



Nunavut Impact Review Board
2021-2022 Annual Monitoring Report
Back River Gold Mine Project
Sabina Gold & Silver Corp.
NIRB File No. 12MN036



December
2022

Report Title: The Nunavut Impact Review Board’s 2021-2022 Annual Monitoring Report for the Back River Gold Mine Project (NIRB File No. 12MN036)

Project: Back River Gold Mine Project

Project Location: Kitikmeot Region, Nunavut

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1.0 Introduction

The Nunavut Impact Review Board (NIRB or Board) was established through Articles 10 and 12 of the *Agreement between the Inuit of the Nunavut Settlement Area and Her Majesty the Queen in right of Canada (Nunavut Agreement)* and is responsible for the assessment of ecosystemic and socio-economic impacts of projects in the Nunavut Settlement Area according to the *Nunavut Agreement*. The NIRB is responsible for post-environmental assessment monitoring of projects in accordance with Part 7 of Article 12 of the *Nunavut Agreement* and s. 135 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*).

The purpose of the NIRB's monitoring program as outlined in Section 12.7.2 of the *Nunavut Agreement* and s. 135(3) of the *NuPPAA* are:

- a) *measure the impact of the project on the ecosystemic and socio-economic environments of the designated area;*
- b) *determine whether the project is carried out in accordance with the terms and conditions imposed under subsection 152(6) or set out in the original or amended project certificate;*
- c) *provide the information necessary for regulatory authorities to enforce the terms and conditions of licences, permits or other authorizations that they issue in relation to the project; and*
- d) *assess the accuracy of the predictions contained in the project impact statement.*

This report provides findings that resulted from the Board's monitoring program for the Sabina Gold & Silver Corp.'s (Sabina) Back River Gold Mine Project (Back River or the Project) from October 1, 2021 to September 30, 2022.

1.1 Project Components and Current Status

The Back River Gold Mine Project (NIRB File No. 12MN036) consists of the proposed mobilization, construction, operation, closure, reclamation, and post-closure monitoring of a gold mine operation in the Kitikmeot region of Nunavut. The Project is located approximately 400 kilometres (km) southwest of the community of Cambridge Bay, 95 km southeast of the southern end of Bathurst Inlet, and 520 km northeast of Yellowknife, Northwest Territories and includes the Goose Property and the Marine Laydown Area (MLA) located at Bathurst Inlet, with a Winter Ice Road interconnecting these two (2) main developments areas.

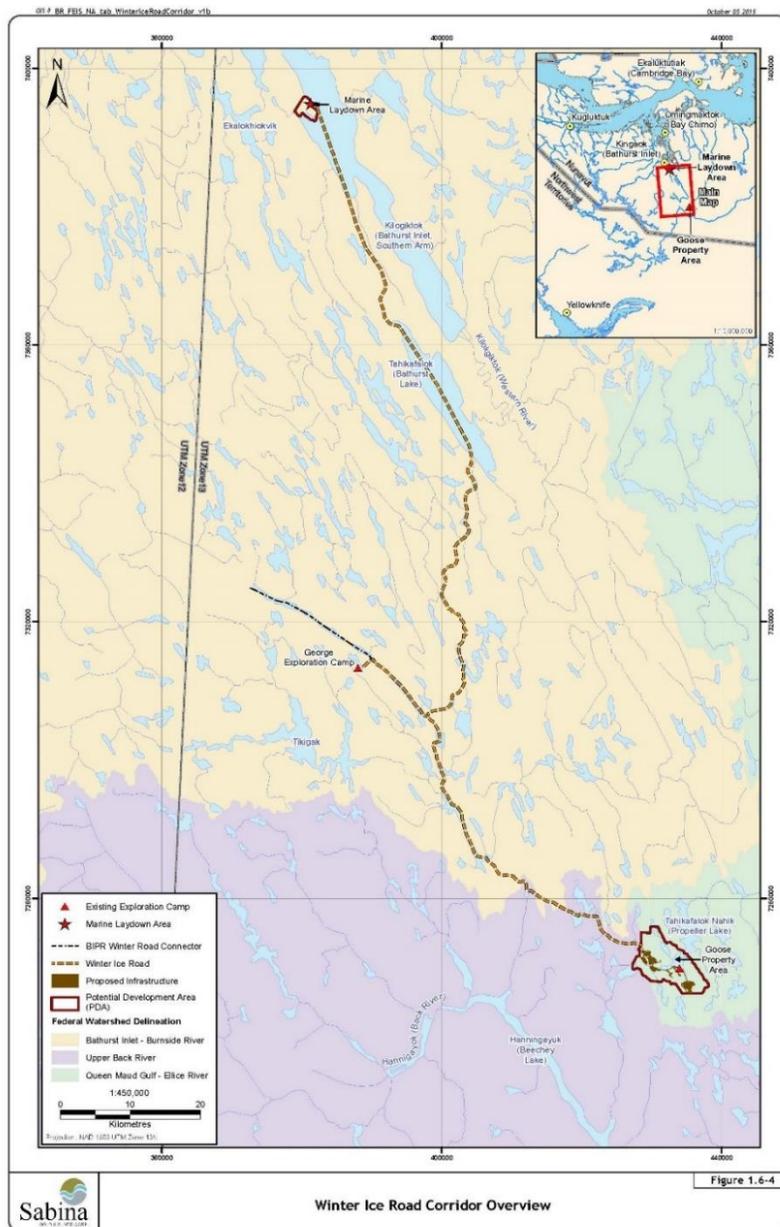


FIGURE 1: BACK RIVER PROJECT LOCATION OVERVIEW

The Goose Property will comprise of a processing plant, four (4) deposits (Umwelt, Llama, Echo, and Goose Main) to be mined through open and underground mining methods; an all-weather air strip; a camp facility; and associated mining facilities. Ore mined at the Goose Property will be hauled to ore stockpiles located at the Goose Site where the ore will be processed within an ore processing plant (mill) using conventional gravity concentration and cyanidation techniques at approximately 6,000 tonnes of ore per day. A tailings storage facility will be built southeast of the Goose Main open pit for tailings deposition during the first two (2) years of production, with tailings then to be directly deposited into the mined-out Umwelt open pit and then into the mined-out Goose Main open pit for the remaining mine life. The gold bars produced at the processing plant will be stored on-site and then transported off-site by aircraft on a semi-weekly basis.

The MLA is located approximately 130 km north-northwest of the Goose Property and is the primary staging area for equipment, material, fuel, and other

supplies required for the construction and operation of the Project. The MLA will consist of a single barge terminal, laydown areas, a camp facility, and associated storage and maintenance facilities. Once constructed the Project will be resupplied annually from southern Canada by barge during the open water season. Project materials will then be transported annually from the MLA to the Goose Property using a winter ice road from mid-January to April.

The George Property is an advanced exploration camp located approximately 50 km northwest of the Goose Property and Sabina may construct an annual spur road from the winter ice road to the George Property for transportation of supplies. The continuation of a diamond drilling-based mineral exploration program for the George Property and the Wishbone claim of mineral leases was included within the scope of the Board’s assessment for the Back River Project. It should be noted that further advanced exploration

(i.e., bulk sampling and infrastructure development) was not included in the Project with the understanding that such activities would require further assessment by the NIRB before occurring.

In 2020, Sabina applied to the NIRB with the “2020 Modification Package” which included widening and extension of the airstrips, additional water use, a change in mine plans, adjustment of the Winter Ice Road, the construction of a sealift unloading pad, and other changes which the NIRB determined did not require an amendment to the Project Certificate but stated that updates to management and mitigation plans and modifications to the existing monitoring program were required. Sabina has yet to make a full construction decision due to the lack of a financing decision.

In 2021 Sabina undertook the following major activities which continued in 2022:

- Monitoring and maintenance of fuel storage areas;
- Extension of the all-weather airstrip at Goose;
- Expansion of Goose site road network;
- Construction of infrastructure pads, 10M litre fuel tank and containment at Goose and the MLA;
- Construction of infrastructure at Goose site including process plant pad, exploration decline portal ramp;
- Geotechnical drilling at Goose; and
- Continued ongoing environmental monitoring and baseline programs.

In the winter of 2021, Sabina submitted the 2022 Winter Ice Road Technical Memorandum to both the NIRB and the Kitikmeot Inuit Association outlining the construction, operations, and closure of the 2022 WIR season. Construction of the WIR started, however, due to unforeseen circumstances Sabina was unable to construct the WIR and refocused its efforts on other elements of the WIR construction (subbase upgrades Subbase upgrade sections will be completed in southern Bathurst Inlet, the southern end of Bathurst Lake, and several areas located closer to the Goose Mine) and the relocation of the mobile WIR camp and installation of three (3) other camps.

In September 2022, Sabina announced that it had financing to fund the construction and development of the Goose Mine.

All documentation associated with the original Back River Project and the 2020 Workplan are available online from the NIRB’s Public Registry at www.nirb.ca/projects/124149. On October 26, 2022, the NIRB received a complete application for a proposed amendment for the Back River Mine Project and the NIRB sent out a request to parties for determining whether the proposed changes warrant reconsideration to the Project Certificate. All documentation associated with the proposed amendment are located at www.nirb.ca/project/125740.

1.2 Project History

TABLE 1: BACK RIVER PROJECT HISTORY

Year	Achievement/Comment
December 2017	The NIRB issued Project Certificate No. 007 and Sabina applied for authorizations to commence construction of the mine
March 2018	Sabina received a Type “B” Water License (2BC-BRP1819) from the Nunavut Water Board which allowed initial development works to commence at both the Goose Property and the Marine Laydown Area
April 2018	Sabina and the Kitikmeot Inuit Association entered into a land tenure and Inuit Impact Benefit Agreement
April 2018	Pre-development commenced at the MLA including the construction of a 40-person camp, earthworks, airstrip, and laydown storage areas. At Goose site, commencement of earthworks; including quarry expansion, heavy equipment upgrades and initial road and bridge construction
November 2019	Sabina received its Type “A” Water License (2AM-BRP1831) which allows for the construction and operation of the mine activities
December 2018 to May 2019	Winter Ice Road was constructed and operated
June 2020	Sabina submitted the Back River Project “2020 Modification Package” to the NIRB after the determination by the Nunavut Planning Commission that the proposal was outside the area of an applicable regional land use plan and a significant modification to the Project
August 2020	NIRB determined that the “2020 Modification Package” did not require further assessment and concluded that sufficient work has been done at the MLA and at Goose for the Project to have entered the construction phase.
July 2021	NWB conducted a public hearing on amendments to the Type “A” Water Licence
Summer 2021	Work was carried out on expanding the airstrip, site roads, laydown area, and exploratory and geotechnical drilling. Amendment of Type “A” licence 2AM-BRP1831

MONITORING ACTIVITIES

1.3 General Reporting Requirements

On April 4, 2022, Sabina provided the 2021 Annual Report for the Back River Project (*2021 Annual Report*). The *2021 Annual Report* summarized the Project activities and consultation efforts with stakeholders undertaken in 2021. It also included a summary outlining the status of compliance, methods

employed to complete work, a summary of results, trends, and next steps for each of the Terms and Conditions in Project Certificate No. 007. The following was also provided:

- Sabina’s Back River Blasting Plan for Plant Site and Portal Decline
- Community Involvement Plan
- Vegetation Monitoring Plan
- Business Development Plan
- 2021 Pre-Construction Wildlife Mitigation and Monitoring Program
- Oil Pollution Emergency Plan
- 2021 Socio-Economic Monitoring Report
- Human Resources Plan
- Stakeholder management Plan
- Socio-Economic Monitoring Plan

1.4 Compliance Monitoring

Compliance monitoring involves an assessment undertaken by regulators and other agencies to establish whether or not the Project is being carried out as required by relevant legislation, regulations, instruments, commitments, and agreements. Compliance monitoring, as reported by Authorizing Agencies, is also a requirement of the NIRB’s Monitoring Program for the Back River Project.

1.4.1 Compliance with the NIRB Project Certificate

During the 2021-2022 reporting period, the Proponent was generally successful in meeting the requirements of the Project Certificate. Due to the early stages of development of the Back River Gold Mine Project, it is noted that some Terms and Conditions as contained within Project Certificate No. 007 may not be applicable for this monitoring period and/or have not yet been thoroughly implemented at this time by Sabina.

In its decision regarding Sabina’s proposed 2020 Modification Package issued on August 11, 2020, the NIRB indicated that the activities at the Back River Project have passed a reasonable threshold of pre-construction and as such, the Project should be in the construction phase, and as such operational plans as per the Terms and Conditions of the Project Certificate were required to be provided to the NIRB. While Sabina has submitted plans in response to the NIRB direction, on March 31, 2021, NIRB notes that multiple monitoring reports are still pending or not started by Sabina.

Compliance Monitoring by Regulatory Authorities

On April 11, 2022, the NIRB requested that Regulatory Authorities with jurisdiction and/or area of expertise for the Back River Project provide comments and information concerning compliance monitoring for the 2021 reporting period as required by Project Certificate No. 007. Specifically, comments were requested regarding the following:

- Provide a summary of any compliance monitoring and/or site inspections undertaken in association with the Project, including specifically:

- Identify the terms and conditions from the Project Certificate which have been incorporated into any permits, certificates, licences, or other approvals issued for the Project, where applicable and report annually to the NIRB on the status of those incorporated terms and conditions;
- A summary of any inspections conducted during the 2021 reporting period, and the results of these inspections; and
- A summary of the Proponent’s compliance status regarding authorizations that have been issued for the Project.

On May 17, 2022, as parties were requesting extensions to the comment period the NIRB granted an extension to June 30, 2022. On or before June 30, 2022, the NIRB received comments from the following parties:

Comment Submission	Document ID
Kitikmeot Inuit Association (KIA)	339982
Government of Nunavut (GN)	340495
Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC)	340408
Environment and Climate Change Canada (ECCC)	340465
Fisheries and Oceans Canada (DFO)	339981
Transport Canada (TC)	340464

On August 5, 2022, the Proponent submitted responses to parties’ comments (NIRB Document ID No: 341225) and on August 22, 2022, the Proponent submitted deferred responses to parties’ comments (NIRB Document ID No: 341425).

1.4.1.1 KITIKMEOT INUIT ASSOCIATION

The Inuit Impact and Benefits Agreement (IIBA) and the Framework Agreement between Sabina and the KIA ensure appropriate long-term socio-economic benefits are being provided to the Inuit of the Kitikmeot Region; cover terms and conditions in the NIRB Project Certificate 007, and conditions of land use licencing and reporting. Under the IIBA, Sabina has committed to inform the KIA regularly on both the socio-economic and ecosystemic effects of their operations in the Kitikmeot Region. Per Appendix A of Section 3.1 of the Framework Agreement, Sabina provides a separate Annual Report to KIA that specifies the details of its operations under any land use License, Advanced Exploration Lease and/or Commercial Lease, which is separate from the *2021 Annual Report* submitted to the NIRB. Sabina is to also provide information on the socio-economic effects through IIBA Implementation Committee, Sabina Liaison and the IIBA Manager; and ecosystemic effects through the Inuit Environmental Advisory Committee (IEAC) of their operations in the Kitikmeot Region. The formation of the IIBA Implementation Committee and IEAC has been delayed until both parties deem it necessary or the Back River Project starts the production phase.

KIA conducted an in-person site inspection in 2021 from July 22 to 24 with its geotechnical engineering consultant. KIA inspected the Goose Lake Camp, the Marine Laydown Area (MLA) and George Lake

Camp. KIA noted that overall, Sabina Gold & Silver Corp. project sites are well maintained and noticed considerable expansion at the Goose Lake Camp. KIA noted that further development is needed on the Umwelt access road height raise and additional crossings to improve water flow.

1.4.1.2 CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CANADA

Crown-Indigenous Relations and Northern Affairs Canada (CIRNAC) has a broad mandate for the co-management of water resources and the management of Crown Land in Nunavut under the following applicable acts and regulations:

- The *Department of Indian Affairs and Northern Development Act (DIAND Act)*;
- The *Nunavut Land Claims Agreement Act* and the *Nunavut Agreement*;
- The *Arctic Waters Pollution Prevention Act and Regulations*;
- The *Nunavut Waters and Nunavut Surface Rights Tribunal Act and Regulations*; and
- The *Territorial Lands Act and Regulations*.

In 2021 there were no noted instances of non-compliance regarding any of the authorizations issued by CIRNAC. CIRNAC noted it is responsible for inspecting and enforcing any terms and conditions contained within the Water Licences associated with the Project.

The Project's 2021 activities and monitoring were conducted under the following Water Licences:

- Type "A" Water Licence 2AM-BRP1831;
- Type "B" Water Licence 2BC-BRP1819;
- Type "B" Water Licence GOO2028;
- Type "B" Water Licence GEO2025; and
- Type "B" Water Licence 2BE-MLL1722.

Due to the restrictions imposed by COVID-19, CIRNAC's Inspection Officers only conducted one inspection on September 4, 2021, where they only viewed the Goose property. There were a few instances of non-compliance which were immediately addressed by Sabina.

1.4.1.3 ENVIRONMENT AND CLIMATE CHANGE CANADA

Environment Canada and Climate Canada (ECCC) has a mandate according to:

- *Canadian Environmental Protection Act*;
- *Species at Risk Act*;
- *Migratory Birds Convention Act*; and
- *Fisheries Act* (Pollution Prevention Provisions).

ECCC did not indicate whether any inspections were completed in 2021.

1.4.1.4 FISHERIES AND OCEANS CANADA

No amendments were made to the Proponent's *Fisheries Act* Authorization (FAA). As required in the FAA, monitoring reports for the Rascal Stream Diversion were not received by DFO as the diversion was not completed. DFO noted that in general, the Proponent complies with the FAA, although offset monitoring has not been provided.

No compliance monitoring or site visits were completed by DFO during the 2021 reporting period.

1.4.1.5 TRANSPORT CANADA

Transport Canada has a mandate according to:

- *Canada Shipping Act*; and
- *Navigation Protection Act*.

Based on the information available to date, the Project was in compliance with legislation administered by the Department and with the authorizations issued to it by Transport Canada's *Navigation Protection Program*. No on-site physical inspections or enforcement activities were conducted in 2021. The Project's Oil Handling Facility is in compliance with the *Canada Shipping Act, 2011* and the Environmental Response Regulations.

Transport Canada has issued authorizations for various works associated with the Project and no compliance issues were noted in 2021:

- 2012-600767-002 – Navigation Protection Act – MLA Discharge Pipeline Authorization
- 2012-600767-003 – Navigation Protection Act – MLA Intake Pipeline Authorization
- 2012-600767-006 – Navigation Protection Act – MLA Lightering Barge Authorization

1.5 Effects Monitoring

Effects monitoring is an assessment of the measurable change to a particular environmental or socio-economic component, as compared to the potential effects that were predicted to result from a proposed development. Impact predictions and mitigation measures were outlined and developed throughout the impact assessment review of the Back River Project and were recorded and presented through the Final Environmental Impact Statements (FEIS), amendments, and other related documents.

1.5.1 Effects Monitoring by Regulatory Authorities

As a part of its annual monitoring program, the NIRB requested that Regulatory Authorities with jurisdiction over project components or activities, or those with specific expertise, provide comments regarding the effects assessment associated with the Project.

1.5.1.1 KITIKMEOT INUIT ASSOCIATION

Overall, KIA found that Sabina's conclusions of the 2021 Annual Report are valid except for wildlife. KIA noted that some baseline data collected under the amended *Aquatic Effects Monitoring Plan* were not disclosed.

A summary of KIA's recommendations regarding the requested information and proposed changes to monitoring is presented in Table 2.

1.5.1.2 GOVERNMENT OF NUNAVUT

In its submission regarding the *2021 Annual Report*, the GN expressed concern regarding the wildlife monitoring program and fuel management. The GN further noted concern regarding dust suppression and vegetation monitoring.

A summary of the GN's recommendations regarding the requested information and proposed changes to monitoring is presented in Table 2.

1.5.1.3 CROWN-INDIGENOUS RELATIONS AND NORTHERN AFFAIRS CANADA

In its submission, CIRNAC noted that based on its mandate, it did not identify any information that would invalidate the conclusions reached by Sabina in the *2021 Annual Report*. A summary of CIRNAC's recommendations regarding the requested information and proposed changes to monitoring is presented in Section Table 2.

1.5.1.4 FISHERIES AND OCEANS CANADA

Based on its mandate, DFO commented on the management, protection and conservation of fish and their habitat. DFO's comments on the *2021 Annual Report* are presented in Table 2.

1.5.1.5 ENVIRONMENT AND CLIMATE CHANGE CANADA

ECCC's comments on the *2021 Annual Report* are presented in Table 2.

1.5.1.6 TRANSPORT CANADA

Transport Canada noted that the Project was in compliance with legislation administered by the Department and with the authorizations issued. A summary of TC's recommendations regarding the requested information and proposed changes to monitoring is presented in Table 2.

1.5.2 Comments and Responses

In their submissions reviewing the *2021 Annual Report* parties made recommendations for Sabina and on August 5, 2022, Sabina responded to those recommendations. A summary of recommendations and responses are provided in Table 2; reference numbers are as per the Sabina Response to Comments. As mentioned in Sabina's first response, the Proponent provided further responses to recommendations and comments on August 22, 2022. For detailed information, please see the submissions and Sabina's response document (referenced above).

TABLE 2: COMMENTS AND RESPONSES

Comment/Recommendation	Sabina Response
Kitikmeot Inuit Association (KIA)	

Comment/Recommendation	Sabina Response
<p>KIA-NIRB-01</p> <ul style="list-style-type: none"> Describe efforts undertaken to avoid effects on wildlife and wildlife denning sites. Clarify if the caribou collar monitoring and den surveys were conducted before road expansion. If no surveys were conducted, describe how the expansion allowed safe passage of caribou. 	<p>In 2020, a single-laned road was constructed to connect the Goose Camp to the Portal at the head of the Goose Camp. The habitat was not considered suitable for denning except for one (1) wolverine den, but the road does not interact with it. Mitigation measures for crossings include a 3:1 slope and a crossing structure may be constructed if identified by Inuit Elders. Sabina had a preliminary discussion with KIA on this subject.</p>
<p>KIA-NIRB-02</p> <p>Provide geotechnical inspections results and mitigation measures related to sensitive landforms. Identify assessment for non-permafrost sensitive landforms.</p>	<p>The geotechnical results are included in the Nunavut Water Board (NWB) report as required. Assessment for non-permafrost sensitive landforms were completed within the FEIS with a list of mitigation measures.</p>
<p>KIA-NIRB-03</p> <p>Provide detail on mitigation measures taken in response to deficiencies related to wildlife attraction and clarify if the recommendation in the Wildlife Safety Audit Report were implemented.</p>	<p>After the Audit, Sabina implemented recommendations in addition to the missing skirt, camp personnel were reminded about the importance of closing doors and of not leaving food or garbage outside.</p>
<p>KIA-NIRB-04</p> <p>Provide analysis of trends of Valued Ecosystem Components (VECs), if insufficient data clarify the necessary data to analyze trends.</p>	<p>There is currently insufficient data to analyze a trend for Wildlife VECs, a minimum of three (3) years of data would be required.</p>
<p>KIA-NIRB-05</p> <p>Prepare a map with wildlife sightings and ensure all observations of wildlife are included in the annual report.</p>	<p>Unable to provide coordinates on a map of the caribou sightings. Sabina has only a description of the location but will encourage employees to record coordinates. All observations were included in the report except the lone male caribou.</p>
<p>KIA-NIRB-06</p> <p>Provide the Standard of Procedure for carnivores' interactions and deterrents.</p>	<p>The Standard of Procedure for wildlife deterrents is included in Appendix A of Sabina's response document (NIRB ID No. 341225).</p>
<p>KIA-NIRB-07</p> <p>Provide detail on the ongoing camera monitoring program and actions taken in response to the findings.</p>	<p>Cameras have been installed in 2022 and results will be presented in the 2022 annual report. A full overview table for wildlife monitoring will be considered in future reporting.</p>
<p>KIA-NIRB-08</p> <p>Report the results of the re-analysis of collar</p>	<p>Sabina will complete a re-analysis and a discussion on</p>

Comment/Recommendation	Sabina Response
data with a discussion of potential temporal or spatial changes.	potential changes commencing in 2023.
<p>KIA-NIRB-09</p> <p>Explain the lack of marine and seabird shipping surveys will affect the monitoring program and address a contingency plan if the wildlife monitoring cannot be performed by regular bridge staff.</p>	<p>An updated Standard of Procedure was provided to each vessel and the data collection on marine mammals and seabirds was improved in 2021. Sabina will ensure shipping companies are aware of this requirement.</p>
<p>KIA-NIRB-10</p> <p>Confirm pilot wildlife reporting training is emphasized with a clear explanation of its value. Identify obstacles to pilot reporting and consider cross-referring flight paths and collar data.</p>	<p>Reporting wildlife observations is a condition for helicopters operator and Sabina produced a Fixed Wing and Helicopter Standard Of Procedure that is distributed to helicopter operators. A Wildlife observation reminder is made to pilots on-site and Sabina will increase its efforts in 2022 to communicate the monitoring expectation to operators.</p>
<p>KIA-NIRB-11</p> <p>Present ecosystem/vegetation loss in 2021 compared to 2020 with quantitative and spatial data. Provide a trends analysis for vegetation monitoring from 2018 to 2021.</p>	<p>Sabina updated Table 4.5.9-1 in its deferred submission (NIRB ID No. 341425) showing the vegetation losses in 2021 compared to 2020.</p>
<p>KIA-NIRB-12</p> <p>Include the monitoring trigger thresholds in the Vegetation Monitoring Program and provide a discussion of the 2021 results.</p>	<p>Sabina will quantify vegetation losses as compared to the FEIS predictions which will be used as thresholds.</p>
<p>KIA-NIRB-13</p> <p>Provide the Reclamation Studies conducted in 2021 and amend the reporting on compliance that a progressive revegetation program has not been fully developed.</p>	<p>The 2021 Reclamation Studies is provided as Appendix B of Sabina’s response document. The information regarding the revegetation program will be provided within three (3) years of the commencement of construction.</p>
<p>KIA-NIRB-14</p> <ul style="list-style-type: none"> • Define “Pre-Construction” and how activities in this stage differ from activities during “Construction” and “Mobilization”. • List activities that fall within “Pre-construction” and explain how these activities do not apply to the Project 	<p>Sabina has completed activities related to preparation, mobilization, and exploration but has not commenced mining activities.</p>

Comment/Recommendation	Sabina Response
Certificate.	
<p>KIA-NIRB-15</p> <ul style="list-style-type: none"> • Explain why not all proposed vegetation monitoring parameters are discussed in the 2021 Vegetation Monitoring Program report. • Discuss the vegetation monitoring data from 2018 for the missing parameters. • Indicate results for transparency, • Explain the compliance with Term and Condition No. 34. 	<p>Sabina included a summary table (in its deferred response NIRB ID No. 341425) which summarizes the missing parameters collected in the field but not included in the 2021 Vegetation Monitoring Report.</p> <p>As no construction occurred on the WIR, annual photo monitoring is not required under the Vegetation Monitoring Plan.</p>
<p>KIA-NIRB-16</p> <ul style="list-style-type: none"> • Expand the definition of rare plants to include those listed in Nunavut. • Show spatial locations of vegetation species in future annual reports. • Clarify rare plant surveys. 	<p>No response was provided by Sabina.</p>
<p>KIA-NIRB-17</p> <ul style="list-style-type: none"> • Provide sources on why common fireweed may be considered non-native. • Include additional information for non-native species within the vegetation monitoring report if available. 	<ul style="list-style-type: none"> • Local knowledge informed Sabina that common fireweed may be considered non-native in Nunavut by some community members but cannot confirm the source. • If further Inuit Qaujimajatuqangit regarding species is collected it will be included in future annual reports.
<p>KIA-NIRB-18</p> <ul style="list-style-type: none"> • Provide statistical analysis of the 2021 lichen sampling results and discussion on potential caribou effects. • Provide a comparison of the 2021 lichen sampling results with the FEIS predictions. • Explain the implications of relative percent difference in lichen samples. 	<ul style="list-style-type: none"> • Results of lichen sampling will be compared to predicted values in the FEIS. • The FEIS predicted that dust would not influence wildlife or human use of lichen. • High variability in metal concentrations in lichen samples is a common feature, the incidence of relative percent difference greater than 30% has been observed at project locations in the NWT.
<p>KIA-NIRB-19</p> <ul style="list-style-type: none"> • Present Total Habitat Loss separated into Goose and MLA sites, clarify any constructed footprint exceedances that have occurred when the two (2) sites are separated. 	<ul style="list-style-type: none"> • The Total Habitat Loss will be calculated separated in the next report (2022). • The missing area footprint was due to exclusions of certain features from the model and will be corrected in the next report (2022). • The habitat loss table does not need to be updated

Comment/Recommendation	Sabina Response
<ul style="list-style-type: none"> • Explain the missing area footprint from Section 3.2.1 of the Wildlife Mitigation and Monitoring Program Plan. • Review the caribou winter habitat model and update the habitat loss table accordingly. 	<p>as the missing habitats are considered “Nil quality”.</p>
<p>KIA-NIRB-20</p> <ul style="list-style-type: none"> • Amend the aircraft Standard of Procedures and wildlife observations to include all birds. • Consider assigning a qualified person to conduct periodic bird surveys. 	<ul style="list-style-type: none"> • The Wildlife Monitoring and Mitigation Program Plan does include incidental observations of birds. Incidental observations by pilots are not meant to be a long-term monitoring program. • Sabina will update the incidental observation card to emphasize collecting bird observations.
<p>KIA-NIRB-21 Correct the inconsistencies for aircraft setback guidelines.</p>	<p>Sabina will update the Fixed Wind and Helicopter Standard of Procedure to be consistent.</p>
<p>KIA-NIRB-22 Clarify the coordinates for the bowhead whale observation and add missing bird observation data to the Pre-Construction Wildlife Mitigation and Monitoring Program Report.</p>	<p>All locations of observations are provided by the vessels and all observations were included in the map.</p>
<p>KIA-NIRB-23 Add the purple sandpiper and barn swallow to the list of species of conservation concern and consider adding bird species of conservation concern to the Marine Shipping Standard of Procedures.</p>	<p>The purple sandpiper and barn swallow will be added to the list of potential species for conservation. The Marine Shipping Standard of Procedures will be updated as needed.</p>
<p>KIA-NIRB-24 Amend the Marine Surveys Sightings Form to include dedicated spaces to record management responses and provide additional training for marine wildlife monitors on ships.</p>	<p>Sabina will update the survey sightings forms for marine mammals and seabirds as requested.</p>
<p>KIA-NIRB-25</p> <ul style="list-style-type: none"> • Clarify the instructions for setback distance for seabird colonies in the Shipping Management Guidelines. • Resolve the discrepancies for marine mammal and seabird surveys. • Include seabird collision reporting to CWS and ECCC Wildlife Enforcement in the Marine Shipping Standard of 	<ul style="list-style-type: none"> • The Shipping Management Guidelines document is set to be a quick document for vessels to assure a visual of areas along the shipping lane that require caution and mitigation. • The information in the brochure is a summary of what will be required. • Sabina will include seabird collision in both documents.

Comment/Recommendation	Sabina Response
Procedures.	
<p>KIA-NIRB-26</p> <ul style="list-style-type: none"> • Clarify if there is a proposed staff list for the Technical Specialist positions as described in the Oil Pollution Prevention Plan (OPPP) & Oil Pollution Emergency Plan (OPEP). • Clarify the role of the emergency contacts. • Refer to Gorenzel & Salmon for bird group and location-specific hazing techniques. • Clarify if Sabina provides wildlife hazing techniques and animal retrieval training. 	<p>Specialized companies in wildlife rescue and rehabilitation are prepared to mobilize to any site in North America and guidance will be taken from one of these companies.</p> <p>Sabina is currently updating the OPPP and OPEP to reflect 2022 activities and additional gear will be positioned at the MLA to facilitate animal response.</p>
<p>KIA-NIRB-27</p> <p>Explain the difference in waterbird staging areas identified for spill response compared to aircraft operations and recommend applying the same setback.</p>	<p>The figure in the OPPP and OPEP shows historical sightings including during dedicated surveys. Staging areas are traditional points where flocks of waterbirds aggregate during migration.</p>
<p>KIA-NIRB-28</p> <p>Provide geotechnical inspection results, describe monitoring to identify project effects and include any mitigation measures.</p>	<p>Geotechnical results are reported to the NWB as it is a requirement and Sabina has installed a network of thermistors and results will be presented in 2023.</p>
<p>KIA-NIRB-29</p> <p>Consider and monitor how permafrost thaw may impact project-related emissions of greenhouse gases.</p>	<p>The scale of how permafrost thaw may be impacted by greenhouse gases is well beyond the scale of a local mine, although Sabina will continue to monitor the emerging science of permafrost thaw.</p>
<p>KIA-NIRB-30</p> <p>Rehabilitate the weather station at the MLA and use satellite-derived weather data.</p>	<p>Further reporting will provide any data that are available to fill the data and Sabina will consider a comparison with locally collected data with satellite-observations.</p>
<p>KIA-NIRB-31 & KIA-NIRB-32</p> <p>Provide an update on the permafrost regardless of the project phase.</p>	<p>Sabina has installed a network of thermistors and the results will be presented in 2023.</p>
<p>KIA-NIRB-33</p> <p>Complete the annual Aquatic Effects Monitoring Plan (AEMP) to the Annual Report and summarize all VECs results within the body of the Annual Report.</p>	<p>The AEMP will be included in the annual report when implemented with the dewatering and is expected to be in 2024. Sabina provided a summary list of information collected and a copy of the 2021 Aquatic Baseline report will be provided.</p>

Comment/Recommendation	Sabina Response
<p>KIA-NIRB-34 Include a summary of issues during site inspections and Sabina’s responses.</p>	<p>Sabina commits to including these summaries within future annual reports.</p>
<p>KIA-NIRB-35 Include all monitoring programs and associated baseline results in the Annual Reports.</p>	<p>Sabina includes any updated plans and monitoring results from the year prior in the Annual Report to the NIRB.</p>
<p>KIA-NIRB-36 Clarify which water criteria will be used to identify exceedances in discharges.</p>	<p>Sabina will comply with requirements in the Type A Water license which are more stringent than the Metal and Diamond Mining Effluent Regulations.</p>
<p>KIA-NIRB-37 Clarify if any harmful alteration or disruption or destruction of fish habitat occurred.</p>	<p>Sabina has not conducted any harmful alteration to fish habitat in 2021.</p>
<p>KIA-NIRB-38 Report monitoring results as well as a comparison of the results with the EIS.</p>	<p>Sabina stated that all monitoring results were included in the annual report, although some monitoring programs have not started yet.</p>
<p>KIA-NIRB-39 Update monitoring plan start dates.</p>	<p>Sabina followed up with KIA for clarifications.</p>
<p>KIA-NIRB-41 Clarify the naming of Appendix C and D.</p>	<p>Appendix C is the Water and Load Balance Report.</p>
<p>KIA-NIRB-42 Clarify the total water use and how many days are considered during open water season.</p>	<p>The 608,700 m³/year included in the water license is considered the volume not to exceed.</p>
<p>KIA-NIRB-43 Add inflows to the Primary Pond in relation to the Echo Open Pit.</p>	<p>Reference to pumping from Echo Pit to Primary Pond is included in the third bullet within the Mine Year -2 line which says “Contact water in Echo Open Pit and Ore Stockpile Pond are pumped to the Primary Pond via Echo WRSA Pond.”</p>
<p>KIA-NIRB-44 Provide an alternative if there is insufficient storage in the Saline Water Pond.</p>	<p>In Sabina’s Water Management Plan, 8.2.7 Saline Water Pond, saline water can be transferred to the Llama Tailings Facility once active in Year 6, or Umwelt Underground around Year 10 and Year 12, when the void spaces within the underground will be available.</p>
<p>KIA-NIRB-45 Provide guidance detail on surface water runoff discharges.</p>	<p>The water runoff discharges are described in the water license and once the Metal and Diamond Drilling Mining Effluent Regulations are triggered the discharge criteria in those regulations will apply.</p>
<p>KIA-NIRB-46 Provide rational for the assumed 50% of the</p>	<p>Sabina chose the 50% value as a reasonable and</p>

Comment/Recommendation	Sabina Response
Llama and Umwelt lakes to be treated before discharge into Goose Lake.	conservation assumption that up to half of the water may require treatment.
KIA-NIRB-47 Clarify if groundwater inflows from the shallow active layer of Llama and Umwelt Lake have been considered in the dewatering volumes. To prevent inflows diversion berms might be explored.	The storage capacities of Llama Lake and Umwelt Lake are based on the bathymetric survey of the lakes and do not account for potential inflows from the shallow active layer. It is anticipated that these potential inflows are minute relative to the bathymetric volumes.
KIA-NIRB-48 Clarify the development sequence for dewatering.	The dewatering sequence is supposed to be Llama Lake followed by Umwelt Lake.
KIA-NIRB-49 (a) Discuss potential risks of water seepage into Umwelt Pit from the Saline Water Pond.	Mitigation measures may include the installation of a thermistor string along the road between the Saline Water Pond and the Umwelt Pit to monitor the potential formation of talik.
KIA-NIRB-49 (b) Explore potential diversion berms to reduce the risk of surface runoff towards the Waste Rock Storage Area.	Sabina will consider the construction of structures as diversion berms to reduce the risk of surface water runoff toward the Waste Rock Storage Area.
Government of Nunavut	
GN AR-#01 Develop visual assessment guidelines for determining when dust suppression should be applied.	Sabina is reviewing the <i>Air Quality Monitoring and Management Plan</i> in 2022 and it will include specific triggers to initiate dust mitigation measures. Currently, it's planned that as soon the freshet is over, dust mitigation measures begin.
GN AR-#02 Report all spills with additional information and emphasize cleaning up all spills.	Sabina maintains a complete record of spills and ensures that all spills are cleaned up adequately.
GN AR-#03 Provide additional information about the effort to compliant with T&C 94 and provide detail on fuel transported to site.	Sabina erroneously recorded the status of partial compliance with the T&C 94 but considered itself in compliance. A summary of maintenance on equipment is included in the <i>2021 Annual Report</i> .
GN AR-#04 Explain the absence of mitigation measures when caribou were in proximity of the site and provide blasting dates to compare with caribou presence in the area.	No mitigation measures were initiated ad no blasting activities occurred during the passage of caribou; Sabina will provide further detail on blasting dates in future annual reports.

Comment/Recommendation	Sabina Response
<p>GN AR-#05 Clarify blasting activities as location and use consistent language when describing sites.</p>	<p>In 2021, blasting activities were focused on the quarry located near the airstrip and the Plant site near the Goose Lake. Sabina will provide further detail on blasting dates in future annual reports.</p>
<p>GN AR-#06 Provide additional steps for staff when confronted with a carnivore at the site.</p>	<p>The Standard of Procedures for wildlife deterrents was included in Sabina's response document (NIRB Doc ID No. 341225).</p>
<p>GN AR-#XX (as referred by the GN)</p> <ul style="list-style-type: none"> • Remove any wildlife attractants. • Repair damaged skirting and implement some form of wildlife exclusion for structures. • Place non-fuel petroleum products in secure storage. • Confirm all fuel storage are in secondary containment. 	<ul style="list-style-type: none"> • Following the camp audit in August 2021, Sabina implemented actions in addition to the missing skirting. • Camp personnel were reminded of the importance of not leaving food and open doors. • Non-fuel petroleum products are stored in sealed drums resistant to wildlife. • All fuel storage is within secondary containment as described within the Fuel Management Plan.
<p>GN AR-#07 Recommend the general application of flights at or above 610 metres (m) and if flights are below to provide clear information on the frequency and timing.</p>	<p>Sabina will not implement the requirement of 610 m altitude for aircraft as it is not required in the Project Certificate. Sabina will consider a better way to display flight details.</p>
<p>GN AR-#08 Include monitoring photos of the Winter Ice Road (WIR) for all years even those years where no WIR is constructed. This additional data will support the assessment of regrowth and vegetation recovery along the WIR.</p>	<p>Sabina conducted a WIR photographic monitoring in 2022 and results will be presented in future annual reports.</p>
Crown-Indigenous Relations and Northern Affairs Canada	
<p>CIRNAC #1 Provide ground temperature/permafrost monitoring data for fuel tank construction and other construction-related activities.</p>	<p>Sabina has installed a network of thermistors and results will be presented in 2023, but none were installed under the bulk tank bases as they rest directly on the bedrock.</p>
<p>CIRNAC #2 Monitor permafrost in developed and planned areas and submit the updated data as part of the annual reporting.</p>	<p>Sabina has installed a network of thermistors and the results will be presented in 2023.</p>
<p>CIRNAC #3 Provide results or status updates on the</p>	<p>Sabina provides the geotechnical inspections to the</p>

Comment/Recommendation	Sabina Response
geotechnical investigations in 2021.	NWB as it is a requirement.
CIRNAC #4 Provide a timeline for the anticipated submission of the updated <i>Landfill and Waste Management Plan</i> and discuss how permafrost will be impacted and mitigated.	Sabina intends to submit the plan in August 2022 and will be included in the next annual report (2022) to the NIRB with a discussion on how permafrost integrity will be preserved.
CIRNAC #5 <ul style="list-style-type: none"> • Clarify which materials can be stored indoors as opposed to lined containment facilities. • Update the Standard of Procedure for separating waste materials while the Camp Manager performs the waste consolidation. 	Sabina is currently updating the <i>Landfill and Waste Management Plan</i> and will ensure these concerns are addressed.
CIRNAC #6 <ul style="list-style-type: none"> • Provide results of the 2021 geotechnical investigations. • Provide a conceptual model of groundwater flow. • Provide results of continued monitoring work. 	<ul style="list-style-type: none"> • Sabina provides the geotechnical inspections to the NWB as it is a requirement. • Sabina looks forward to receiving any comments on the updated groundwater model. • Sabina has no additional monitoring data for 2021.
CIRNAC #7 <ul style="list-style-type: none"> • Explain the rationale for discontinuing Hydrology Baseline Reports. • Resume the Baseline Reports where construction has not started. • Discuss hydrology data collection. • Conduct further assessment based on the results. 	Sabina considered the baseline sufficient “adequate” during the FEIS process. Additional hydrology data will be collected as needed.
CIRNAC #8 <ul style="list-style-type: none"> • Summarize 2021 the aquatic effects data collection results. • Update the <i>Aquatic Effects Management Plan</i> in future annual reports. 	Sabina will clarify the timeline with the next annual report to the Type A Water License.
CIRNAC #9 Provide a timeline for an updated <i>Vegetation Monitoring Plan</i> with additional detail on results.	An amended schedule to include closure and post-closure sampling schedules will be included in the 2022 Annual Report.

Comment/Recommendation	Sabina Response
<p>CIRNAC #10 Provide a progressive revegetation program and any results in future annual reports.</p>	<p>Sabina is currently developing the progressive revegetation program and will include this report within three (3) years of the commencement of construction.</p>
<p>CIRNAC #11 Summarize the 2021 marine sampling results and include the annual <i>Aquatic Effects Management Plan</i> in future annual reports.</p>	<p>At the time of the annual report submission, the <i>2021 Marine Sampling Report</i> was not complete but it was filled on the NIRB registry on June 2, 2022 (NIRB ID No. 339945). All results are summarized within the report and future AEMP will be included in annual reports.</p>
<p>CIRNAC #12 Provide additional information on spills in future annual reports.</p>	<p>Sabina will ensure that details on spills will be included in future annual reports.</p>
<p>CIRNAC #13 Update the <i>Tailings Management Plan</i> reflecting the approved practices to be used on site.</p>	<p>Sabina submitted an updated <i>Tailings Management Plan</i> to the NWB and when approved, it will be included in future annual reports.</p>
<p>CIRNAC #14 Provide detail on measures to identify and mitigate seepage risks associated with the open pit before tailings disposition.</p>	<p>Sabina is aware of the uncertainty related to enhanced permeability zones and listed different measures as proactive control and mitigation measure to manage increased flows.</p>
<p>CIRNAC #15 Clarify in the <i>Tailings Management Plan</i> the timing of deposition of tailings into the pits and any other parameters of concern for the arsenic remobilization to be evaluated.</p>	<p>The timing of the deposition of tailings into the pits was developed using conservative assumptions and the assumptions will be confirmed during Operations. Sabina stated the mobility of arsenic in oxidized systems is not applicable for tailings which will be deposited in the mine out open pits which will remain flooded.</p>
<p>CIRNAC #16 Provide clarification on the Water Quality Objectives for discharge from the open pits where tailings have been deposited.</p>	<p>Sabina clarified that the Water Quality Objectives are values that are met in the receiving water body and managed through Sabina's Aquatic Effects Monitoring Program. The discharge limits represent the regulatory requirements before discharge to Goose Lake and are managed through the Water License. The Tailings Management Plan will be updated to reflect the clarification as per the Type A licence schedule.</p>
<p>CIRNAC #17</p>	<p>Achieving this milestone of production is needed</p>

Comment/Recommendation	Sabina Response
Define the term Project production and provide a rationale on why this milestone is needed to implement certain Terms and Conditions.	before fully implementing certain Terms and Conditions because of the funding requirement. Although, production has not prevented Sabina from providing four (4) <i>Socio-Economics Reports</i> and updates to the working groups.
CIRNAC #18 Provide a referenced listing of formal certificates and licenses that may be acquired on-site and provide an update to the initial listing submitted in 2018.	Sabina intends to include a revised list of formal certificates and licenses within its 2022 <i>Socio-Economic Monitoring Report</i> .
CIRNAC #19 Recommend implementing the Outfitting/Guiding Business Consultation Protocol and report on consultation activities with outfitting and guiding businesses.	Sabina issued its first informational letter to relevant outfitting and guiding businesses. Updates will be provided in future annual reports.
Transport Canada	
TC-1 Complete the annual reviews and update, if necessary, the Project's <i>Oil Pollution Emergency Plan (OPEP)</i> and <i>Oil Pollution Prevention Plan (OPPP)</i> . If updated the plans must be submitted to Transport Canada and in future annual reports.	Sabina will continue to include OPEP and OPPP updates in future annual reports.
TC-3 Provide information and copies of documents regarding the transportation of dangerous goods.	All waste generated or backhauled for disposal by KBL Environmental is summarized within Sabina's annual report to the NWB.
Fisheries and Oceans Canada	
DFO #1 Clarify on expected Rascal Stream West construction date.	An amended request was submitted to DFO in June 2022 with the specific information.
DFO #2 Develop the Blast Monitoring and Mitigation Program in consultation with DFO and include a blasting threshold limit of 50 kPa for instantaneous pressure change.	A blasting plan was developed and submitted to DFO, the overpressure limit is set at 50 kPa.
DFO #3 Send a request for review for the shoreline pad expansion before construction.	Sabina is committed to sending a request at least three (3) months in advance of construction. The shoreline pad expansion is planned for summer 2023.
DFO #4 Revise setback distances for plant site blast location to avoid effects on fish and fish habitat in Fox Creek.	The recommended approach is consistent with other mining projects in the North, Sabina is confident that the prepared blasting plan protects the fish habitat as required under the <i>Fisheries Act</i> .

Comment/Recommendation	Sabina Response
DFO #5 Confirm the presence or absence of overwintering habitat in the Fox Creek system.	The likelihood of overwintering habitat in the Fox Creek system is very low.
DFO #6 Provide details on marine shipping for 2021.	In 2021, five vessels supplied the MLA, further shipping information is included in the annual report.
Environment and Climate Change Canada	
ECCC #1 Explain the discrepancy in the sample periods between the <i>Air Quality Monitoring and Management Plan</i> and the monitoring report.	The use of passive techniques impairs the ability to resolve concentration over a short period, future sampling will further replace and submit data on a 30-day rotation.
ECCC #2 Clarify the discrepancies with the solar radiation figures.	One figure was included in error and reviewers should disregard the figure TC8-8.

1.6 NIRB's Review

The NIRB has reviewed Sabina's *2021 Annual Report* and provided the following comments.

- The NIRB appreciates the inclusion of photos, although the photos included in the executive summary are the same as last year and this could misguide the readers on which year the action was undertaken by Sabina. In future annual reports, please include a date with all photos.
- Sabina submitted some monitoring or management plans as appendices of its Annual Report, however, through this method all reports are filled within one (1) document on the NIRB Public Registry. To facilitate searching and filing, Sabina should submit its reports, still as Appendices but separately from its annual report. Further, Sabina should be submitting its plans separately/when the plans are updated to the NIRB to ensure they have filed appropriately on the NIRB's Public Registry.
- The Monitoring Officers recommend that Sabina discuss Terms and Conditions 12 and 13 as the NIRB has requested geotechnical information. The NIRB requests the 2021 geotechnical report(s) within 60 days of receiving the report and looks forward to the information being included in future annual reports.
- Through the revision of Sabina's Annual Report, the NIRB Monitoring Officers noted that multiple socio-economic monitoring programs have not started, which result in unavailable data or discussion. This comment is further discussed in section 4.
- Results of the Term and Condition No. 50 seem to be missing, or not discussed, whereas in the trends section Sabina stated that no trends are available as it is the first-year monitoring. Although, this statement was written by Sabina in its last four annual monitoring reports. An explanation is required by Sabina in the 2022 annual report and all future annual reports.
- With Term and Condition No. 56, Sabina presented contradicting information on ground-clearing in its *2021 Annual Report* and Appendix F. Please referred to the note in Appendix A and clarify in 60 days.
- Related to the term and condition No. 51, Sabina stated that it met with the Caribou Technical Advisory Group, although no information is available on what are the outcomes of these meetings.

In future annual reports, NIRB requests that outcomes or discussions from these meetings be included.

- Term and Condition 78 the NIRB highlights the importance of community consultation and understanding of Inuit Qaujimaqatugangit to inform updates to monitoring and management plans and/or decisions which is a vital component of monitoring for the Back River Gold Mine Project. It is important to clearly link in documents or in the annual report how comments received from community members or Inuit Qaujimaqatugangit have led to management actions or updates in the monitoring year. Additionally, detail is required on the feedback mechanism for reporting monitoring results back to communities so the public can understand not only the results of the monitoring programs but also how their previous concerns and suggestions are addressed or considered.
- For Term and Condition 83 the NIRB requests information regarding ongoing discussions with the GN and Nunavut Housing Corporation and how Sabina will be working towards achieving the term and condition.
- Related to Term and Condition 86 the NIRB requests information related to the actinolite fibre monitoring at site. Specifically, the NIRB would like to know if there is ongoing monitoring for the fibres now that work has started progressing on the portal and if there is no monitoring why that has not started within 60 days of receipt of this report.
- Monitoring Officers request the location and/or a copy of the Road Management Plan 2021 as it is unable to locate the report within the *2021 Annual Report*.

SITE VISIT AND PUBLIC INFORMATION SESSION

As part of the monitoring of the Project and in accordance with NIRB's monitoring program, the NIRB conducted a site visit and a public information session.

The Monitoring Officers were able to conduct a site visit of the Back River project on June 19, 2022. The site visit report was released on October 4, 2022, (NIRB Doc ID: 341807). Overall, the Monitoring Officers observed that facilities in operation at the Goose Property, Marine Laydown Area, and George Lake Property were well managed and attention was made to ensure adequate environmental protection measures were in place.

On August 2, 2022, the NIRB held an afternoon open house and an evening community information session at the Luke Novoligak Community Hall in Cambridge Bay, Nunavut to update, discuss, and receive feedback from community members on the NIRB's monitoring program for the Back River Project. No community members attended the session.

FINDINGS

The objectives of the NIRB's monitoring program as indicated in Section 12.7.2 of the *Nunavut Agreement* and s. 135 of the *Nunavut Planning and Project Assessment Act*, S.C. 2013, c. 14, s. 2 (*NuPPAA*) include:

- a) To measure the relevant effects of projects on the ecosystemic and socio-economic environments of the Nunavut Settlement Area;

- b) To determine whether and to what extent the land or resource use in question is carried out within the predetermined terms and conditions;
- c) To provide the information base necessary for agencies to enforce terms and conditions of land or resource use approvals; and
- d) To assess the accuracy of the predictions contained in the project impact statements.

As discussed previously, Sabina has demonstrated compliance with most of the reporting requirements as contained in the Project Certificate, and as applicable to the current phase of the project; however, the Board notes several areas requiring clarification or improvement and require follow-up action by Baffinland to ensure full compliance with the Back River Project Certificate achieved in the future. The Board Recommendation is regarding the outstanding information and monitoring associated with the Project.

Outstanding Information and Monitoring

In the NIRB decision on the 2020 Modification Package, the Board stated that, with the associated activities approved, it considered the Back River Project in the construction phase and required submission of the information outlined in Project Certificate No. 007 warranted for that stage of development. The NIRB received some additional information but did not receive all the required information this past monitoring year. Noting that on September 7, 2022, Sabina issued a formal notice that the project was in construction, the NIRB is providing the below list of outstanding information which must be submitted within this monitoring year (i.e., prior to September 1, 2023).

The Board requires Sabina to submit a clear plan within 60 days of receiving this recommendation that explains how and when the listed documents will be provided within this monitoring year, specifically to address the requirements of Term and Condition:

Term and Condition-Topic	Deliverable
Nos 9 & 10 – Noise and Vibration	demonstration of mitigation measures and monitoring undertaken throughout the year to achieve appropriate sound levels at site
Nos 11, 12 & 13 – Permafrost Monitoring and Sensitive Landform Mitigation	Information regarding the mitigation measures and monitoring that is occurring through construction to ensure permafrost integrity is maintained (e.g., permafrost mapping, monitoring of disturbed tundra, geotechnical investigations)
No. 52 – Caribou Mitigation	Evaluate the potential impacts to caribou from planned mineral exploration within its mineral tenures and outside the approved project development area with the Government of Nunavut, the Government of the Northwest Territories, the Kitikmeot Inuit Association, and other relevant parties.

No. 71 – Staff Schedule	Submission of a detailed staff schedule developed in consultation with the Kitikmeot Inuit Association and the Government of Nunavut to ensure that labour force requirements are as predicted in the FEIS and FEIS Addendum
No. 72 – Registration of Trades Workers	Information regarding Sabina’s efforts at ensuring that the Government of Nunavut has accurate information to assist in its role as overseer of the apprenticeship program
No. 75 – Educational Opportunities	Summary of information and/or collaboration with the Back River and Kitikmeot Socio-Economic Monitoring Committees to review and monitor education utilization of project employees getting training in either the Kitikmeot Region or any northwest Territory communities.
No. 76 – Inuktitut/Inuinnaqtun Training	Summary of information regarding any second language courses offered at site
No. 81 – Non-traditional Activity and Resource Use	Summary of information regarding the consultations and monitoring undertaken with outfitting and guiding businesses that operate in the regional study area (land and marine) including effects in relation to the experience of the natural environment.
No. 84 – Employee Housing	Summary of work conducted with the Kitikmeot Socio-economic monitoring committee, the Nunavut Housing Corporation and the Government of Nunavut on the design and implementation of a voluntary housing survey for Nunavummiut employees.

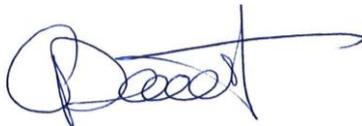
CONCLUSION

Sabina has increased its activities at the Back River Project and has made efforts to work towards compliance with the Terms and Conditions of the Project Certificate. As the Project progresses, NIRB expects further discussions on monitoring activities to confirm predictions as committed in the Final Environmental Impact Statement by the Proponent. Pursuant to sections 12.7.2 and 12.7.3 of the *Nunavut Agreement*, the NIRB will continue to work with Sabina and other Authorizing Agencies to conduct and coordinate monitoring efforts, and to review results and Project compliance in accordance with the requirements set out in the Back River Project Certificate No. 007.

Prepared by: Guillaume Daoust
 Title: Technical Advisor II
 Date: December 7, 2022

Reviewed by: Kelli Gillard PAg, CTAJ
 Title: Manager, Project Monitoring
 Date: December 7, 2022

Signature:



Signature:



APPENDIX A: COMPLIANCE WITH TERMS AND CONDITIONS AND COMMITMENTS OF PROJECT CERTIFICATE 007

Board Guidance on General Regulatory and Administrative Responsibilities

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u> <u>2020</u>	<u>Compliance Achievement</u> <u>2021</u>	<u>NIRB Comment</u>
General Regulatory Requirements				
1. Appointment of Monitoring Officer(s)	When a new monitoring officer is assigned	Active In Compliance	Active In Compliance	Completed by NIRB.
2. NIRB to report annually on the monitoring program (in English, Inuinnaqtun, and Inuktitut)	Annually	Active In Compliance	Active In Compliance	Completed by NIRB.
3. NIRB to conduct periodic community meetings updates regarding its Monitoring Program	n/a	Active In Compliance	Active In Compliance	Completed by NIRB.
4. NIRB to schedule periodic site inspections.	n/a	Active In Compliance	Active In Compliance	The NIRB completed a site visit inspection on June 19, 2022, along with Crown-Indigenous and Northern Affairs Canada.
5. Proponent must obtain all required federal and territorial permits and other approvals and shall comply with the requirements of such regulatory instruments.	n/a	Active In Compliance	Active In Compliance	The Proponent has the permits it requires for the level of construction it is currently conducting.
6. Duty to Comply with environmental laws and regulations and/or regulatory instruments, prompt action to	Annually	Active In Compliance	Active In Compliance	

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u> <u>2020</u>	<u>Compliance Achievement</u> <u>2021</u>	<u>NIRB Comment</u>
remedy non-compliance and report any non-compliance.				
7. Posting of adequate performance bonding.	n/a	Active In Compliance	Active In Compliance	
Monitoring Records				
8. Information requirements for monitoring reporting.	Annually	Active In Compliance	Active In compliance	
9. Make significant monitoring results and/or summaries of significant results available in English, Inuinnaqtun, and Inuktitut, to the extent feasible.	Annually	Active In Compliance	Active Deficient – in progress	Only the executive summary is available in Inuinnaqtun and Inuktitut.
10. Maintain the records, including results, of all Project-related monitoring data and analysis for the life of the Project, including closure and post-closure monitoring.	n/a	Active In Compliance	Active In Compliance	
11. Maintenance of an up-to-date Environmental Impact Statement and the updated environmental monitoring programs developed for the Project as new information is collected.	Updated as indicated by new baseline data or monitoring results.	Active In Compliance	Active In Compliance	
12. Publicly-accessible Project-specific web portal or web page to make available in a central location all significant non-confidential monitoring and reporting information submitted to regulatory authorities	n/a	Active Deficient	Active Deficient – In Progress	NIRB notes that no monitoring reports are available on Sabina's website. The NIRB requests that the Proponent have a web portal dedicated to the filing of all public materials for the Back River project to be the central repository for the Project and to make it easier for individuals to locate all materials related to the project.

<u>Term & Condition</u>	<u>Reporting Requirements</u>	<u>Compliance Achievement</u> <u>2020</u>	<u>Compliance Achievement</u> <u>2021</u>	<u>NIRB Comment</u>
On-going Engagement in Project Monitoring, Modelling, Management and Reporting				
13. Provide on-going opportunities for consultation and comment on any substantive revisions to the Project-specific monitoring program, modelling, studies, management plans, management measures, and reporting.	Continuous/ongoing.	Active In Compliance	Active In Compliance	Section 2 of Sabina's <i>2021 Annual Report</i> lists different engagements.
14. To the extent feasible, the NIRB will provide an opportunity for comment on any substantive revisions to the Project-specific monitoring, modelling, studies, management plans, management measures, and reporting provided by the Proponent under the Project Certificate.	Ongoing.	Active In Compliance		Completed by NIRB.

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
1	Air Quality Monitoring and Management Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Air Quality Monitoring and Management Plan</i> (2019) (NIRB ID: 329195). <p>Lichen surveys are in the Vegetation Monitoring Program (2022), Appendix D of Sabina's <i>2021 Annual Report</i>.</p> <p>Note: if the Plan was included as an appendix to the Annual Report it will be filed with the Annual Report. The proponent is required to load the plan separately from the annual report for filing on the NIRB's Public Registry.</p>
2	Air Quality Mitigation and Adaptive Management	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Air Quality Monitoring and Management Plan</i> (2019). (NIRB ID No: 329195). See Term and Condition No 8 for details on site meteorological data analysis
3	Dust Management and Monitoring Plans	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Air Quality Monitoring and Management Plan</i> (2019) (NIRB ID No: 329195).
4	Incineration Management Plan	Not Yet Active Not Yet Applicable	Active In Compliance	<ul style="list-style-type: none"> <i>Incineration Management Plan</i> (2020), NIRB ID No: 329196. Sabina stated that incinerators would be tested within their first year of use and then every three (3) years after.
5	Stack testing	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<p>No testing has been conducted on the temporary incinerators. Stack test will be done upon commissioning of the incinerator and reported as required.</p> <ul style="list-style-type: none"> <i>Incineration Management Plan</i> (2020), NIRB ID No: 329196.
6	Greenhouse Gas (GHG) Reduction Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> A GHG Reduction Plan was included in the revised <i>Air Quality Monitoring and Management Plan</i> (2019) (NIRB ID No: 329195).
7	Mine Closure and Reclamation Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> The latest version of <i>Interim Closure and Reclamation Plan (ICRP; 2021)</i>, NIRB ID No: 337487

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
8	Weather Monitoring and Adaptive Management	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Air Quality Monitoring and Management Plan</i> (2019), NIRB ID No:329195 Sabina lost some data in November 2021 but addressed the issue and resolved items in December 2021.
9	Noise Reduction	Active In Compliance	Active <i>Deficient – in progress</i>	<ul style="list-style-type: none"> <i>Noise Abatement Plan</i> (2015) in the Final Environmental Impact Statement (NIRB Document ID No: 301426). <p>Note: Sabina has not started any noise monitoring to confirm prediction in its FEIS.</p>
10	Noise Reduction	Active In Compliance	Active <i>Deficient – in progress</i>	<ul style="list-style-type: none"> <i>Noise Abatement Plan</i> (2015) in the Final Environmental Impact Statement (NIRB Document ID No: 301426). <p>Note: Sabina has not started any noise monitoring to confirm prediction in its FEIS.</p>
11	Permafrost Mapping and Monitoring	Not Yet Active	Active <i>Deficient – in progress</i>	<ul style="list-style-type: none"> Sabina noted that no thermistors were installed as constructed waste or waste management infrastructure was not constructed. <p>Note: NIRB notes that permafrost mapping should be provided to the NIRB in Sabina’s annual report and looks forward to information included in the 2022 Annual Report and future annual reports.</p>
12	Permafrost Monitoring	Not Yet Active	Active Deficient in-progress	<ul style="list-style-type: none"> Monitoring and annual geotechnical inspections will begin in 2021. <p>Note: NIRB looks forward to monitoring results and discussions in the next annual report and all future reports.</p>
13	Sensitive Landform Mitigation and Monitoring	Not Yet Active	Active Deficient in-progress	<ul style="list-style-type: none"> Monitoring and annual geotechnical inspections will begin in 2021. <p>Note: NIRB looks forward to monitoring results and discussions in the next annual report and all future reports.</p>

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
14	Waste Management Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Landfill and Waste Management Plan</i> (2017) NIRB ID No: 337488. <p>Note: Sabina is currently updating the Landfill and Waste Management Plan to reflect site activities during the construction phase and to clarify waste segregation and wildlife attractant management practices. The NIRB looks forward to receiving a copy as soon as it is finalized.</p>
15	Progressive Reclamation Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • The latest version of <i>Interim and Closure Reclamation Plan</i> (2021), NIRB ID No: 337487.
16	Aggregate Sources	Active In Compliance	Active In Compliance	<p>Sabina will provide site-specific quarry operation and management plans at least 30 days before the use of borrow or quarry sites for review.</p> <ul style="list-style-type: none"> • <i>Back River Project Quarry Management Plans</i> (2020), NIRB ID No: 337486.
17	Monitoring of Tailings and Treatment Sludges	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<ul style="list-style-type: none"> • The latest version of <i>Tailings Management Plan</i> (November 2020), Appendix K to Sabina's Annual Report <p>Note: if the Plan was included as an appendix to the Annual Report, it will be filed with the Annual Report. The proponent is required to load the plan separately from the annual report for filing on the NIRB's Public Registry and filing a copy on its website/web portal for the project.</p>
18	Geotechnical Characterization Program	Not Yet Active Not Yet Applicable	Active In Compliance	<ul style="list-style-type: none"> • Geotechnical drilling was undertaken in 2021 in key infrastructure locations. • Sabina noted that the TSF structure and dam are no longer part of its plans at the site.
19	Saline Water	Active	Active In Compliance	<ul style="list-style-type: none"> • The latest version of <i>Water Management Plan</i> (October 2020), NIRB ID No: 337485

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
		In Compliance		<ul style="list-style-type: none"> An updated version of the water management plan which contains a saline water management plan was approved by the NWB. <p>Note: if the Plan was included as an appendix to the Annual Report, it will be filed with the Annual Report. The proponent is required to load the plan separately from the annual report for filing on the NIRB's Public Registry and filing a copy on its website/web portal for the project.</p>
20	Thermal Monitoring Plan	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<ul style="list-style-type: none"> <i>Thermal Monitoring Plan</i> to be submitted 60 days before construction of infrastructure component to be monitored.
21	Aquatic Effects Monitoring Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Aquatic Effect Monitoring Plan (AEMP)</i> (October 2017), NIRB ID No: 337490. Updated <i>AEMP</i> expected in 2021-2022. <p>Note: The proponent is required to load the plan separately from the annual report for filing on the NIRB's Public Registry and filing a copy on its website/web portal for the project.</p>
22	Site Water Monitoring and Management Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> The latest version of <i>Water Management Plan</i> (October 2020), NIRB ID No: 337485.
23	Setbacks	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Borrow Pits and Quarry Management Plan</i> (2020), NIRB ID No: 337486 Setback distances have been maintained, monitoring and mitigation implemented. <p>Note: the NIRB and CIRNAC did not note any issues during its 2022 site visit.</p>
24	Watercourses	Active	Active In Compliance	<ul style="list-style-type: none"> 2019 & 2020 studies of fish habitat, hydrological measurements on spring flow. Monitoring and inspections are to be conducted during freshet to ensure no impact on Arctic

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
		In Compliance		grayling from single-span bridge crossings. Some crossings may be changed to culverts in 2022 as noted during CIRNAC and NIRB's 2022 Site Visit.
25	Blasting	Active In Compliance	Active In Compliance	No blasting occurred within or near setbacks from fish-bearing waters according to DFO criteria. <ul style="list-style-type: none"> Guidelines for the Use of Explosives In or Near Canadian Fisheries Waters (1998) Golder. 2021. Sabina Back River Blasting Plan for Plant Site and Portal Decline. Dated April 23, 2021. 10 pages. (Appendix B to Sabina's Annual Report) Note: if the Plan was included as an appendix to the Annual Report, it will be filed with the Annual Report. The proponent is required to load the plan separately from the annual report for filing on the NIRB's Public Registry.
26	Fish Passage	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Fish Offsetting Plan</i> (2019). Note: Sabina has been working on an update based on planned work on Rascal Stream West. Updates will continue through 2022 and once the final design and monitoring plans would be submitted to the NIRB at least 30 days before construction of the fish passage and appropriate monitoring would be conducted once construction is completed.
27	Water Withdrawal Sites	Active In Compliance	Active In Compliance	Ice road was not constructed in the 2020/2021 season. <ul style="list-style-type: none"> <i>Winter Ice Road Technical Memorandum</i> (Sabina, 2021), NIRB ID No: 337413 Type "A" Water Licence 2AM-BRP1831. Sabina is required to submit plans at least 60 days before annual construction Note: Sabina notified the NIRB and NWB in late 2021 that it would be constructing the winter road in 2022; however, due to unforeseen circumstances only upgrades were completed. The NIRB looks forward to information in the 2022 annual report.
28	Winter Ice Road	Active	Active	No ice road was constructed in the 2020/2021 season.

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
		In Compliance	In Compliance	<ul style="list-style-type: none"> 2022 Winter Ice Road Technical Memorandum (Sabina, 2021), NIRB ID No: 337413. <p>Note: Sabina notified the NIRB and NWB in late 2021 that it would be constructing the winter road in 2022, however, due to unforeseen circumstances only upgrades were completed. The NIRB looks forward to information in the 2022 annual report.</p>
29	Water Crossings	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Erosion and sediment control measures installed at Gander Outflow. In 2019 a study was completed to survey fish habitat conditions during spring flows. Studies continued in 2020 and 2021 and upgrades will be required to accommodate haul truck traffic. Construction of upgrades is expected to be completed in 2022 before freshet and once completed monitoring of flows and fish passage in the Gander Pond Outflow would continue through the summer. <p>The NIRB looks forward to information in the 2022 annual report.</p>
30	Monitoring Program for Culverts	Not Yet Active Not Yet Applicable	Active In Compliance	<ul style="list-style-type: none"> Back River Project Early Works – Request for Review Application A clear-span bridge was installed for the crossing at lower Rascal Stream West and an upgrade is needed to accommodate haul traffic in 2022. A survey of Rascal Stream West was conducted during spring flow conditions in 2021. <p>Note: the NIRB and CIRNAC looked at some culverts during its 2022 Site Visit and did not observe any issues.</p>
31	Monitoring Program for Culverts	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<ul style="list-style-type: none"> In 2022 Sabina will be upgrading crossings and constructing the airstrip extension along with a diversion berm just east of Gosling Pond 1. Fish salvage and turbidity monitoring are planned before and during in-water construction activities and the results of these activities and monitoring will be presented

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
				in the 2023 Annual Report with a comprehensive fish passage study conducted in June 2023.
32	Site Footprint	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Vegetation Monitoring Plan</i> (2020), NIRB ID No: 328160. • <i>Vegetation Monitoring Program</i> (Golder, 2022), Appendix D to Sabina's Annual Report. • The project footprint for the Goose Property and the MLA totals 85.3 hectares.
33	Invasive Species	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Vegetation Monitoring Program</i> (Golder, 2022), Appendix D in the Sabina's Annual Report. • The 2021 Vegetation Monitoring Program was completed, and no invasive weeds were identified. Also, Sabina continues to confirm equipment and supplies destined for the Back River Project are free of soil and debris.
34	Vegetation Monitoring Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Vegetation Monitoring Plan</i> (2020), NIRB ID: 328160 • <i>Vegetation Monitoring Program</i> (Golder, 2022) Appendix D in Sabina's Annual Report. <p>Note: if the Plan was included as an appendix to the Annual Report it will be filed with the Annual Report. The proponent is required to load the plan separately from the annual report for filing on the NIRB's Public Registry and Sabina's website or web portal for the project.</p>
35	Revegetation and Reclamation	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • Incorporated in <i>ICRP</i> (Sabina, 2021), NIRB ID No: 337487. • Within the (3) years of the start of construction, information regarding the revegetation strategies would be developed and implemented by Sabina and information provided annually to the NIRB. <p>Note: The Reclamation Studies presenting the results of the study as Appendix E in the ICRP is empty.</p>

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
36	Mine Closure and Reclamation Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Incorporated in <i>ICRP</i> (2021), NIRB ID No: 337487.
37	Wildlife Mitigation and Monitoring Plan	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Wildlife Mitigation and Monitoring Program Plan</i> (2019), NIRB ID No: 327176. No changes to the WMMPP are anticipated during 2022.
38	Wildlife Monitoring	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Wildlife Mitigation and Monitoring Program Plan</i> (2019), NIRB ID No: 327176. Sabina met with KIA and the GN as part of the Caribou Technical Advisory Group to discuss 2020 and 2021 monitoring results and plans for 2022.
39	Caribou Mitigation and Adaptive Management Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Wildlife Mitigation and Monitoring Program Plan</i> (2019), NIRB ID No: 327176. Once a level 3 response occurred in 2021 when a herd of 150-200 was reported on the southeast side of Goose Lake.
40	Caribou Monitoring	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> <i>Wildlife Mitigation and Monitoring Program Plan</i> (2019), NIRB ID No: 327176. The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's annual report. During 2021, Sabina used the collar data plus the biological buffed to trigger a Level 2 response when collared caribou approached the Goose site on July 28, 2021.
41	Caribou Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Monitoring and mitigation were conducted as described in <i>Wildlife Mitigation and Monitoring Program Plan</i> (2019), NIRB ID No: 327176. Note: As this term and condition focuses on a short period of time, NIRB will like to see the result directly included within Sabina's Annual Report.
42	Caribou Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Monitoring and mitigation were conducted as described in <i>Wildlife Mitigation and Monitoring Program Plan</i> (2019), NIRB ID No: 327176.

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
43	Wildlife Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176 • In 2021 one (1) caribou (Carl) continued to be observed at the MLA.
44	Muskox Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176. • The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's <i>2021 Annual Report</i>.
45	Wildlife Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176.
46	Wildlife Monitoring and Adaptive Management Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176. • The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's <i>2021 Annual Report</i>. • No wildlife mortalities were reported in 2021.
47	Wildlife Mitigation and Monitoring Measures	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<ul style="list-style-type: none"> • No water attenuation ponds, or tailings storage areas were constructed at the Project site. <p>Note: the NIRB and CIRNAC observed where some infrastructure was planned during its 2022 site visit and will be looking during the next site visit to observe progress.</p>
48	Wildlife Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176. • <i>The 2021 Pre-Construction Wildlife Effects Monitoring Report</i>, Appendix F to Sabina's <i>2021 Annual Report</i>. • During 2021, there were nine (9) observations of grizzly and three (3) observations of wolverine. One (1) wolverine was reported within the camp perimeter and was deterred by human presence.

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
49	Annual Reporting to the Nunavut Impact Review Board	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report. Community involvement has been limited in 2021 due to COVID-19 restrictions. <p>NOTE: the NIRB looks forward to information included in the 2022 annual report.</p>
50	Annual Reporting to the Nunavut Impact Review Board	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.
51	Caribou Technical Advisory Group (CTAG)	Active Deficient – In Progress	Active Deficient – In Progress	<ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176. In 2021, the CTAG met in December and the Terms of Reference will be sent to the NIRB when finalized. <p>Note: The information contained in section 3.2 of the WMMPP about the Caribou Technical Advisory Group is limited. The outcomes of this group will be helpful for the reader within the annual report or other documents as preferred by Sabina and will assist in identifying where some Inuit Qaujimagatuqangit is incorporated into monitoring plans.</p>
52	Wildlife and Wildlife Habitat – Caribou Mitigation	Not applicable as of reporting	Active Deficient – In Progress	<p>To be provided within one (1) year of construction.</p> <p>Note: the NIRB has advised reporting on this Term and Condition in its 2021 annual report as the Project has been designated by the NIRB as being in construction as of 2020.</p>
53	Mitigation, Monitoring, and Adaptive Management for Birds and Bird Habitat	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176. The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report. <p>No bird incidents were reported in 2021.</p>

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
54	Mitigation Measures for Birds and Species at Risk	Active In Compliance	Active In Compliance	No ground-clearing occurred in 2021 <ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176 The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.
55	Mitigation and Monitoring Measures for Species at Risk	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176 The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.
56	Bird Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176 The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report. <p>Note: The NIRB will like to point out contradicting information, in Sabina's 2021 Annual Report there is mention that no ground-clearing occurred in 2021. However, in Appendix F section 6.2.1: "Ground clearing at the MLA and Goose was conducted during 2021 between August 16 and December, per the WMMP Plan. Therefore, all ground clearing occurred outside of the breeding season to avoid disturbance to nests."</p>
57	Raptor Mitigation Measures	Active In Compliance	Active In Compliance	No deterrence or removal of raptor nests was required in 2021. <ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176 The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.
58	Sea ducks and Waterfowl Mitigation Measures	Active In Compliance	Active In Compliance	Two (2) vessels supplied the MLA in 2021 <ul style="list-style-type: none"> Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
				<ul style="list-style-type: none"> • <i>Back River Project Standard Operating Procedure: Marine Shipping Wildlife Mitigation and Monitoring (2019)</i>, NIRB ID No: 327175. • <i>The 2021 Pre-Construction Wildlife Effects Monitoring Report</i>, Appendix F to Sabina's 2021 Annual Report.
59	Bird Mortality Reporting	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • No bird mortalities were reported due to Project Activities in 2021.
60	Wildlife Mitigation Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176 • <i>The 2021 Pre-Construction Wildlife Effects Monitoring Report</i>, Appendix F to Sabina's 2021 Annual Report.
61	Aircraft Monitoring Measures	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176 • <i>Fixed-Wing and Helicopter Operations SOP (Appendix 5A)</i>, <i>Helicopter Operations Guidance and Wildlife Log; Fixed-Wing Operations Guidance and Wildlife Log (Appendix 5B)</i> – Both documents are part of the 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report. <p>Note: the NIRB would like to view the logs during the next site visit if there are portions of the log that are confidential and are unable to be made publicly available. However, a summary of the observations in the annual report is appreciated.</p>
62	Marine Monitoring Program	Active In Compliance	Active In Compliance	<p>In 2021, Sabina collected two (2) paired samples to confirm salinity levels from the desalination plan inflow and outflow.</p> <ul style="list-style-type: none"> • <i>Marine Monitoring Plan (2018)</i>, NIRB ID No: 319642. • <i>Water Management Plan (2020)</i>, NIRB ID No: 337485.

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
63	Monitoring Seals and Seal Lairs	Active In Compliance	Active In Compliance	No seal lairs survey occurred in 2021 as Sabina did not construct the on-ice airstrip or the WIR at the MLA. <ul style="list-style-type: none"> • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID: 327176. • <i>The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.</i>
64	Marine Mammal Monitoring Protocols	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Back River Project Standard Operating Procedure: Marine Shipping Wildlife Mitigation and Monitoring (2019)</i>, NIRB ID No: 327175 • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176. • <i>The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.</i>
65	Marine Shipping – Sensitive Wildlife Habitat	Active In Compliance	Active In Compliance	Sabina requires that any ships providing fuel have an approved Shipboard Oil Pollution Emergency Plan as required by the International Maritime Organization <ul style="list-style-type: none"> • <i>Back River Project Standard Operating Procedure: Marine Shipping Wildlife Mitigation and Monitoring (2019)</i>, NIRB ID No: 327175 • <i>Wildlife Mitigation and Monitoring Program Plan (2019)</i>, NIRB ID No: 327176. • <i>The 2021 Pre-Construction Wildlife Effects Monitoring Report, Appendix F to Sabina's 2021 Annual Report.</i>
66	Socio-Economic Monitoring and Kitikmeot Socio-Economic Monitoring Committee (KSEMC)	Active In Compliance	Active In Compliance	The 2021 KSEMC meeting was cancelled due to COVID-19. <ul style="list-style-type: none"> • <i>Socio-Economic Monitoring Plan (2022)</i>, Appendix L of Sabina's 2021 Annual Report. • <i>2021 Socio-Economic Monitoring Report, Appendix H of Sabina's 2021 Annual Report.</i>
67	Socio-Economic Monitoring Working Group (SEMWG)	Active In Compliance	Active In Compliance	Sabina hosted a videoconference in May 2021 <ul style="list-style-type: none"> • <i>Socio-Economic Monitoring Plan (2022)</i>, Appendix L of Sabina's 2021 Annual Report. • <i>2021 Socio-Economic Monitoring Report, Appendix H of Sabina's 2021 Annual Report.</i>

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
68	Develop a Project-specific Back River Socio-Economic Monitoring Program	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Socio-Economic Monitoring Plan (2022)</i>, Appendix L of Sabina's 2021 Annual Report. • <i>2021 Socio-Economic Monitoring Report</i>, Appendix H of Sabina's 2021 Annual Report.
69	Analysis of the risk of temporary mine closure	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Temporary Mine Closure in the Kitikmeot Region: Risks and Potential Socio-Economic Effects (2018)</i>, NIRB ID No: 320331
70	Socio-Economic Management Plan and Socio-Economic Management Program	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Temporary Mine Closure in the Kitikmeot Region: Risks and Potential Socio-Economic Effects (2018)</i>, NIRB ID No: 320331. • <i>2021 Socio-Economic Monitoring Report</i>, Appendix H of Sabina's 2021 Annual Report. • <i>Socio-Economic Monitoring Plan (2022)</i>, Appendix L of Sabina's 2021 Annual Report. • <i>Community Involvement Plan (2022)</i>, Appendix C of Sabina's 2021 Annual Report. • <i>Human Resources Plan (2022)</i> Appendix I of Sabina's 2021 Annual Report • <i>Business Development Plan (2022)</i> Appendix E of Sabina's 2021 Annual Report.
71	Staff Schedule	Active In Compliance	Active Non-compliance	<ul style="list-style-type: none"> • <i>Pre-Construction Staff Schedule (2018)</i>, NIRB ID No: 317306 <p>Note: As NIRB considered the project under construction, Sabina will need to submit another Staff Schedule reporting according to the Term and Condition and with the recent announcement regarding the construction of the Project the NIRB looks forward to seeing this in 2023.</p>
72	Registration of Trades Workers	Not Yet Active Not Yet Applicable	Active Deficient – in progress	<p>To be supplied once production decision made.</p> <p>Note: This Term and Condition is applied to the current phase of construction and should be initiated with the recent announcement regarding the construction of the Project the NIRB looks forward to seeing this in 2023.</p>

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
73	Training Opportunities	Active In Compliance	Active In Compliance	One (1) meeting was held in 2021 and hosted by the Kitikmeot Corporation. <ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report, Appendix H of Sabina's 2021 Annual Report.
74	Transferable Skills and Certifications	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report, Appendix H of Sabina's 2021 Annual Report. Note: Sabina's list of formal certifications is dated 2018.
75	Educational Opportunities	Active Deficient – in progress	Active Deficient – in progress	<ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report, Appendix H of Sabina's 2021 Annual Report. No data on this topic are expected to be available until after the Project production decision has been made by Sabina. Note: The NIRB expects discussions by Sabina on the initial data collected and does not wait on the Project production decision to initiate its monitoring program.
76	Inuktitut/Inuinnaqtun Training	Active Deficient – in progress	Active Deficient – in progress	No second language courses have been offered by Sabina to date. <ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report (2022), Appendix H of Sabina's 2021 Annual Report. Human Resources Plan (2022), Appendix I of Sabina's 2021 Annual Report Note: NIRB expects improvement from Sabina to support Inuktitut and Inuinnaqtun training.
77	Monitoring Demographic Changes	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report, Appendix H of Sabina's 2021 Annual Report
78	Traditional Activity and Knowledge – Incorporation of Inuit Qaujimaqatungit and Traditional Knowledge	Active In Compliance	Active Deficient-in Progress	<ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report (JPCSL, 2022), Appendix H to Sabina's 2021 Annual Report. Socio-Economic Monitoring Plan (Sabina, 2022), Appendix L of Sabina's 2021 Annual Report. Note: the NIRB looks forward to information regarding how Inuit Qaujimaqatungit and/or Traditional Knowledge is incorporated

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
				into plans being updated as the Proponent starts to construct the site and communities are more accessible after closures due to COVID-19.
79	Traditional Activity and Knowledge – Inuit Environmental Advisory Committee (IEAC)	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<ul style="list-style-type: none"> Reported that it will establish an IEAC within 120 days of commencement of production.
80	Traditional Activity and Knowledge – Wildlife Harvesting	Active In Compliance	Active In Compliance	<p>Winter Ice Road was not constructed in 2021</p> <ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report (JPCSL, 2022), Appendix H of Sabina's 2021 Annual Report
81	Non-Traditional Activity and Resource Use	Not Yet Active Not Yet Applicable	Active Deficient in-progress	<ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report (JPCSL, 2022), Appendix H to Sabina's 2021 Annual Report. Socio-Economic Monitoring Plan (Sabina, 2022), Appendix L of Sabina's 2021 Annual Report. <p>Note: NIRB considers Sabina's Project to have been in construction for over two (2) years, and this term and condition should be initiated.</p>
82	Assessment of Archaeological and Heritage Resources	Active In Compliance	Active In Compliance	<p>In 2021, further archaeology surveys were done around the Goose Property Area.</p> <ul style="list-style-type: none"> 2020 Archaeology Site Status Report. Back River Project Cultural and Heritage Resources Plan.
83	Employee Housing Enhancement/ Access to Housing Option	Active In Compliance	Active In Compliance	<p>Sabina will offer financial management orientation to employees; however, no training programs have been offered by Sabina to date.</p> <ul style="list-style-type: none"> 2021 Socio-Economic Monitoring Report (2022), Appendix H of Sabina's 2021 Annual Report Human Resources Plan (2022), Appendix I of Sabina's 2021 Annual Report.
84	Employee Housing – Project-Induced Effects on Regional Housing	Not Yet Active Not Yet Applicable	Active Deficient – in progress	<p>A draft Inuit Employee Survey was included in the 2018 Socio-Economic Monitoring Report. No surveys are expected to be administered until after a Project production decision has been made.</p>

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
				<ul style="list-style-type: none"> • 2021 Socio-Economic Monitoring Report (2022), Appendix H of Sabina's 2021 Annual Report • Human Resources Plan (2022), Appendix I of Sabina's 2021 Annual Report. <p>Note: As this term and condition not only includes the Production Phase but all phases of the Project, the Proponent is expected to start assessing the effects on access to housing with its survey and engaging with the Government of Nunavut and Nunavut Housing Corporation.</p>
85	Cross-Cultural Awareness	Active Deficient – in progress	Active In Compliance	<p>In 2021, a total of 13 cross-cultural training sessions were provided.</p> <ul style="list-style-type: none"> • 2021 Socio-Economic Monitoring Report (2022), Appendix H of Sabina's 2021 Annual Report • Human Resources Plan (2022), Appendix I of Sabina's 2021 Annual Report.
86	Airborne Actinolite Fibers	Not Yet Active Not Yet Applicable	Active Non-Compliant	<p>Note: the NIRB observed that Sabina was working underground during the 2022 site visit and that Sabina committed to monitoring for actinolite fibres and no information was located in the 2021 Annual Report.</p>
87	Site Orientation	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • A comprehensive Site Orientation Program is in place for all site personnel. <p>Note: the NIRB looks forward to receiving information regarding the success of the program in the 2022 Annual Report as Nunavummiut are returning to site.</p>
88	Winter Ice Road Operations	Active In Compliance	Active Deficient – in progress	<ul style="list-style-type: none"> • Road Management Plan (2021). <p>Note: the NIRB is unable to locate the referenced plan in the 2021 Annual Report, on the NIRB's Public Registry or the Proponent's Project website or portal.</p>
89	Spills - Preventing fuel spills into the marine environment and	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • Wildlife Mitigation and Monitoring Program Plan (2019), NIRB ID No: 327176.

T&C*	Subject	Status 2020	Status 2021	Notes/Reference
	mitigating potential effects of an accidental spill			<ul style="list-style-type: none"> • <i>Oil Pollution Emergency Plan (2021)</i>, Appendix G to Sabina's 2021 Annual Report. • <i>Spill Contingency Plan (2017)</i>.
90	Oil Pollution Emergency Plan (OPEP)	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Oil Pollution Emergency Plan (2021)</i>, Appendix G to Sabina's 2021 Annual Report.
91	Shipping Expectations	Active In Compliance	Active In Compliance	<ul style="list-style-type: none"> • <i>Shipping Management Plan (2018)</i>, NIRB ID No: 319686. • <i>Oil Pollution Emergency Plan (2021)</i>, Appendix G to Sabina's 2021 Annual Report. • <i>Risk Management and Emergency Response Plan (2018)</i>, NIRB ID No: 319645.
92	Marine Shipping - Availability of Spill Response Equipment	Active In Compliance	Active In Compliance	<p>In 2021, training was restricted to on-site personnel due to Covid.</p> <ul style="list-style-type: none"> • <i>Oil Pollution Emergency Plan (2021)</i>, Appendix G to Sabina's 2021 Annual Report.
93	Navigation Charts	Not Yet Active Not Yet Applicable	Not Yet Active Not Yet Applicable	<ul style="list-style-type: none"> • No in-water construction occurred in the marine environment in 2021.
94	Fuel Transportation	Active Deficient – in progress	Active In Compliance	<ul style="list-style-type: none"> • Sabina ensures that all fuel trucks meet industry standards and included a summary table of maintenance and inspections.

* For the specific wording of a term and condition, please refer to the Back River Project Certificate No. 007 (issued December 2017), NIRB ID No: 314593