

Project Certificate Condition No. 1	
Category	Meteorology and Climate
Responsible Parties	The Proponent
Project Phase(s)	All phases
Objective	To provide feedback on the impacts that climate change might be having on the port facilities.
Term or Condition	The Proponent shall use GPS monitoring or a similar means of monitoring at both Steensby Port and Milne Port, with tidal gauges to monitor the relative sea levels and storm surges at these sites.
Reporting Requirement	The Proponent shall summarize and supply these monitoring results to NIRB in the annual project report.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 1.
Baffinland Rationale:	PC Condition No. 1 is duplicative of the requirements for PC Condition No. 83. See also suggested revisions to PC Condition No. 2 that has been revised to address monitoring for effects of climate change on the Project and Project infrastructure.
GoC Comments	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	Agree that this is duplicative. Check T+C 83 for further comments.

Project Certificate Condition No. 2	
Category	Meteorology and Climate - Climate Change Validation and Studies
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To provide feedback on the impacts that climate change might be having on the Project.
Term or Condition	The Proponent shall provide the results of any new or revised assessments and studies done to validate and update climate change impact predictions for the Project and the effects of the Project on climate change in the Local Study Area and Regional Study Area as defined in the Proponent’s Final Environmental Impact Statement.
Reporting Requirement	The Proponent shall provide new or revised assessments and studies to the NIRB, the affected communities, relevant regulatory authorities, and interested parties.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Term or Condition)	
Baffinland Proposed Revision:	<p>The Proponent shall develop a climate change strategy that may include the following:</p> <ul style="list-style-type: none">conducting studies that identify Project risks as a result of climate changedata collection or research that will assist in defining long-term climate trends, such as:<ul style="list-style-type: none">Monitoring sea levels at PortWeather and temperature changesPermafrost stabilityEngagement with Inuit communities and other relevant stakeholders on climate change initiativesInvestigation of initiatives that may be undertaken to reduce greenhouse gas emissions
Baffinland Rationale:	Proposed revisions consolidate the requirements of PC Condition No. 2 -4 and provide a more comprehensive approach to climate change planning and monitoring and engagement with other stakeholders throughout the life of the Project
GoC Comments	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	<p>The Proposed revision to Project Certificate Condition (PC) No. 2 includes the amalgamation of PC No. 3, related to confirmation of measures implemented in reducing greenhouse gases that is to be reported annually, and PC No. 4, related to promotion of public awareness and involving Inuit from Nunavut in Climate change related research.</p> <p>Although PC Nos. 2-4 address the common theme of meteorology and climate, CIRNAC notes that the proposed revisions to PC No. 2 do not fully encompass the objectives of PC No. 3 and PC No. 4.</p> <p>CIRNAC recommends that, should the revision occur, any revisions to the proposed Terms and Condition clearly include the provisions of providing interested parties information on greenhouse gas emissions reduction initiatives, as well as a clear statement that the Proponent shall endeavor to include participation of Inuit from affected communities and other communities in Nunavut when undertaking climate-change related studies and research.</p> <p>Proposed Revisions: to Project Certificate Term and Condition (should a revision occur):</p> <p>CIRNAC recommends that the ‘Objective’ section be updated to reflect the intent of PC Nos. 2-4 (e.g., <i>To provide feedback on the impacts that climate change may have on the Project, measures taken to reduce greenhouse gas emissions, and actions to engage with affected groups on climate change related studies and research</i>).</p> <p>CIRNAC recommends that the Term and Condition section be updated to incorporate and prioritize the text included in PC Nos. 3 and 4. The following revision is provided for the NIRB’s consideration:</p> <p><i>The Proponent shall develop a climate change strategy that includes the following:</i></p> <ul style="list-style-type: none"><i>a. Conducting studies that identify Project risks as a result of climate change.</i><i>b. Data collection or research that will assist in defining long-term climate trends, such as:</i><ul style="list-style-type: none"><i>i. Monitoring sea levels at Port.</i><i>ii. Weather and temperature changes.</i>

	<div>iii. Permafrost stability.</div> <div>c. Providing interested parties with evidence of continued initiatives to reduce greenhouse gas emissions.</div> <div>d. Including the participation of Inuit from affected communities and other communities in Nunavut when undertaking climate-change related studies and research.</div>
DFO:	Outside of DFO's scope, but suggest the following wording: "The Proponent shall develop a climate change strategy that includes the following: .."
ECCC:	<div>As the project is emitting greenhouse gases, the Proponent should be actively engaging in greenhouse gas reductions. As such, ECCC agrees that the proposed climate change strategy contain a bullet point related to the development of a greenhouse gas emission management plan, including investigation of initiatives that may be undertaken to reduce Greenhouse Gas emissions. However, ECCC believes these investigations should be undertaken annually and reported to the Nunavut Impact Review Board.</div> <div>Proposed Edits: ECCC recommends the reporting requirement be updated to provide Inuit communities and stakeholders with annual updates to the climate change strategy, including emissions of GHGs and investigations of GHG reductions.</div> <div>ECCC agrees with CIRNAC's comments that the revisions do not fully encompass the objectives of PC No. 3 and PC No. 4 and DFO's comment regarding suggested wording.</div>
Parks:	<div>Parks Canada agrees with CIRNAC's proposed language for the Term and Condition.</div> <div>In addition, Parks Canada suggest that a timeline be associated with the development and reporting of the climate change strategy (e.g.: annual climate change assessments to be reported to the NIRB), and an additional bullet be included that reads "results of investigations/assessments will be incorporated into the Adaptive Management Plan as appropriate"</div>
TC:	TC supports the comments made by CIRNAC, in that the revisions do not appear to fully encompass the objectives of PC 3 and PC 4.

Project Certificate Condition No. 3	
Category	Meteorology and Climate - Green House Gas Emissions
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To confirm that the Proponent is exploring and implementing concrete steps to reduce greenhouse gases.
Term or Condition	The Proponent shall provide interested parties with evidence of continued initiatives undertaken to reduce greenhouse gas emissions.
Reporting Requirement	The Proponent shall include relevant information in the Annual Report submitted to the NIRB.
Stakeholder Review	Nunavut Inuit Review Board (NIRB)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 3.
Baffinland Rationale:	See proposed revisions to PC Condition No. 2.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following departments have comments to provide:	
CIRNAC	Please see CIRNAC's comment regarding PC No. 2.
ECCC:	Revisions proposed to term and condition 2 capture the intent of this term and condition. However, as noted above in the comments for PC 2 the revisions do not meet fully encompass the objective of PC No. 3.

Project Certificate Condition No. 4	
Category	Climate Change - Consultation on Climate
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To promote public awareness and engagement of affected groups.
Term or Condition	The Proponent shall endeavour to include the participation of Inuit from affected communities and other communities in Nunavut when undertaking climate-change related studies and research.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 4.
Baffinland Rationale:	See proposed revisions to PC Condition No. 2.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC	Please see CIRNAC's comments regarding PC No. 2

Project Certificate Condition No. 5	
Category	Meteorology and Climate - Weather Monitoring Data
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To provide families of employees with up to date information.
Term or Condition	The Proponent shall endeavour to explore and implement reasonable measures to ensure that weather-related information for the various Project sites is readily accessible to the public on a continual basis throughout the life of the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No Change.
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 6	
Category	Meteorology and Climate - Emissions
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To provide feedback on the Project's emissions.
Term or Condition	The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO ₂) emissions, nitrogen oxide (NO _x) emissions and greenhouse gases generated by the Project using fuel consumption or other relevant criteria as a basis.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	N/A
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall provide the results of any emissions calculations conducted to determine the level of sulphur dioxide (SO ₂) emissions, nitrogen oxide (NO _x) emissions and greenhouse gases generated by the Project using fuel consumption or other relevant criteria as a basis. In cases where exceedances are manifested, the Proponent shall implement the adaptive management plan outlined in the Air Quality and Noise Abatement Management Plan.
Baffinland Rationale:	Revised to minimize duplication with PC Conditions No. 8 and 9 and reflect the inclusion of a detailed adaptive management approach to air quality monitoring in the Air Quality and Noise Abatement Management Plan.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	<div><ul style="list-style-type: none">Exceedances of air quality criteria cannot be determined when looking at emissions from the Project. Comparisons to air quality criteria require concentration data (modelled or measured), emission rates are not concentrations and therefore cannot be used. Concentrations measured at monitoring stations must be used in order to determine if there are exceedances of air quality criteria.ECCC suggests that this Term and Condition only focus on reporting of emissions and another Term and Condition focus on concentration data that would be used to compare exceedances (See ECCC comments for T&C #10).The rationale provided for the revision of this Term and Condition should be revised as emissions calculated from fuel consumption are not the same as concentrations measured from the air quality monitoring described in the Air Quality and Noise Abatement Management Plan.<p>ECCC recommends alternate wording in order to accurately reflect the differences between emissions and concentration reporting.</p><p>ECCC proposes that revisions to condition number 6 as proposed by Baffinland not be implemented.</p></div>
HC:	Support ECCC's comments related to this.
Parks:	Support ECCC comments related to this

Project Certificate Condition No. 7	
Category	Air Quality - Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To provide feedback on the Project’s emissions.
Term or Condition	The Proponent shall update its Air Quality and Noise Abatement Management Plan to provide for continuous monitoring at land-based monitoring stations designed to capture operations phase ship-generated SO ₂ and NO ₂ emissions at Steensby Port and Milne Port. Continuous monitoring is to be carried out through several shipping seasons at each port as required to determine that emissions are at acceptable levels.
Reporting Requirement	The updated plan shall be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 7.
Baffinland Rationale:	An updated Air Quality and Noise Abatement Management Plan was submitted as part of the Phase 2 FEIS technical review process that includes continuous and active monitoring of SO ₂ , NO ₂ and particulates
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following departments have comments to provide:	
ECCC:	<div><ul style="list-style-type: none">ECCC recommends that a condition requiring monitoring of SO₂, NO₂, PM_{2.5} and TSP be retained.ECCC recommends -that this condition be revised to match Term and Condition No 10 which outlines dust monitoring and reporting. The same requirement for dust monitoring and reporting should also stand for SO₂, NO₂, PM_{2.5}, and TSP.<p>This is consistent with comments provided in ECCC Final Written Submission (2019) Comment ECCC-FC-3.</p><p>ECCC proposes the following revised wording :</p><p>In collaboration with interested interveners, the Proponent shall update, and implement its Air Quality and Noise Abatement Management Plan. The Plan shall include, at a minimum:</p><ul style="list-style-type: none">Continuous monitoring at land-based monitoring stations designed to capture operations phase ship-generated SO₂ and NO₂ emissions at Steensby Port and Milne Port. Continuous monitoring is to be carried out at each port for the duration of operationsContinuous monitoring of PM_{2.5} and TSP in the following locations<ul style="list-style-type: none">At the existing NO₂ and SO₂ monitoring locations at both Milne Port and Mine SiteAdditional monitoring stations at both the Milne Port and Mine Site.<ul style="list-style-type: none">The Proponent shall locate these additional monitoring stations close to the project boundary, and ensure some monitoring stations are installed close to existing passive dustfall monitoring stations and in areas of high predicted dustfall. The Proponent shall consider the prevailing wind direction in identifying the optimal location for the additional monitoring stations.</div>
HC:	Support ECCC’s comments on this.
Parks:	Support ECCC’s comments on this

Project Certificate Condition No. 8	
Category	Air Quality - Greenhouse Gas Emissions
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To provide feedback on the Project's emissions.
Term or Condition	The Proponent shall demonstrate through monitoring of air quality at the mine site and at the Steensby Inlet and Milne Inlet port sites that SO ₂ and NO ₂ emissions remain within predicted levels and, where applicable, within limits established by all applicable guidelines and regulations. In cases where exceedances are manifested, 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 Requirement	To be included in the Proponent's annual reporting to the NIRB.
Stakeholder Review	None
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 8.
Baffinland Rationale:	See proposed revisions to PC Condition No. 6.
GoC Comments:	
All participating departments have reviewed the proposed term and condition and the following departments have comments to provide:	
ECCC:	<p>ECCC recommends that this Term and Condition be updated. This is consistent with our Final Written Submission (2019) Comment ECCC-FC-1.</p> <p>ECCC recommends the name of this condition category be changed to, 'Monitoring and Reporting'</p> <p>ECCC proposes the following revised wording:</p> <p>The Proponent shall demonstrate that through monitoring of air quality at the mine site and at Steensby Inlet and Mine Inlet port sites that SO₂, NO₂, PM_{2.5}, and TSP concentrations, measured and presented as a range of absolute concentrations, remain within predicted levels and , where applicable, within limits established by all applicable guidelines and regulations. Comparison to standards, such as the CAAQS should also be included. At a minimum the Proponent shall monitor and report on air quality and meteorological monitoring by using the following indicators:</p> <ul style="list-style-type: none">• Time Series of data• Hour, daily, and annual averages• Wind roses• Graph and tables indicating seasonal variability• Comparisons to other years of data• Photographs taken of dust on snow
HC:	Support ECCC's comments on this.
Parks:	Support ECCC's comments on this.

Project Certificate Condition No. 9	
Category	Air Quality - Greenhouse Gas Emissions
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To provide feedback on the Project's emissions.
Term or Condition	The Proponent shall provide calculations of greenhouse gas emissions generated by activities at the Steensby Inlet and Milne Inlet port sites and other Project sources including aircraft associated with the Project. Calculations shall take into consideration, fuel consumption as measured by Baffinland's purchase and use as well as the fuel use of its contractors and sub-contractors.
Reporting Requirement	To be included in the Proponent's annual reporting to the NIRB.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 9.
Baffinland Rationale:	This essentially duplicates PC Condition No. 6. As such, Baffinland suggests this condition be removed. It is noted that all fuel used by Baffinland employees, and its contractors or sub-contractors on site, is included in calculation of greenhouse gas emissions and reported to ECCC under Section 46 of the Environmental Protection Act. Aircraft emissions would be reported separately by those contractors, and is not within Baffinland's scope of reporting requirements based on ECCC guidance.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	Revisions proposed to term and conditions 7 and 8 made by ECCC capture the intent of this term and condition.
Parks:	Support ECCC's comments on this.

Project Certificate Condition No. 10	
Category	Air Quality - Dust Management and Monitoring Plan
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to air quality from dust dispersion.
Term or Condition	<div>The Proponent shall update its Dust Management and Monitoring Plan to address and/or include the following additional items:<ul style="list-style-type: none">Outline the specific plans for monitoring dust along the first few kilometres of the rail corridor leaving the Mary River mine site.Identify the specific adaptive management measures to be considered should monitoring indicate that dust deposition from trains transporting along the rail route is greater than initially predicted.Outline specific plans for monitoring dustfall at intervals along and in the vicinity of the Milne Inlet Tote Road to determine the amount and extent of dustfall.Identify the specific adaptive management measures to be considered if monitoring indicates that dust deposition from traffic on the Milne Inlet Tote Road is greater than initially predicted.</div> <div>The Proponent shall implement its Dust Management and Monitoring Plan, report all monitoring data to the NIRB annually, and take all adaptive management measures described in its Dust Management and Monitoring Plan if monitoring indicates that dust in the ambient air or dust deposition from the increased traffic associated with the increased volume of ore being shipped is greater than initially predicted.</div>
Reporting Requirement	To be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	Nunavut Water Board, Nunavut Impact Review Board, Qikiqtani Inuit Association, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada
Revision 1 (Project Phase)	
Baffinland Proposed Revision 1:	Construction, Operations
Baffinland Rationale:	Updated to reflect that dust fall monitoring will occur throughout the life of the Project.
Revision 2 (Term or Condition)	
Baffinland Proposed Revision 2:	The Proponent shall implement its Air Quality and Noise Abatement Management Plan, report all monitoring data to the NIRB annually, and take adaptive management measures described in the Plan if monitoring indicates that dust in the ambient air or dust deposition is resulting in effects that exceed identified thresholds relative to air quality, water quality or vegetation outside the PDA.
Baffinland Rationale:	Updated to reflect revisions that were made to the Air Quality and Noise Abatement Management Plan as part of the Phase 2 FEIS technical review, which address a more comprehensive approach to dust deposition mitigation, monitoring and adaptive management development.
Revision 3 (Reporting Requirement)	
Baffinland Proposed Revision 3:	Annual.
Baffinland Rationale:	Updated to reflect that dust fall monitoring and management will occur throughout the life of the Project.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	The proposed revisions to term and conditions 7 and 8 made by ECCC are consistent with the intent of this term and condition. Thresholds identified in the Air Quality and Noise Abatement Management Plan should be included in the T&C.
HC:	Support ECCC's comments on this.
PCA	Support ECCC's comments on this.

Project Certificate Condition No. 11	
Category	Air Quality - Incineration Management Plan
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to air quality from incineration activities.
Term or Condition	The Proponent shall develop and implement an Incineration Management Plan that takes into consideration the recommendations provided in Environment and Climate Change Canada's Technical Document for Batch Waste Incineration (2010).
Reporting Requirement	Updated Incineration Management Plan to be provided to the NIRB at least 60 days prior to the commencement of construction activities.
Stakeholder Review	Nunavut Impact Review Board
Revision (Entire Condition)	
Baffinland Proposed Revision 1:	Suggest to remove PC Condition No. 11.
Baffinland Rationale:	Operation of the incinerator is addressed in the Waste Management Plan for the Project. A separate Incineration Management Plan is not required.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 12	
Category	Air Quality - Incineration
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate impacts to air quality from incineration activities.
Term or Condition	Prior to commencing any incineration of on-site Project wastes, the Proponent shall conduct at least one stack test immediately following the commissioning of each temporary and permanent incinerator.
Reporting Requirement	Stack test results to be reported to the NIRB and Environment and Climate Change Canada annually as required.
Stakeholder Review	Environment and Climate Change Canada, Nunavut Impact Review Board
Revision 1 (Project Phase)	
Baffinland Proposed Revision 1:	Construction, Operations
Baffinland Rationale:	See proposed revisions to term and description below.
Revision 2 (Term or Condition)	
Baffinland Proposed Revision 2:	The Proponent shall conduct at least one stack test immediately following the commissioning of each temporary and permanent incinerator and every five years following commissioning.
Baffinland Rationale:	Updated to reflect previous commitments made to ECCC through the ERP of the Project.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 13	
Category	Noise and Vibration - Use of Explosives
Responsible Parties	The Proponent, Fisheries and Oceans Canada
Project Phase(s)	Construction
Objective	To determine appropriate protection of fish and aquatic life in the Arctic.
Term or Condition	The Proponent is encouraged to work with Fisheries and Oceans Canada at the regulatory phase and to take a precautionary approach when selecting the overpressure threshold to be applied to explosives use for the protection of fish and aquatic life.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Fisheries and Oceans Canada, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board, Qikiqtani Inuit Association
Revision:	
Baffinland Proposed Revision:	None
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
DFO:	DFO has a regulatory mechanism to manage and mitigate impacts from explosives. Therefore, this T&C could be removed as it overlaps with existing regulatory and enforceable mechanism. However, if T&C is retained, 'Encouraged' should be changed to 'shall'.
Parks:	Support DFO's comments

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Project Certificate Condition No. 14	
Category	Noise and Vibration - Noise and Vibration Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate noise and vibration at Project sites, especially living areas.
Term or Condition	The Proponent shall conduct noise and vibration monitoring at Project accommodations sites located at the Mary River mine site, Steensby Inlet Port site, and Milne Inlet Port site. Sampling shall be undertaken during the summer and winter months during all phases of Project development.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision:	
Baffinland Proposed Revision:	None
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 14a	
Category	Noise and Vibration - Noise and Vibration Adaptive Management
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate potential impacts of noise to marine wildlife during project construction.
Term or Condition	The Proponent, through coordination with the MEWG as may be appropriate, shall demonstrate appropriate adaptive management for construction activities at Milne Inlet that have the potential to disrupt marine mammal species, including pile driving and ore dock construction, are undertaken.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 14(a).
Baffinland Rationale:	Any in-water works required for the Project will be conducted in accordance with DFO with the requirements of a Fisheries Act Authorizations, including measures to protect marine mammals during construction.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO confirms that the statement by BIM is correct, and can confirm such measures are in place for existing Fisheries Act authorization. DFO thus considers these concerns are addressed within our regulatory framework which has mechanisms to manage impacts/adaptive management.

Project Certificate Condition No. 14b	
Category	Noise and Vibration- Noise and Vibration Adaptive Management
Responsible Parties	The Proponent
Project Phase(s)	Operations
Objective	To mitigate potential impacts of noise to wildlife and people during project operations.
Term or Condition	The Proponent, through coordination with the TEWG as may be appropriate, shall demonstrate appropriate adaptive management for project activities during operations which have the potential to produce noise and sensory disturbance to wildlife and other users of project areas.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	None
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide	

Project Certificate Condition No. 15	
Category	Noise and Vibration - Noise and Vibration Monitoring
Responsible Parties	The Proponent, Qikiqtani Inuit Association, local Hamlet organizations
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To enhance public safety when travelling around the Project area.
Term or Condition	The Proponent shall collaborate to the extent possible with the Qikiqtani Inuit Association and local Hamlet organizations when undertaking consultation with all affected communities regarding railway, tote road and marine shipping operations. During these consultations, it is recommended that the Proponent provide information including video, audio, and photographic representation as well as any other aids (i.e. models) that may enhance the general public's understanding of railway, tote road and marine shipping operations, as well as all safety considerations for members of the public who may be travelling around the project area.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Noise and Vibration - Noise and Vibration Monitoring
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 15
Baffinland Rationale:	Proposed revisions to PC Condition No. 163 incorporate the recommendations outlined in PC Condition 15.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide	

Project Certificate Condition No. 16	
Category	Hydrology and Hydrogeology - Water Infrastructure
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To provide assurance that the potential impacts to flow and quantity of water in the Project area are minimized.
Term or Condition	The Proponent shall ensure that the water related infrastructure or facilities that are designed and constructed, including the modification of culverts, diversion of watercourses, and diversion of runoff into watercourses along the railway, access roads, port sites, the Milne Inlet Tote Road, and other areas of the Project site, are consistent with those proposed in the FEIS and FEIS Addendum in terms of type, location, and scope and that the requirements of all relevant regulatory authorities are satisfied advance of constructing those facilities.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association (QIA), Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), Nunavut Impact Review Board (NIRB), Nunavut Water Board (NWB)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 16.
Baffinland Rationale:	PC Condition No. 16 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically: <ul style="list-style-type: none">Part D, Item 1 and 2;Part E, Item 23; andPart G. Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include: DFO Authorizations and Letters of Advice.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
CIRNAC:	CIRNAC is of the view that duplication with regulatory instruments does not justify the removal of a term and condition from the NIRB Project Certificate. At the impact assessment stage, the Board has jurisdiction to impose water related terms and conditions even though the Water Board has the ultimate authority to authorize the use of waters and the discharge of waste. Those terms and conditions will become minimal standards that the Water Board will have to incorporate into its water licence under subsection 137 (1) of NuPPAA. This subsection requires that regulatory authorities(including the Water Board) to the extent of their jurisdiction and authority to do so, incorporate project certificate terms and conditions into their regulatory authorizations. Given how subsection 137 (1) operates, removing a water related term and condition from the project certificate would open the door to removal of the same from the water licence. To the extent that the Board views a term and condition as integral to the impact mitigation scheme of the project, the Board would be justified not to remove such term and condition from the project certificate. The same applies to terms and conditions that are incorporated in other regulatory authorizations. Furthermore, a term and condition generally comes with reporting obligations. There may be value in ensuring that the proponent remains under an obligation to report to the Board on terms and conditions falling within the jurisdiction of another regulatory authority to facilitate tracking of reporting and compliance by interested parties.
ECCC:	ECCC understands that there is overlap between this condition and the Type A Water Licence. However, ECCC notes that there is no provision in the water licence to have the structures constructed and designed based on the type, location and scope presented FEIS or FEIS Addendum. ECCC recommends this Term and Condition remain in the Project certificate.

Project Certificate Condition No. 17	
Category	Hydrology and Hydrogeology - Effluent Management
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to water bodies from effluent.
Term or Condition	The Proponent shall develop and implement effective measures to ensure that effluent from project-related facilities and/or activities, including sewage treatment plants, ore stockpiles, and mine pit, satisfies all discharge criteria requirements established by the relevant regulatory agencies prior to being discharged into the receiving environment.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board, Crown- Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association, Nunavut Impact Review Board, Environment and Climate Change Canada
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 17.
Baffinland Rationale:	<div>PC Condition No. 17 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:<ul style="list-style-type: none">Tables 4 – 15;Part D, item 15; andPart F, item 17, 18, 20, 21, 22, 23, 24, 25, 26.Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:<ul style="list-style-type: none">MDMER.</div> <div>Note – if this Condition remains, consider rewording to allow for occasional spills that are effectively addressed.</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 18	
Category	Hydrology and Hydrogeology - Pit Lake Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To enhance predictions for mine site closure conditions.
Term or Condition	The Proponent shall carry out continued analyses over time to confirm and update, accordingly, the approximate fill time for the mine pit lake identified in the FEIS.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Water Board, Qikiqtani Inuit Association, Nunavut Impact Review Board
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 18.
Baffinland Rationale:	<div>The Water License includes many conditions regarding closure and reclamation and the requirement to update the Project’s Closure and Reclamation Plan. Specific relevant sections of the Type ‘A’ Water License include:<ul style="list-style-type: none">Part J; andSchedule B.Additional licenses that mandate established requirements for the management of water related infrastructure for the Project also include:<ul style="list-style-type: none">Commercial Lease No. Q13C301See also proposed revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 19	
Category	Hydrology and Hydrogeology - Water Infrastructure Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to natural water flow.
Term or Condition	The Proponent shall ensure that it develops and implements adequate monitoring and maintenance procedures to ensure that the culverts and other conduits that may be prone to blockage do not significantly hinder or alter the natural flow of water from areas associated with the proposed mine. In addition, the Proponent shall monitor, document and report the withdrawal rates for water removed and utilized for all domestic and industrial purposes.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), , Fisheries and Oceans Canada
Revision (Entire Condition)	
Baffinland Proposed Revision:	<p>Suggest to remove current text of PC Condition No. 19 and replace with following:</p> <p>Category: Northern Transportation Corridor Water Quality Monitoring</p> <p>Responsible Parties: No change</p> <p>Project Phase: Construction, Operations, Temporary Closure /Care and Maintenance, Closure</p> <p>Objective: To monitor potential for Milne Inlet Tote Road and North Railway dustfall effects on water quality in the Northern Transportation Corridor.</p> <p>Term or Condition: The Proponent will expand the Milne Inlet Tote Road monitoring program to include water quality monitoring in specified locations, to assess potential effects of dustfall on waterbodies within the Northern Transportation Corridor.</p> <p>Should monitoring indicate that there is potential for dustfall from Project traffic to have an effect on water quality, the monitoring program may be expanded to include monitoring of sediment quality and biota in Phillips Creek.</p> <p>Should potential impacts to Arctic char populations be identified through the monitoring program (which shall include observations regarding physical condition of fish), the source of these effects will be evaluated through review of all potential variables including sedimentation. The Proponent shall work with QIA to further develop a metric for monitoring the physical condition of fish for implementation in 2022.</p> <p>The program shall be evaluated every three years to determine if monitoring locations may be reduced in the event there are negligible to no observations of Project effects.</p> <p>Reporting Requirement: Annually</p> <p>Stakeholder Review: Add Qikiqtani Inuit Association</p>
Baffinland Rationale:	<p>Part D, Item 22 and 23, of the Type ‘A’ Water License establishes requirements for the maintenance and operation of other conduits, while monitoring and management of water use volumes are captured under: Part F;</p> <ul style="list-style-type: none">Part 1, Item 21;Tables 2, 3, 2-3, 12, 13, 14 and 15; andSchedule B. <p>Additional regulatory licenses that mandate established requirements for the management of water related infrastructure for the Project also include:</p> <ul style="list-style-type: none">DFO Authorizations and Letters of Advice. <p>New proposed text to reflect resolution of QIA-41</p>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 20	
Category	Groundwater/Surface Waters - Explosives
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure that the effects associated with the manufacturing, storage, transportation and use of explosives do not negatively impact the areas surrounding the Project.
Term or Condition	The Proponent shall monitor the effects of explosives residue and related by-products from project-related blasting activities as well as develop and implement effective preventative and/or mitigation measures, including treatment, if necessary, to ensure that the effects associated with the manufacturing, storage, transportation and use of explosives do not negatively impact the Project and surrounding areas.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board, Qikiqtani Inuit Association, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Environment and Climate Change Canada
Revision (Entire Condition)	
Baffinland Proposed Revision:	<p>Suggest to remove current text of PC Condition No. 20 and replace with following:</p> <p>Category: North Railway Construction Monitoring</p> <p>Responsible Parties: No change</p> <p>Project Phase(s): Construction</p> <p>Objective: To ensure that appropriate monitoring of surface water bodies along the North Railway is carried out during construction.</p> <p>Term or Condition: The Proponent shall develop a North Railway construction plan that includes monitoring of specified waterbodies for potential dustfall effects during the construction period. The construction plan shall also specify site-specific adaptive management thresholds which would trigger additional monitoring during operations.</p> <p>Reporting Requirement: Annually during construction as part of NIRB Annual Report.</p> <p>Stakeholder Review: No change</p>
Baffinland Rationale:	<p>PC Condition No. 20 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:</p> <ul style="list-style-type: none">Part I, Item 23;Schedule D, Item 1g; andSchedule 1. <p>Additional regulatory licenses that mandate established requirements for monitoring the effects of explosive residue and related by-products from blasting activities, including the manufacturing, storage, transportation and use of explosive also includes:</p> <ul style="list-style-type: none">MDMER. <p>Reflects agreed resolution of QIA-31.</p>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
ECCC:	<p>MDMER will not be applicable as these are not Final Discharge Points. Dustfall will be extremely difficult to quantify during construction and the greater risk is from erosion and sedimentation effects on water quality.</p> <p>Blasting residues are adequately covered in the WL</p>

Project Certificate Condition No. 21	
Category	Groundwater/Surface Waters - Aquatic Effects Monitoring Plan and dustfall monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To mitigate potential impacts to surface and ground waters.
Term or Condition	<p>The Proponent shall ensure that the scope of the Aquatic Effects Monitoring Plan (AEMP) includes, at a minimum: Monitoring of non-point sources of discharge, selection of appropriate reference sites, measures to ensure the collection of adequate baseline data and the mechanisms proposed to monitor and treat runoff, and sample sediments Measures for dustfall monitoring designed as follows:</p> <p>To establish a pre-trucking baseline and collect data during Project operation for comparison</p> <p>To facilitate comparison with existing guidelines and potentially with thresholds to be established using studies of Arctic char egg survival and/or other studies recommended by the Terrestrial Environment Working Group (TEWG)</p> <p>To assess the seasonal deposition (rates, quantities) and chemical composition of dust entering aquatic systems along representative distance transects at right angles to the Tote Road and radiating outward from Milne Port and the Mine Site.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Impact Review Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Water Board, Qikiqtani Inuit Association
Revision:	
Baffinland Proposed Revision:	None
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
DFO:	Recommend that DFO is included in stakeholder review due to the provisions on arctic char productivity. Also note that there could be a FEWG. Further, DFO supports the recommendation by the QIA to have annual reporting and to revise the AEMP if Phase 2 WL Amendment is approved. Changes to the AEMP could be discussed at the water licensing phase.

Project Certificate Condition No. 22	
Category	Groundwater/Surface Waters - Sediment and Erosion Management Plan
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To develop appropriate sediment and erosion controls to prevent impacts to surface waters.
Term or Condition	The Proponent shall develop a detailed Sediment and Erosion Management Plan to prevent and/or mitigate sediment loading into surface water within the Project area.
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board, Qikiqtani Inuit Association
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 22.
Baffinland Rationale:	<div>Establishment of a sediment and erosion management plan to prevent and/or mitigate sediment loading into surface water is captured under the Type ‘A’ Water License, namely sections:<ul style="list-style-type: none">Part D, Item 4 and 25; andPart E, Item 2.</div> <div>Additional regulatory licenses that are relevant also include: DFO Authorizations and any subsequent Letters of Advice; and MDMER</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have comments to provide:	
DFO:	DFO confirms that a Sediment and Erosion Control plan and mitigation measures are required for all of BIMs current Fisheries Act Authorizations and would be for any future Fisheries Act Authorizations.
ECCC:	ECCC notes Part E, Item 2 is outdated and that updated and new management plans were provided in the Phase 2 Proposal review.

Project Certificate Condition No. 23	
Category	Groundwater / Surface Waters - Groundwater Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to groundwater quality.
Term or Condition	The Proponent shall develop and implement a Groundwater Monitoring and Management Plan to monitor, prevent and/or mitigate the potential effects of the Project on groundwater within the Project area.
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision:	
Baffinland Proposed Revision:	None
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 24	
Category	Groundwater/Surface Waters - Effluent Management
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to groundwater and surface waters from effluent discharge.
Term or Condition	The Proponent shall monitor as required the relevant parameters of the effluent generated from Project activities and facilities and shall carry out treatment if necessary to ensure that discharge conditions are met at all times.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association, Nunavut Impact Review Board
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 24.
Baffinland Rationale:	<div>Effluent discharge is managed under criteria established in Type 'A' Water License, namely sections:<ul style="list-style-type: none">Part E, Item 1;Part B, Item 14;Tables 4 – 15;Part F, Item 17, 18, 20, 21, 22, 23, 24, 25 and 26; andSchedule 1.</div> <div>Additional regulatory licenses that are relevant also include:<ul style="list-style-type: none">MDMER.</div> <div>Note – if this Condition remains, consider rewording to allow for occasional spills that are effectively addressed</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 25	
Category	Landforms - Additional Geotechnical Investigations
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate impacts to sensitive landforms.
Term or Condition	The Proponent shall undertake the additional geotechnical investigations to identify sensitive landforms, modify engineering design for Project infrastructure, develop and implement preventative and/or migration and monitoring measures to minimize the impacts of the Project's activities and infrastructure on sensitive landforms.
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association
Revision (Entire Condition)	
Baffinland Proposed Revision:	The Proponent shall develop a detailed site wide program to monitor the thaw consolidation and strain prediction under the structures/embankments constructed as part of the Phase 2 Project. The monitoring results shall be compared with the FEIS Addendum predictions and appropriate mitigation measures shall be identified and incorporated into the adaptive management approach.
Baffinland Rationale:	Biannual geotechnical inspections to monitor for and minimize the impact of the Project's activities and infrastructure on sensitive landforms is required by the Type 'A' Water License, namely sections: <ul style="list-style-type: none">Part D, Item 10;Part D, Item 18; andPart I, Item 12 and 13.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following departments have comments to provide.	
CIRNAC	<div>CIRNAC recommends that the original Term and Condition be retained, and updated to incorporate the following: The Proponent shall develop a detailed site wide program to monitor the thaw consolidation and strain prediction under the structures/embankments constructed as part of the Phase 2 Project. The monitoring results shall be compared with the Final Environmental Impact Statement Addendum predictions and appropriate mitigation measures shall be identified and incorporated into the adaptive management approach.</div> <div>Project phase shall include Construction, Operation and Closure.</div> <div>Reporting Requirement shall include a Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities. The results of monitoring and mitigation measures shall be reported annually.</div>

Commented [Author1]: CIRNAC Final Comment No. 5 and CIRNAC 1A

CIRNAC recommended the following Terms and Conditions be included in the amended Project Certificate, should the Project be approved:

- Baffinland shall develop a detailed site wide program to monitor the thaw consolidation and strain prediction under the structures/embankments constructed as part of the Phase 2 Project. The monitoring results shall be compared with the FEIS Addendum predictions and appropriate mitigation measures shall be identified and incorporated into the adaptive management approach.

This recommendation has been discussed with Baffinland and in November 2019, Baffinland agreed to address this issue by accepting the proposed Terms and Conditions.

Baffinland confirms and has included an updated term and condition to this effect.

Project Certificate Condition No. 26	
Category	Landforms and Soils - Erosion Management Plan
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To develop appropriate measures for preventing destabilization and erosion.
Term or Condition	The Proponent shall develop and implement a comprehensive erosion management plan to prevent or minimize the effects of destabilization and erosion that may occur due to the Project's construction and operation.
Reporting Requirement	Plan to be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association, Fisheries and Oceans Canada, Environment and Climate Change Canada
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 26.
Baffinland Rationale:	Establishment of a comprehensive erosion management plan to minimize the effects of destabilization and erosion is captured under the Type 'A' Water License, namely sections: <ul style="list-style-type: none">Part D, Item 4, 10 and 25; andPart E, Item 2. Additional regulatory licenses that are relevant also include: <ul style="list-style-type: none">Fisheries Act.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have comments to provide:	
DFO:	DFO confirms that these provisions are stipulated in Fisheries Act authorizations.
ECCC:	ECCC notes Part E, Item 2 is outdated and that updated and new management plans provided in the Phase 2 Proposal review.

Project Certificate Condition No. 27	
Category	Landforms, Geology and Geomorphology - Natural Aesthetics
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to natural aesthetics.
Term or Condition	The Proponent shall include within its public consultation report information related to the sentiments expressed by affected communities about the impacts that changes to the topography and landscape have had on the aesthetic value of the Project area.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	The Communities of: Arctic Bay, Clyde River, Hall Beach, Igloolik and Pond Inlet
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 27.
Baffinland Rationale:	A public consultation report has been completed and submitted to NIRB as part of the Phase 2 FEIS Addendum that identifies subjects of concern for the communities, including aesthetics of the landscape.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have comments to provide:	
CIRNAC:	This T&C should remain. Public consultation reporting applies to all project phases.

Project Certificate Condition No. 28	
Category	Landforms, Geology and Geomorphology - Permafrost
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure that permafrost integrity is maintained.
Term or Condition	The Proponent shall monitor the effects of the Project on the permafrost along the railway and all other Project affected areas and must implement effective preventative measures to ensure that the integrity of the permafrost is maintained.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board.
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 28.
Baffinland Rationale:	Biannual geotechnical inspections to monitor for permafrost degradation and the implementation of mitigation measures to ensure integrity of the permafrost is maintained is managed through the Type 'A' Water License, namely in sections: <ul style="list-style-type: none">Part D, Item 10;Part D, Item 18;Part I, Item 12 and 13; andSchedule B, 1, e, ii.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have comments to provide:	
ECCC:	Please remove ECCC from the “Stakeholder Review” row (if this row item is to be added in the PC) as the Department does not hold responsibilities in regards to permafrost integrity.
NRCan:	NRCan supports the monitoring of permafrost and terrain stability along any railways constructed in the project area and notes several commitments made by the Proponent to undertake this monitoring, including to NRCan. The data generated by this monitoring should be sufficient to satisfy the reporting requirements of this Project Certificate Condition and therefore would not make this Condition onerous. Given the importance of permafrost integrity and terrain stability to the proper functioning of the proposed railways, and that permafrost degradation was a concern raised by multiple intervenors, NRCan recommends keeping this Project Certificate Condition.

Project Certificate Condition No. 29	
Category	Landforms, Geology and Geomorphology - Design Plans
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To confirm constructed components meet design as assessed.
Term or Condition	The Proponent shall provide to the respective regulatory authorities, for review and acceptance, for-construction engineering design and drawings, specifications and engineering analysis to support design in advance for constructing those facilities. Once project facilities are constructed, the Proponent shall provide copies of the as-built drawings and design to the appropriate regulatory authorities.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board (NWB), Nunavut Impact Review Board (NIRB), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association (QIA)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 29.
Baffinland Rationale:	<div>The requirement to provide as-built drawings to regulatory agencies is mandated under the Type 'A' Water License for the Project, namely sections:<ul style="list-style-type: none">Part B, Item 12;Part D, Item 1 and 2;Part E, Item 23;Part G; andSchedule D, 1 and c.</div> <div>Additional licenses that mandate established requirements for the management of water related infrastructure for the Project also include: Commercial Lease No. Q13C301</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 30	
Category	Landforms, Geology and Geomorphology - Quarries
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To provide oversight on quarry design and management.
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 Requirement	Plans to be provided to the NIRB for review and comment at least 30 days prior to commencement of construction activities.
Stakeholder Review	Qikiqtani Inuit Association (QIA), Nunavut Water Board (NWB)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 30.
Baffinland Rationale:	The requirement to develop site-specific quarry operation and management plans in advance of the development of any potential quarry site or borrow pit is stipulated in the Type 'A' Water License under Part D, Item 6.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 31	
Category	Vegetation - Construction and Operations
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To minimize impacts to 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 Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision:	
Baffinland Proposed Revision:	No Change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 32	
Category	Vegetation - Construction and Operations
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent 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.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision:	
Baffinland Proposed Revision:	No Change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 33	
Category	Vegetation - Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To facilitate monitoring.
Term or Condition	The Proponent shall include relevant Monitoring and Management Plans within its Environmental Management System, Terrestrial Environment Management and Monitoring Plan (TEMMP).
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 33.
Baffinland Rationale:	This duplicates requirements of PC Condition No. 38.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 34	
Category	Vegetation - Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	1. Monitor metals concentrations in both soils and vegetation, particularly caribou forage (i.e., lichen) at varying distances from the PDA to compare metal concentrations in soil and vegetation between near (impacted) and far (control) sites. 2. Determine if metal concentrations in soil and vegetation exceed CCME and relevant available threshold levels provided in the literature.
Term or Condition	The Proponent shall conduct soil sampling to determine metal levels of soils in areas with berry-producing plants near any of the potential development areas, prior to commencing operations.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction, Operations, Closure
Baffinland Rationale:	To account for potential environmental monitoring during the closure phase of the Project.
Revision (Pt. 2 of Objective)	
Baffinland Proposed Revision:	To determine if metal concentrations in soil and vegetation exceed CCME and relevant available thresholds.
Baffinland Rationale:	See revisions to Term and Condition.
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall conduct soil and vegetation metal monitoring, particularly for caribou forage (i.e. lichen) or other plants identified as culturally important for harvesting to Inuit to compare metal concentrations in soil and vegetation at varying distance classes from the PDA at an appropriate frequency for monitoring established in the TEMMP. The Proponent shall conduct soil sampling to determine metal levels of soils in areas with culturally important plants in Inuit preferred harvesting areas near any Project infrastructure or activities outside of the PDA at the same frequency as soil monitoring under the TEEMP.
Baffinland Rationale:	All vegetation is considered to be impacted within the PDA. Baffinland suggests that vegetation monitoring to be conducted at the same frequency as soil monitoring under the TEEMP, given that increases in soil metal concentration are highly unlikely to be observed on an annual basis and correlation in this data set. Soil monitoring frequency is currently conducted every three years.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annual
Baffinland Rationale:	A summary of the results of the monitoring program will be provided in the Annual Report to the NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 35	
Category	Vegetation - Monitoring
Responsible Parties	The Proponent, local Hunters and Trappers Organizations, Government of Nunavut
Project Phase(s)	Construction and Operations
Objective	To determine baseline metal levels in foraging caribou.
Term or Condition	The Proponent shall undertake monitoring of baseline metal levels in organ tissue from caribou harvested within the local study area, prior to commencing operations. The Proponent is strongly encouraged to coordinate with local Hunters and Trappers Organizations regarding procurement of harvested caribou organs.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	Provided caribou populations are present in sufficient numbers to carry out such monitoring and harvesters make samples from harvested caribou available to the Proponent, the Proponent shall undertake or support monitoring of baseline metal levels in organ tissue from caribou harvested within the local study area. The Proponent is strongly encouraged to coordinate with local Hunters and Trappers Organizations and the Government of Nunavut regarding procurement of harvested caribou organs.
Baffinland Rationale:	<i>Add Commentary: Recognizes that organ tissue sample is dependent on the availability of caribou and the participation of HTO's. Also provides flexibility for Baffinland to fund third party support, rather than having to carry out the program directly.</i>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
HC:	It is important to have baseline data in order to verify predictions in the assessment. Suggested wording: The Proponent shall undertake or support monitoring of baseline metal levels in organ tissue from caribou harvested within the local study area, prior to commencing operations. The Proponent or hired third party will work directly with local Hunters and Trappers Organizations and the Government of Nunavut to procure the necessary harvested caribou organs. Should samples be unavailable to complete the baseline monitoring program before commencing operations, whether because caribou populations are present in insufficient numbers or samples are not made available from harvesters, a justification will be provided to the Terrestrial Environment Working Group (TEWG) and interested parties, and samples will be collected at the earliest availability in order to obtain the necessary baseline data. The collected baseline data shall be reported in the subsequent Annual Report.

Project Certificate Condition No. 36	
Category	Vegetation - Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	Measure percent plant cover and plant group composition of available caribou forage within the RSA to track potential changes at varying distances from the edge of the PDA through long-term monitoring.
Term or Condition	The Proponent shall establish an ongoing monitoring program for vegetation species used as caribou forage (such as lichens) near Project development areas, prior to commencing operations.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No Change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 37	
Category	Vegetation - Monitoring
Responsible Parties	The Proponent, Government of Nunavut Department of Environment
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent establishment of invasive species.
Term or Condition	The Proponent shall incorporate protocols for monitoring for the potential introduction of invasive vegetation species(e.g. surveys of plant populations in previously disturbed areas) into its Terrestrial Environment Management and Monitoring Plan. Any introductions of non-indigenous plant species must be promptly reported to the Government of Nunavut Department of Environment.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No Change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 38	
Category	Vegetation - Adaptive Management
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to vegetation abundance, diversity, and health.
Term or Condition	The Proponent shall review, on an annual basis, all monitoring information and the vegetation mitigation and management plans developed under its Environmental Management System, Terrestrial Environment Management and Monitoring Plan (TEMMP) and adjust such plans as may be required to effectively prevent or reduce the potential for significant adverse project effects on vegetation abundance, diversity and health.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No Change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 39	
Category	Vegetation - Reclamation and Revegetation
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent erosion and promote progressive revegetation of disturbed areas.
Term or Condition	The Proponent shall develop a progressive revegetation program for disturbed areas that are no longer required for operations, such 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 Requirement	To be provided to the NIRB for review and comment at least 60 days prior to commencement of construction activities.
Stakeholder Review	Nunavut Impact Review Board
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 39.
Baffinland Rationale:	See suggested revisions to PC Condition No. 149., which includes a proposal for the establishment of a Mine Closure Working Group.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
CIRNAC:	This T&C should remain. The suggested revision references the establishment of a Mine Closure Working Group which does not address the requirement for the Proponent to develop and implement a progressive revegetation program for disturbed areas as stated in the original Condition.

Project Certificate Condition No. 40	
Category	Vegetation - Reclamation and Revegetation
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent erosion and promote progressive revegetation of disturbed areas.
Term or Condition	The Proponent shall include revegetation strategies in its Site Reclamation Plan that support progressive reclamation and that promote natural revegetation and recovery of disturbed areas compatible with the surrounding natural environment
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	QIA
Revision (Objective)	
Baffinland Proposed Revision:	Objective: To ensure that IQ and cultural use are reflected in revegetation strategies
Baffinland Rationale:	
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall include revegetation strategies in its reclamation plan based on both IQ and western science that support progressive reclamation, promote natural revegetation and recovery of disturbed areas compatible with the surrounding natural environment, and that incorporate cultural use standards and re-establishment of critical areas as identified by the impacted communities.
Baffinland Rationale:	
Revision (Stakeholder Review)	
Baffinland Proposed Revision:	QIA
Baffinland Rationale:	See suggested revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group. Added language to reflect resolution of QIA-09.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 41	
Category	Freshwater Aquatic Environment - Setbacks
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts of runoff into freshwater aquatic habitat.
Term or Condition	Unless otherwise approved by regulatory authorities, the Proponent shall maintain a minimum 100-metre naturally- vegetated buffer between the high-water mark of any fish-bearing water bodies and any permanent quarries with potential for acid rock drainage or metal leaching.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision:	
Baffinland Proposed Revision:	No Change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 42	
Category	Freshwater Aquatic Environment - Setbacks
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts of runoff into freshwater aquatic habitat.
Term or Condition	The Proponent shall maintain minimum a 30-metre naturally-vegetated buffer between the mining operation and adjacent water bodies.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 42.
Baffinland Rationale:	The Type ‘A’ Water License for the Project stipulates the requirement for a 31m buffer between the mining operation and adjacent water bodies, namely sections: <ul style="list-style-type: none">Part D, Item 9, 13 and 25;Part E, Item 17;Part F, Item 5 and 12; andPart H, Item 2 and 11.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate.	

Project Certificate Condition No. 43	
Category	Freshwater Aquatic Environment - Drainage
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate impacts of runoff into freshwater aquatic habitat.
Term or Condition	Prior to the start of construction, the Proponent must submit a Site Drainage and Silt Control Plan to the appropriate regulatory authorities for approval.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 43.
Baffinland Rationale:	<div>This PC Condition is duplicative of requirements outlined in the Type ‘A’ Water License, namely sections:<ul style="list-style-type: none">Part D, Item 4, 10 and 25; andPart E, Item 2.</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
ECCC:	ECCC notes Part E, Item 2 is outdated and that updated and new management plans provided in the Phase 2 Proposal review.

Project Certificate Condition No. 44	
Category	Freshwater Aquatic Environment - Explosives
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts of explosives on freshwater aquatic habitat.
Term or Condition	The Proponent shall meet or exceed the guidelines set by Fisheries and Oceans Canada for blasting thresholds and implement practical and effective measures to ensure that residue and by-products of blasting do not negatively affect fish and fish habitat.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 44.
Baffinland Rationale:	PC Condition No. 44 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically: <ul style="list-style-type: none">Part E, Item 24. Additional regulatory licenses that mandate established requirements for blasting activities, includes: Fisheries Act.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
DFO:	Blasting threshold are based on guidelines and scientific research. Blasting thresholds may change based on site-specific conditions. Guidelines to follow will be contained in a Letter of Advice and/or Fisheries Act Authorization.

Project Certificate Condition No. 45	
Category	Freshwater Aquatic Environment - General
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to freshwater aquatic habitat.
Term or Condition	The Proponent shall adhere to the No-Net-Loss principle at all phases of the project to prevent or mitigate direct or indirect fish and fish habitat losses.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Fisheries and Oceans Canada
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 45
Baffinland Rationale:	PC Condition No. 45 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically: <ul style="list-style-type: none">Part E, Item 2. Additional regulatory licenses that mandate established requirements for blasting activities, includes: DFO Authorizations.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
DFO:	Wording should be changed to match current policy changes from DFO. No-net loss policy has been updated and modernized within DFO's most recent "Policy for Applying Measures to Offset Adverse Effects on Fish and Fish Habitat Under the Fisheries Act" (December 2019)

Project Certificate Condition No. 46	
Category	Freshwater Aquatic Environment - Drainage
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate impacts to freshwater aquatic habitat.
Term or Condition	The Proponent shall ensure that runoff from fuel storage and maintenance facility areas, sewage and wastewater other facilities responsible for generating liquid effluent and runoff meet discharge requirements.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 46.
Baffinland Rationale:	<div>PC Condition No. 46 duplicates regulatory requirements included within the Type 'A' Water License for the Project, specifically:<ul style="list-style-type: none">Tables 4 – 15;Part D, Item 15; andPart F, Item 17, 18, 20, 21, 22, 23, 24, 25, and 26.</div> <div>Additional regulatory licenses that mandate established discharge requirements for effluent from fuel storage and maintenance facility areas, sewage and wastewater facilities includes:<ul style="list-style-type: none">MDMER.</div> <div>Note – if this Condition remains, consider rewording to allow for occasional spills that are effectively addressed.</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
ECCC:	ECCC seeks clarification from Baffinland in regards to their rationale that MDMER applies to effluent from the fuel storage and maintenance facilities, sewage and wastewater facilities.

Project Certificate Condition No. 47	
Category	Freshwater Aquatic Environment - Watercourses
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent blockages or restrictions to fish passage.
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.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board (NWB), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association (QIA), Fisheries and Oceans Canada (DFO)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 47.
Baffinland Rationale:	PC Condition No. 47 duplicates regulatory requirements regarding the design and construction of Project infrastructure in watercourses included within the Type ‘A’ Water License, specifically: <ul style="list-style-type: none">Part D, Item 1 and 2;Part E, Item 23;Part G; andPart B, Item 14 & Part E, Item 2 (discusses maintenance and monitoring procedures for culverts and conduits). Additional regulatory licenses that mandate established requirements for blasting activities, includes: <ul style="list-style-type: none">DFO Authorizations and Letters of Advice.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
DFO:	If a FEWG is going to be developed, this may need to be included with T&C’s related to it. Fish passage will be assessed in our regulatory process and long-term provisions would be included in any Fisheries Act Authorization.

Project Certificate Condition No. 48	
Category	Freshwater Aquatic Environment - Explosives
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Fisheries and Oceans Canada
Project Phase(s)	Construction, Operations
Objective	To mitigate impacts to freshwater aquatic habitat.
Term or Condition	The Proponent shall engage with Fisheries and Oceans Canada and the Qikiqtani Inuit Association in exploring possible Project specific thresholds for blasting that would exceed the requirements of Fisheries and Oceans Canada’s Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (D.G. Wright and G.E. Hopky, 1998).
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	<p>Category: Freshwater Aquatic Environment</p> <p>Responsible Parties: The Proponent, Qikiqtani Inuit Association, Fisheries and Oceans Canada, Crown-Indigenous Relations and Northern Affairs</p> <p>Project Phase: No change</p> <p>Objective: To address concerns raised by the community with respect to potential for impacts of the Project on the freshwater environment</p> <p>Term or Condition: Suggest to replace with [During 2021-2022], the Proponent shall coordinate freshwater focused workshops with Inuit in the North Baffin to address specific concerns raised by Inuit in respect of impacts of the Project on freshwater.</p> <p>Reporting Requirement: In [2021 and 2022] Annual Report, the Proponent is to confirm the specified workshops have taken place, summarize the concerns raised during the workshops, and the measures undertaken by the Proponent in response.</p> <p>Stakeholder Review: N/A</p>
Baffinland Rationale:	<p>Rationale:</p> <p>PC Condition No. 48 duplicates regulatory requirements included within the Type ‘A’ Water License for the Project, specifically:</p> <ul style="list-style-type: none">Part E, Item 24. <p>Additional regulatory licenses that mandate established requirements for blasting activities, includes:</p> <ul style="list-style-type: none">Fisheries Act.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
DFO:	<p>Blasting impacts to fish and fish habitat can be managed and mitigated through DFO’s regulatory mechanisms, and may require more site-specific advice than what is referenced here. DFO has no concerns with removal of this from the Project Certificate.</p> <p>It is unclear if the workshops referenced are intended to be held in the interim until the Freshwater Environment Working Group (FEWG) is developed, or if these workshops are separate from the FEWG. DFO recommends that these workshops/monitoring are more long-term given the chronic issues with the Tote Road, and the proposed railway will also contain a high number of crossings. Two years is insufficient time for long-term adaptive management of these linear developments. If these workshops are related to the FEWG, these revisions could be incorporated into Term and Condition 186, which clearly references the FEWG.</p>

Project Certificate Condition No. 48(a)	
Category	Freshwater Aquatic Environment - Arctic char
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To determine presence and health of arctic char in freshwater aquatic habitat.
Term or Condition	The Proponent shall develop plans to conduct additional surveys for the presence of arctic char in freshwater bodies and ongoing monitoring of arctic char health where applicable, within watersheds proximal to the mine, tote road and Milne Inlet Port project development areas, including but not limited to, Phillips Creek, Tugaat and Qurluktuk. The Proponent shall consult with the MHTO regarding the design, timing, and location of proposed surveys and ongoing monitoring.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Water Board (NWB), Qikiqtani Inuit Association (QIA), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board (NIRB), Fisheries and Oceans Canada (DFO)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 49	
Category	Terrestrial Wildlife and Wildlife Habitat - Terrestrial Environment Working Group
Responsible Parties	The Proponent
Project Phase(s)	All phases
Objective	To provide environmental oversight.
Term or Condition	The Proponent shall establish a Terrestrial Environment Working Group ("TEWG") which will act as an advisory group in connection with mitigation measures for the protection of the terrestrial environment and in connection with its Environmental Effects Monitoring Program, as it pertains to the terrestrial environment. Members may consider the draft terms of reference for the TEWG filed in the Final Hearing, but they are not bound by them. The role of the TEWG is not intended to either duplicate or to affect the exercise of regulatory authority by appropriate government agencies and departments.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
ECCC:	Since the TEWG has already been established, ECCC proposes: "The Proponent shall maintain a Terrestrial Environment Working Group..."

Project Certificate Condition No. 50	
Category	Terrestrial Wildlife and Habitat - General
Responsible Parties	The Proponent and other Parties as appropriate
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure appropriate and responsive adaptive management.
Term or Condition	The Proponent shall continue to develop and implement Project-specific monitoring for the terrestrial environment, and will demonstrate appropriate refinements to design, incorporation of analytical methods and elaboration of methodologies. The monitoring plan shall contain clear thresholds to allow for the assessment of long-term trends and cumulative effects where project interactions are identified. Coordination and cooperation will be required where data collection, analysis and interpretation, or responsibility for mitigation and management requires the efforts of multiple parties (e.g., government, Qikiqtani Inuit Association, communities).
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 51	
Category	Terrestrial Wildlife and Habitat - General
Responsible Parties	The Proponent and/or TWEG
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To promote coordination of monitoring efforts.
Term or Condition	The Proponent, either directly or as part of the TEWG, shall consider and, where appropriate, cooperate with relevant regional and/or community-based monitoring initiatives that raise issues or produce information pertinent to mitigating project-induced impacts. The Proponent shall give special consideration for supporting regional studies of population health and harvest programs for North Baffin caribou which help address areas of uncertainty for Project impact predictions.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 52	
Category	Terrestrial Wildlife and Habitat - Caribou
Responsible Parties	The Proponent, TEWG
Project Phase(s)	Construction
Objective	To ensure best practices are used for caribou protection.
Term or Condition	Within 3 months of issuance of the Project Certificate, the Proponent shall initiate design, and develop the timeline to test and implement means of deterring caribou from pits and other hazardous areas. A review of best practices and techniques will be undertaken at other Northern mines where interactions with caribou occur. Considerations should include temporary ribbon placement, Inuksuks, or fencing and subsequent monitoring for effectiveness. These activities shall be reported back to the Terrestrial Environment Working Group.
Reporting Requirement	To be developed following approval of the Project by the Minister; results to be reported back to the Terrestrial Environment Working Group.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 52.
Baffinland Rationale:	Should Project monitoring identify a need for caribou deterrents from hazardous areas, appropriate mitigation measures will be discussed with the TEWG and implemented to minimize potential effects in accordance with requirements of PC Condition No. 50, 51 and 53.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	See correct use of plural form for Inuksuk.

Project Certificate Condition No. 53	
Category	Terrestrial Wildlife and Habitat - Caribou
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate impacts to caribou from Project-related traffic.
Term or Condition	<div>The Proponent shall demonstrate consideration for the following:<div><div>a) Steps taken to prevent caribou mortality and injury as a result of train and vehicular traffic, including operational measures meant to maximize the potential for safe traffic relative to operations on the railway, Milne Inlet Tote Road and associated access roads.</div><div>b) Specific measures intended to address the reduced effectiveness of visual protocols for the Milne Inlet Tote Road and access roads/trails during times of darkness and low visibility must be included.</div><div>c) Monitoring and mitigation measures at points where the railway, roads, trails and flight paths pass through caribou calving areas, particularly during caribou calving times. The details of these monitoring and mitigation measures shall be developed in conjunction with the Terrestrial Environment Working Group.</div><div>d) Evaluation of the effectiveness of proposed caribou crossings over the railway, Milne Inlet Tote Road and access roads as well as the appropriate number.</div><div>e) Development of a surveillance system along the railway corridor to identify the presence of caribou in proximity to the train tracks and operational protocols for the train to avoid collisions and enable caribou to cross the train tracks unimpeded.</div><div>f) Protocols for documentation and reporting of all caribou collisions and mortalities, as well as mechanisms for adaptive management responses designed to prevent further such interactions.</div></div></div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG), QIA
Revision (Term or Condition)	
Baffinland Proposed Revision:	<div><div>Suggest to add:</div><div><div>(g) With respect to the construction and operation of the North Railway, enhancement of existing mitigation measures in the appropriate monitoring plans to reduce potential interference with caribou, including incorporation as appropriate of the specific measures included in the Commitment List regarding the operation of the railway and design modifications to aid in caribou crossing:</div><div>(h) With respect to the construction and operation of the North Railway, the Proponent shall implement a multi-dimensional approach to monitoring involving Inuit staff and incorporating Inuit interests;</div><div>(i) With respect to the construction of the North Railway, the Proponent shall hold a workshop on wildlife crossing design with Inuit, organized in consultation with the Qikiqtani Inuit Association, the Hamlet of Pond Inlet and the MHTO, and demonstrate in a follow-up report to the NIRB how it has used Inuit input to finalize wildlife crossings, land user crossings, slope designs, and develop appropriate adaptive management measures as captured in relevant management plans. All members of the TEWG will be invited to attend the workshop, which will also consider identification of appropriate specific locations for steeper and gentler slope designs.</div></div></div>
Baffinland Rationale:	<div>(g) is suggested to address resolution of QIA-02</div> <div>(h) is suggested to address resolution of QIA-01 and QIA-02</div> <div>(i) is suggested to address resolution of QIA-01 and QIA-02</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
TC:	Suggest to add: Any deterrents established along the railway must be developed in accordance with the Railway Safety Act, and its associated Regulations and Rules, and take into consideration the operational safety of the railway.

Commented [Author2]: GN provided the following comment to Baffinland on this proposed Term and Condition:

“The GN and some other TEWG members are not included in this list of participants.”

Rationale:
This might conflict with or at least overlap with Baffinland's commitment to GN (Item 67 from BIMs current commitment list) which states:
"Members of the Terrestrial Environment Working Group will be required to identify and agree on the areas to build the gentler (1V:3H) slopes, and where to revert back to the steeper (1V:1.5H) slopes."

Baffinland proposes to respond to this comment by including revisions as reflected in the redline.

Project Certificate Condition No. 54	
Category	Terrestrial Wildlife and Habitat - Caribou
Responsible Parties	The Proponent
Project Phase(s)	Construction - within six (6) months of issuance of Project Certificate
Objective	To Update the Terrestrial Environmental Management and Monitoring Plan
Term or Condition	<div>The Proponent shall provide an updated Terrestrial Environmental Management and Monitoring Plan which shall include, but not be limited to the following:<ul style="list-style-type: none">a) Details of the methods and rationale for conducting monitoring prior to the commencement of construction;b) Monitoring for caribou presence and behavior during railway and Tote Road construction;c) Description and justification of statistical design or other means of determining effect and proposed analyses to support the conclusions drawn from monitoring impacts of the mine and related infrastructure on wildlife;d) Details of monitoring and mitigation activities, which should be established in collaboration with the Terrestrial Environment Working Group and are expected to include:e) Dustfall (fugitive and Total Suspended Particulates), that addresses methods to reduce risk to caribou forage from dustfall;f) Snow track surveys during construction and the use of video-surveillance to improve the predictability of caribou exposure to the railway and Tote Road. Using the result of this information, an early warning system for caribou on the railway and Tote Road shall be developed for operation.g) Details of monitoring thresholds related to level of mitigation and management; andh) Details of a comprehensive hunter harvest survey to determine the effect on caribou populations and potential effects on caribou behaviour resulting from increased human access caused by upgrades to the Milne Inlet tote road (and any other roads if they are shifted from private to public use) and increase local knowledge of the mine site, including establishing pre-construction baseline harvesting data.</div>
Reporting Requirement	Plan to be submitted to the NIRB and the TEWG within 6 months of issuance of a Project Certificate.
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Nunavut Impact Review Board
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 54.
Baffinland Rationale:	Any necessary updates to the TEMMP not already captured in the updated draft version submitted during the current review process can be captured as commitments.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Commented [Author3]: GN provided the following comment to Baffinland on this proposed Term and Condition:

“The GN acknowledges that Baffinland has addressed many of the concerns regarding the Phase 2 proposal through commitments to revise its TEMMP; however, TC 54 should remain in the amended Phase 2 Project Certificate in order to provide a formal mechanism to ensure that these new commitments are fulfilled.

Rationale: An up-to-date TEMMP is paramount in assuring ecosystemic concerns are properly managed and mitigated. The TEMMP is an evolving document that must be updated as new monitoring and mitigation measures arise. This TC ensures the TEMMP will be continually updated with those new provisions captured. The TEMMP has not been updated with the inclusion of suggested revisions from the GN and other interveners, retaining this TC is thus warranted.”

Baffinland appreciates this comment, and agrees that the TEMMP is paramount. However, noting that the TEMMP has already been updated in accordance with Section 54, this is viewed as a redundant condition that should be removed.

Project Certificate Condition No. 55	
Category	Terrestrial Wildlife and Habitat - Wolves
Responsible Parties	The Proponent, Government of Nunavut Department of Environment
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate potential impacts to wolves.
Term or Condition	The Proponent shall develop an adaptive management plan applicable to wolves and wolf habitat in collaboration with the Government of Nunavut- Department of Environment (GN-DOE) to ensure compliance with the <i>Nunavut Wildlife Act</i> . Consideration must be given to the following: Monitoring for active wolf dens within a 10 km radius from the mine site, under the direction and prior approval of the GN DOE, and reporting the results through NIRB's Annual Reports on terrestrial wildlife in the Potential Development Area (PDA); Estimating the available (glacio-fluvial materials) esker habitat within the Regional Study Area/PDA and identifying such habitat as ecologically sensitive; Developing “wolf indices” for presence/abundance of wolves (by conducting studies) to set a baseline pre-construction baseline; and Ensuring that wolf monitoring is capable of determining the relative abundance and distribution of wolves in the Project Development Area over time.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 56	
Category	Terrestrial Wildlife and Habitat - Wildlife Habitat
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure progressive reclamation of disturbed wildlife habitat.
Term or Condition	The Proponent shall develop a strategy for the recovery of terrestrial wildlife habitat in a progressive manner that is consistent with the <i>Nunavut Wildlife Act</i> . Overall, this will require the integration of a decision-making process and the identification of mitigation responses to cumulative impacts on caribou survival, breeding propensity, and population dynamics.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 56.
Baffinland Rationale:	See suggested revisions to PC Condition No. 149, which includes a proposal for the establishment of a Mine Closure Working Group.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
CIRNAC:	This T&C should remain. The suggested revisions to PC Condition 149 does not address the development of a strategy for progressive recovery of terrestrial wildlife habitat.

Project Certificate Condition No. 57	
Category	Terrestrial Wildlife and Habitat - Reporting
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate and monitor for impacts to wildlife.
Term or Condition	<div>The Proponent shall report annually regarding its terrestrial environment monitoring efforts, with inclusion of the following information:<ul style="list-style-type: none">a) Description of all updates to terrestrial ecosystem baseline data;b) A description of the involvement of Inuit in the monitoring program;c) An explanation of the annual results relative to the scale of the natural variability of Valued Ecosystem Components in the region, as described in the baseline report;d) A detailed presentation and analysis of the distribution relative to mine structures and activities for caribou and other terrestrial mammals observed during the surveys and incidental sightings;e) Results of the annual monitoring program, including field methodologies and statistical approaches used tof) support conclusions drawn;<div>A summary of the chronology and level of mine activities (such as vehicle frequency and type);</div>g) An assessment and presentation of annual environmental conditions including timing of snowmelt, green-up, as well as standard weather summaries;A discussion of any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program.</div>
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	<div>The Proponent shall report annually regarding its terrestrial environment monitoring efforts, with inclusion of the following information:<ul style="list-style-type: none">a) Description of all updates to terrestrial ecosystem baseline data;b) A description of the involvement of Inuit in the monitoring program;c) An explanation of the annual results relative to the scale of the natural variability of Valued Ecosystem Components in the region, as described in the baseline report;e) A detailed presentation and analysis of the distribution relative to mine structures and activities for caribou and other terrestrial mammals observed during the surveys and incidental sightings;Results of the annual monitoring program, including field methodologies and statistical approaches used to support conclusions drawn;f) An annual summary of traffic levels on the Milne Inlet Tote Road and rail transits);g) An assessment and presentation of annual environmental conditions relative to data collected.h) A discussion of any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program;i) An analysis of wildlife responses to operations with emphasis on calving and post-calving caribou behaviour and displacements (if any), and caribou responses to and crossing of the railway, the Milne Inlet Tote Road and associated access roads/trails (if any);j) A description of the extent of dustfall based on measured levels of dustfall (fugitive and finer particles such as TSP) on vegetation<div>Commentary: Certain monitoring described above may not be undertaken in years where caribou are not observed in meaningful numbers in the Project area. In the event this occurs, in order to achieve compliance with this Term and Condition the Proponent shall clearly describe the reasons that such monitoring was not carried out in its Annual Report.</div></div>
Baffinland Rationale:	Proposed revisions provides a more focused scope for reporting on terrestrial environment monitoring activities and inter-annual trends.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
TC:	TC supports the addition of part (F) related to annual summary of traffic levels.

Commented [Author4]: GN has confirmed that Baffinland has been responsive to the GN’s comments on Term and Condition 57 and this wording is satisfactory to them

Project Certificate Condition No. 58	
Category	Terrestrial Wildlife and Habitat - Reporting
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate and monitor for impacts to wildlife.
Term or Condition	Within its annual report to the NIRB, the Proponent shall incorporate a review section which includes: 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 calving and post-calving caribou behaviour and displacements (if any), and caribou responses to and crossing of the railway, the Milne Inlet Tote Road and associated access roads/trails; c) A description of the extent of dustfall based on measured levels of dustfall (fugitive and finer particles such as TSP) on lichens and blueberries, and ash content of caribou fecal pellets; d) A demonstration and description of how the monitoring results, including the railway, road traffic, air traffic and dustfall contribute to cumulative effects of the project; e) Any proposed changes to the monitoring survey methodologies, statistical approaches or proposed adaptive management stemming from the results of the monitoring program; f) Any updates to information regarding caribou migration trails. Maps of caribou migration trails, primarily obtained through any new collar and snow tracking data, shall be updated (at least annually) in consultation with the Qikiqtani Inuit Association and affected communities, and shall be circulated as new information becomes available.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 58 (note TC 58 b, c, d and f incorporated at revised No. 58 above).
Baffinland Rationale:	Reporting requirements are duplicative to several other PC Conditions, including PC Condition No. 10, 34, 36, 37, 50, 51, 53 (b, c, d and d), 55, 57, 67, 74 and 75.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Commented [Author5]: GN has confirmed that Baffinland has been responsive to the GN's comments on Term and Condition 58 and this wording is satisfactory to them

Project Certificate Condition No. 59	
Category	Terrestrial Wildlife and Habitat – Aircraft Disturbances
Responsible Parties	The Proponent
Project Phase(s)	Construction, Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate aircraft disturbance to wildlife and Inuit harvesting.
Term or Condition	The Proponent shall ensure that aircraft maintain, whenever possible(except for specified operational purposes such as drill moves, take offs and landings), and subject to pilot discretion regarding aircraft and human safety, a cruising altitude of at least 610 metres during point to point travel when in areas likely to have migratory birds, and 1,000 metres vertical and 1,500 metres horizontal distance from observed concentrations of migratory birds (or as otherwise prescribed by the Terrestrial Environment Working Group) and use flight corridors to avoid areas of significant wildlife importance. The Proponent, in collaboration with the Terrestrial Environment Working Group shall develop a program or specific measures to ensure that employees and subcontractors providing aircraft services to the Project are respectful of wildlife and Inuit harvesting that may occur in and around project areas.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	<div><p>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 of aircraft within all Project Areas is maintained and made available for the Terrestrial Environment Working Group and relevant regulatory authorities such as Transport Canada to monitor adherence and to follow up on complaints.</p><p>Subject to safety requirements or other appropriate pilot rationale for low altitudes, the Proponent shall require all project related aircraft to maintain a cruising altitude of at least:</p><ul style="list-style-type: none">650 m during point to point travel when in areas likely to have migratory birds;1100 m vertical and 1500 m horizontal distance from observed concentrations of migratory birds;and1100 m over the area identified as a key site for moulting snow geese during the moulting period (July- August), and if maintaining this altitude is not possible, maintain a lateral distance of at least at least 1500 m from the boundary of this site.<p>The Proponent, in collaboration with the Terrestrial Environment Working Group shall develop a program or specific measures to ensure that employees and subcontractors providing aircraft services to the Project are respectful of wildlife and Inuit harvesting that may occur in and around project areas. This includes the use of established flight corridors, when possible, to avoid areas of significant wildlife importance.</p></div>
Baffinland Rationale:	Revised to eliminate duplication that currently exists between PC Condition No. 59, 71 and 72 and to enhance enforceability.
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction, Operations, Closure
Baffinland Rationale:	To reflect implementation of mitigation measures, subject to safety requirements, throughout the life of the Project.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	ECCC supports eliminating duplication between condition No. 59, 71 and 72. The TC could be further simplified by merging the last 2 bullets: “1100 m vertical or 1500 m horizontal distance from observed concentrations of migratory birds, including the area identified as a key site for moulting snow geese from July to August.”
TC:	TC is supportive of the inclusion of references to pilot and aircraft safety.

Commented [Author6]: GN has confirmed that Baffinland has been responsive to the GN’s comments on Term and Condition 59 and this wording is satisfactory to them

Project Certificate Condition No. 60	
Category	Terrestrial Wildlife and Habitat - Explosives
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate impacts to wildlife from explosives.
Term or Condition	Prior to construction, the Proponent shall develop a detailed blasting program to minimize the effects of blasting on terrestrial wildlife that includes, but is not limited to the restriction of blasting when migrating caribou, sensitive local carnivores or birds may be negatively affected.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 60 – see related revisions to TC 61 to reduce number of terms and conditions.
Baffinland Rationale:	Restriction of blasting activities when migrating caribou, sensitive local carnivores or birds may be negatively affected is accounted for by PC Condition No. 61.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide	

Project Certificate Condition No. 61	
Category	Terrestrial Wildlife and Habitat - Operations (General)
Responsible Parties	The Proponent, TEWG
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate Project impacts to wildlife.
Term or Condition	Whenever practical and not causing a human safety issue, a stop work policy shall be implemented when wildlife in the area may be endangered by the work being carried out. An operational definition of 'endangered' shall be provided by the Terrestrial Environment Working Group.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	Whenever practical and not causing a human safety issue, a stop work policy shall be implemented when wildlife in the area may be endangered by the work being carried out. An operational definition of 'endangered' shall be provided by the Terrestrial Environment Working Group. The Proponent shall develop and implement as part of its operating procedures measures which minimize the effects of blasting on terrestrial wildlife that includes, but is not limited to the restriction of blasting when migrating caribou and other wildlife are in the blasting area.
Baffinland Rationale:	Note revision above is consistent with TEMMP, Section 3.3.1.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Commented [Author7]: GN provided the following comment to Baffinland on this proposed Term and Condition:

Deleting “During Construction”, would satisfy GN recommendations on TCs 60 and 61, allowing removal of TC60.

Rationale:
The operating procedures developed would not apply solely to the construction phase.

Baffinland agrees with GN’s requested change.

Project Certificate Condition No. 62	
Category	Terrestrial Wildlife and Habitat - Operations (General)
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent increased harvesting pressure on wildlife.
Term or Condition	The Proponent shall prohibit project employees from transporting firearms to site and from operating firearms in project areas for the purpose of wildlife harvesting.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 62
Baffinland Rationale:	As described in Article 11.4 of the IIBA, “Inuit employees shall be permitted access during their leisure hours, subject to Company policies, to all Project Areas for the purpose of any form of harvesting...in conformity with Subsection 5.7.17 (b) of the NLCA...”. PC Condition No. 124 as currently written contradicts the Proponent’s ability to meet the requirements of the IIBA or the NLCA. See also suggested revisions to PC Condition No. 124.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide	

Project Certificate Condition No. 63	
Category	Terrestrial Wildlife and Habitat - Public Engagement
Responsible Parties	The Proponent, local Hunters and Trappers Organizations
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To keep communities up to date with Project operations.
Term or Condition	The Proponent shall liaise with local Hunters and Trappers Organizations in advance of carrying out terrestrial wildlife surveys. At a minimum, The Proponent shall also meet annually in person with Hunters and Trappers Organizations to discuss wildlife monitoring and mitigation plans and address community concerns regarding wildlife interactions. The Proponent may be required to facilitate these meetings through payment of honoraria and meeting costs.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG) and with local Hunter and Trappers Organizations (HTOs)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide	

Project Certificate Condition No. 64	
Category	Terrestrial Wildlife and Habitat - Waste Management
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent human-carnivore interactions.
Term or Condition	The Proponent shall ensure that its Environment Protection Plan incorporates waste management provisions to prevent carnivores from being attracted to the Project site(s). Consideration must be given to the following measures: Installation of an incinerator beside the kitchen that will help to keep the food waste management process simple and will minimize the opportunity for human error (i.e. storage of garbage outside, hauling in a truck (odours remain in truck), hauling some distance to a landfill site, incomplete combustion at landfill, fencing of landfill, etc.) Installation of solid carnivore-proof skirting on all kitchen and accommodation buildings (i.e., heavy-duty steel mesh that would drop down from the edge of the buildings/trailers and buried about a half meter into the ground to prevent animals from digging under the skirting).
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Environment Climate Change Canada, Qikiqtani Inuit Association, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board.
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide	

Project Certificate Condition No. 65	
Category	Birds - Awareness
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent disturbance to birds and bird habitat.
Term or Condition	The Proponent shall ensure all employees working at project sites receive awareness training regarding the importance of avoiding known nests and nesting areas and large concentrations of foraging and moulting birds.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide	

Project Certificate Condition No. 66	
Category	Birds - Species at Risk
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to sensitive bird species.
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 on the basis of the species-specific nest setback distances outlined in the Terrestrial Environment Management and Monitoring Plan.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	If Species at Risk or their nests and eggs are encountered during Project activities or monitoring programs, the Proponent is strongly encouraged to consider avoidance as a primary mitigation measure. The Proponent shall establish clear zones of avoidance on the basis of the species-specific nest setback distances outlined in the Terrestrial Environment Management and Monitoring Plan.
Baffinland Rationale:	Revisions allows for enhanced enforceability.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annual.
Baffinland Rationale:	Reporting on implementation of PC Condition No. 66 would be included in the Annual Report to the NIRB as relevant.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	ECCC recommends adding, “If it is determined that observance of these setbacks is not feasible, the Proponent will develop nest-specific guidelines and procedures to ensure birds’ nests and their young are protected.” for consistency with TC#70.

Project Certificate Condition No. 67	
Category	Birds - Species at Risk
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to sensitive bird species.
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 during the duration of the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Environment and Climate Change Canada (ECCC)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
ECCC:	Reporting on implementation of Condition No. 67 could be included in the Annual Report to the NIRB as an annually updated table of species at risk potentially interacting with project components. This will ensure that mitigation and monitoring strategies developed for Species at Risk are adequate throughout the life of the project. Proposed reporting requirement revision: Annual.

Project Certificate Condition No. 68	
Category	Birds - Project Infrastructure
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent potential injuries to birds.
Term or Condition	The Proponent shall ensure flashing red, red strobe or white strobe lights and guy-wire deterrents are used on communications towers established for the Project. Consideration should also be given to reducing lighting when possible in areas where it may serve as an attractant to birds or other wildlife.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Environment and Climate Change Canada (ECCC), Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall ensure appropriate deterrents are installed on communication towers established for the Project. The Proponent should also consider reducing lighting where it may serve as a bird attractant and does not present risks to safe operations:
Baffinland Rationale:	It was determined through consultation with ECCC that strobe lights were not a relevant mitigation measure as most birds are in the area during the summer when there is 24 hours of light.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	ECCC supports the revision as it adds flexibility in the selection of deterrents to adjust to best available information, but notes that there has been bird collision mortalities at the project outside the “24 hours of light” period.

Project Certificate Condition No. 69	
Category	Birds - Construction/Clearing Activities
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent nesting by birds in active Project areas.
Term or Condition	Prior to bird migrations and commencement of nesting, the Proponent shall identify and install nesting deterrents (e.g. flagging) to discourage birds from nesting in areas likely to be disturbed by construction/clearing activities taking place during the nesting season.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
ECCC:	Proposed reporting requirement revision: Annual.

Project Certificate Condition No. 70	
Category	Birds - Construction/Clearing Activities
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to birds and nesting areas.
Term or Condition	The Proponent shall protect any nests found (or indicated nests) with a buffer zone determined by the setback distances outlined in its Terrestrial Environment Mitigation and Monitoring Plan, until the young have fledged. If it is determined that observance of these setbacks is not feasible, the Proponent will develop nest-specific guidelines and procedures to ensure bird's nests and their young are protected.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 71	
Category	Birds - Flight Altitude Requirements
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate aircraft disturbance to birds.
Term or Condition	<div>Subject to safety requirements, the Proponent shall require all project related aircraft to maintain a cruising altitude of at least:<ul style="list-style-type: none">650 m during point to point travel when in areas likely to have migratory birds;1100 m vertical and 1500 m horizontal distance from observed concentrations of migratory birds; and1100 m over the area identified as a key site for moulting snow geese during the moulting period (July-August), and if maintaining this altitude is not possible, maintain a lateral distance of at least at least 1500 m from the boundary of this site.</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 71 following merge with PC Condition No. 59.
Baffinland Rationale:	See proposed revisions to PC Condition No. 59, which has been updated to incorporate PC Condition No. 71 to reduce duplication.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
ECCC:	ECCC supports eliminating duplication between condition No. 59, 71 and 72.

Project Certificate Condition No. 72	
Category	Birds - Flight Altitude Requirements
Responsible Parties	The Proponent, Transport Canada
Project Phase(s)	Construction, Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate aircraft disturbance to birds.
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 of aircraft within all Project Areas is maintained and made available for regulatory authorities such as Transport Canada to monitor adherence and to follow up on complaints.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Impact Review Board, Transport Canada, Terrestrial Environment Working Group (TEWG).
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 72 following merge with PC Condition No. 59.
Baffinland Rationale:	See proposed revisions to PC Condition No. 59, which has been updated to incorporate PC Condition No. 72 to reduce duplication.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition the following department(s) have comments to provide:	
ECCC:	ECCC supports eliminating duplication between condition No. 59, 71 and 72.

Project Certificate Condition No. 73	
Category	Birds
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To monitor Project-related effects on migratory birds.
Term or Condition	The Proponent shall develop detailed and robust mitigation and monitoring plans for migratory birds, reflecting input from relevant agencies, the Qikiqtani Inuit Organization and communities as part of the Terrestrial Environment Working Group and to the extent applicable the Marine Environment Working Group.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 73.
Baffinland Rationale:	See proposed revisions to PC Condition No. 74, which incorporate the need to seek feedback from relevant agencies and reduce duplication between the two conditions.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition the following department(s) have comments to provide:	
ECCC:	ECCC supports the removal of 73 and revisions to 74.

Project Certificate Condition No. 74	
Category	Birds - Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To develop appropriate mitigation and monitoring of impacts to birds.
Term or Condition	The Proponent shall continue to develop and update relevant monitoring and management plans for migratory birds under the Proponent’s Environmental Management System, Terrestrial Environment Mitigation and Monitoring Plan prior to construction. The key indicators for follow up monitoring under this plan will include peregrine falcon, gyrfalcon, common and king eider, red knot, seabird migration and wintering, and songbird and shorebird diversity.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall continue to develop and update relevant monitoring and management plans for migratory birds on an as-need basis throughout the life of the Project based on input provided by the MEWG and TEWG. The key indicators for follow up monitoring under the TEMMP will include peregrine falcon, gyrfalcon, common and king eider, red knot, seabird migration and wintering, and songbird and shorebird diversity.
Baffinland Rationale:	Updated to reflect longer-term monitoring requirements, and incorporate need to ongoing input from TEWG on the effectiveness of monitoring and mitigations measures for migratory birds.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually.
Baffinland Rationale:	Summarized results of monitoring programs and mitigation measures to be included in the Annual Report to the NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide.	
ECCC:	ECCC supports the revision. Removed “migratory” to reflect broader bird category and management responsibilities (i.e. GN for Peregrine Falcon and Gyrfalcon). Recommend adding MEWG to stakeholder review.

Project Certificate Condition No. 75	
Category	Birds – Monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To assess the extent of terrestrial habitat loss.
Term or Condition	The Proponent’s monitoring program shall assess and report, on annual basis, the extent of terrestrial habitat loss due to the Project to verify impact predictions and provide updated estimates of the total project footprint.
Reporting Requirement	To be provided within the Annual Report to the NIRB.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Impact Review Board, Terrestrial Environment Working Group (TEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and provide the following department(s) have comments to provide:	
ECCC:	ECCC recommends changing the Category, to “Terrestrial Wildlife and Habitat” as this is relevant to all terrestrial wildlife.

Project Certificate Condition No. 76	
Category	Marine Environment - General
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To mitigate potential impacts to the marine environment.
Term or Condition	The Proponent shall develop a comprehensive Environmental Effects Monitoring Program to address concerns and identify potential impacts of the Project on the marine environment.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 54.
Baffinland Rationale:	Updates to the Marine Monitoring Plan (MMP) were completed and submitted as part of the Phase 2 FEIS technical review. The MMP will be updated as needed to incorporate results of monitoring and adaptive management measures already stipulated in PC Condition No. 85, 87, 99, 101, 103, 106, 110, 113, 119 and 121.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
DFO:	DFO supports ECCC's comment, and suggest that this condition be retained given the importance of the MMP in the MEWG. Further updates to the MMP are needed and have been committed to (DFO 3.4.1 NEW, 3.6.7 NEW). The other T&C's may be sufficient to address long-term updates to the plan. It is recommended that the wording to indicate that the MMP will be updated in consultation with MEWG and Inuit in advance of Phase 2 shipping.
ECCC:	ECCC acknowledges the submission of the Marine Monitoring Program and the monitoring and adaptive management measures stipulated in project conditions 85, 87, 99, 101, 103, 106, 110, 113, 119 and 121. ECCC suggests to retain this condition with the following wording: The Proponent shall update the Marine Monitoring Program to address concerns and identify potential impacts of the Project on the Marine Environment, when required as per advice provided by DFO Science and the MEWG.
Parks:	PCA supports ECCC and DFO and recommends the T&C be updated to the new terminology used by Baffinland: "Marine Monitoring Plan" rather than "Environmental Effects Monitoring Program" used in the original T&C"

Project Certificate Condition No. 77	
Category	Marine Environment - Working Group
Responsible Parties	The Proponent, Environment and Climate Change Canada, Fisheries and Oceans Canada, the Government of Nunavut, the Qikiqtani Inuit Association and interested parties
Project Phase(s)	All Phases
Objective	The MEWG will consult with, and provide advice and recommendations to the Proponent in connection with mitigation measures for the protection of the marine environment, monitoring of effects on the marine environment and the consideration of adaptive management plans. The role of the MEWG is not intended to either duplicate or to affect the exercise of regulatory authority by appropriate government agencies and departments.
Term or Condition	A Marine Environment Working Group ("MEWG") shall be established to serve as an advisory group in connection with mitigation measures for the protection of the marine environment, and in connection with the Project Environmental Effects Monitoring program, as it pertains to the marine environment. Membership on the MEWG will include the Proponent, Environment and Climate Change Canada, Fisheries and Oceans Canada, Parks Canada, the Government of Nunavut, the Qikiqtani Inuit Association, the Mittimatalik Hunters and Trappers Organization, and other agencies or interested parties as determined to be appropriate by these key members. Makivik Corporation shall also be entitled to membership on the MEWG at its election. The MEWG members may consider the draft terms of reference for the MEWG filed in the Final Hearing, but they are not bound by them.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
DFO:	No Comments, noting that wording could and should be updated to reflect current members of the MEWG, as well as address concerns with parties that wish to become members but have not yet been.
Parks:	“(1) PCA suggest that “Responsible Parties” be updated to reflect all current members (addition of PCA, MHTO) and (2) Change “Environmental Effects Monitoring Program” to “Marine Monitoring Plan

Project Certificate Condition No. 78	
Category	Marine Environment - Ice Breaking and Shipping
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To obtain accurate and current ice information.
Term or Condition	The Proponent shall update the baseline information for land fast ice using a long-term dataset (28 years), and with information on inter-annual variation. The analysis for pack and landfast ice shall be updated annually using annual sea ice data (floe size, cover, concentration) and synthesized and reported in the most appropriate management plan.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	N/A
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall update the baseline information for land fast ice using a long-term dataset and with information on inter-annual variation. The analysis for pack and landfast ice shall be updated periodically using annual sea ice data (floe size, cover, concentration).
Baffinland Rationale:	Annual tracking of ice decay and formation will continue to occur, however there is no reasonable or foreseeable need to re-analyze this data on an annual basis. Revisions have also addressed management plans that would be updated pending updated land fast ice decay and formation analysis that would result in an operational change.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	As required.
Baffinland Rationale:	Annual tracking of ice decay and formation will continue to occur on an annual basis, however there is no reasonable or foreseeable need to re-analyze this data on an annual basis.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends stipulating a clear timeframe for this (ie. every X years) as “Periodically” and ‘as required’ don’t provide any certainty on when/if analyses will be done.
Parks:	Support DFO’s comments

Project Certificate Condition No. 79	
Category	Marine Environment - Ice Breaking and Shipping
Responsible Parties	The Proponent, Canadian Hydrographic Services
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To assist in the development of nautical charts for Canadian waters.
Term or Condition	The Proponent shall provide the Canadian Hydrographic Services with bathymetric data and other relevant information collected in support of Project shipping where possible, to assist in the development of nautical charts for Canadian waters.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Canadian Hydrographic Service (CHS)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 80	
Category	Marine Environment - Ice Breaking and Shipping
Responsible Parties	The Proponent, Canadian Hydrographic Services
Project Phase(s)	Construction
Objective	To identify areas of risk along the shipping route.
Term or Condition	Prior to commercial shipping of iron ore, the Proponent shall conduct a detailed risk assessment for Project-related shipping accidents, noting areas along the ship tracks where vessels may be particularly vulnerable to environmental conditions such as sea ice, and any seasonal differences in risk. This assessment shall inform mitigation and adaptive management plans.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Canadian Hydrographic Service (CHS)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 81	
Category	Marine Environment - Shoreline Effects and Sediment Redistribution
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To mitigate potential shoreline effects from shipping.
Term or Condition	The Proponent shall reassess the potential for ship wake impacts to cause coastal change following any further changes to the proposed shipping routes.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 81
Baffinland Rationale:	This PC Condition is duplicative to the requirements under PC Condition No. 84. See also suggested revisions to PC Condition No. 84.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	No concerns with removing this as long as T&C 84 is retained, and 'changes to proposed shipping routes' is carried over to T&C 84. T&C 84 as it is written now seems to pertain more to overall ship design and less to other factors that could influence ship wakes impacts.
Parks:	Suggest that 81 could be removed and incorporated into 84, but both can't be deleted. PCC 81 covers wave effects while PCC 84 covers sediment redistribution by ships propellers.

Project Certificate Condition No. 82	
Category	Marine Environment - Shoreline Effects and Sediment Redistribution
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To mitigate potential shoreline effects from shipping.
Term or Condition	The Proponent is strongly encouraged to have its ore carriers subjected to sea trials to measure wake characteristics at various vessel speeds and distances from the vessel.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	If ore carriers are commissioned directly by the Proponent, they are strongly encouraged to have them subjected to sea trials to measure wake characteristics at various vessel speeds and distances from the vessel.
Baffinland Rationale:	Baffinland does not yet own its own vessels and instead relies on market availability of existing ore carriers.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that this be modified to indicate that if BIM commissions their own ore carriers, they need to monitor to verify that wake characteristics at variable vessel speeds and distances are consistent with what they anticipated. DFO is supportive of PCA's revisions.
Parks:	Suggest Baffinland's revised wording should read "If ore carriers are commissioned directly by the Proponent, they MUST have them subjected to sea trials to measure wake characteristics at various vessel speeds and distances from the vessel."

Project Certificate Condition No. 83	
Category	Marine Environment - Shoreline Effects and Sediment Redistribution
Responsible Parties	The Proponent
Project Phase(s)	All phases
Objective	To provide data on tide levels and storm surges.
Term or Condition	The Proponent shall install tidal gauges at Steensby and Milne Port to monitor sea levels and storm surges.
Reporting Requirement	The Proponent shall summarize and supply these monitoring results to NIRB in the annual Project report.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall install tidal gauges at Steensby and Milne Port to monitor sea levels and storm surges at an appropriate frequency to be determined in consultation with the MEWG, or at a minimum, once every 5 years.
Baffinland Rationale:	The Proponent collected tidal gauge data in 2014 and 2017-2019 at Milne Port and no observable sea level rise was noted.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 83(a)	
Category	Marine Environment - Shoreline Effects and Sediment Redistribution
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To identify potential for and conduct monitoring to identify effects of sediment redistribution associated with construction and operation of the Milne Port.
Term or Condition	The Proponent shall conduct hydrodynamic modelling in the Milne Inlet Port area to determine the potential impacts arising from disturbance to sediments including re-suspension and subsequent transport and deposition of sediment. The modelling results shall be used to update the marine water and sediment quality monitoring and mitigation program to include activities associated with the construction and operation of the Milne Inlet Port. The monitoring program shall include an ongoing assessment of the potential introduction of metals that bio-accumulate in the marine food chain.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 83 (a) (or alternatively, retain condition and add as Commentary the rationale set out below so that compliance with PC Condition No. 83(a) is confirmed going forward).
Baffinland Rationale:	A hydrodynamic modelling report for Milne Port has been completed and the results were submitted as part of the Phase 2 FEIS Addendum.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO Support the alternative offered by BIM here for ease of keeping track and updating for any further expansions. DFO has no comments on the metal portion of the T&C.

Project Certificate Condition No. 84	
Category	Marine Environment - Shoreline Effects and Sediment Redistribution
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To prevent sediment redistribution along the shipping route
Term or Condition	The Proponent shall update its sediment redistribution modeling once ship design has been completed and sampling should be undertaken to validate the model and to inform sampling sites and the monitoring plan.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Not Applicable
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 84 (or alternatively, retain condition and add as Commentary the rationale set out below so that compliance with PC Condition No. 84 is confirmed going forward).
Baffinland Rationale:	A ship wake and propeller wash assessment for the Northern portion of the Project has been completed and results were submitted as part of the Phase 2 FEIS Addendum. It is noted that this condition would remain in place to account for the Southern portion of the Project
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	Note comment for T+C 81 – support retaining this condition and including potential updates to shipping route.

Project Certificate Condition No. 85	
Category	Marine Environment - Shoreline Effects and Sediment Redistribution
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To prevent sediment redistribution along the shipping route
Term or Condition	The Proponent shall develop a monitoring plan to verify its impact predictions associated with sediment redistribution resulting from propeller wash in shallow water locations along the shipping route. If monitoring detects negative impacts from sediment redistribution, additional mitigation measures will need to be developed and implemented.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	None
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 86	
Category	Marine Environment - Ballast Water
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To update ballast water discharge impact predictions.
Term or Condition	Prior to commercial shipping of iron ore, the Proponent shall use more detailed bathymetry collected from Steensby Inlet and Milne Inlet to model the anticipated ballast water discharges from ore carriers. The results from this modeling shall be used to update ballast water discharge impact predictions and should account for density dependent flow and annual timescales over the project life. Additional sampling should also be undertaken to validate the model and to inform sampling sites and the monitoring plan.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	Ballast water dispersion modelling for the Northern portion of the Project has been completed and results were submitted as part of the FEIS for Phase 2 Project Proposal. This condition remains in place to account for the Southern portion of the Project.
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
DFO:	T&C should be updated to account for commitment made under DFO 3.6.4 NEW, which states that re-modelling of ballast water will be undertaken if exchange plus treatment is discontinued. DFO agrees T&C should remain unchanged in regards to anything related to Steensby and the southern shipping route.
Parks:	Supports DFO on this matter.

Project Certificate Condition No. 87	
Category	Marine Environment - Ballast Water
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent invasive species introductions resulting from Project shipping
Term or Condition	The Proponent shall develop a detailed monitoring program at a number of sites over the long term to evaluate changes to marine habitat and organisms and to monitor for non-native introductions resulting from Project-related shipping. This program needs to be able to detect changes that may have biological consequences and should be initiated several years prior to any ballast water discharge into Steensby Inlet and Milne Inlet to collect sufficient baseline data and should continue over the life of the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Category)	
Baffinland Proposed Revision:	Marine Environment – Aquatic Invasive Species
Baffinland Rationale:	Updated to better reflect monitoring outlined in term and condition
Revision (Term or Condition)	
Baffinland Proposed Revision:	a) The Proponent shall develop a long term monitoring program to evaluate changes to marine habitat and organisms and to monitor for invasive species introductions resulting from Project-related shipping. b) The Proponent shall develop a ballast water compliance sampling plan in collaboration with DFO and Transport Canada to ensure that ballast water will comply with all applicable regulations prior to discharge. This sampling plan shall include a component for the monitoring of contaminants of risk from the vessels Port of origin and treatment systems, as applicable, to assess potential risks to the marine environment associated with discharge. c) The Proponent shall use data collected through the sampling plan described at (b) to support the development and future refinement of a trigger list of high biological risk invasive species or groupings of invasive species of concern and associated response plans in collaboration with DFO starting in 2021.
Baffinland Rationale:	Updated to reflect current phase of the Project (i.e. post-baseline data collection) and commitment to conduct on-board testing of ballast water prior to discharge. International and Domestic regulations may be subject to changes over the life of mine. Flexibility should be allowed for as changes occur.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually
Baffinland Rationale:	Results of the monitoring programs will be summarized in the Annual Report to the NIRB. No Change.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends modifying to 'biological consequences' to 'biological or ecological consequences'. Monitoring related to hull biofouling could also be incorporated if there is no other T&C that addresses it. Support TC's proposed revisions.
Parks:	Support DFO and TC's comments
TC:	TC suggests that to stay consistent with the terminology in joint DFO/TC recommendation (DFO 3.6.5 NEW / TC-02 NEW), that "sampling plan" should replace "monitoring program" for parts (b) and (c) .

Project Certificate Condition No. 88	
Category	Marine Environment - Ballast Water
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent invasive species introductions resulting from Project shipping.
Term or Condition	<div>Prior to commercial shipping of iron ore and in conjunction with the Marine Environment Working Group, the Proponent shall provide an updated risk analysis regarding ballast water discharge to assess the adequacy of treatment and implications on the receiving environment. This risk analysis shall consider, but not be limited to:</div> <div><ul style="list-style-type: none">Invasive speciesSeasonal oceanographyBallast water quality and quantityReceiving water quality; e. Residual physical, chemical, and/or biological effectsAny risk assessment analysis regarding ballast water exchange and treatment efficacy in arctic waters</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Work Group (MEWG)
Revision (Term or Condition – Commentary)	
Baffinland Proposed Revision:	<div>Add Commentary:</div> <div>A risk assessment for the Introduction of Aquatic Invasive Species from Ballast Water for the Northern portion of the Project has been completed and results were submitted as part of the FEIS and FEIS addendum for Phase 2 Project Proposal. This condition remains in place to account for the Southern portion of the Project.</div>
Baffinland Rationale:	
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	No Comments. Suggest adding commentary : BIM has committed to update the modelling if they discontinue exchange + treatment of ballast (DFO 3.6.4 NEW) and that potential model updates should include updated oceanographic parameters with proper instruments.
Parks:	Support DFO's comments

Project Certificate Condition No. 89	
Category	Marine Environment - Ballast Water
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine water quality resulting from ballast water exchange.
Term or Condition	The Proponent shall develop and implement an effective ballast water management program that may include the treatment and monitoring of ballast water discharges in a manner consistent with applicable regulations and/or exceed those regulations if they are determined to be ineffective for providing the desired and predicted results. The ballast water management program shall include, without limitation, a provision that requires ship owners to test their ballast water to confirm that it meets the salinity requirements of the applicable regulations prior to discharge at the Milne Port, and a requirement noting that the Proponent, in choosing shipping contractors will, whenever feasible, give preference to contractors that use ballast water treatment in addition to ballast water exchange.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Transport Canada, Marine Environmental Working Group (MEWG)
Revision (Category)	
Baffinland Proposed Revision:	Marine Environment – Aquatic Invasive Species
Baffinland Rationale:	To reflect incorporation of multiple PC Conditions (i.e. 90 and 91) into a singular term and condition.
Revision (Objective)	
Baffinland Proposed Revision:	To prevent impacts of the introduction of aquatic invasive species into the marine environment as a result of shipping activities
Baffinland Rationale:	To reflect incorporation of multiple PC Conditions (i.e. 90 and 91) into a singular term and condition.
Revision (Term or Condition)	
Baffinland Proposed Revision:	<p>The Proponent shall ensure that all shipping contractors meet the legal requirements of ballast water management, including all applicable regulations</p> <p>The Proponent shall, in consultation with DFO and TC develop a ballast water compliance sampling plan that includes clear timelines, information requirements, and considerations for the risk-based methodology and associated ballast water compliance. The plan shall also specify the parameters of discontinuation of exchange plus treatment practices, including factors for consideration and updates to the ballast water dispersion modelling.</p> <p>The Proponent shall update its Standing Instructions to Masters to require all vessels contracted by the Proponent calling on Milne Port that treat their ballast under the D2 Standard to also perform a ballast water exchange prior to treatment. For ships unable to conduct exchange as specified in the Ballast Water Regulations (e.g. ships on Canadian domestic trips), exchange is to be conducted as specified in revised ABWEZs for Eastern Arctic as per DFO CSAS advice (see DFO 2015, Stewart et al. 2015 and Goldsmit et al. 2019).</p> <p>The Proponent shall, in consultation with DFO, develop a biofouling sampling program which includes clear requirements for biofouling management guidelines and practices; timelines and parameters for biofouling monitoring, including biological sampling; and parameters for the biofouling risk assessment and risk-based sampling plan.</p>
Baffinland Rationale:	Revisions have been made to reference applicable regulations for managing the potential introduction of aquatic invasive species, and to minimize duplication that currently exists between PC Condition No. 89, 90 and 91. Specific regulations are not references as their names may change over time. See also proposed revisions to PC Condition No. 87.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends the wording should also reflect that shipping contractors should meet the requirements as agreed to with Interveners through commitments. Some ballast water management measures/biofouling management measures agreed to are not yet regulations. Overall, DFO is supportive of TC's revisions.
Parks:	Support DFO and TC's comments
TC:	TC notes that new ballast water regulations are in effect. “Ballast Water Regulations SOR 2021-120” https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-120/index.html and, “List of Canada’s designated alternate ballast water exchange area and fresh waters - TP 13617” https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-

Commented [Author8]: DFO 3.6.4

Final Commitment: Baffinland will consider discontinuing exchange plus treatment requirements should treatment systems efficacy reach a point that makes the benefits of an exchange plus treatment system negligible. This decision will be made in consultation with TC and DFO, and will be based on a consideration of factors outlined in DFO 2019 (i.e. if ballast water organism concentration or composition, environmental conditions, shipping patterns, proportion of voyages meeting the D-2 standard, or available data describing these conditions change in the future, and relevant updates to global research on ballast treatment systems). In this event Baffinland will update ballast water dispersion modelling to more accurately reflect the spectrum of salinity, temperature, and discharge volumes that can be expected to be discharged at Milne Port under Phase 2 operations if prior exchange were to be discontinued.

DFO considers 3.6.4 NEW resolved, and recommends to the NIRB that a T&C be established in the Project Certificate that includes specifying the parameters of discontinuation of exchange plus treatment practices, including factors for consideration and updates to the ballast water dispersion modelling.

Baffinland has proposed T&C wording responsive to this request.

	<p>area-fresh-waters-tp-13617e-2021#item2</p> <p>Suggest, if accepted, that reference to domestic and international requirements be added: The Proponent shall ensure that all shipping contractors meet the legal requirements of ballast water management, including all applicable international and domestic regulations and requirements.</p> <p>TC would be supportive of combining PC Condition No. 89 and 90, with the following revisions</p> <p>The Proponent shall develop and implement an effective ballast water management program that includes the management and monitoring of ballast water discharges in a manner consistent with applicable regulations and/or exceed those regulations (International Convention for the Control and Management of Ship’s Ballast Water and Sediment (2004) and as implemented by Ballast Regulations as may be amended from time to time if they are determined to be ineffective for providing the desired and predicted results. The ballast water management plan shall include a requirement noting that the Proponent, in choosing shipping contractors will, whenever feasible, give preference to contractors that use ballast water treatment in addition to ballast water exchange.</p>
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Project Certificate Condition No. 90	
Category	Marine Environment - Ballast Water
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to marine water quality resulting from ballast water exchange.
Term or Condition	The Proponent shall incorporate into its Shipping and Marine Mammals Management Plan provisions to achieve compliance with the requirements under the International Convention for the Control and Management of Ship's Ballast Water and Sediment (2004) or its replacement and as implemented by the Canadian Ballast Water and Control Regulations as may be amended from time to time.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Transport Canada, Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 90.
Baffinland Rationale:	See proposed revisions to PC Condition No. 89.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	No issues if DFO revisions for T&C 89 are incorporated.
Parks:	Support DFO and TC's comments
TC:	See comment for No. 89 TC notes that new ballast water regulations are in effect. "Ballast Water Regulations SOR 2021-120" https://laws-lois.justice.gc.ca/eng/regulations/SOR-2021-120/index.html and, "List of Canada's designated alternate ballast water exchange area and fresh waters - TP 13617" https://tc.canada.ca/en/marine-transportation/marine-safety/list-canada-s-designated-alternate-ballast-water-exchange-area-fresh-waters-tp-13617e-2021#item2

Project Certificate Condition No. 91	
Category	Marine Environment - Ballast Water
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to marine water quality in Steensby Inlet and Milne Inlet.
Term or Condition	The Proponent shall develop a detailed monitoring plan for Steensby Inlet and Milne Inlet for fouling that complies with all applicable regulatory requirements and guidelines as issued by Transport Canada, and includes sampling areas on ships where antifouling treatment is not applied such as the areas where non-native species are most likely to occur.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Transport Canada, Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 91.
Baffinland Rationale:	See proposed revisions to PC Condition No. 89.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	No issues if DFO revisions for T&C 89 are incorporated. Overall, DFO is supportive of TC's revisions.
Parks:	Support DFO and TC's comments
TC:	TC supports removing PC Condition No. 91 if Baffinland's proposed revisions to PC Condition No. 89 are accepted.

Project Certificate Condition No. 92	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure adequate spill response capacity.
Term or Condition	<ul style="list-style-type: none">The Proponent shall ensure that it maintains the necessary equipment and trained personnel to respond to all sizes of potential spills associated with the Project in a self-sufficient manner.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 92.
Baffinland Rationale:	Duplicates regulatory requirements under Canada Shipping Act, 2012 required OPEP-OPPP.
Revision (Stakeholder Review)	
Baffinland Proposed Revision:	Transport Canada and Canadian Coast Guard
Baffinland Rationale:	TC and CCG are the appropriate regulatory authorities to provide guidance on spill response associated with the Project.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
DFO:	DFO and CCG: Refer this to regulator (TC). CCG does not support removing this condition. The proposed wording by the proponent shifts perception of response ability to Coast Guard and Transport Canada, when the onus to respond lies with the proponent.
Parks:	Support DFO and TC's comments
TC:	TC does not agree that PC Condition 92 should be removed and instead suggests the following revision: In accordance with the CSA, 2001 and subtending regulations, the Proponent shall ensure that it maintains the necessary equipment and trained personnel to respond to an oil pollution incident (of any size) associated with the Project in a self-sufficient manner.

Project Certificate Condition No. 93	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to the marine environment at Steensby Inlet.
Term or Condition	Prior to construction, based on vessel selection and if so required, the Proponent shall reassess the risk analysis of using vessel-based fuel storage, including the potential environmental impacts of containment failure under a range of winter ice conditions, how a spill might spread and the impact of fuel if it does not volatilize to the atmosphere.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 94	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To promote public awareness of Project activities.
Term or Condition	The Proponent shall consult directly with affected communities regarding its plans for over-wintering of fuel in Steensby Inlet, with discussion topics to include descriptions of the duration of proposed activities, vessel type, spill preparedness and emergency response protocols, environmental impact predictions and answers to community member questions.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Communities of Hall Beach and Igloolik
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 95	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent, Transport Canada
Project Phase(s)	Construction
Objective	To prevent impacts to the marine environment at Steensby Inlet.
Term or Condition	The Proponent shall meet or exceed all regulatory regulations and requirements as apply to the practice of overwintering a fuel vessel at Steensby Inlet, with reporting to the NIRB and Transport Canada.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 96	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To ensure adequate oversight of Project activities is occurring.
Term or Condition	The Proponent will update the NIRB on the results of all compliance monitoring and site inspections undertaken by government agencies for the overwintering of a fuel vessel in Steensby Inlet.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Conditions No. 96.
Baffinland Rationale:	This PC Condition duplicates the requirement to report results to NIRB and Transport Canada outlined in PC Condition No. 95.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 97	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to the marine environment along the shipping route.
Term or Condition	<p>Prior to the commercial shipping of iron ore, the Proponent shall conduct fuel spill dispersion modeling that will, at a minimum, consider:</p> <ul style="list-style-type: none">a) Modeling of oil spills for both the Northern and Southern Shipping Routes, in representative locations, identified by the Proponent, in consultation with the Marine Environment Working Group along both Shipping Routes, and including:<ul style="list-style-type: none">• Pinch points;• The approaches into Steensby Inlet and Milne Inlet;• Shallow water and shorelines; and,• Areas that have been identified as having high flows and/or high concentrations of marine mammals, marine fish or seabirds.b) Open water and, where applicable, ice-covered conditionsc) Spill volumes up to and including loss of a full tanker cargod) Differences in the quantity and properties of each type of bulk fuel transported by vessels when they are at, or in transit to, the ports at Steensby Inlet and Milne Inlet
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Transport Canada Marine Safety. Canadian Coast Guard
Revision (Term or Condition – addition)	
Baffinland Proposed Revision:	(e) Spill models shall be reexamined and reassessed as required where changes to Project shipping are contemplated that have not been considered through previous assessments.
Baffinland Rationale:	Oil spill modelling for the Northern portion of the Project was conducted and results were submitted as part of the FEIS and FEIS addendum for Phase 2 Project Proposal. This condition remains in place to account for the Southern portion of the Project.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 98	
Category	Marine Environment - Spill Prevention
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to the marine environment along the shipping route.
Term or Condition	The Proponent shall incorporate the results of revised fuel spill dispersion modeling into its impact predictions for the marine environment and its spill response and emergency preparedness plans.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Transport Canada Marine Safety, Canadian Coast Guard
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
Parks:	Suggest: The Proponent shall incorporate the results of revised fuel spill dispersion modeling into its impact predictions for the marine environment, its spill response and emergency preparedness plans, and adaptive management plan.

Project Certificate Condition No. 99	
Category	Marine Environment - Supplemental Baseline Assessments
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction
Objective	To supplement baseline information and improve predictions for potential impacts to marine wildlife.
Term or Condition	<p>The Proponent, working with the Marine Environment Working Group, shall consider and identify priorities for conducting the following supplemental baseline assessments:</p> <ul style="list-style-type: none">a) Establish shipping season, inter-annual baseline in Steensby Inlet and Milne Inlet that enables effective monitoring of physical and chemical effects of ballast water releases, sewage outfall, and bottom scour by ship props, particularly downslope and downstream from the docks. This shall include the selection and identification of physical, chemical, and biological community/indicator components. The biological indicators shall include both pelagic and benthic species but with emphasis on relatively sedentary benthic species (e.g., sculpins).b) The collection of additional baseline data:c) in Steensby Inlet on walrus, beluga, bearded seal anadromous Arctic Char abundance, distribution ecology and habitat used) In Milne Inlet on narwhal, bowhead and anadromous Arctic Char abundance, distribution ecology and habitat usee) Enhance baseline data on marine wildlife (fish, invertebrates, birds, mammals, etc.) and to provide more details on species abundance and distribution found in the Project area. This shall include, but not be limited to the following:f) Aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet and at an appropriate control locationg) Shore-based observations of pre-Project narwhal and bowhead whale behavior in Milne Inlet that continues at an appropriate frequency throughout the Early Revenue Phase and for not less than three consecutive years <p>Enhance the baseline for affected freshwater systems, which includes control sites to detect Project-related changes before they cause significant harm.</p>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	<p>The Proponent, working with the Marine Environment Working Group, shall consider and identify priorities for conducting the following supplemental baseline assessments prior to the commencement of ore carrier shipping for the Southern portion of the Project:</p> <ul style="list-style-type: none">a) Establish shipping season, inter-annual baseline in Steensby Inlet that enables effective monitoring of physical and chemical effects of ballast water releases, sewage outfall, and bottom scour by ship props, particularly downslope and downstream from the docks. This shall include the selection and identification of physical, chemical, and biological community/indicator components. The biological indicators shall include both pelagic and benthic species but with emphasis on relatively sedentary benthic species (e.g., sculpins).b) The collection of additional baseline data in Steensby Inlet on walrus, beluga, bearded seal anadromous Arctic Char abundance, distribution ecology and habitat use.c) Enhance baseline data on marine wildlife (fish, invertebrates, birds, mammals, etc.) and to provide more details on species abundance and distribution found in the Project area.d) Enhance the baseline for affected freshwater systems, which includes control sites to detect Project- related changes. <p>Add Commentary:</p> <p>The requirements of collecting baseline data for the Northern Shipping Route have been completed. These have been submitted to NIRB and are also available on Baffinland's Document Portal (website).</p>
Baffinland Rationale:	<p>Current effort for the Northern Shipping Route is focused on environmental effects monitoring (EEM) using a number of different EEM programs that focus on detection of potential Project effects on marine mammals and the marine environment. See also revisions to PC Condition 101.</p> <p>The method for collection of data is removed to allow for flexibility in the design and implementation of monitoring programs based on monitoring report results, input from government agencies and Inuit.</p>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO has no comments regarding the removal for the collection of baseline data along the Northern Shipping Route. DFO is of the opinion that the ERP phase is already occurring in the Northern Shipping Route

	therefore pre-project baseline data is no longer obtainable. However, DFO believes that monitoring and the collection of data in the RSA and the Northern Shipping route should still occur. These requirements can be expressed in other Terms and Conditions.
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Project Certificate Condition No. 100	
Category	Marine Environment - Supplemental Baseline Assessments
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction
Objective	To supplement baseline information and improve predictions for potential impacts to marine wildlife.
Term or Condition	The Proponent shall update its Shipping and Marine Wildlife Management Plan, to include avoidance of polynyas and mitigation measures designed for potential fuel spills along the shipping lane during the winter months, with consideration for the impact of spilled fuel on marine mammals when they might be less mobile or able to avoid contact with spilt fuel or fumes.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 101	
Category	Marine Environment - Monitoring
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction and Operations
Objective	To monitor for potential impacts to marine wildlife and marine habitat.
Term or Condition	<div>The Proponent shall incorporate into the appropriate monitoring plans the following items:<div><div>a)</div><div>A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;</div><div>b)</div><div>Efforts to involve Inuit in monitoring studies at all levels;</div><div>c)</div><div>Monitoring protocols that are responsive to Inuit concerns;</div><div>d)</div><div>Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;</div><div>e)</div><div>Schedule for periodic aerial surveys as recommended by the Marine Environment Working Group;</div><div>f)</div><div>Periodic aerial surveys for basking ringed seals throughout the landfast ice of Steensby Inlet, and a suitable control location. Surveys shall be conducted at an appropriate frequency to detect change inter-annual variability;</div><div>g)</div><div>Shore-based observations of pre-Project narwhal behavior in Milne Inlet, that continues at an appropriate frequency throughout the Early Revenue Phase (not less than three years);</div><div>h)</div><div>Conduct landfast ice monitoring for the duration of the Project Operations phase, which will include:</div><div>i)</div><div>The number of ship transits that are able to use the same track; and,</div><div>j)</div><div>The area of landfast ice disrupted annually by ship traffic; and</div><div>k)</div><div>Monitoring strategy focused on assessing and mitigating interaction between humans and wildlife at the port site(s).</div></div></div>
Reporting Requirement	To be provided in the Annual Report to the NIRB.
Stakeholder Review	Marine Environmental Working Group (MEWG), Nunavut Impact Review Board
Revision (Term or Condition)	
Baffinland Proposed Revision:	<div>Term or Condition:<div>The Proponent shall incorporate into the appropriate monitoring plans the following items:<div><div>a)</div><div>A monitoring program that focuses on walrus use of Steensby Inlet and their reaction to disturbance from construction activities, aircraft, and vessels;</div><div>b)</div><div>Efforts to involve Inuit in monitoring studies at all levels;</div><div>c)</div><div>Monitoring protocols that are responsive to Inuit concerns;</div><div>d)</div><div>Marine monitoring protocols are to consider the use of additional detecting devices to ensure adequate monitoring through changing seasonal conditions and daylight;</div><div>e)</div><div>Consistent use of terminology describing relevant ice conditions in English and translated to Inuktitut.</div><div>f)</div><div>Clarification respect timing of clearance surveys.</div><div>g)</div><div>A response plan to be followed in the event of narwhal ice entrapments, including reporting structures, action level triggers and response actions, and developed in discussions with DFO and the MEWG;</div></div></div></div>
Baffinland Rationale:	<div>Revised to create a more focused Project scope and reduce duplication between PC Condition No. 78, 99 and 101. Specifics on monitoring program design removed to allow flexibility in the design and implementation of monitoring programs based on monitoring report results, input from government agencies and Inuit.</div> <div>To reflect resolution of QIA-04. QIA-47 and QIA-48.</div>
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	<div>Add “The Proponent shall provide a summary of the following information as part of its Annual Report to NIRB and in preliminary field reports within 35 days of Spring shoulder season shipping activities commencing and 15 days of Fall shoulder season activities ending:<div><div>•</div><div>planned and completed marine monitoring programs;</div><div>•</div><div>the specific date on which the shipping season was opened and closed, within the nominal shipping window;</div><div>•</div><div>determinants for opening and closing the shipping season; and</div><div>•</div><div>ecological and cultural factors (or “Inuit use”) that influence the decision to commence or end shipping activities for the shipping season.”</div></div></div>

Commented [Author9]: These changes were made to respond to DFO Final Written Submission review comment number 3.4 “Impacts to Marine Mammals: Shoulder Season Shipping and Ice Breaking” that a T&C be established in the Project Certificate that includes a clear timeframe being established for the clearance survey; due dates and information requirements for the data Baffinland has committed to, and a reporting structure for narwhal ice entrapments should they be observed.

3.4.3 NEW: DFO recommends Baffinland commit to producing a response plan in the event of ice entrapments, as determined by the committed to multi-year aerial surveys. This plan should include action level triggers and associated outlined response actions, in the event of an ice entrapment and subsequently an increase in frequency of ice entrapments. This plan should be developed in discussion with DFO and other parties and provided to DFO for review and approval.

Commented [Author10]: These changes were made to respond to DFO Final Written Submission review comment number 3.2.1 “Shipping Season” that a T&C be established in the Project Certificate that includes clear due dates and information requirements for the field reports and any supplement reports.

3.2.1 NEW: DFO recommends Baffinland provide a summary of monitoring conducted during the opening and closing of the shipping season.

	<ul style="list-style-type: none">• GIS coordinates and a description of group size(s) of narwhal observed along end of season aerial clearance survey and associated ice conditions; and• Other information, as reasonably requested by DFO and other key stakeholders, relevant to the marine environment (it is note that additional information requested after submission of the preliminary field report is to be provided by Baffinland as a memo within 35 days and will be included in the Annual Report).”
Baffinland Rationale:	Revised to create a more focused Project scope and reduce duplication between PC Condition No. 78, 99 and 101. Specifics on monitoring program design removed to allow flexibility in the design and implementation of monitoring programs based on monitoring report results, input from government agencies and Inuit. To reflect resolution of QIA-04. QIA-47 and QIA-48.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	The reporting requirement for fall shoulder season reporting should be 30 days rather than 15, as per correspondence with BIM and DFO’s Updated FWS.
Parks:	PCA supports DFO’s comments.

Project Certificate Condition No. 102	
Category	Marine Environment - Traffic Log and Shipping Information
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To promote public awareness of Project shipping activities for the general public.
Term or Condition	The Proponent shall ensure that routing of Project vessels is tracked and recorded for both the southern and northern shipping routes, with data made accessible in real time to communities in Nunavut and Nunavik.
Reporting Requirement	To be provided in the Annual Report to the NIRB.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to Remove PC Condition No. 102.
Baffinland Rationale:	This is duplicative of requirements under PC Condition No.164.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
TC:	No. 164 speaks only to “open water” season.

Project Certificate Condition No. 103	
Category	Marine Environment - Traffic Log and Shipping Information
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To monitor effectiveness of mitigation of shipping impacts to marine wildlife.
Term or Condition	<p>The Proponent shall report annually to the NIRB regarding project-related ship track and sea ice information, including:</p> <ul style="list-style-type: none">a) A record of all ship tracks taken along both shipping routes covering the entire shipping season;b) When employing ice-breaking, an overlay of ship tracks onto ice imagery to determine whether ships are effectively avoiding shore leads and polynyas;c) A comparison of recorded ship tracks to the expected nominal shipping route, and probable (if any) extent of year-round shipping during periods of ice cover and open-water;d) An assessment of the level of adherence to the nominal shipping route and the spatial extent of the shipping zone of influence; and <p>When employing ice-breaking, marine bird and mammal species and number of individuals attracted to ship tracks in ice.</p>
Reporting Requirement	To be provided in the Annual Report to the NIRB
Stakeholder Review	Nunavut Impact Review Board
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction, Operations and Closure.
Baffinland Rationale:	Shipping activities are not expected to occur during temporary or post-closure phases of the Project.
Revision (Term or Condition)	
Baffinland Proposed Revision:	<p>The Proponent shall report annually to the NIRB regarding project-related ship track and sea ice information, including:</p> <ul style="list-style-type: none">a) A record of all ship tracks taken along both shipping routes covering the entire shipping season;b) When employing ice-breaking, an overlay of ship tracks onto ice imagery to determine whether ships are effectively avoiding shore leads and polynyas;c) A comparison of recorded ship tracks to the expected nominal shipping route, and probable (if any) extent of year-round shipping during periods of ice cover and open-water;d) An assessment of the level of adherence to the nominal shipping route and the spatial extent of the shipping zone of influence;e) A summary all incidences of significant deviations from the nominal shipping routes for traffic to/from Milne Port and Steensby Port as presented in the FEIS and FEIS Addendum, with corresponding discussion regarding justification for deviations and any observed environmental impacts; andf) maps with its Annual Reports that illustrate tracks taken by each Project-related ship within the RSA and Baffin Bay, relative to recorded ice coverage. <p>Every 3 years [from 2022] the Proponent will conduct an analysis of ship tracks through Baffin Bay in relation to sea-ice to assess the extent of Project shipping’s interaction with sea-ice in Baffin Bay [and shall provide such analysis to NIRB].</p>
Baffinland Rationale:	<p>Combining PC Condition No. 104 and 103 reduces current duplicative reporting requirements between the two. Item (e) of PC Condition 103 is suggested to be removed given that relative numbers for marine mammals and seabirds attracted to sea ice would be captured in monitoring requirements for PC 106.</p> <p>Additional wording to reflect commitment made by Baffinland to resolve GN-24.</p>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
TC:	Although BIM indicates that shipping activities will not occur during the temporary and post closure of the Project, TC notes that vessels providing fuel and resupply may be required in these two phases of the project.

Commented [Author11]: GN has confirmed that Baffinland has been responsive to the GN’s comments on Term and Condition 103 and this wording is satisfactory to them

Project Certificate Condition No. 104	
Category	Marine Environment - Traffic Log and Shipping Information
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To prevent impacts to marine wildlife from Project shipping activities.
Term or Condition	Subject to safety considerations and the potential for conditions as determined by the crew of transiting vessels, to result in route deviations: <div><div>a)</div><div>The Proponent shall require, for shipping to/from Steensby Port, project vessels to maintain a route to the south of Mill Island to prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island. Where project vessels are required to transit to the north of Mill Island owing to environmental or other conditions, an incident report is to be provided to the Marine Environment Working Group and the NIRB within 30 days, noting all wildlife sightings and interactions as recorded by shipboard monitors.</div><div>b)</div><div>The Proponent shall summarize all incidences of significant deviations from the nominal shipping routes for traffic to/from Milne Port and Steensby Port as presented in the FEIS and FEIS Addendum to the NIRB annually,</div><div>c)</div><div>with corresponding discussion regarding justification for deviations and any observed environmental impacts.</div></div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	<div>The Proponent shall, in consultation with DFO and the MEWG, develop a pilot project using remote technology to monitor for potential ship strikes associated with Project shipping within one year of the issuance of the amended Project Certificate No. 05. The pilot program shall include parameters surrounding discontinuation of the program. The development and review of the pilot program shall take into consideration:<div><div>(a)</div><div>the number of hours and ships on which the program ran;</div><div>(b)</div><div>the types and size of vessels on which the program ran;</div><div>(c)</div><div>timing during the shipping season when the program was run;</div><div>(d)</div><div>the number of vessels utilized;</div><div>(e)</div><div>any near misses and distance from the ship;</div><div>(f)</div><div>if there are other factors potentially influencing detection or influence the likelihood of encounters with marine mammals;</div><div>(g)</div><div>if the program is collecting other valuable information related to the marine environment not captured through other monitoring programs; and</div><div>(h)</div><div>cost.</div></div></div>
Baffinland Rationale:	See proposed revisions to PC No. 103, which incorporates the terms and conditions for PC Condition No. 104, but reduces current duplicative reporting requirements.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
TC:	No. 103 does not propose to include a description of the nominal shipping route(s).

Commented [Author12]: 3.5 Marine Mammal Observation

DFO acknowledges Baffinland’s commitment to develop a pilot project using remote technology to monitor for ship strikes along the shipping lane within the Nunavut Settlement Area to address residual uncertainty and ensure detection of ship strikes. The intent of the pilot project would be to determine the efficacy of mitigation to prevent ship strikes and of monitoring to detect ship strikes. Once developed, this program should be submitted to the MEWG for review and recommendations. The development and ongoing review of the program will consider the following factors: the number of hours and ships on which the program ran; the types and size of vessels on which the program ran; timing during the shipping season when the program was run; the number of vessels utilized, relative to the maximum allowed through the Project Certificate; any near misses and distance from the ship; if there are other factors potentially influencing detection or influence the likelihood of encounters with marine mammals; if the program is collecting other valuable information related to the marine environment not captured through other monitoring programs; and cost.

DFO has worked extensively with Baffinland on the development of this commitment to ensure that ship strikes with marine mammals are adequately detected and reported, and is of the opinion that development and implementation of this pilot program should sufficiently address outstanding concerns related to ship strikes.

Recommendation 3.5 NEW: DFO considers this technical comment resolved, and recommends to the NIRB that a T&C be established in the Project Certificate that includes clear timelines for the pilot project, the factors to be considered throughout the life of the program, and the parameters surrounding discontinuation of the program.

Project Certificate Condition No. 105	
Category	Marine Environment - Traffic Log and Shipping Information
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To prevent impacts to marine wildlife from Project shipping activities.
Term or Condition	<p>The Proponent shall ensure that measures to reduce the potential for interaction with marine mammals, particularly in Hudson Strait and Milne Inlet, are identified and implemented prior to commencement of shipping operations. These measures could include, but are not limited to:</p> <ul style="list-style-type: none">a) Changes in the frequency and timing (including periodic suspensions) of shipping during winter months in Hudson Strait and during the open water season in Milne Inlet, i.e., when interactions with marine mammals are likely to be the most problematicb) Reduced shipping speeds where ship-marine mammal interactions are most likelyc) Identification of alternate shipping routes through Hudson Strait for use when conflicts between the proposed routes and marine mammals could arise. Repeated winter aerial survey results showing marine mammal distribution and densities in Hudson Strait would greatly assist in this task.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	Just the open water season for Milne Inlet? The shoulder seasons are of particular concern – recommend specifying them here for part A.
Parks	Supports DFO's comment

Project Certificate Condition No. 106	
Category	Marine Environment - Shipboard Observers
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure that interactions with marine mammals and Project shipping activities are effectively monitored.
Term or Condition	The Proponent shall ensure that shipboard observers are employed during seasons where shipping occurs and provided with the means to effectively carry out assigned duties. The role of shipboard observers in shipping operations should be taken into consideration during the design of any ore carriers purpose-built for the Project, with climate controlled stations and shipboard lighting incorporated to permit visual sightings by shipboard observers during all seasons and conditions. Any shipboard lighting incorporated should be in accordance with the Canada Shipping Act, 2001’s Collision Regulations, and should not interfere with safe navigation of the vessel.
Reporting Requirement	As needed.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The proponent will develop a surveillance monitoring program to allow for observations between shipping activities and marine wildlife and seabirds. The design of the program should take into account seasons where shipping occurs and the means for observers to effectively carry out assigned duties.
Baffinland Rationale:	The proposed modifications to the PC Condition has been updated to reflect feedback received by the MEWG during the ERP of the Project and allows flexibility in the methods to undertake observations based on information learned throughout the ERP and constraints related to contract vessels. Examples of these programs are ship-based and/or shore based observations.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually.
Baffinland Rationale:	A summary of results will be provided in the Annual Report to the NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	The remote-tech pilot program for detecting ship strikes and near misses committed to for DFO 3.5 NEW could be incorporated in this T&C.
ECCC:	ECCC recommends that the objective be revised to include “marine birds”, similar to proposed revisions to the Term and Condition (i.e. “seabirds”). ECCC recommends that, if No. 108 is to be removed, that an element requiring data analysis be added to No. 106. ECCC suggests wording of the first sentence be: “The proponent shall deliver a shipboard observer program to quantify possible interactions between ships and marine mammals and birds”. ECCC also suggests adding: “Onboard marine bird survey data collection will follow the established protocols of the Environment and Climate Change Canada at-sea sea bird monitoring program and data will be provided to the national ECCC marine database.” as Baffinland is doing this already.
Parks:	Support DFO’s and ECCC’s comments

Commented [Author13]: GENERAL COMMENT:
ECCC notes different terminology used throughout TCs to describe marine VECs. Birds (e.g. “seabirds”, “seabirds and seaducks”, “marine bird”). Similarly, “marine wildlife” and “marine mammals” are used interchangeably in the terms and conditions. Consistent use of these terms and providing a description of the terminology would provide more clarity to the term and conditions of the Project Certificate. Interpretation may differ between the scientific/regulatory communities and the Proponent/NIRB for the purpose of implementing these term and conditions.

Project Certificate Condition No. 107	
Category	Marine Environment - Shipboard Observers
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To determine the presence of, and ensure that interactions with marine mammals, seabirds and seaducks are effectively monitored for, along the northern and southern shipping routes, as applicable.
Term or Condition	The Proponent shall revise the proposed “surveillance monitoring” to improve the likelihood of detecting strong marine mammal, seabird or seaduck responses occurring too far ahead of the ship to be detectable by observers aboard the ore carriers. A baseline study early in the shipping operations could employ additional surveillance to detect potential changes in distribution patterns and behavior. At an ambitious scope, this might be achieved using unmanned aircraft flown ahead of ships, or over known areas of importance for seabirds or haul-out sites in the case of walruses, in accordance with the requirements of their Special Flight Operations Certificate.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 107.
Baffinland Rationale:	Unmanned aerial vehicle (UAV) field tests were conducted in 2014 using DJI Phantom 2 rotary-wing UAVs. Limiting environmental conditions such as cold temperatures and high winds restricted the ability to fly the UAV ahead of the ship during at-sea transits and pose unnecessary safety risks to the vessel and crew, other vessels or small boats in the area, and aircrafts operating in the area.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO agrees with QIA, that other surveillance should be periodically investigated. Wording on the timing of these re-investigations could be proposed by BIM, and the re-investigation should be discussed at the MEWG.

Project Certificate Condition No. 108	
Category	Marine Environment - Shipboard Observers
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations
Objective	To ensure that interactions with marine mammals, seabirds, and seaducks are effectively monitored for along the southern and northern shipping routes, as applicable.
Term or Condition	The Proponent shall ensure that data produced by the surveillance monitoring program is analysed rigorously by experienced analysts (in addition to being discussed as proposed in the FEIS) to maximize their effectiveness in providing baseline information, and for detecting potential effects of the project on marine mammals, seabirds and seaducks in the Regional Study Area. It is expected that data from the long-term monitoring program be treated with the same rigor.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 108
Baffinland Rationale:	See suggested revisions to PC Condition No. 106.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and conditions and the following department(s) have comments to provide:	
ECCC:	ECCC supports removing condition No. 108 with the ECCC's suggested additions to No. 106

Project Certificate Condition No. 109	
Category	Marine Environment - Ship Noise
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To prevent impacts to marine mammals from Project shipping activities.
Term or Condition	The Proponent shall conduct a monitoring program to confirm the predictions in the FEIS with respect to disturbance effects from ships noise on the distribution and occurrence of marine mammals. The survey shall be designed to address effects during the shipping seasons, and include locations in Hudson Strait and Foxe Basin, Milne Inlet, Eclipse Sound and Pond Inlet. The survey shall continue over a sufficiently lengthy period to determine the extent to which habituation occurs for narwhal, beluga, bowhead and walrus.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 109
Baffinland Rationale:	See proposed revisions to PC No. 110, which incorporate aspects of term and condition for PC No. 109, eliminating current duplication between these PC Conditions.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 110	
Category	Marine Environment - Ship Noise
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction and Operations
Objective	To prevent impacts to marine mammals from Project shipping activities.
Term or Condition	The Proponent shall immediately develop a monitoring protocol that includes, but is not limited to, acoustical monitoring, to facilitate assessment of the potential short term, long term, and cumulative effects of vessel noise on marine mammals and marine mammal populations. The Proponent is expected to work with the Marine Environment Working Group to determine appropriate early warning indicator(s) that will ensure rapid identification of negative impacts along the southern and northern shipping routes.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	<div>The Proponent shall develop an acoustic monitoring program that allows for an assessment of the predictions in the FEIS and FEIS addendum (short and long term cumulative) of vessel noise on marine mammals. In consultation with the MEWG, the monitoring program shall be designed to assess against early warning indicators or thresholds that serve to determine if un-predicted impacts as a result of vessel noise are occurring.</div> <div>The monitoring program shall continue over a sufficiently lengthy period to determine the extent to which habituation occurs for narwhal, beluga, bowhead and walrus.</div> <div>A draft acoustic monitoring program shall be circulated to the MEWG within one year of the issuance of the amended Project Certificate No. 05which describes the frequency of monitoring with Autonomous Multichannel Acoustic Recorders.</div>
Baffinland Rationale:	PC Condition has been modified to incorporate components of PC Conditions Nos. 109, 111 and 112, thereby eliminating duplicative reporting requirements.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually.
Baffinland Rationale:	The results of the acoustic monitoring program will be reported in the Annual Report to NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends this should specify that this is for both the Northern Shipping Route and Southern Shipping Route.
Parks:	Supports DFO's comments

Commented [Author14]: These changes were made to respond to DFO Final Written Submission review comment number 3.3.3 "Acoustic Modelling & Disturbances", to include a clear deadline for when Baffinland should have a draft that includes the frequency of monitoring with AMAR's for the long term acoustic monitoring program submitted to the MEWG for review.

3.3.3 NEW: DFO recommends Baffinland commit to collect data with Autonomous Multichannel Acoustic Recorders (AMARs) at an appropriate frequency (e.g. yearly) and develop a long term monitoring plan, which is provided to MEWG members and approved by DFO, prior to the start of the Phase 2 increased shipping season.

Project Certificate Condition No. 111	
Category	Marine Environment - Ship Noise
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction and Operations
Objective	To prevent impacts to marine mammals from Project shipping activities.
Term or Condition	The Proponent shall develop clear thresholds for determining if negative impacts as a result of vessel noise are occurring. Mitigation and adaptive management practices shall be developed to restrict negative impacts as a result of vessel noise. This shall include, but not be limited to: <div>a) Identifications of zones where cumulative noise could be mitigated due to biophysical features (e.g., water depth, distance from migration routes, distance from overwintering areas etc.)</div> <div>b) Vessel transit planning, for all seasons, to determine the degree to which cumulative sound impacts can be mitigated through the seasonal use of different zones.</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 111
Baffinland Rationale:	See proposed revisions to PC No. 110, which incorporate aspects of term and condition for PC No. 111, eliminating current duplication between these PC Conditions.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends considering incorporating the adaptive management practices into T&C 110.
Parks:	Supports DFO's comments

Project Certificate Condition No. 112	
Category	Marine Environment - Ship Noise
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction and Operations
Objective	To prevent impacts to marine mammals from Project shipping activities.
Term or Condition	<p>Prior to commercial shipping of iron ore, the Proponent, in conjunction with the Marine Environment Working Group, shall develop a monitoring protocol that includes, but is not limited to, acoustical monitoring that provides an assessment of the negative effects (short and long term cumulative) of vessel noise on marine mammals. Monitoring protocols will need to carefully consider the early warning indicator(s) that will be best examined to ensure rapid identification of negative impacts. Thresholds shall be developed to determine if negative impacts as a result of vessel noise are occurring. Mitigation and adaptive management practices shall be developed to restrict negative impacts as a result of vessel noise. This shall include, but not be limited to:</p> <ul style="list-style-type: none">a) Identification of zones where noise could be mitigated due to biophysical features (e.g., water depth, distance from migration routes, distance from overwintering areas etc.)b) Vessel transit planning, for all seasons <p>A monitoring and mitigation plan is to be developed, and approved by Fisheries and Oceans Canada prior to the commencement of blasting in marine areas</p>
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 112
Baffinland Rationale:	See proposed revisions to PC No. 110, which incorporate aspects of term and condition for PC No. 112, eliminating current duplication between these PC Conditions.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	Reiterate comment for T+C 111.
Parks:	Supports DFO's comments

Project Certificate Condition No. 113	
Category	Marine Environment - Arctic Char
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine fish in Steensby Inlet and Milne Inlet
Term or Condition	The Proponent shall conduct monitoring of marine fish and fish habitat, which includes but is not limited to, monitoring for Arctic Char stock size and health condition in Steensby Inlet and Milne Inlet, as recommended by the Marine Environment Working Group
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 114	
Category	Marine Environment - Arctic Char
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine fish in Steensby Inlet and Milne Inlet.
Term or Condition	In the event of the development of a commercial fishery in the Steensby Inlet area or Milne Inlet-Eclipse Sound areas, the Proponent, in conjunction with the Marine Environment Working Group, shall update its monitoring program for marine fish and fish habitat to ensure that the ability to identify Arctic Char stock(s) potentially affected by Project activities and monitor for changes in stock size and structure of affected stocks and fish health (condition, taste) is maintained to address any additional monitoring issues identified by the MEWG relating to the commercial fishery.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide	

Project Certificate Condition No. 115	
Category	Marine Environment - Arctic Char
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To prevent impacts to marine fish in Steensby Inlet and Milne Inlet.
Term or Condition	The Proponent is encouraged to continue to explore off-setting options in both the freshwater and marine environment to offset the serious harm to fish which will result from the construction and infrastructure associated with the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Fisheries and Oceans Canada (DFO), Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 115.
Baffinland Rationale:	Any in-water works required for the Project would be conducted in accordance with DFO guidance and requirements established in Fisheries Act Authorizations necessitated by Project activities which includes determination of off-setting options and consultation with Inuit.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO agrees with the rational for the removal of this condition and this is included in Fisheries Act authorizations.

Project Certificate Condition No. 116	
Category	Marine Environment - Blasting
Responsible Parties	The Proponent, Fisheries and Oceans Canada
Project Phase(s)	Construction
Objective	To prevent impacts to marine fish and fish habitat from explosives.
Term or Condition	Prior to construction, the Proponent shall develop mitigation measures to minimize the effects of blasting on marine fish and fish habitat, marine water quality and wildlife that includes, but is not limited to compliance with the Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (Wright and Hopky 1998) as modified by Fisheries and Oceans Canada for use in the North and as revised from time to time.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall engage with Fisheries and Oceans Canada to develop project specific thresholds, mitigation and monitoring for any blasting activities 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> .
Baffinland Rationale:	Revision provides certainty that for all relevant activities, specific thresholds, mitigations and monitoring for any blasting activities would exceed regulatory guidance.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO has no comments on the proposed wording by BIM. However, DFO notes that it is possible that the 1998 guidelines might not apply on various site, and that would be decided based on site-specific conditions at DFOs discretion. DFO also agrees that an amalgamation with freshwater T&C related to blasting could be useful to avoid duplication.

Project Certificate Condition No. 117	
Category	Marine Environment - Blasting
Responsible Parties	The Proponent, Fisheries and Oceans Canada
Project Phase(s)	Construction
Objective	To prevent impacts to marine fish and fish habitat from explosives.
Term or Condition	The Proponent shall ensure that blasting in, and near, marine water shall only occur during periods of open water. Blasting in, and near, fish-bearing freshwaters shall, to the greatest degree possible, only occur in open water. If blasting is required during ice-covered periods, it must meet requirements established by Fisheries and Oceans Canada.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Fisheries and Oceans Canada (DFO), Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 117.
Baffinland Rationale:	See proposed Revision to PC Condition No. 116.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO agrees with the rational for the removal of this condition and this is included in Fisheries Act authorizations and can be included in any required Fisheries Act Authorizations.

Project Certificate Condition No. 118	
Category	Marine Environment - Blasting
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To prevent impacts to marine fish and fish habitat from explosives.
Term or Condition	The Proponent shall incorporate into the appropriate mitigation plan prior to construction, thresholds for the use of specific mitigation measures meant to prevent or limit marine wildlife disturbance, such as bubble curtains for blasting, and nitrate removal.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 118.
Baffinland Rationale:	See Proposed Revision to PC Condition No. 166.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends clarification if the rationale refers to T&C 116 and not 166. Seems to be represented there. If represented in 116, could be removed.
Parks:	Supports DFO's comments

Project Certificate Condition No. 119	
Category	Marine Environment - Ringed Seals
Responsible Parties	The Proponent, Marine Environment Working Group
Project Phase(s)	Construction
Objective	To prevent impacts to ringed seals from icebreaking associated with Project shipping.
Term or Condition	The Proponent shall, in conjunction with the Marine Environment Working Group, monitor ringed seal birth lair abundance and distribution for at least two years prior to the start of icebreaking to develop a baseline, with continued monitoring over the life of the project as necessary to test the accuracy of the impact predictions and determine if mitigation is needed. Monitoring shall also include a control site outside of the Project's zone of influence.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	<p>The Proponent shall, in conjunction with the Marine Environment Working Group, monitor ringed seal birth lair abundance and distribution for at least two years prior to the start of winter shipping associated with the Southern shipping route, with continued monitoring over the life of the project as necessary to test the accuracy of the impact predictions and determine if mitigation is needed. Monitoring shall also include a control site outside of the Project's zone of influence.</p> <p>The Proponent shall develop a ringed seal monitoring plan for the Northern shipping route that incorporates Inuit perspectives into the design, planning and implementation phases.</p> <p>The Proponent shall, in conjunction with the QIA and Impacted Communities, develop a ringed seal monitoring plan that incorporates Inuit perspectives into the design, planning and implementation phases. The plan shall include Inuit OITRs for ringed seal, which will include low, moderate and high risk thresholds and responses which will be incorporated into the adaptive management plan for the Marine Monitoring Plan.</p>
Baffinland Rationale:	Seasonal shipping through the Northern Shipping Route does not overlap with seal parturition, pupping or nursing periods. However, this commitment was made by the Proponent to resolve QIA-04.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Commented [Author15]: See BIMC Commitment No. 225 (Commitment List filed 4/8/2021)

Project Certificate Condition No. 120	
Category	Marine Environment - Marine Mammal Interactions
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine mammals associated with Project shipping.
Term or Condition	The Proponent shall ensure that, subject to vessel and human safety considerations, all project shipping adhere to the following mitigation procedures while in the vicinity of marine mammals: <div>a) Wildlife will be given right of way</div> <div>b) Ships will when possible, maintain a straight course and constant speed, avoiding erratic behavior</div> <div>c) When marine mammals appear to be trapped or disturbed by vessel movements, the vessel will implement appropriate measures to mitigate disturbance, including stoppage of movement until wildlife have moved away from the immediate area.</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environmental Working Group (MEWG)
Revision:	
Baffinland Proposed Revision:	No change.
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that Baffinland's voluntary 9 knot speed restriction be referenced within this T&C.
Parks	Supports DFO

Project Certificate Condition No. 121	
Category	Marine Environment - Marine Mammal Interactions
Responsible Parties	The Proponent, Fisheries and Oceans Canada, Environment Canada
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine mammals and seabird colonies associated with Project shipping.
Term or Condition	<div>The Proponent shall immediately report any accidental contact by project vessels with marine mammals or seabird colonies to Fisheries and Oceans Canada and Environment Canada, respectively, by notifying the appropriate regional office of the:<ul style="list-style-type: none">Date, time and location of the incident;Species of marine mammal or seabird involved;Circumstances of the incident;Weather and sea conditions at the time;Observed state of the marine mammal or sea bird colony after the incident; and,<ul style="list-style-type: none">Direction of travel of the marine mammal after the incident, to the extent that it can be determined.</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG), Fisheries and Oceans Canada (DFO), Environment and Climate Change Canada (ECCC)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall immediately report any accidental contact by project vessels with marine mammals or seabird colonies to regulatory authorities in accordance with legislation. The Proponent shall summarize and report annually to the NIRB regarding accidental contact by project vessels with marine mammals or seabird colonies in the Annual Report to NIRB.
Baffinland Rationale:	Revisions serve to combine PC Condition No. 121 and 122 and reflect prescriptive reporting requirements already outlined in relevant legislation.
Revision:	
Baffinland Proposed Revision:	Annually
Baffinland Rationale:	Any accidental contacts will be summarized and reported in the Annual Report to the NIRB. No Change
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that the specific information requirements carried into the revised T+C.
ECCC:	ECCC supports the revisions, but recommends changing the category to Marine Environment – Marine Mammal and Marine Bird Interactions to better reflect the scope of the term and condition.
Parks:	Parks supports ECCC and DFO

Project Certificate Condition No. 122	
Category	Marine Environment - Marine Mammal Interactions
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine mammals and seabird colonies associated with Project shipping.
Term or Condition	The Proponent shall summarize and report annually to the NIRB regarding accidental contact by project vessels with marine mammals or seabird colonies through the applicable monitoring report.
Reporting Requirement	To be provided in the Annual Report to the NIRB.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 122.
Baffinland Rationale:	See proposed changes to PC Condition No. 121.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO supports this revision.
ECCC:	ECCC supports removal of No 122 with the proposed revisions to 121.

Project Certificate Condition No. 123	
Category	Marine Environment - Marine Mammal Interactions
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine mammals and seabird colonies associated with Project shipping.
Term or Condition	The Proponent shall provide sufficient marine mammal observer coverage on project vessels to ensure that collisions with marine mammals and seabird colonies are observed and reported through the life of the Project. The marine wildlife observer protocol shall include, but not be limited to, protocols for marine mammals, seabirds, and environmental conditions and immediate reporting of significant observations to the ship masters of other vessels along the shipping route, as part of the adaptive management program to address any items that require immediate action.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 123.
Baffinland Rationale:	The intent of PC Condition 123 duplicates objectives and reporting requirements associated with PC Conditions 106 and 121. See proposed revisions to PC Condition No. 106 and 121.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that the first sentence of the original T&C be incorporated into T&C 106 or 121, to specifically mention that this needs to be done throughout the life of the project. This is not explicitly stated in T+C 106 or 121.
ECCC:	ECCC recommends changing the category to Marine Environment – Marine Mammal and Marine Bird Interactions to better reflect the scope of the term and condition.
Parks:	Supports DFO's and ECCC's comments

Project Certificate Condition No. 124	
Category	Marine Environment - Marine Mammal Interactions
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To prevent impacts to marine mammals and marine fish populations from increased harvesting pressures in Project areas.
Term or Condition	The Proponent shall prohibit project employees from recreational boating, fishing, and harvesting of marine wildlife in project areas, including Steensby Inlet and Milne Inlet. The Proponent is not directed to interfere with harvesting by the public in or near project areas, however, enforcement of a general prohibition on harvesting in project areas by project employees during periods of active employment (i.e. while on site and between work shifts) is required.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Fisheries and Oceans Canada (DFO), Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Qikiqtani Inuit Association (QIA), Terrestrial Environment Working Group (TEWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall prohibit non-Inuit Project employees from recreational boating, fishing and harvesting of marine wildlife in Project areas, including Steensby Inlet and Milne Inlet.
Baffinland Rationale:	As described in Article 11.4 of the IIBA, “Inuit employees shall be permitted access during their leisure hours, subject to Company policies, to all Project Areas for the purpose of any form of harvesting...in conformity with Subsection 5.7.17 (b) of the NLCA...”.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually
Baffinland Rationale:	Baffinland will provide a summary of Inuit employee use of Project areas for the purpose of harvesting during their leisure hours in their Annual Report to the NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide	

Project Certificate Condition No. 125	
Category	Marine Environment - Public Engagement
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To assess acceptability of acoustic deterrent devices for the general public.
Term or Condition	Prior to use of acoustic deterrent devices, the Proponent shall carry out consultations with communities along the shipping routes and nearest to Steensby Inlet and Milne Inlet ports to assess the acceptability of these devices. Feedback received from community consultations shall be incorporated into the appropriate mitigation plan.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 125(a)	
Category	Marine Environment - Public Engagement
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure public acceptability of project vessel anchor sites and reduce potential conflicts between project marine shipping and local harvesting.
Term or Condition	The Proponent shall consult with potentially-affected communities and groups, particularly Hunters' and Trappers' Organizations regarding the identification of project vessel anchor sites and potential areas of temporary refuge for project vessels along the shipping routes within the Nunavut Settlement Area. Feedback received from community consultations shall be incorporated into the most appropriate mitigation or management plans.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group
Revision (Term or Condition – Addition)	
Baffinland Proposed Revision:	Add "Where it is not practicable or feasible to implement community preferred anchorage sites, the Proponent shall identify such areas of disagreement to the NIRB and provide written rationale."
Baffinland Rationale:	
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 126	
Category	Marine Environment - Public Engagement
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To incorporate local input into monitoring data collection.
Term or Condition	The Proponent shall design monitoring programs to ensure that local users of the marine area in communities along the shipping route have opportunity to be engaged throughout the life of the Project in assisting with monitoring and evaluating potential project-induced impacts and changes in marine mammal distributions.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 126.
Baffinland Rationale:	This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition No. 163 and 164.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that further change is required to house this under T&C 163 and 164 as currently these T&Cs don't address Inuit involvement in monitoring. With this inclusion, DFO supports the proposed removal.
Parks:	Support DFO

Project Certificate Condition No. 127	
Category	Marine Environment - Public Engagement
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To promote public awareness and engagement with Project shipping activities.
Term or Condition	The Proponent shall ensure that communities and groups in Nunavik are kept informed of Project shipping activities and are provided with opportunity to participate in the continued development and refinement of shipping related monitoring and mitigation plans.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Mittimatilik Hunter and Trappers Organization, Marine Environment Working Group (MEWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 127.
Baffinland Rationale:	This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition No. 163 and 164.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
TC:	No. 163 speaks to communication with North Baffin Communities only.

Project Certificate Condition No. 128	
Category	Marine Environment - Public Engagement
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure/Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure habitat compensation is acceptable to local communities.
Term or Condition	The Proponent shall consult with local communities as fish habitat off-setting options are being considered and demonstrate its incorporation of input received into the design of the Fish Habitat Off-Setting Plan required to offset the Harmful Alteration, Disruption or Destruction of Fish and Fish Habitat (HADD).
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Fisheries and Oceans Canada, Mittimatalik Hunter and Trapper Organization, Pisiksik Working Group
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 128.
Baffinland Rationale:	See revision to PC Condition No. 115
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO agrees with the rational for the removal of this condition and confirms this is required for any future Fisheries Act Authorization

Project Certificate Condition No. 129	
Category	Population Demographics - Qikiqtaaluk Socio-Economic Monitoring Committee
Responsible Parties	The Proponent, members of the QSEMC
Project Phase(s)	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 Qikiqtaaluk Socio-Economic Monitoring Committee.
Term or Condition	The Proponent is strongly encouraged to engage in the work of the Qikiqtaaluk Socio-Economic Monitoring Committee along with other agencies and affected communities, and it should endeavour to identify areas of mutual interest and priorities for inclusion into a collaborative monitoring framework that includes socio-economic priorities related to the Project, communities, and the North Baffin region as a whole.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide	

Project Certificate Condition No. 130	
Category	Population Demographics - Project-specific monitoring
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	Recognizing that some Project-specific socio-economic monitoring initiatives may be best addressed in smaller more focused working groups, this is encouraged where possible.
Term or Condition	The Proponent should consider establishing and coordinating with smaller socio-economic working groups to meet Project specific monitoring requirements throughout the life of the Project.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 131	
Category	Population Demographics - Monitoring demographic changes
Responsible Parties	The Proponent, members of the QSEMC
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To monitor demographic changes affecting the North Baffin communities and the territory as a whole in order to understand changes and to evaluate the Proponent's predictions as related to population demographics.
Term or Condition	The Qikiqtaaluk Socio-Economic Monitoring Committee is encouraged to engage in the monitoring of demographic changes including the movement of people into and out of the North Baffin communities and the territory as a whole. This information may be used in conjunction with monitoring data obtained by the Proponent from recent hires and/or out-going employees in order to assess the potential effect the Project has on migration.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Category + Objective + Term or Condition)	
Baffinland Proposed Revision:	<p>Category: Population Demographics – Monitoring of socio-economic indicators</p> <p>Objective: To monitor a broad range of socio-economic indicators that may be affected by the Project</p> <p>Term or Condition: The Proponent is encouraged to work with the Qikiqtaaluk Socio-Economic Monitoring Committee and the Mary River Socio-Economic Monitoring Working Group to monitor the following socio-economic indicators that may be affected by the Project:</p> <ul style="list-style-type: none">a) Demographic changes, including the movement of people into and out of the North Baffin communities and the territory as a whole to assess the potential effect the Project has on migration.b) The number of Inuit and non-Inuit employees hired from each of the North Baffin communities, the Kitikmeot and Kivalliq regions, and other provinces/territories, specifying the number from eachc) The number of non-Canadian foreign employees hired, specifying the locations and number from each foreign point of hire.d) The level of education obtained by new employees and whether they resigned from a previous job placement or educational institution in order to take up employment with the Project.e) Barriers to employment for women, specifically with respect to childcare availability and costs.f) Project harvesting interactions and food security, which includes broad indicators of dietary habits.g) Subject to availability through the Nunavut Bureau of Statistics, the prevalence of substance abuse, gambling issues, family violence, marital problems, rates of sexually transmitted infections and other communicable diseases, rates of teenage pregnancy, high school completion rates, and others as deemed appropriateh) Pressures on existing services and costs to the health and social services provided by the Government of Nunavut as such may be impacted by Project-related in-migration of employees, to both the North Baffin region in general, and to the City of Iqaluit in particular.i) Increased Project- related pressures to community infrastructure in the Local Study Area communities, and to airport infrastructure in all point-of-hire communities and in Iqaluit.j) Regional and cumulative economic effects (positive and negative) associated with the Project and any proposed mitigation measures being considered necessary to mitigate the negative effects identified.
Baffinland Rationale:	This merges together the suggested requirements of 10 separate socio-economic monitoring related Terms and Conditions, including 131, 134, 140, 145, 148, 154, 158, 159, 168, 169. The substance of each previous Term and Condition remains and the composition of the annual Socio-Economic Monitoring Report will not change, however, for compliance tracking purposes this is preferred. Reported annually through the Socio-Economic Monitoring Report
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	<p>CIRNAC has reviewed the proposed changes to this term and condition and has not identified any concerns at the present time. It appears that the requirements associated with 10 applicable terms and conditions would continue to apply.</p> <p>For Item g), CIRNAC notes that the Nunavut Bureau of Statistics may not be the only source of public data for all of the presented socio-economic indicators. Baffinland may wish to consider other information sources such as the RCMP for criminal related matters and the Government of Nunavut’s Department of Health for available health and wellness information.</p>

Project Certificate Condition No. 132	
Category	Population Demographics - Training programs
Responsible Parties	The Proponent, North Baffin Hamlets, Municipal Training Organization, Government of Nunavut
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To develop training programs in ways which contribute to limiting the potential for migration to occur as North Baffin residents seek training and employment opportunities in the larger centre of Iqaluit.
Term or Condition	The Proponent is encouraged to partner with other agencies such as Hamlet organizations in the North Baffin region, the Municipal Training Organization, and the Government of Nunavut in order to adapt pre-existing, or to develop new programs which encourage Inuit to continue living in their home communities while seeking ongoing and progressive training and development. Programs may include driver training programs offered within Hamlets, providing upgraded equipment to communities for use in municipal works, providing incentives for small businesses to remain operating out of their community of origin, or supplementing existing recreational facilities and programming in North Baffin communities.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 133	
Category	Population Demographics - Monitoring demographic changes
Responsible Parties	The Proponent, members of QSEMC, Government of Nunavut, Nunavut Housing Corporation
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	Training programs may be developed with the goal of limiting the potential for migration to occur as North Baffin residents may choose to seek employment and therefore move from smaller North Baffin communities to the larger centre of Iqaluit
Term or Condition	The Proponent is encouraged to work with the Qikiqtaaluk Socio-Economic Monitoring Committee and in collaboration with the Government of Nunavut's Department of Health and Social Services, the Nunavut Housing Corporation and other relevant stakeholders, design and implement a voluntary survey to be completed by its employees on an annual basis in order to identify changes of address, housing status (i.e. public/social, privately owned/rented, government, etc.), and migration intentions while respecting confidentiality of all persons involved. The survey should be designed in collaboration with the Government of Nunavut's Department of Health and Social Services, the Nunavut Housing Corporation and other relevant stakeholders. Non-confidential results of the survey are to be reported to the Government of Nunavut and the NIRB.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent is encouraged to work with the Qikiqtaaluk Socio-Economic Monitoring Committee and in collaboration with the Government of Nunavut's Department of Health, the Nunavut Housing Corporation and other relevant stakeholders, design and implement a voluntary survey to be completed by its employees on an annual basis in order to identify changes of address, housing status (i.e. public/social, privately owned/rented, government, etc.), and migration intentions while respecting confidentiality of all persons involved. The survey should be designed in collaboration with the Government of Nunavut's Department of Health, the Nunavut Housing Corporation and other relevant stakeholders. Non-confidential results of the survey are to be reported to the Government of Nunavut and the NIRB.
Baffinland Rationale:	The Department of Health and Social Services is now the Department of Health.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 134	
Category	Population Demographics - Employee origin
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	Project-specific information regarding employee origin is important to comparing predictions of labour availability and employment opportunities with actual levels of employment from various demographic segments over different geographic areas.
Term or Condition	The Proponent shall include with its annual reporting to the NIRB a summation of employee origin information as follows: <div>a) The number of Inuit and non-Inuit employees hired from each of the North Baffin communities, specifying the number from each</div> <div>b) The number of Inuit and non-Inuit employees hired from each of the Kitikmeot and Kivalliq regions, specifying the number from each</div> <div>c) The number of Inuit and non-Inuit employees hired from a southern location or other province/territory outside of Nunavut, specifying the locations and the number from each</div> <div>d) The number of non-Canadian foreign employees hired, specifying the locations and number from each foreign point of hire.</div>
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 134.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide.	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and has not identified any concerns at the present time This T&C appears to be addressed in proposed revisions to T&C 131 b) and c).

Project Certificate Condition No. 135	
Category	Education and Training - Employee work/study programs
Responsible Parties	The Proponent, Qikiqtani Inuit Association
Project Phase(s)	Construction and Operations
Objective	Recognizing the 12-hour work days inherent with work at the Project site, it is not clear how employees would successfully engage in a work/study program offered by the Proponent.
Term or Condition	The Proponent is encouraged to consider offering additional options for work/study programs available to Project employees (in addition to study programs at project sites that would be offered to employees when off-shift).
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed this term and condition and currently have no comments to provide.	

Project Certificate Condition No. 136	
Category	Education and Training - Transferable skills and training
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Government of Nunavut, Municipal Training Organization
Project Phase(s)	Construction and Operations
Objective	Offering training which results in certifications that are valid for employment at more than one site or in different fields provides an investment in the long-term employability of Nunavummiut.
Term or Condition	The Proponent is encouraged to work with training organizations and/or government departments offering mine-related or other training in order to provide additional opportunities for employees to gain meaningful and transferable skills, credentials and certifications especially where such training of employees offered by the Proponent remains valid only at the Mary River Project sites.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 137	
Category	Education and Training - Transferable skills and training
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	Offering training which results in certifications that are valid for employment at more than one site or in different fields provides an investment in the long-term employability of Nunavummiut.
Term or Condition	Prior to construction, the Proponent shall develop an easily referenced listing of formal certificates and licences that may be acquired via on-site training or training during employment at Mary River, such listing to indicate which of these certifications and licences would be transferable to a similar job site within Nunavut. This listing should be updated on an annual basis, and is to be provided to the NIRB upon completion and whenever it is revised.
Reporting Requirement	The initial listing should be provided to the NIRB at least 60 days prior to the start of construction, and annually thereafter or as may otherwise be required.
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 138	
Category	Education and Training - Inuit employee training
Responsible Parties	The Proponent, Qikiqtani Inuit Association (QIA)
Project Phase(s)	Construction
Objective	Working together with the QIA to prepare effective training programs developed specifically for Inuit will assist in employee preparedness and may improve employee retention
Term or Condition	The Proponent is encouraged to work with the QIA to ensure the timely development of effective Inuit training and work-ready programs
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC recommends that this Term and Condition also be applicable to the project's "Operations" phase.

Project Certificate Condition No. 139	
Category	Education and Training - Hiring southern Canadians and foreign employees
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	With the unknown availability of labour from the North Baffin region and Nunavut as a whole to provide employment to the Project, the need to employ southern Canadians or foreign workers may implicate the Proponent's on-site language, cross-cultural awareness, and other programming. Having information available regarding the sourcing of labour for the Project is important to ensuring the Proponent and others are prepared for any influx of southern or foreign employees.
Term or Condition	Prior to commencing construction, the Proponent is requested to undertake and provide the results of a detailed labour market analysis which provides quantitative predictions of the number of employees that may reasonably need to be sourced from southern Canada and from foreign markets, identifying where applicable, the country of origin for the foreign labour. Within 90 days of the issuance of the Project Certificate, the Proponent is required to submit an updated Labour Market Analysis which considers requirements of the ERP as well as hiring points within Nunavut and outside of the North Baffin region and RSA.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Mary River Socio-Economic Monitoring Working Group
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC No. 139 from the Project Certificate.
Baffinland Rationale:	This labour market analysis was completed and submitted following approval of the ERP and an updated analysis was submitted with the Phase 2 FEIS Addendum. A secondary labour market analysis is not required, unless significant changes to Project operations are considered. If this is contemplated, Baffinland will conduct supplementary baseline data collection to update the labour market analysis and share this information with the QSEMC and SEMWG as relevant.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and has not identified any concerns at the present time. Baffinland is required to submit revised Labour Market Analyses with Final Environmental Impact Statement Addendum proposals pursuant to NIRB guidelines. The existing T&C appears to be specific to the project's initial construction phase and may no longer be applicable.

Project Certificate Condition No. 140	
Category	Education and Training - Survey of Nunavummiut employees
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	Monitoring the number of employees who leave previous employment in their home communities or who leave some type of formal education in pursuit of employment with the Project is important to evaluate predictions made and the potential impacts to North Baffin communities and education rates.
Term or Condition	The Proponent is encouraged to survey Nunavummiut employees as they are hired and specifically note the level of education obtained and whether the incoming employee resigned from a previous job placement or educational institution in order to take up employment with the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 140.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 d).

Project Certificate Condition No. 141	
Category	Education and Training - Training of Inuit
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To ensure that effective training is available in a timely manner.
Term or Condition	The Proponent is encouraged to work with the Qikiqtani Inuit Association prior to construction in order to prioritize the provision of training of Inuit to serve as employees in monitoring or other such capacities.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 141.
Baffinland Rationale:	This PC Condition is duplicative of both the objectives and reporting requirements for PC Condition 138
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide	

Project Certificate Condition No. 142	
Category	Livelihood and Employment - Employee Cohesion
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To promote cohesion between employees on site, and between employees and their families.
Term or Condition	The Proponent is encouraged to address the potential direct and indirect effects that may result from Project employees' on-site use of various Inuktitut dialects as well as other spoken languages, specifically paying attention to the potential alienation of some employees that may occur as a result of language or other cultural barriers.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 143	
Category	Livelihood and Employment - Employee family contact
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To enable and foster connection and contact between employees and family members.
Term or Condition	The Proponent is encouraged to consider the use of both existing and innovative technologies (e.g. community radio station call-in shows, cell phones, video-conferencing, Skype, etc.) as a way to ensure Project employees are able to keep in contact with family and friends and to ward off the potential for feelings of homesickness and distance to impact on employee retention and family stability.
Reporting Requirement	As needed
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 144	
Category	Livelihood and Employment - Requirements for employment
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To ensure that the prerequisites and requirements for employment are clear and well known in work readiness programs.
Term or Condition	The Proponent is encouraged to make requirements for employment clear in its work-readiness and other public information programs and documentation, including but not limited to: education levels, criminal records checks, policies relating to drug and alcohol use and testing, and language abilities.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 145	
Category	Livelihood and Employment - Barriers to employment for women
Responsible Parties	The Proponent, Government of Nunavut, members of QSEMC
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To monitor and understand the existence of barriers to employment for women specifically relating to childcare availability and costs.
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut and the Qikiqtaaluk Socio-Economic Monitoring Committee to monitor the barriers to employment for women, specifically with respect to childcare availability and costs.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 145.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 e).

Project Certificate Condition No. 146	
Category	Livelihood and Employment - Availability of childcare for Project Employees
Responsible Parties	Government of Nunavut and Qikiqtani Inuit Association
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To lessen the barriers to employment as relating to the availability of childcare.
Term or Condition	The Government of Nunavut and the Qikiqtani Inuit Association are strongly encouraged to investigate the possibility for Project revenue streams to support initiatives or programs, which offset or subsidize childcare for Project employees.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision:	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 147	
Category	Livelihood and Employment - Affordability of housing
Responsible Parties	The Proponent, Government of Nunavut and Nunavut Housing Corporation
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To lessen the barriers to maintaining employment as relating to the availability and costs of housing.
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut and the Nunavut Housing Corporation to investigate options and incentives which might enable and provide incentive for employees living in social housing to maintain employment as well as to negotiate for and obtain manageable rental rates.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Government of Nunavut (Nunavut Housing Corporation; Community and Government Services; Economic Development and Transportation); Mary River Socio-Economic Monitoring Working Group (SEMWG); Qikiqtani Socio-economic Monitoring Committee (QSEMC)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 151 from the Project Certificate.
Baffinland Rationale:	The Government of Nunavut revised its Public Housing Rent Scale since the Project Certificate was first issued to create more incentive for renters to find gainful employment. Baffinland will continue to investigate this subject with the Government of Nunavut through its Memorandum of Understanding, but this should not be a condition of the Project Certificate.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 148	
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Food security
Responsible Parties	The Proponent, Members of the QSEMC
Project Phase(s)	Construction and Operations
Objective	To improve understanding of the interactions between the Project and Inuit harvesting and how this relates to food security for residents of the North Baffin.
Term or Condition	The Proponent is encouraged to undertake collaborative monitoring in conjunction with the Qikiqtaaluk Socio-Economic Monitoring Committee’s monitoring program which addresses Project harvesting interactions and food security and which includes broad indicators of dietary habits.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 148.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide.	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 f.

Project Certificate Condition No. 149	
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts of temporary closure
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To further the understanding of how a temporary closure may impact on the well-being of the residents and businesses of the North Baffin region.
Term or Condition	Prior to the commencement of operations, the Proponent is required to undertake an analysis of the risk of temporary mine closure, giving consideration to how communities in the North Baffin region may be affected by temporary and permanent closure of the mine, including economic, social and cultural effects and taking into consideration the potential drop in employment between the construction and operations phases of the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association (QIA), Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Category)	
Baffinland Proposed Revision:	Closure Planning
Baffinland Rationale:	Updated to reflect proposed changes for objective and term and condition of PC Condition No. 149
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction and Operations
Baffinland Rationale:	To ensure ongoing engagement regarding mitigations for managing effects of a temporary closure on Project employees and or businesses in the North Baffin region throughout the life of the Project
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall work with the QSEMC and SEMWG throughout the life of the Project to determine best practices for managing effects of temporary or permanent closure of the Project on communities in the North Baffin region.
Baffinland Rationale:	To ensure ongoing engagement regarding mitigations for managing effects of a temporary closure on Project employees and or businesses in the North Baffin region throughout the life of the Project
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annual updates on the efforts of the Working Group to be reported in the Annual Report to NIRB each year.
Baffinland Rationale:	Updated to reflect proposed establishment of Mine Closure Working Group.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	Ongoing collaboration with the Qikiqtaaluk Socio-Economic Monitoring Committee, the Socio-Economic Monitoring Working Group, and other stakeholders will strengthen plans to manage the effects of temporary or permanent project closure on communities in the North Baffin region. The recommended Reporting Requirement text does not specify which working group is applicable for the provision of annual updates. CIRNAC recommends that the Socio-Economic Monitoring Working Group be identified until the establishment of a Mine Closure Working Group with the support of interested parties.

Project Certificate Condition No. 150	
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Impacts to visitors of Sirmilik National Park
Responsible Parties	The Proponent, Parks Canada
Project Phase(s)	Construction and Operations
Objective	To limit potential of Project impacts upon visitors, researchers and/or beneficiary users of the Sirmilik National Park.
Term or Condition	<div>The Proponent will ensure the following:<div>a)The Proponent will maintain, where possible, a minimum flying altitude of 2,000 feet over the park, except for approaches to land, take-off or for safety reasons</div><div>b)The Proponent will ensure that certification of noise compliance is current, where compliance is applicable</div><div>c)For the purpose of briefing Park visitors, the Proponent will provide Parks Canada (1) prior to commencing the shipping season, with planned daily shipping schedules, and (2) annually, with air traffic information, and (3) to provide updates when significant variations from these are expected</div></div> <div>The Proponent is strongly encouraged to provide due consideration to wilderness experience during its operations in the open water season, especially during the month of August which is typically a time of high use by sea kayakers.</div>
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Parks Canada, Environment Climate Change Canada, Qikiqtani Inuit Association, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision (Category)	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 151	
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – Access to housing
Responsible Parties	The Proponent
Project Phase(s)	Construction and Operations
Objective	To investigate ways that economic development and self-reliance may improve access to housing by employees.
Term or Condition	The Proponent is encouraged to investigate measures and programs designed to assist Project employees with home ownership or access to affordable housing options.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 151 from the Project Certificate.
Baffinland Rationale:	Access to affordable housing in Nunavut is the responsibility of the Government of Nunavut and the Nunavut Housing Corporation
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 152	
Category	Economic Development and Self-Reliance, and Contracting and Business Opportunities – IIBA contract requirements
Responsible Parties	The Proponent, Qikiqtani Inuit Association
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To improve ability of small businesses to access Project contract and sub-contract opportunities.
Term or Condition	The Qikiqtani Inuit Association is encouraged to provide the Board and the Qikiqtaaluk Socio-Economic Monitoring Committee with information regarding the effectiveness of any provisions within the Inuit Impact and Benefit Agreement which may require that larger contracts be broken down into smaller size in order that they are reasonably managed by smaller businesses in the North Baffin region, while respecting any confidential or privileged information.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 153	
Category	Human Health and Well-Being - Employee and family health and well-being
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring
Objective	To provide adequate medical services on site, including those that contribute to the mental health and well-being of all employees.
Term or Condition	The Proponent is encouraged to employ a mental health professional to provide counselling to Inuit and non-Inuit employees in order to positively contribute toward employee health and well-being.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Objective)	
Baffinland Proposed Revision:	To support programs that contribute to the mental health and well-being of all employees and their families, as needed.
Baffinland Rationale:	
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent is encouraged to provide on-site and support off-site community programs that contribute to the mental health and well-being of all employees and their families as needed.
Baffinland Rationale:	Combines PC Condition No. 153 and 157.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 154	
Category	Human Health and Well-being - Indirect impacts to health and well-being
Responsible Parties	The Proponent, Government of Nunavut, members of the QSEMC
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To understand the indirect impacts of the Project upon health and well-being.
Term or Condition	The Proponent shall work with the Government of Nunavut and the Qikiqtaaluk Socio-Economic Monitoring Committee to monitor potential indirect effects of the Project, including indicators such as the prevalence of substance abuse, gambling issues, family violence, marital problems, rates of sexually transmitted infections and other communicable diseases, rates of teenage pregnancy, high school completion rates, and others as deemed appropriate.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Entire Condition)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 154.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide.	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 g).

Project Certificate Condition No. 155	
Category	Human Health and Well-being - Employee cohesion
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To encourage the on-site cohesion of employees through cultural-awareness and social programs.
Term or Condition	The Proponent is strongly encouraged to provide the NIRB with an updated report on its development of mitigation measures and plans to deal with potential cultural conflicts which may occur at site as these may become needed
Reporting Requirement	To be provided at least 60 days prior to the commencement of any construction activities
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction, Operations and Closure.
Baffinland Rationale:	Ongoing efforts to minimize potential cultural conflicts on site will remain throughout the life of the Project and will be updated as needed to reflect lessons learnt and implementation of enhanced efforts or practices.
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent is encouraged to implement measures to minimize potential cultural conflicts on site
Baffinland Rationale:	Ongoing efforts to minimize potential cultural conflicts on site will remain throughout the life of the Project and will be updated as needed to reflect lessons learnt and implementation of enhanced efforts or practices.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually
Baffinland Rationale:	A discussions of these efforts will be reported on each year in the Annual Report to NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 156	
Category	Human Health and Well-Being - Support Initiatives
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To assist with fostering well-being within point-of-hire communities
Term or Condition	The Proponent is encouraged to assist with the provision and/or support of recreation programs and opportunities within the potentially affected communities in order to mitigate potential impacts of employees' absences from home and community life
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Project Phase)	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 157	
Category	Human Health and Well-Being - Counseling and treatment programs
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To make available, necessary treatment and counseling services for employee and family well-being.
Term or Condition	The Proponent should consider providing counseling and access to treatment programs for substance and gambling addictions as well as which address domestic, parenting, and marital issues that affect employees and/or their families.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Project Phase)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 157.
Baffinland Rationale:	See Proposed Revisions to PC Condition No. 153.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 153.

Project Certificate Condition No. 158	
Category	Community Infrastructure and Public Services – Impacts to health services
Responsible Parties	The Proponent, Government of Nunavut
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To monitor indirect Project impacts to health and social services provided by the Government of Nunavut.
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut and other parties as deemed relevant in order to develop a Human Health Working Group which addresses and establishes monitoring functions relating to pressures upon existing services and costs to the health and social services provided by the Government of Nunavut as such may be impacted by Project-related in-migration of employees, to both the North Baffin region in general, and to the City of Iqaluit in particular.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Project Phase)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 158.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 h).

Project Certificate Condition No. 159	
Category	Community Infrastructure and Public Services – Impacts to infrastructure
Responsible Parties	The Proponent, Government of Nunavut
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To monitor Project-related impacts to infrastructure within the Local Study Area communities.
Term or Condition	The Proponent is encouraged to work with the Government of Nunavut to develop an effects monitoring program that captures increased Project- related pressures to community infrastructure in the Local Study Area communities, and to airport infrastructure in all point-of-hire communities and in Iqaluit.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision (Project Phase)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 159.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 i).

Project Certificate Condition No. 160	
Category	Community Infrastructure and Public Services – Distribution of benefits
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Government of Nunavut
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure the distribution of benefits is done in a way that off-sets Project-related impacts to infrastructure or services.
Term or Condition	The Government of Nunavut and the Qikiqtani Inuit Association are encouraged to cooperate to ensure in a broad sense, that Project benefits are distributed across impacted communities and across various demographic groups within these communities in a manner that best offsets any Project-related impacts to infrastructure or services.
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Qikiqtani Inuit Association (QIA) and Government of Nunavut (GN)
Revision (Project Phase)	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 161	
Category	Community Infrastructure and Public Services – Policing
Responsible Parties	The Proponent, Government of Nunavut, Royal Canadian Mounted Police
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure the territorial government and its policing service are adequately prepared to handle any Project-related increases to the need for service and associated impacts.
Term or Condition	The Government of Nunavut should be prepared for any potential increased need for policing, and ensure that the Royal Canadian Mounted Police is prepared to handle ongoing Project-related demographic changes and subsequent crime prevention that may be needed as a result of the development, operation, and closure of the Project.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Government of Nunavut (GN)
Revision (Project Phase)	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 162	
Category	Culture, Resources and Land Use - Public consultation
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure the ongoing and consistent involvement of Elders and community members in developing and revising monitoring and mitigation plans.
Term or Condition	The Proponent should make all reasonable efforts to engage Elders and community members of the North Baffin communities in order to have community level input into its monitoring programs and mitigative measures, to ensure that these programs and measures have been informed by traditional activities, cultural resources, and land use as such may be implicated or impacted by ongoing Project activities.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association (QIA), North Baffin Communities
Revision (Project Phase)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 162.
Baffinland Rationale:	Remove duplication between PC Condition No. 162 and 163 through edits to PC No. 163.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 163	
Category	Culture, Resources and Land Use - Public consultation
Responsible Parties	The Proponent, North Baffin communities
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To involve communities in the development and evolution of management and monitoring plans.
Term or Condition	The Proponent shall continue to engage and consult with the communities of the North Baffin region in order to ensure that Nunavummiut are kept informed about the Project activities, and more importantly, in order that the Proponent's management and monitoring plans continue to evolve in an informed manner.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	North Baffin Communities
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent shall continue to engage and consult with the communities of the North Baffin region in order to ensure that Nunavummiut are kept informed about the Project activities and to ensure that these programs and measures have been informed by traditional activities, cultural resources, and land use as such may be implicated or impacted by ongoing Project activities. During these consultations, it is recommended that the Proponent provide information including video, audio, and photographic representation as well as any other aids (e.g. models) that may enhance the general public's understanding of operations, as well as all safety considerations for members of the public who may be travelling around the project area.
Baffinland Rationale:	The intention of establishing ongoing engagement and consultation with the North Baffin communities is to ensure opportunities for two-way dialogue are maintained throughout the life of the Project, specifically with relation to the potential effects of the Project on traditional activities, cultural resources and land use. The term and condition description has also been updated to incorporate recommendations outlined in PC Condition No. 15 to minimize duplicative reporting requirements.
Revision (Stakeholder Review)	
Baffinland Proposed Revision:	North Baffin Communities and the QIA
Baffinland Rationale:	It is understood by the Proponent that consultation with the QIA on Project monitoring is representative of the interests and concerns of the Inuit communities it acts as the Designated Inuit Organization.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	See comments for T+C 126 regarding monitoring – would/could be better incorporated here

Project Certificate Condition No. 164	
Category	Socio-Economic Impacts – Shipping notification
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	In order to inform members of North Baffin communities of planned Project shipping transits such that community members' planned travel routing may be adjusted to avoid interaction with Project ships and/or ship tracks.
Term or Condition	The Proponent is required to provide notification to communities regarding scheduled ship transits throughout the regional study area including Eclipse Sound and Milne Inlet, real-time data regarding ships in transit and any changes to the proposed shipping schedule to the MEWG and agencies within Pond Inlet on a weekly basis during open water shipping, and to the RSA communities on a monthly basis.
Reporting Requirement	The information required shall be provided on a monthly basis at a minimum or more often as the Proponent determines necessary and is to be provided to the Proponent's community liaison officers and those of the Qikiqtani Inuit Association as well as the Hunters and Trappers Organizations and Hamlet organizations of the North Baffin communities, Coral Harbour, and the NIRB's Monitoring Officer. Where deviations from the proposed schedule or routing are required, this information shall be provided as soon as possible.
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Add to Reporting Requirement: "The Proponent must report to NIRB any issues identified by North Baffin community members and/or community organizations with respect to potential inference of shipping activity with Inuit sea ice use, and any steps taken by the Proponent in response."
Baffinland Rationale:	To reflect resolution of QIA-47 and QIA-48.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 165	
Category	Socio-Economic Impacts - Emergency shelters
Responsible Parties	The Proponent, Elders and community members of the North Baffin communities
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	In order to provide for human safety precautions in the event of adverse weather or other emergency situations along segments of linear transportation infrastructure.
Term or Condition	The Proponent is strongly encouraged to provide buildings along the rail line and Milne Inlet Tote Road for emergency shelter purposes, and shall make these available for all employees and any land users travelling through the Project area. In the event that these buildings cannot, for safety or other reasons be open to the public, the Proponent is encouraged to set up another form of emergency shelters (e.g. seacans outfitted for survival purposes) every 1 kilometre along the rail line and Milne Inlet Tote Road. These shelters must be placed along Tote Road and rail routing prior to operation of either piece of infrastructure, and must be maintained for the duration of project activities, including the closure phase.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction, Operations, Closure.
Baffinland Rationale:	It is not reasonable to expect the Proponent to maintain emergency shelters if the Project site is not active. It would place an undue burden on resources where there is no Project effect this term and condition is intended to mitigate.
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Proponent is strongly encouraged to provide buildings along the rail line and Milne Inlet Tote Road for emergency shelter purposes, and shall make these available for all employees and any land users travelling through the Project area. In the event that these buildings cannot, for safety or other reasons be open to the public, the Proponent is encouraged to set up another form of emergency shelters (e.g. seacans outfitted for survival purposes) along the rail line and Milne Inlet Tote Road. These shelters should be placed along the Milne Inlet Tote Road and rail routing prior to operation of either piece of infrastructure, and must be maintained for the duration of project activities, including the closure phase.
Baffinland Rationale:	During active phases of the Project (i.e. construction, operations and closure), the frequency of Project personnel travelling along the Tote Road or Rail Line is frequent enough (i.e. multiple transits per day, 24 hours per day) that access to emergency services for land users interacting with the Project site is mitigated through other avenues. Therefore, establishing refuge stations every 1 km is not needed and would result in unnecessary disturbance to the land surrounding Project infrastructure.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC recommends that Baffinland work with the MHTO and QIA to determine the locations where emergency shelters will be placed.

Project Certificate Condition No. 166(a) and (b)	
Category	Socio-Economic Impacts - Public Consultation
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To ensure members of the public are able to access shipping information on an as-required basis in order to inform potential users of the scheduled Project activities, which could require deviations to land users' schedules or routing.
Term or Condition	(a) The Proponent should ensure through its consultation efforts and public awareness campaigns that the public have access to shipping operations personnel for transits into and out of both Steensby Inlet port and Milne Inlet port either via telephone or internet contact, in order that any questions regarding ice conditions or ship movements that could assist ice users in preparing for travel may be answered by Project staff in a timely fashion.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Socio-Economic Impacts - Public Consultation
Revision (Objective)	
Baffinland Proposed Revision:	Add "and to be more generally informed about potential human health and ecological risks relating to the Project."
Baffinland Rationale:	N/A
Revision (Term or Condition)	
Baffinland Proposed Revision:	(a) The Proponent is strongly encouraged to establish a communications protocol with nearby land-users to ensure that questions regarding ice conditions or ship movements to could assist users in preparing for travel may be answered by Project personnel in a timely fashion. (b) The Proponent is strongly encouraged to develop a risk communication strategy in consultation with the with QIA and the Inuit Committee focused on gathering from and dissemination of information to Inuit related to human health and ecological risk assessment topics. The strategy should focus on building capacity within community groups to understand the mining process, elements of the mining process and how substances produced from the mining process move in the environment.
Baffinland Rationale:	This requirement supports the objective of PC Condition No. 166, but is more pragmatic for management of daily operations during the shipping season. See also requirements of PC Condition No. 164. Address and resolves QIA-08.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that 'Strongly encouraged' be changed to 'shall'
HC	Health Canada supports Department of Fisheries and Oceans on this.

Project Certificate Condition No. 167	
Category	Benefits, Royalty and Taxation – Partnership Agreements
Responsible Parties	The Proponent, Government of Nunavut
Project Phase(s)	Construction
Objective	The Proponent and the Government of Nunavut develop a formalized partnership agreement.
Term or Condition	The Proponent and the Government of Nunavut are strongly encouraged to, as soon as practical following the issuance of the Project Certificate, enter into discussions to negotiate a Development Partnership Agreement.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 167 from the Project Certificate.
Baffinland Rationale:	The Government of Nunavut’s Development Partnership Agreement Policy expired in 2016 and was not renewed.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 168	
Category	Governance and Leadership - Monitoring program
Responsible Parties	The Proponent, members of the QSEMC
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	Outline variables that are relevant to the Project and which should be adopted by the QSEMC's monitoring program
Term or Condition	The specific socioeconomic variables as set out in Section 8 of the Board's Report, including data regarding population movement into and out of the North Baffin Communities and Nunavut as a whole, barriers to employment for women, project harvesting interactions and food security, and indirect Project effects such as substance abuse, gambling, rates of domestic violence, and education rates that are relevant to the Project, be included in the monitoring program adopted by the Qikiqtani Socio-Economic Monitoring Committee
Reporting Requirement	To be developed following approval of the Project by the Minister
Stakeholder Review	Socio-economic monitoring results are presented annually to the Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 168.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 a, d, e, f, and g.

Project Certificate Condition No. 169	
Category	Governance and Leadership – Monitoring economic effects
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure / Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To maintain transparency and inform communities in relation to economic benefits associated with the Project.
Term or Condition	The Proponent provide an annual monitoring summary to the NIRB on the monitoring data related to the regional and cumulative economic effects (positive and negative) associated with the Project and any proposed mitigation measures being considered necessary to mitigate the negative effects identified.
Reporting Requirement	To be developed following approval of the Project by the Minister.
Stakeholder Review	Qikiqtaaluk Socio-Economic Monitoring Committee (QSEMC) and Mary River Socio-Economic Monitoring Working Group (SEMWG)
Revision	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 169.
Baffinland Rationale:	Substance of Term and Condition is added to Term and Condition No. 131.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC	CIRNAC has reviewed the proposed changes to this term and condition and currently has not identified any concerns. This T&C appears to be addressed in the proposed revision to T&C 131 j.

Project Certificate Condition No. 170	
Category	Accidents and Malfunctions - Terrestrial Wildlife Management and Monitoring Plan
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	Updates to plan in order to better understand the potential for, and to minimize possible caribou-railway interactions.
Term or Condition	The Proponent shall include in an updated Terrestrial Wildlife Management and Monitoring Plan, plans for increased caribou monitoring efforts including weekly winter track surveying and summer and fall surveys undertaken on foot twice per month.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG), Nunavut Impact Review Board
Revision	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 170.
Baffinland Rationale:	Reduce duplication in reporting requirements that currently exists between PC Condition No. 53(d) and 170.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 171	
Category	Accidents and Malfunctions - Terrestrial Wildlife Management and Monitoring Plan
Responsible Parties	The Proponent
Project Phase(s)	Pre-Construction
Objective	Updates to plan in order to minimize potential for caribou-railway interactions.
Term or Condition	The Proponent shall include within its updated Terrestrial Wildlife Management and Monitoring Plan, a commitment to establish deterrents along the railway and Tote Road embankments at any areas where it is determined that caribou are utilizing the embankments or transportation corridors to facilitate movement and where such movement presents a likelihood of caribou mortality to occur.
Reporting Requirement	To be included in the Annual Report submitted to the NIRB.
Stakeholder Review	Terrestrial Environment Working Group (TEWG)
Revision (Objective)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 171.
Baffinland Rationale:	Should Project monitoring identify a need for caribou deterrents along the embankments of transportation corridor, appropriate mitigation measures will be discussed with the TEWG and implemented to minimize potential effects in accordance with requirements of PC Condition No. 50, 51 and 53.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
TC:	Should this condition remain, suggest the following addition: Any deterrents established along the railway must be developed in accordance with the Railway Safety Act, and its associated Regulations and Rules, and take into consideration the operational safety of the railway.

Project Certificate Condition No. 172	
Category	Accidents and Malfunctions – Overwintered fuel vessel
Responsible Parties	The Proponent
Project Phase(s)	Construction
Objective	To provide evidence that vessel to be used is fit and insured for proposed use.
Term or Condition	The Proponent is encouraged to provide the Government of Nunavut with evidence that the vessel that it intends to use for the overwintering of fuel has been designed and certified for use under the conditions which it is expected to operate, and that it be required to provide copies of the vessel owners’ insurance policies.
Reporting Requirement	The required information is to be provided to the Government of Nunavut as soon as possible, and at a minimum, at least 60 days prior to the commencement of any construction related shipping.
Stakeholder Review	N/A
Revision	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 172.
Baffinland Rationale:	This requirement is satisfied by PC Condition No. 95.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
CIRNAC:	<div>CIRNAC recommends this T&C not be removed.</div> <div>Condition 95 does not address all requirements of Condition 172 in particular:1) it only applies to Steensby port and does not cover overwintering at Milne port; 2) It does not mention the requirement to provide copies of the vessel owners’ insurance policies; and 3) it does not require Baffinland to provide the requested information to the Government of Nunavut at a minimum, at least 60 days prior to the commencement of any construction related shipping.</div>

Project Certificate Condition No. 173	
Category	Accidents and Malfunctions - Use of best practices
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Closure
Objective	To provide additional spill contingency measures for spills in marine areas.
Term or Condition	The Proponent shall employ best practices and meet all regulatory requirements during all ship-to-shore and other marine-based fuel transfer events.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Environment and Climate Change Canada, Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC), Nunavut Impact Review Board.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Annually
Baffinland Rationale:	Baffinland provides a summary of best practices for oil spill prevention and management in the Annual Report to the NIRB.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently do not have any comments to provide.	

Project Certificate Condition No. 174	
Category	Accidents and Malfunctions - Community level spill response
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Closure
Objective	To improve community ability to assist in spill response.
Term or Condition	The Proponent and the Canadian Coast Guard are required to provide spill response equipment and annual training to Nunavut communities along the shipping route to potentially improve response times in the event of a spill.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Environment Climate Change Canada, Canadian Coast Guard, Qikiqtani Inuit Association, Nunavut Water Board, Crown-Indigenous Relations and Northern Affairs Canada, Nunavut Impact Review Board.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Suggest to remove PC Condition No. 174 from the Project Certificate.
Baffinland Rationale:	In a January 29, 2015 letter from the Canadian Coast Guard (CCG) to the NIRB, the CCG noted that the provision of spill response equipment and training to communities was the responsibility of CCG.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO & CCG: Do not support removing this condition. Ships are responsible for cleaning up any pollution that they cause. CG has capacity to respond to spills should the polluter be unwilling or unable to respond. This doesn't absolve a requirement for Baffinland to invest in additional capacity along their shipping route.

Project Certificate Condition No. 175	
Category	Accidents and Malfunctions – Ship track markers in ice cover
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Hunters and Trappers Organizations of the North Baffin region and Coral Harbour
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring
Objective	To ensure that measures taken to mark the shipping track(s) during periods of ice cover are effective in advising ice- based travelers, and that, where necessary, revisions to this practice can be made to ensure public safety.
Term or Condition	The Proponent shall, in coordination and consultation with the Qikiqtani Inuit Association and the Hunters and Trappers Organizations of the North Baffin communities and Coral Harbour, provide updates to its Shipping and Marine Mammals Management Plan to include adaptive management measures it proposes to take should the placement of reflective markers along the ship track in winter months not prove to be a feasible method of marking the track to ensure the safety of ice-based travelers.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	N/A
Revision (Project Phase)	
Baffinland Proposed Revision:	Construction, Operations and Closure.
Baffinland Rationale:	Shipping is not expected during the Post-Closure phase of the Project.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Following commencement of construction for the Steensby phase of the Project.
Baffinland Rationale:	Reporting on updates to the SMWMP will occur as needed once winter shipping associated with the Steensby phase of the Project commences.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 176	
Category	Accidents and Malfunctions - Revised spill modeling
Responsible Parties	The Proponent
Project Phase(s)	Pre-Construction, Construction Operations, Closure
Objective	To improve community ability to assist in spill response.
Term or Condition	The Proponent is required to revise its spill planning to include additional trajectory modeling for areas of Hudson Strait, such as Mill Island, where walrus concentrate, as well as for mid-Hudson Strait during winter conditions as well as for the northern shipping route, including Milne Inlet, Eclipse Sound and Pond Inlet.
Reporting Requirement	The updated modeling shall be provided to the NIRB, Fisheries and Oceans Canada, and Environment Canada for review at least 3 months prior shipment of bulk fuel to Steensby Inlet or Milne Inlet.
Stakeholder Review	Transport Canada, Canadian Coast Guard, Fisheries and Oceans Canada, Environment and Climate Change Canada
Revision	
Baffinland Proposed Revision:	Suggest to remove PC No. 176 from the Project Certificate.
Baffinland Rationale:	This PC is duplicative of PC Condition No. 97 (item b).
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 177	
Category	Accidents and Malfunctions - Foreign flagged vessels
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Closure and Post-Closure Monitoring
Objective	To ensure foreign flagged ships operating in Canadian waters are held to the same standard as domestic ships with regard to emergency response planning.
Term or Condition	The Proponent shall enroll any foreign flagged vessels commissioned for Project-related shipping within Canadian waters into the relevant foreign program equivalent to Transport Canada's Marine Safety Delegated Statutory Inspection Program.
Reporting Requirement	To be determined following approval of the Project by the Minister.
Stakeholder Review	Transport Canada
Revision	
Baffinland Proposed Revision:	Suggest to remove PC No. 177 from the Project Certificate.
Baffinland Rationale:	Ship owners / operators are responsible for enrolling their foreign flagged vessel with the appropriate program. Baffinland incorporates this requirement into contract terms and conditions with all vessels contracted directly by Baffinland.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 178	
Category	Alternatives Analysis - Mill Island shipping route consideration
Responsible Parties	The Proponent, Qikiqtani Inuit Association, Nunavut Impact Review Board, Marine Environment Working Group
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance
Objective	To prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island.
Term or Condition	Subject to safety considerations and the potential for conditions, as determined by the crew of transiting vessels, to result in route deviations, the Proponent shall require project vessels to maintain a route to the south of Mill Island to prevent disturbance to walrus and walrus habitat on the northern shore of Mill Island.
Reporting Requirement	Where project vessels are required to transit to the north of Mill Island owing to environmental or other conditions, an incident report is to be provided to the Marine Environment Working Group and the NIRB within 30 days, noting all wildlife sightings and interactions as recorded by shipboard monitors. The Proponent shall summarize all incidences of deviations from the nominal shipping route as presented in the FEIS to the NIRB annually, with corresponding discussion regarding justification for deviations and any observed environmental impacts.
Stakeholder Review	N/A
Revision	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 179	
Category	Operational Variability
Responsible Parties	The Proponent
Project Phase(s)	Operations
Objective	To apply the precautionary principle in respect of potential effects on marine wildlife and marine habitat from changes to shipping frequency that may result from a significant increase in mine production for an extended period of time.
Term or Condition	Baffinland shall not exceed 20 ore carrier transits to Steensby Port per month during the open water season and 242 transits per year in total.
Reporting Requirement	To be developed following approval by the Minister.
Stakeholder Review	N/A
Revision (Term or Condition)	
Baffinland Proposed Revision:	Unless otherwise approved by the NIRB, Baffinland shall not exceed 20 ore carrier transits to Steensby Port per month during the open water season and 242 transits per year in total.
Baffinland Rationale:	To be consistent with the conditional wording suggested for PC Conditions 179a and 179b.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	For each year after the Proponent commences shipping ore via Steensby Inlet under the Phase 2 Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total number of vessels calling on Steensby Port for the previous calendar year.
Baffinland Rationale:	For consistency with reporting requirements under PC Condition No. 179a and 179b.
GoC Comments:	
The Government of Canada	The Government of Canada recommends not to include the wording “unless otherwise approved by the Board”. This wording creates uncertainty and it is unclear how and based on what factors such an authorization would be granted. NuPPAA sets out a comprehensive framework for the approval of project proposals that modify an existing project and for the revision of a project certificate’s terms and condition. There is no need to create alternative approval mechanisms under the Project Certificate.

Project Certificate Condition No. 179a	
Category	Operational Variability/Flexibility
Responsible Parties	The Proponent
Project Phase(s)	Operations
Objective	To ensure that there are appropriate limits on the Milne Inlet marine shipping component in order to limit and manage likely project effects, while balancing the need for operational flexibility.
Term or Condition	Until December 31, 2019, the total volume of ore shipped via Milne Inlet may exceed 4.2 million tonnes per year, but must not exceed 6.0 million tonnes in any calendar year. After December 31, 2019 the maximum total volume or ore shipped via Milne Inlet in a calendar year returns to 4.2 million tonnes per year, unless this condition has been further modified under s. 112 of <i>Nunavut Planning and Project Assessment Act</i> , S.C. 2013, c. 14, s.2.
Reporting Requirement	For each year after the Proponent commences shipping ore via Milne Inlet under the Early Revenue Phase Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of ore shipped via Milne Inlet for the previous calendar year.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Term or Condition)	
Baffinland Proposed Revision:	Unless otherwise approved by the NIRB, the total number of ore carriers calling on Milne Port in any calendar year, regardless of whether operational flexibility is exercised, should not exceed 168.
Baffinland Rationale:	<p>To date the quantity limits on transport in 179(a) and 179(b) have been a) difficult to comply with as any overage, however minimal, is an immediate compliance issue, and b) not necessarily reflective of the environmental limits established through the relevant assessments (i.e. effects have been within predictions).</p> <p>Further, the current approach (including specific tonnage limits as a condition) is not consistent with NuPPAA requirements regarding project modifications. Currently, any modification of the project which results in an increase in volumes shipped or transported, regardless of environmental significance, will automatically trigger the NIRB amendment environmental assessment process, which is not consistent with NuPPAA. NUPPAA states that additional environmental assessment should only be triggered where there is a “significant modification”:</p> <p>145 If the carrying out of a work or activity is a project within the meaning of subsection 2(1) and modifies a project that has been approved under this Part, that work or activity is, despite paragraphs 74(a) and (b), not subject to an assessment under this Part unless that work or activity is a significant modification to the original project.</p> <p>146 (1) For greater certainty, if the work or activity referred to in section 145 is a significant modification to the original project, it is subject to an assessment under this Part.</p> <p>(2) Any person or body exercising powers or performing duties or functions under this Part in relation to the assessment of the modifying project must consider, and may rely on, any assessment carried out under this Part in relation to the original project.</p> <p>At the time the ERP amendment was issued and section 179(a) and (b) was added to the Project Certificate, there was little available guidance as to how NIRB would interpret what a "significant modification" might be. However, since that time, NIRB has provided policy guidance as to what is considered a “significant modification”, and what approaches the NIRB will pursue based on the nature and scope of the proposed modification. Whether or not a modification of the project is deemed a "significant modification" should be considered by NIRB on a case by case basis consistent with NuPPAA and NIRB policy and with the way that other projects subject to the NIRB process in Nunavut are treated.</p> <p>The proposed changes would provide clarity that Baffinland may operate at a certain level without automatically requiring a project certificate reconsideration process. Baffinland believes a maximum of 176 ore carriers will provide the operational flexibility it requires. This limit is consistent with what was assessed through the Phase 2 FEIS Addendum.</p>
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	For each year after the Proponent commences shipping ore via Milne Inlet under the Phase 2 Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of vessels calling on Milne Port for the previous calendar year.
Baffinland Rationale:	

Commented [Author16]: Per Baffinland Commitment No. 241 (See Commitment List, filed 4/8/2021), relating to commitments made to the Hamlet of Pond Inlet.

GoC Comments:	
The Government of Canada	<p>Imposing a term and condition that limits the tonnage of ore that can be transported is fully consistent with NuPPAA. The Board has clear and broad authority to impose terms and conditions, including terms and conditions that impose strict limits on the intensity of project activities. It is within the Board's discretion to impose a limit on transits, on tonnage, or both.</p> <p>The Government of Canada recommends not to include the wording “unless otherwise approved by the Board”. This wording creates uncertainty and it is unclear how and based on what factors such an authorization would be granted. NuPPAA sets out a comprehensive framework for the approval of projects that modify an existing project and for the revision of a project certificate's terms and condition. There is no need to create alternative approval mechanisms under the Project Certificate.</p> <p>The Government of Canada recommends that the words “should not” be replaced with “shall not” in Baffinland's proposed revision in order to create an obligation and ensure enforceability of this term and condition</p> <p>The Government of Canada supports an additional term and condition limiting the number of transits. The Government of Canada notes that the Proponent asks for operational flexibility and that it defines this flexibility in relation to a tonnage limit (14.4 MT). In the circumstances, the Project Certificate should retain a term and condition reflecting any applicable limits on tonnage to ensure it is readily enforceable.</p> <p>The GoC notes that Baffinland’s rationale for the revised Term and Condition references a limit of 176 ships, which is inconsistent with the proposed revision to the Term and Condition, which indicates that there will be a limit of 168 ships. The limit of 168 ships is in line with commitments that Baffinland has made to the Mittimatalik Hunters and Trappers Organization.</p>
DFO:	<p>DFO notes that it may be beneficial to set limits for the number of ships/transits in addition to tonnage and the amount of ore. If incremental increases to production/shipment are required for Phase 2, conditions could be housed within this T&C.</p>

Project Certificate Condition No. 179b	
Category	Operational Variability/Flexibility
Responsible Parties	The Proponent
Project Phase(s)	Operations
Objective	To ensure that there are appropriate limits on the Milne Inlet Tote Road land transportation component in order to limit and manage likely project effects, while balancing the need for operation flexibility.
Term or Condition	Until December 31, 2019, the total volume of ore transported by truck on the Milne Inlet Tote Road may not exceed 4.2 million tonnes per year, but must not exceed 6.0 million tonnes in any calendar year. After December 31, 2019, the maximum total volume of ore transported by truck on the Milne Inlet Tote Road in a calendar year returns to 4.2 million tonnes per year, unless this condition has been further modified under s. 112 of the Nunavut Planning and Project Assessment Act, S.C. 2013, c. 14, s. 2.
Reporting Requirement	For each year after the Proponent commences transportation of ore via the Tote Road under the Early Revenue Phase Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of ore shipped via the Tote Road for the previous calendar year.
Stakeholder Review	Nunavut Impact Review Board (NIRB)
Revision (Term or Condition)	
Baffinland Proposed Revision:	Unless otherwise approved by the NIRB, the average number of ore truck transits along the Milne Inlet Tote Road in a 24 hour period should not exceed 280 for the duration of the Phase 2 construction period. Following commencement of operation of the North Railway, unless otherwise approved by the NIRB, in any 24 hour period, the total number of ore train transits along the North Railway should not exceed 20.
Baffinland Rationale:	The proposed changes would provide clarity that Baffinland may operate at a certain level without automatically requiring a project certificate reconsideration process. Baffinland believes a maximum of 20 train transits per day will provide the operational flexibility it requires. This limit is consistent with what was assessed through the Phase 2 FEIS Addendum. Revision to address resolution of QIA TC 22.
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	For each year after the Proponent commences transportation of ore via the North Rail under the Phase 2 Proposal, the Proponent shall include in the Annual Report to the NIRB, a summary of the total amount of ore shipped via the Tote Road for the previous calendar year.
Baffinland Rationale:	
GoC Comments:	
The Government of Canada	<p>The Government of Canada recommends not to include the wording “unless otherwise approved by the Board”. This wording creates uncertainty and it is unclear how and based on what factors such an authorization would be granted. NuPPAA sets out a comprehensive framework for the approval of projects that modify an existing project and for the revision of a project certificate’s terms and condition. There is no need to create alternative approval mechanisms under the Project Certificate.</p> <p>The Government of Canada supports an additional term and condition limiting the number of transits. The Government of Canada notes that the Proponent asks for operational flexibility and that it defines this flexibility in relation to a tonnage limit (14.4 MT). In the circumstances, the Project Certificate should retain a term and condition reflecting any applicable limits on tonnage to ensure it is readily enforceable.</p> <p>The Government of Canada recommends that the words “should not” be replaced with “shall not” in Baffinland’s proposed revision in order to create an obligation and ensure enforceability of this term and condition</p>
DFO	Same comment as for 179a.
TC:	Through the review process, BIMC indicated that once the railway was in full operation, ore would not be transported via the tote road. The proposed revisions do not address this aspect.

Project Certificate Condition No. 179c	
Category	Operational Variability/Flexibility
Responsible Parties	The Proponent
Project Phase(s)	Operations
Objective	To ensure commitments made by the Proponent with respect to the 2018 production increase and delivery of benefits to Inuit are adhered to, and can be determined through a body of evidence.
Term or Condition	The Proponent shall be required to resource and support a third party to conduct performance audits of commitments made by the Proponent in relation to both the IIBA and every Proponent commitment and every terms or condition of the Project Certificate relating to environmental management of the Tote Road component or environmental management related to shipping. The Proponent shall file Performance Audit Reports with the NIRB on or before March 31 and September 30 of each calendar year.
Reporting Requirement	On a bi-annual basis, the Proponent shall file a Performance Audit Report with the NIRB on or before March 31 and September 30 of each calendar year. This report shall include the findings of the third-party auditor, and Baffinland's commitment to addressing findings of the auditor. This term and condition will remain in force for the duration of the Mary River Project, unless it is modified under the <i>Nunavut Planning and Project Assessment Act</i> .
Stakeholder Review	N/A
Revision	
Baffinland Proposed Revision:	Suggest to remove PC No. 179c from Project Certificate.
Baffinland Rationale:	<div>Should the Phase 2 Project be approved, any commitments related to the environmental management of the marine and terrestrial components of the Northern Transportation Corridor should be recorded and appended to the Public Hearing Report, and subsequently tracked through existing annual compliance monitoring.</div> <div>Baffinland has completed several Performance Audit Reports required under PC Condition No. 179c. In completing this exercise it is apparent that it is duplicative in nature to compliance tracking and reporting already occurring via the Annual Report to the NIRB, the Annual Operations Report to the NWB/QIA, audit inspections and follow up conducted with other regulatory agencies and ongoing engagement and compliance tracking against the IIBA with the QIA.</div>
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and provide the general comment that duplication with regulatory instruments is not sufficient justification to remove a term and condition from the NIRB Project Certificate. The following department(s) have additional comments to provide:	
CIRNAC:	This condition should stay. The audit reporting has been criticized for lack of commitments to address the audit findings.
DFO:	DFO recommends retaining this T&C. Reporting frequency could be revised.

Project Certificate Condition No. 180	
Category	Transboundary Effects - Makivik Corporation involvement in the Marine Environment Working Group (MEWG)
Responsible Parties	The Proponent, members of the Marine Environment Working Group
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To enable Makivik Corporation and Nunavik communities near shipping lanes to remain informed and involved in those shipping activities which could affect the marine environment and marine mammals.
Term or Condition	The Marine Environment Working Group established for this Project shall invite a representative from Makivik Corporation to be a member of the Group.
Reporting Requirement	To be developed following approval by the Minister
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that, for this T&C, a comment could be added to be more inclusive of all Inuit communities/organizations impacted by the project to have a standing invitation to the MEWG.

Project Certificate Condition No. 181	
Category	Transboundary Effects - Marine Environment Working Group (MEWG) reporting
Responsible Parties	The Proponent, members of Marine Environment Working Group
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To enable Makivik Corporation and Nunavik communities near shipping lanes to remain informed and involved in those shipping activities which could affect the marine environment and marine mammals.
Term or Condition	Regardless of whether Makivik Corporation participates as a member of the Marine Environment Working Group, the Marine Environment Working Group will provide Makivik Corporation with regular updates regarding the activities of the Marine Environment Working Group throughout the Project life cycle.
Reporting Requirement	To be developed following approval by the Minister
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision	
Baffinland Proposed Revision:	No change
Baffinland Rationale:	N/A
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO recommends that, for this T&C, a comment could be added to be more inclusive of all Inuit communities/organizations impacted by the project to have a standing invitation to the MEWG.

Project Certificate Condition No. 182	
Category	Transboundary Effects - Reporting to Marine Environment Working Group (MEWG)
Responsible Parties	The Proponent, Makivik Corporation
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To enable Makivik Corporation and Nunavik communities near shipping lanes to remain informed and involved in those shipping activities which could affect the marine environment and marine mammals.
Term or Condition	Baffinland shall make available to Makivik Corporation any ship route deviation reports provided to the NIRB in accordance with the terms and conditions set out in Section 4.12.4 of the Final Hearing Report.
Reporting Requirement	To be developed following approval by the Minister
Stakeholder Review	Marine Environment Working Group (MEWG)
Revision	
Baffinland Proposed Revision:	Suggest to remove PC No. 182 from Project Certificate.
Baffinland Rationale:	Annual reporting of any shipping route deviations in the Annual Report to the NIRB is already required under PC No. 103.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and currently have no comments to provide.	

Project Certificate Condition No. 183	
Category	Project monitoring of impacts to marine mammals
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To address concerns associated with the potential for impacts to marine mammals, and compliance and enforcement of terms and conditions in Project Certificate No. 005 relating to ship-based observer programs, noise exposure assessment, and the identification of other mitigation measures that have the potential to further reduce potential impacts to marine mammals.
Term or Condition	<p>The Proponent shall collaborate with the Marine Environment Working Group to develop impact avoidance or mitigation strategies for the protection of the marine environment, and shall implement these strategies.</p> <p>The Proponent shall implement any direction from the Department of Fisheries and Oceans (DFO), issued in furtherance of their mandate, for any avoidance or mitigation measures, including cessation of any activity, for the protection of the marine environment.</p> <p>The Proponent shall every six months provide to DFO a tracking table of:</p> <p>(i) collective recommendation of the other members of the working group, and</p> <p>(ii) any directions from DFO.</p> <p>For each, the table must show the Proponent's means of implementation. Where any direction or recommendations are not fully implemented, the Proponent shall include the rationale.</p>
Reporting Requirement	Results of the observer program shall be provided in the Annual Report to the Board. Further, Baffinland shall report all data it generates from the implementation of monitoring of marine impacts it is required to implement pursuant to the Terms and Conditions of the Project Certificate.
Stakeholder Review	Marine Environment Working Group (MEWG), Department of Fisheries and Oceans (DFO)
Revision (Responsible Parties)	
Baffinland Proposed Revision:	The Proponent and Fisheries and Oceans Canada.
Baffinland Rationale:	Implementation of this PC requires ongoing and meaningful participation of DFO in the Project.
Revision (Objective)	
Baffinland Proposed Revision:	To address concerns associated with the potential for impacts to marine mammals and the identification of other mitigation methods that have the potential to further reduce potential impacts to marine mammals.
Baffinland Rationale:	See proposed revisions to the Term and Condition below.
Revision (Term or Condition)	
Baffinland Proposed Revision:	<p>The Proponent shall collaborate with the Marine Environment Working Group to develop impact avoidance or mitigation strategies for the protection of the marine environment.</p> <p>The Proponent shall implement any substantiated direction from the Department of Fisheries and Oceans to mitigate impacts to marine wildlife, including cessation of any activity, consistent with their regulatory authority.</p>
Baffinland Rationale:	Revision suggested to provide a reasonable level of operational certainty.
GoC Comments:	
All participating departments have reviewed the proposed changes to the term and condition and the following department(s) have comments to provide:	
DFO:	DFO does not support revisions to this condition as is. DFO would note that the criteria set out in section 112(1) of the Nunavut Project Assessment Act do not reference operational certainty. Since this condition has not been implemented, the proponent would need to demonstrate that the criteria set out in 112(1)(b) or (c) as set out have been satisfied.
Parks:	Support DFO comments related to this

Project Certificate Condition No. 184	
Category	Project monitoring of impacts to marine mammals
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To address concerns associated with the potential for impacts to marine mammals, and compliance and enforcement of terms and conditions in Project Certificate No. 005 relating to ship-based observer programs, noise exposure assessments, and the identification of other mitigation methods that have the potential to further reduce potential impacts to marine mammals.
Term or Condition	The Proponent shall collaborate with the Marine Environment Working Group to review the status of compliance with, and implementation of, all of the Terms and Conditions in Project Certificate No. 005 related to marine environmental protection.
Reporting Requirement	Results of the observer program shall be provided in the Annual Report to the Board. Further, Baffinland shall report annually all data it generates from the implementation of monitoring of marine impacts it is required to implement pursuant to the Terms and Conditions of the Project Certificate.
Stakeholder Review	Marine Environment Working Group (MEWG), Department of Fisheries and Oceans (DFO)
Revision (Responsible Parties)	
Baffinland Proposed Revision:	The Proponent and the MEWG
Baffinland Rationale:	N/A
Revision (Objective)	
Baffinland Proposed Revision:	To address concerns associated with the potential for impacts to marine mammals and the identification of mitigation methods that have the potential to further reduce those impacts.
Baffinland Rationale:	In accordance with PC No. 77, the MEWG is intended to serve as an advisory body to support monitoring of potential Project effects on marine mammals and the development of adaptive management strategies as needed. It is not intended to have any Project Certificate enforcement function. The MEWG is made up of several different Parties, some of which have an enforcement mandate on marine-related topics under their own regulations and statutes, or private agreements with the Proponent (i.e. QIA). It is Baffinland’s understanding that under NuPPAA, CiRNAC is tasked with Project Certificate enforcement
Revision (Term or Condition)	
Baffinland Proposed Revision:	The Marine Environment Working Group shall at least annually discuss the recommendations of the annual NIRB monitoring report relevant to marine topics and any actions proposed or taken by the Proponent in response.
Baffinland Rationale:	
Revision (Reporting Requirement)	
Baffinland Proposed Revision:	Baffinland shall confirm to NIRB as part of its Annual Report that this discussion has occurred, and shall provide annual summary reports on all data it generates from the implementation of monitoring of marine impacts required under its marine monitoring plans required by Project Certificate 005.
Baffinland Rationale:	Removal of specifics and left to cover all monitoring programs conducted on an annual basis.
GoC Comments:	
The Government of Canada	There is value in having the Marine Environment Working Group review compliance and implementation of relevant Terms and Conditions in the Project Certificate. It is recommended that the intent and wording of the original Term and Condition be kept. NIRB may wish to consider expanding this Term and Condition to the other working groups (Terrestrial Environment Working Group, Socio-Economic Monitoring Working Group, and the Freshwater Environment Working Group) review compliance and implementation of all Terms and Conditions relevant to each working group. Any compliance issues could then be flagged to agencies responsible for enforcement of the Project Certificate.

NEW Project Certificate Condition No. 185	
Category	Socioeconomic
Responsible Parties	The Proponent, QIA
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To address concerns associated with monitoring to ensure that Project monitoring captures the Inuit experience and Inuit monitoring is used to support further operational decision making by the Proponent if monitoring results trigger the need for adaptive management actions.
Term or Condition	<p>(a) The Proponent is strongly encouraged to support QIA's development of an Inuit Social Oversight Committee (ISOC), to be comprised of members nominated from the North Baffin communities. The ISOC is encouraged to help develop an enhanced, Inuit-driven, social monitoring program related to the Project focused on indicators related to community wellbeing.</p> <p>(b) The Proponent is strongly encouraged to support QIA's development of an Inuit Committee, to be comprised of members nominated from the North Baffin communities. The Inuit Committee is encouraged to help develop monitoring programs based on observations by Inuit of potential culture, resource and land use impacts from the Project and to help develop related adaptive management objectives, indicators, thresholds and responses,</p> <p>The above described Programs are intended to be in addition to and to complement other monitoring required by this Project Certificate. The Proponent is strongly encouraged to use the information gathered through these monitoring programs to help support operational decision making.</p>
Reporting Requirement	A summary of activities of the ISOC and Inuit Committee will be included in the Annual Report.
Stakeholder Review	QIA
Comments	
Baffinland Comments	To reflect resolution of QIA-02, QIA-03, QIA-04, QIA-05, QIA-07, QIA_09, QIA-10, QIA-11, QIA-38, QIA-49 and QIA-49 (Commitment List dated 4/8/2021)
GoC Comments:	
All participating departments have reviewed the proposed term and condition and the following department(s) have comments to provide:	
CIRNAC	Recommend that the wording “The Proponent is strongly encouraged...” be replaced with “The Proponent shall support QIA’s development of...”

NEW Project Certificate Condition No. 186	
Category	Freshwater
Responsible Parties	The Proponent, QIA, CIRNAC, ECCC, DFO
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To address concerns associated with the freshwater environment
Term or Condition	The Proponent shall establish a Fresh Environment Working Group (FEWG). Respecting the heightened regulatory oversight in relation to the freshwater oversight, which will be explicitly acknowledged in a corresponding Terms of Reference for the FEWG, the FEWG will meet on an as needed basis to discuss items to be agreed upon by members of the FEWG. In person meetings, if required, will be coordinated with the planning of Marine and Terrestrial Environment Working Group meetings, where possible.
Reporting Requirement	A summary of activities of the FEWG will be included in the Annual Report.
Stakeholder Review	QIA
Comments	
Baffinland Comments	To reflect resolution of QIA-42
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and the following departments have comments to provide:	
CIRNAC:	CIRNAC supports the revision subject to discussion with other stakeholders.
DFO:	DFO recommend setting a clear timeframe for meeting (at minimum annually) and providing a clear outline to whom shall be invited to be a member of this group.
ECCC:	ECCC supports the establishment of the FEWG, noting that there may be some overlap with the MDMER Environmental Effects Monitoring Program for the Mary River Mine site.

NEW Project Certificate Condition No. 187	
Category	Public Consultation
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To support the maintenance of a public right of access to the Milne Inlet Tote Road Public Access Route for the purposes of use of all-terrain vehicles to carry out traditional Inuit activities, in a manner that does not conflict with the continued safe operation of the Mary River Project.
Term or Condition	<p>In consultation with the Hamlet of Pond Inlet, the MHTO, and the QIA, the Proponent shall develop a Tote Road Public Access Route Management Program to ensure safe use of the Milne Inlet Tote Road Public Access Route by Inuit for the purpose of carrying out traditional Inuit activities. The Milne Inlet Tote Road Public Access Route may take the form of the existing Milne Inlet Tote Road, a parallel trail system or service road or a combination thereof.</p> <p>The Tote Road Public Access Route Management Program shall take into consideration the following, at minimum:</p> <ul style="list-style-type: none">a. safety for all users as highest priority;b. the need for the Proponent to regularly utilize the Milne Inlet Tote Road to support continued operation of the Mary River Mine;c. developing procedures which continue to support maintaining public access during the construction and operations periods;d. the need to limit interactions between mine and non-mine traffic in vicinity of and along the Milne Inlet Tote Road;e. Posting of safety signage at appropriate locations in English and Inuktitut;f. the need for annual community meetings in Pond Inlet to explain the procedures agreed with the Hamlet of Pond Inlet, MHTO and QIA to ensure use of the Milne Inlet Tote Road and/or Milne Inlet Public Access Route (if areas other than the Milne Inlet Tote Road are developed for this purpose) is limited to safe and controlled use by all-terrain vehicles for the purpose of carrying out traditional Inuit activities;g. applicable requirements set out in territorial and federal regulations, the Nunavut Agreement and agreements between the Proponent and QIA;h. A system to report any accidents or safety incidents to QIA, Hamlet of Pond Inlet and MHTO; andi. monitoring.
Reporting Requirement	<p>A Draft Tote Road Public Access Route Management Program shall be submitted to the NIRB no later than six months after the issuance of the amended Project Certificate.</p> <p>A Final Tote Road Public Access Route Management Program is to be submitted to NIRB no later than six months prior to the commencement of operation of the North Railway.</p> <p>.</p>
Stakeholder Review	Hamlet of Pond Inlet, MHTO, QIA
Comments	
Baffinland Comments	To reflect resolution of QIA-42
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and currently have no comments to provide.	

NEW Project Certificate Condition No. 188	
Category	Public Consultation
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To support the integration of Inuit Qaujimajatuqangit into the Mary River Project.
Term or Condition	Baffinland will work with QIA and the impacted communities to develop a final Inuit Qaujimajatuqangit Management Framework.
Reporting Requirement	Annual Report
Stakeholder Review	QIA, Impacted Communities
Comments	
Baffinland Comments	Per BIMC Response to Written Question QIA-30 and BIMC Commitment No. 229 (see Commitment List draft 4/8/2021)
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and currently have no comments to provide.	

NEW Project Certificate Condition No. 189	
Category	Public Consultation
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To support the integration of Inuit Qaujimajatuqangit into the Mary River Project.
Term or Condition	The Proponent will work with QIA and the Impacted Communities to develop a Community Based Monitoring (CBM) program out of Pond Inlet that is Inuit led to monitor the extent of visual dust in the Project Area as well as a snow sampling program. Baffinland will provide support to QIA in QIA's development of an Inuit Stewardship Plan, which will support Inuit to conduct independent, proactive monitoring of the Project for the purpose of mitigating adverse impacts and enhancing beneficial outcomes in a manner that captures the direct experiences of Inuit.
Reporting Requirement	Annual Report
Stakeholder Review	QIA, Impacted Communities
Comments	
Baffinland Comments	Per BIMC Commitment No. 234 (see Commitment List draft 4/8/2021) Per BIMC Commitment No. 131 (see Commitment List draft 4/8/2021)
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and currently have no comments to provide.	

NEW Project Certificate Condition No. 190	
Category	Adaptive Management
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To support adaptive management of the Mary River Project. This process will ensure that both Inuit Qaujimajatuqangit and western science will be applied to project operations and management decisions
Term or Condition	The Proponent will work with the QIA and Impacted Communities to jointly develop an Adaptive Management Plan and associated sub-plans for the Project. This process will also include the development of Inuit Objectives, Indicators, Thresholds, and Responses, which will involve the Impacted Communities through the Inuit Committee and Inuit Social Oversight Committee (once formed by QIA) and appropriate engagement with working groups established under the Project Certificate.
Reporting Requirement	Annual Report
Stakeholder Review	QIA, Impacted Communities
Comments	
Baffinland Comments	Per BIMC Commitment No. 135 (see Commitment List draft 4/8/2021)
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and the following department(s) have comments to provide:	
DFO	It is unclear what 'appropriate engagement with the working groups established under the Project Certificate' means in the context of development of Inuit Objectives, Indicators, Thresholds, and Responses, and in the development of an Adaptive Management Plan and sub-plans for the Project. DFO is supportive of the intent of this condition, but notes that there should be a clear process that outlines the role of the working groups and the level of engagement that the working groups can expect in regards to development of Inuit Objectives, Indicators, Thresholds, and Responses, and in the development of an Adaptive Management Plan and sub-plans for the Project.

NEW Project Certificate Condition No. 191	
Category	Adaptive Management
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To support adaptive management of the Mary River Project. This process will ensure that both Inuit Qaujimajatuqangit and western science will be applied to project operations and management decisions
Term or Condition	The Proponent will work with the QIA and complete an additional CRLU Assessment in consultation with the impacted communities. This additional CRLU Assessment shall be incorporated in any subsequent updates to the Adaptive Management Plan and associated Environmental Management Plans, with particular consideration given to Objectives, Indicators, Thresholds and Responses used in Project monitoring and management.
Reporting Requirement	Annual Report
Stakeholder Review	QIA, Impacted Communities
Comments	
Baffinland Comments	Per BIMC Commitment No. 133 (see Commitment List draft 4/8/2021)
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and currently have no comments to provide.	

NEW Project Certificate Condition No. 192	
Category	Marine Environment – Shipping Through Ice
Responsible Parties	The Proponent
Project Phase(s)	Construction, Operations, Temporary Closure /Care and Maintenance, Closure and Post-Closure Monitoring
Objective	To reduce disturbance to marine mammals while shipping through ice
Term or Condition	Baffinland will apply transit restrictions when shipping through ice in the spring and fall period. Transit restrictions in the spring will be based on ice concentrations, while ice stages will be used in the fall. Baffinland shall plan to complete shipping by no later than October 31st of any given year. On an exceptional basis, Baffinland may ship up until November 15th, provided a complete and operational adaptive management plan is in place.
Reporting Requirement	Annual Report .
Stakeholder Review	QIA, Impacted Communities, MEWG
Comments	
Baffinland Comments	Per BIMC Response to DFO-3.4.4 and BIMC Commitment No. 213, 214 and 215 (see Commitment List draft 4/8/2021)
GoC Comments:	
All participating departments have reviewed the newly proposed term and condition and the following department(s) have comments to provide:	
DFO	DFO recommends that any dates or ice concentrations referenced in Baffinland's commitments 213, 214, and 215 be explicitly listed/incorporated into the Shipping and Marine Wildlife Management Plan.