Qaujimajatuqangit to establish a healthy workplace for all Project employees (including any personnel required for the Energy Centre Project). |
| Term or Condition: | <p>The Proponent is encouraged to work with the Kitikmeot Inuit Association to establish cross-cultural training initiatives which promote respect and consideration for the importance of Inuit Qaujimajatuqangit to the Inuit identity and to make this training available to Project employees and on-site sub-contractors. The Proponent should actively monitor the implementation of these initiatives, including the following items:</p> <ul style="list-style-type: none"> a. Descriptions of the goals of each program offered; b. Language of instruction; c. Schedules and location(s) of when each program was offered; d. Uptake by employees and/or family members where relevant, noting Inuit and non-Inuit participation rates; and e. Completion rates for enrolled participants, noting Inuit and non-Inuit participation rates. |
| Reporting Requirements: | Summaries of all cross-cultural training initiatives should be provided in the annual Back River Socio-Economic Monitoring Report. |

Human Health and Safety

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| Term and Condition No. | 86. |
| Category: | Human Health and Safety – Airborne Actinolite Fibres |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure worker health and safety. |
| Term or Condition: | If potential health risks due to airborne actinolite fibres are identified, the Proponent shall enact measures to mitigate human exposure, notify the Territorial occupational health authority, and update relevant management plans. |
| Reporting Requirements: | If required, updated information regarding mitigation measures/management plans should be provided to the Nunavut Impact Review |

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| | <p>Board at least 60 days prior to the commencement of construction, and subsequent modifications to these plans should be identified and included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Plan(s), the Proponent shall submit the updated Plan(s) to the NIRB within 60 days of revising the Program and will ensure the updated Plan is also posted on the Proponent's project website.</p> |
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| Term and Condition No. | 87. |
| Category: | Human Health and Safety – Site Orientation |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure worker health and safety. |
| Term or Condition: | The Proponent shall have in place a comprehensive site orientation plan for all employees. Further, the Proponent shall ensure all worker site-orientation, training presentations, and materials are updated regularly and reflect any amendments to management plans. |
| Reporting Requirements: | <p>The updated site orientation plan should be provided to the Nunavut Impact Review Board at least 60 days prior to the commencement of construction and subsequent modifications to this plan should be identified and included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Plan(s), the Proponent shall submit the updated Plan(s) to the NIRB within 60 day of revising the Program and will ensure the updated Plan is also posted on the Proponent's project website.</p> |

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| Term and Condition No. | 88. |
| Category: | Human Health and Safety – Winter Ice Road Operations |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure worker health and safety. |
| Term or Condition: | The Proponent shall include, within its relevant management plans, consideration for worker safety during winter ice road operations, particularly during periods of adverse weather conditions. The Proponent shall ensure that updates are made to its safety procedures throughout the life of the Project consistent with best management practices for similar ice road projects. |
| Reporting Requirements: | Updated sections of the relevant management plans should be provided to the Nunavut Impact Review Board at least 60 days prior to the commencement of construction and subsequent modifications to these plans |

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| | <p>should be identified and included in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Plan(s), the Proponent shall submit the updated Plan(s) to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan(s) are posted on the Proponent's project website.</p> |
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4.3 Other Terms and Conditions

Accidents and Malfunctions

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| Term and Condition No. | 89. |
| Category: | Accidents and Malfunctions - Spills |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-shipping, Construction, Operations, Temporary Closure/Care and Maintenance |
| Objective: | To protect marine wildlife, migratory birds, and the marine environment. |
| Term or Condition: | <p>The Proponent shall include within its Wildlife Mitigation and Monitoring Program Plan measures for preventing fuel spills into the marine environment and mitigating potential effects of an accidental spill on polar bears, seals, other marine wildlife, and migratory birds. Measures should include:</p> <ul style="list-style-type: none"> a. Placement of spill prevention and response equipment as necessary to initiate wildlife protection measures along shipping routes and on-site; b. Ensuring spill response contacts for B2Gold and government agencies are current; c. Providing a list of community organizations that would be contacted to inform traditional land users of shipping activity in the area, any spills and actions to ensure public safety and plans for clean-up. |
| Reporting Requirements: | <p>The mitigation plan should be provided to the Nunavut Impact Review Board prior to the commencement of Project-related shipping, and updates provided with annual reporting.</p> <p>Whenever the Proponent makes subsequent revisions to the Plan(s), the Proponent shall submit the updated Plan(s) to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan(s) are also posted on the Proponent's project website.</p> |

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| Term and Condition No. | 90. |
| Category: | Accidents and Malfunctions - Spills |
| Responsible Parties: | The Proponent, Transport Canada |

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| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure accurate and adequate spill response and emergency preparedness. |
| Term or Condition: | The Proponent shall maintain an Oil Pollution Emergency Plan (OPEP) with a list of authorised personnel, staff training, and the required Northwest Territories-Nunavut spill report document. |
| Reporting Requirements: | <p>The OPEP should be provided to the Nunavut Impact Review Board prior to the commencement of Project-related shipping, and updates provided with annual reporting.</p> <p>Whenever the Proponent makes subsequent revisions to the Plan, the Proponent shall submit the updated Plan to the Minister of Transport, then to NIRB within 60 days of revising the Plan and will ensure the updated Plan is also posted on the Proponent's project website.</p> |

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| Term and Condition No. | 91. |
| Category: | Accidents and Malfunctions – Marine Shipping |
| Responsible Parties: | The Proponent, Transport Canada |
| Project Phase: | Prior to Project-shipping, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure protection of the marine environment. |
| Term or Condition: | The Proponent shall contract only certified vessels to carry cargo for the Project, and will ensure shippers are aware of the requirements of the Shipping Management Plan, the Risk Management and Emergency Response Plan, and the Oil Pollution Emergency Plan. |
| Reporting Requirements: | <p>Monitoring plans should be provided to the Nunavut Impact Review Board prior to the commencement of Project-related shipping, with any subsequent amendments or new plans being identified and provided in the Proponent's annual report to the Nunavut Impact Review Board.</p> <p>Whenever the Proponent makes subsequent revisions to the Shipping Management Plan, the Risk Management and Emergency Response Plan(s), the Proponent shall submit the updated Plan(s) to the NIRB within 60 days of revising the Plan(s) and will ensure the updated Plan(s) are also posted on the Proponent's project website.</p> <p>Whenever the Proponent makes subsequent revisions to the Oil Pollution Emergency Plan, the Proponent shall submit the updated Plan to the NIRB within 60 days after submitting the updated Plan to the Minister of Transport and will ensure the updated Plan is also posted on the Proponent's project website.</p> |

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| Term and Condition No. | 92. |
| Category: | Accidents and Malfunctions – Marine Shipping |
| Responsible Parties: | The Proponent |
| Project Phase: | Prior to Project Shipping, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure protection of the Marine Environment. |
| Term or Condition: | The Proponent shall ensure that the necessary spill response equipment and training to employees, contractors, and local community members is available prior to commencing Project shipping. |
| Reporting Requirements: | An inventory of spill equipment and listing of training undertaken shall be provided to the Nunavut Impact Review Board prior to the receipt of the first project-related shipment. Subsequently, results of annual inspections shall be included in the Proponent's annual report to the Nunavut Impact Review Board. |

Commentary: The reference to “local community members” means members of the public who may reside seasonally in or near the communities of Kingaok (Bathurst Inlet) and Omingmaktok (Bay Chimo).

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| Term and Condition No. | 93. |
| Category: | Accidents and Malfunctions – Navigation Charts |
| Responsible Parties: | The Proponent, Fisheries and Oceans Canada – Canadian Hydrographic Services |
| Project Phase: | Post-Construction |
| Objective: | To mitigate potential ship groundings. |
| Term or Condition: | The Proponent shall submit a post-construction depiction of the Marine Laydown Area and surrounding shoreline, including any new bathymetry aspects. |
| Reporting Requirements: | This information shall be provided to Fisheries and Oceans Canada – Canadian Hydrographic Services following construction and when the information is provided to Fisheries and Oceans Canada the Proponent shall advise the Nunavut Impact Review Board that the required information has been submitted. |

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| Term and Condition No. | 94. |
| Category: | Accidents and Malfunctions – Fuel Transportation |
| Responsible Parties: | The Proponent |
| Project Phase: | Pre-Construction, Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring |
| Objective: | To ensure protection of the environment. |
| Term or Condition: | The Proponent shall ensure fuel trucks meet industry design standards and receive regularly scheduled maintenance of fuel lines, nozzles and dust caps. |
| Reporting Requirements: | A summary of the results of the applicable maintenance schedules and a summary of inspections shall be included in the Proponent's annual report |

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| NEW Term and Condition No. | 95 |
| Category: | Birds and Bird Habitat |
| Responsible Parties: | Proponent |
| Project Phase: | Construction, operation, Temporary Closure / Care and Maintenance, and Maintenance |
| Objective: | To prevent adverse impacts to birds from Project activities and infrastructure including wind turbines. |
| Term or Condition: | <p>The Proponent shall maintain in either a separate Migratory Birds Protection Plan (MBPP) or with the following items clearly identified, an addition to the Wildlife Mitigation and Monitoring Program Plan (WMMPP):</p> <p>a) Specifying measures designed for the protection of birds from operation of wind turbines, with additional preventative measures to be implemented during periods of poor visibility within peak bird migration periods;</p> <p>b) Including protocols for bird mortality monitoring within the general area of the wind turbines, and for contribution of data to regional bird research/monitoring programs; and</p> <p>c) Identifying adaptive management measures – including those that may be in place at other sites in northern Canada – that may be implemented should mortalities be greater than expected.</p> |
| Reporting Requirements: | <p>The MBPP or updated WMMPP as required above shall be provided to the NIRB 90 days prior to installation of wind turbines for the Project, with a summary of monitoring provided in the NIRB's annual report.</p> <p>Information regarding how Inuit Qaujimajatuqangit, Indigenous and Community Knowledge and changes suggested by the Inuit Environmental Advisory Committee and the Caribou Technical Advisory Group have been incorporated into the WMMPP should be discussed in the Proponent's annual report. The Proponent should also include a discussion of how local Hunters and Trappers Organizations and potentially affected communities have been engaged and consulted in relation to relevant components of the WMMPP.</p> <p>Whenever the MBPP is updated (or the WMMPP is updated if used) the Proponent shall submit the updated plan to the NIRB within 60 days of revising the plan and will ensure the updated plan is posted to the Proponent's Project website.</p> |

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| NEW Term and Condition No. | 96 |
| Category: | Traditional Land Use – Wildlife Harvesting |
| Responsible Parties: | The Proponent |

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| Project Phase: | Construction, operation, Temporary Closure / Care and Maintenance, |
| Objective: | To assess the potential impacts of the Project and approved Modifications on wildlife harvesting in the area. |
| Term or Condition: | <p>The Proponent shall conduct a five (5) year harvest study in nearby communities of wildlife harvested from the areas surrounding the three (3) Project Areas including the Goose Property, Winter Ice Road, and the Marine Laydown Area. The information collected shall include, but not be limited to: species, proximity to the Project areas, number, season, body condition, and if samples were analysed or reported to wildlife officers due to any concerns.</p> <p>If there are any changes to wildlife harvesting patterns or wildlife health, the Proponent shall continue the survey with more targeted surveys as suggested by relevant advisory groups.</p> |
| Reporting Requirements: | Information regarding the Proponent's efforts in fulfillment of this Term and Condition shall be included in the Proponent's annual report provided to the Nunavut Impact Review Board. |

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| NEW Term and Condition No. | 97 |
| Category: | Employment – Maintaining Inuit and Local Employment through Project Modifications |
| Responsible Parties: | The Proponent |
| Project Phase: | Construction, Operation, Temporary Closure / Care and Maintenance |
| Objective: | To ensure that Inuit and local employment is not reduced when the transportation of fuel is reduced due to the transition from diesel generators to alternative energy sources (wind and solar) as proposed under the Energy Centre Proposal. |
| Term or Condition: | At least 6 months prior to the reduction in the number of trips to transport fuel, the Proponent shall prepare and provide to the NIRB an Employment/Contractor Transition Plan that outlines strategies the Proponent plans to take to ensure that Inuit and local employees and/or contractors involved in the transportation of fuel are given alternative opportunities to maintain their employment/contracts with the Project, despite the reduced fuel transport. |
| Reporting Requirements: | In the years following the filing of the Employment/Contractor Transition Plan on both the NIRB's Public Registry and the Proponent's website, the Proponent shall include a discussion of the Proponent's implementation of the Plan, including successes/challenges in limiting job losses and/or reduced contractor opportunities in the Proponent's annual report to the Nunavut Impact Review Board. |

5 APPENDIX A – MONITORING PROGRAM

[To be developed]