



PO Box 32, Wekweètì NT X0E 1W0  
Tel: 867-713-2500 Fax: 867-713-2502

#1-4905 48th Street, Yellowknife NT X1A 3S3  
Tel: 867-765-4592 Fax: 867-765-4593  
[www.wlwb.ca](http://www.wlwb.ca)

March 4, 2026

File: W2025L8-0003, W2025L2-0005, W2025F0007

Mark Cliffe-Phillips  
Mackenzie Valley Review Board  
200 Scotia Centre  
Box 938, 5102-50th Avenue  
Yellowknife NT X1A 2N7

Sent by email

Dear Mark Cliffe-Phillips,

**Re: NICO Mine and NICO Project Access Road (NPAR) – Notice of Preliminary Screening Determination –Applications for Land Use Permit and Water Licence for the NPAR and Water Licence Renewal for the NICO Mine – Miscellaneous; and Mining and Milling – Hislop Lake, NT**

The Wek'èezhì Land and Water Board (Board) met on February 24, 2026, and considered the Application Packages from Fortune Minerals Limited (Fortune) for Land Use Permit (Permit) W2025F0007 and Water Licence (Licence) W2025L8-0003 for the Nico Project Access Road (NPAR) and the Water Licence W2025L2-0005 Renewal Application for the NICO Mine - i.e., Hislop Lake, NT (Project) in accordance with the *Mackenzie Valley Resource Management Act* (MVRMA).

The Board conducted a preliminary screening based on the public record for the proceedings. Based on the evidence provided, the Board is satisfied the screening has been completed according to section 125 of the MVRMA and has decided **not to refer** the changes to the Project to environmental assessment. The Board's Preliminary Screening Determination and Reasons for Decision, as required by section 121 of the MVRMA, is attached.

If the Board does not receive notice of referral to environmental assessment, it will continue with the regulatory proceeding.

The Board and staff look forward to continued communications throughout the pause period. Please contact Ryan Fequet via [email](mailto:ryan.fequet@wlwb.ca) or at (867) 765-4589 with any questions or concerns regarding this letter.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Mason Mantla', written in a cursive style.

Mason Mantla  
Chair, Wek'èezhìi Land and Water Board

BCC'd to: WLWB NICO Project Distribution List  
Rick Schryer, VP Environmental and Regulatory Affairs, Fortune Minerals

Attached: Preliminary Screening Determination and Reasons for Decision



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## Preliminary Screening Determination and Reasons for Decision

Water Licence and Land Use Permit Applications	
<b>File Number</b>	W2025L8-0003, W2025F0007, W2025L2-0005
<b>Company</b>	Fortune Minerals Limited
<b>Project</b>	NICO Project (NICO Mine and NPAR)
<b>Location</b>	Hislop Lake, NT
<b>Activity</b>	Miscellaneous, Mining and milling
<b>Date of Decision</b>	March 3, 2026

### 1.0 Decision

In accordance with subsection 124(1) of the [Mackenzie Valley Resource Management Act](#) (MVRMA), the Wek'èezhì Land and Water Board (WLWB or Board) met on February 24, 2026, to make a preliminary screening determination on the Applications from Fortune Minerals Limited (Applicant) for Land Use Permit (W2025F0007; NPAR Permit) and Water Licence (W2025L8-0003; NPAR Licence)<sup>1</sup>, and Water Licence (W2025L2-0005; NICO Mine Licence)<sup>2</sup> for the NICO Project- i.e., Hislop Lake, NT (Project).<sup>3</sup> Despite two Applications to the Board, the Board has applied Part 5 of the MVRMA to both NPAR and the NICO mine under this one preliminary screening.

The Board has determined that some Project activities and areas are exempt from preliminary screening, because they underwent an Environmental Assessment (EA). The Applicant has proposed new Project activities and Project areas, however, and the Board has decided not to refer the proposed changes to the Project to the Mackenzie Valley Environmental Impact Review Board (the Review Board) for

<sup>1</sup> See WLWB Online Registry [www.wlwb.ca](http://www.wlwb.ca) for [NPAR – Permit and Licence Application – Oct 14 25](#).

<sup>2</sup> See WLWB Online Registry for [NICO Mine – Licence Renewal Application – Nov 20 25](#).

<sup>3</sup> The Project is the NICO Project, which is the proposed development, where “development” is defined in Part 5 of the [MVRMA](#) as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

Environmental Assessment because, based on the evidence, it is the Board’s opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern.

The Board’s determinations, including reasons for its decisions, are detailed in sections [3.0](#) and [4.0](#).

## 2.0 List of Defined Terms and Acronyms

Applicant	Fortune Minerals
Applications	The complete application package submitted by the Applicant for Water Licence [W2025L8-0003] and Land Use Permit [W2025F0007] for the NPAR, and Water Licence [W2025L2-0005] for the NICO Mine.
AEMP	Aquatic Effects Monitoring Program
CRP	Closure and Reclamation Plan
EA	Environmental Assessment
GNWT	Government of the Northwest Territories
GNWT-ECC	Government of the Northwest Territories – Environment and Climate Change
IR	Information Request
Inspector	An Inspector designated under subsection 65(1) of the <a href="#">Waters Act</a>
NPAR Licence	Water Licence [W2025L8-0003]
NICO Licence	Water Licence [W2025L2-0005]
LWBs	Land and Water Boards of the Mackenzie Valley
MVLWB or Board	Mackenzie Valley Land and Water Board
MVRMA	<a href="#">Mackenzie Valley Resource Management Act</a>
OHWM	Ordinary High-Water Mark
ORS	Online Review System ( <a href="http://www.new.onlinereviewssystem.ca">www.new.onlinereviewssystem.ca</a> )
Party	As per the LWB <a href="#">Rules of Procedure</a> , an applicant, a person, or an organization participating in the regulatory proceeding for the Applications.
Permit	Land Use Permit [W2025F0007]
Project	NICO Mine and NICO Project Access Road which is the proposed development (as defined in Part 5 of the MVRMA). <sup>4</sup>
Review Board	Mackenzie Valley Environmental Impact Review Board
SCP	Spill Contingency Plan
SNP	Surveillance Network Program
Standard Licence Conditions	LWB <a href="#">Standard Water Licence Conditions Template</a>
Standard Permit Conditions	LWB <a href="#">Standard Land Use Permit Conditions Template</a>
TG	Tłıchq Government

<sup>4</sup> “development” is defined in Part 5 of the [MVRMA](#) as:

“any undertaking, or any part or extension of an undertaking, that is carried out on land or water and includes an acquisition of lands pursuant to the *Historic Sites and Monuments Act* and measures carried out by a department or agency of government leading to the establishment of a park subject to the *Canada National Parks Act* or the establishment of a park under a territorial law.”

TK	Traditional Knowledge
WLWB or Board	Wek'èezhì Land and Water Board
WMP	Waste Management Plan

### 3.0 **Background and Scope of Screening**

In November 2008, Fortune Minerals (the Applicant) submitted applications for a land use permit and water licence for the NICO Project to the Wek'èezhì Land and Water Board (WLWB). Aboriginal Affairs and Northern Development Canada (AANDC) referred the NICO Project to Environmental Assessment (EA) in February 2009. On January 25, 2013, the Review Board released the Report of Environmental Assessment and Reasons for Decision, recommending that the NICO Project proceed, subject to the implementation of measures to mitigate the potential for significant adverse effects.<sup>5</sup> A type A Water Licence W2008L2-0004 was issued for the Project on July 22, 2014, and is set to expire on July 21, 2026.

On October 14, 2025, the Applicant submitted a complete application for a type A land use permit (permit) and a type B water licence (licence) to construct and maintain the NICO Project Access Road (NPAR) from the NICO Mine to the Tłı̨chų All-Season Road (TSAR) and an airstrip. Both the NICO Mine and a portion of the NPAR were considered in the EA completed by the Review Board in 2013. Since the EA, Fortune Minerals has revised the alignment of the NPAR to include an additional 19 km of road and an airstrip.

On November 20, 2025, the Applicant submitted a complete renewal application for its type A water licence W2025L2-0005 for the NICO Mine. The purpose of this Application is to obtain water and dispose of waste for the construction, operation, and closure of the NICO Mine, a cobalt-gold-bismuth-copper mine located approximately 50 km northeast of Whatì, NT (the Project). Despite the Land Use Permit being expired for the NICO Mine, a Land Use Permit application was not submitted as part of this Application;<sup>6</sup> however, Fortune has committed to submitting a Land Use Permit application prior to commencement of construction activities at the NICO Mine. In an effort to have a fulsome conversation and to assist with the Board's preliminary screening determination, Board staff requested parties to provide recommendations on all activities related to this Project, including land use activities, as part of this proceeding.

Fortune Minerals submitted an Engagement Record as part of both the NPAR and the NICO Mine Applications (i.e., NICO Project) which detailed who was engaged with, when engagement happened and a summary of what was discussed.<sup>7</sup> Fortune engaged with the North Slave Métis Alliance (NSMA), and Tłı̨chų Government prior to the NPAR Application. Fortune engaged with the Tłı̨chų Government, the NSMA, the Yellowknives Dene First Nation (YKDFN), and Tłı̨chų citizens from the Tłı̨chų communities of Whatì, Behchokų, Gamètì and Wekweètì regarding the NICO Mine Application.

<sup>5</sup> See Review Board Online Registry ([www.reviewboard.ca](http://www.reviewboard.ca)) for [EA0809-004](#)

<sup>6</sup> See WLWB Online Registry for [Fortune Minerals Ltd. - W2008D0016](#)

<sup>7</sup> See WLWB Online Registry for [NPAR - Engagement Plan and Record - Oct 14 25](#) and [NICO Mine – WL Renewal Application – Engagement Record – Nov 20 25](#).

The Applications include proposed changes to the Project. Under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the [MVRMA](#), project areas and activities that have already been subject to Part 5 of the MVRMA are exempt from preliminary screening. The new Project activities/areas require screening by the Board in accordance with subsection 124(1) of the MVRMA.

In accordance with paragraph 125(1)(a) of the MVRMA, the Board must conduct a preliminary screening of the proposed changes to the Project to determine and report to the Review Board whether, in its opinion, the proposed changes to the Project might have a significant adverse impact on the environment, or might be a cause of public concern. The details of the Board's analysis are set out in section 4.0 below.

### **3.1 Scope of Screening:**

#### Previously Screened or Assessed Areas and Activities:

Activities that the Board understands to have been previously considered,<sup>8</sup> and which therefore do not require preliminary screening at this time, are listed below.

The proposed development as described in the Report of Environmental Assessment involves:

- Construction and use of a 27 km NICO Project access road;
- Mining cobalt, gold, bismuth and copper for an expected period of 18 years, initially from underground mine workings and after year 2 from an open pit;
- Construction, management and closure of a tailings and mine rock co-disposal facility;
- Construction, operation and maintenance of the following:
  - a crusher and mineral processing plant to produce concentrate for shipping;
  - a fresh water intake and potable water treatment plant;
  - open pit dewatering pumps; - a reverse osmosis effluent treatment plant;
  - a rotary biological contactor sewage treatment plant; and
  - site buildings and facilities; and
  - Mine site closure and reclamation.
- Withdrawal of water from Lou Lake.
- Filling of the open pit in a way that does not substantially alter the quantity and rate of flow of the Marian River.

#### New Areas and Activities:

Under the NICO mine Water Licence Renewal Application, Fortune Minerals is proposing an increase to the annual maximum water withdrawn from Lou Lake, from 235,000 m<sup>3</sup>/year to 400,000 m<sup>3</sup>/year. Fortune has also proposed a maximum pumping rate of 5% of mean monthly flow, or 200 L/s (0.2 m<sup>3</sup>/s), whichever is less from the Marian River for the purposes of actively filling the open pit at closure. While the activity for filling the pit at closure was considered as part of the Environmental Assessment, a flow rate was not proposed at that time.

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<sup>8</sup> See Review Board Online Registry at [new.reviewboard.ca/](http://new.reviewboard.ca/) for the [NICO Report of EA and Reasons for Decision](#).

In addition, Fortune Minerals has revised the alignment of the NPAR and is proposing to include an additional 19 km of road (i.e., the southern portion) to the 27 km already screened as part of the EA (i.e., the northern portion), and an airstrip. Under the NPAR Application, Fortune has also applied to use the following water sources for the purposes of road compaction, dust control, ice bridges, winter road portages and for a potential camp: Nico Lake, Peanut Lake, Lake1, Burke Lake, Hislop Lake, Rabbit Lake, Lake2, Lake3, Lake4, Lake5, Lake6, Marian River, Stream C1.

### 3.2 Public Record and Regulatory Proceeding

To assist the Board in its preliminary screening determination for the Project, the Board distributed the Applications and a draft Licence and Permit for public review on October 24, 2025 (i.e., NPAR Application) and on November 27, 2025 (i.e., NICO Mine Application) inviting reviewers to provide comments and recommendations on the Applications and the preliminary screening (e.g., on impacts and mitigation measures) using the Online Review System (ORS). For the NPAR Permit and Licence Applications, comments were due on December 1, 2025, with responses from the Applicant due on December 8, 2025. The Board received comments and recommendations from GNWT-ECC, NSMA, Transport Canada, the Review Board, the Tłı̨chǫ Government, GNWT Prince of Wales Northern Heritage Centre, Environment and Climate Change Canada (ECCC), Fisheries and Oceans Canada (DFO), and the GNWT Inspectors (attached).<sup>9</sup> For the NICO Mine water licence renewal Application, comments were due on January 28, 2026, with responses from the Applicant due on February 4, 2026. Fortune Minerals requested a one-day response deadline extension that was granted by the Board, and responses from the Applicant were received on February 5, 2026. The Board received comments and recommendations from GNWT-ECC, NSMA, the Tłı̨chǫ Government, ECCC, DFO, and GNWT Inspectors (attached).<sup>10</sup> Board staff submitted comments and questions on both Applications (i.e., NPAR, and NICO Mine Applications) for the purposes of clarification.

Since there were no requests to extend the reviewer comment deadlines, the Board is satisfied that a reasonable period of notice was given to affected communities and First Nations, as required by subsection 63(2) of the [MVRMA](#).

The Board is also satisfied that notice of the Application was provided to the Tłı̨chǫ Government (TG) and that a reasonable period of time was provided for the TG to make representations to the Board in accordance with section 63 of the [MVRMA](#).

The Board also provided notification<sup>11</sup> to the Tłı̨chǫ Government on the renewal Application in accordance with the [MVRMA](#) for a “major mining project,” as defined in Chapter 23 of the [Tłı̨chǫ Land Claims and Self-Government Agreement](#).<sup>12</sup> The Applicant has not provided evidence or argument that it does not agree that these Applications are subject to Chapter 23.4.1 of the Agreement.

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<sup>9</sup> See WLWB Online Registry for [NPAR Permit and Licence Application Review Summary Table – Dec 8 25](#).

<sup>10</sup> See WLWB Online Registry for [NICO Mine Licence Renewal Application – Review Summary Table – Feb 5 26](#).

<sup>11</sup> See WLWB online Registry for [NICO Mine - WL Renewal - Notification - Major Mining Project - Nov 28 25](#)

<sup>12</sup> See WLWB Land Claims, IMAs, and Land Use Plans webpage to access the [Tłı̨chǫ Land Claims and Self-Government Agreement](#).

#### **4.0 Potential Impacts and Proposed Mitigations**

Table 1 below summarizes:

- the potential impacts of the proposed changes to the Project;
- the concerns that were identified during the regulatory proceeding and how the Applicant addressed those concerns;
- the proposed and potential mitigations for the potential impacts; and
- the Board's analysis of the potential impacts and proposed mitigations.

**Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project**

<b>Potential Impact</b>	<b>Activity</b>	<b>Proposed Mitigations</b> <i>Description of measures to reduce potential impacts, including consideration of cumulative impacts and climate change.</i>	<b>Board Analysis and Determination</b>
Soil Contamination	NPAR construction and operation: Transfer, storage, and use of petroleum products and/or chemicals; temporary on-site storage of waste (i.e., domestic, petroleum products, hazardous waste) during construction; transfer, storage, and use of explosives for road alignment and to facilitate excavation of borrow source material; equipment malfunction, storage, equipment maintenance, and leaks from stationary equipment; drilling.	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Applications:               <ul style="list-style-type: none"> <li>○ All personnel working in the field on the NPAR will be trained in spill prevention, response and clean-up measures and will follow the Spill Contingency Plan, which outlines spill response and prevention procedures, roles and responsibilities, training and reporting requirements.</li> <li>○ Spills will be reported to the Government of the Northwest Territories (GNWT) Spill Report Line, and a Spill Report form will be completed.</li> <li>○ Any spills will be cleaned up as they occur.</li> <li>○ Soils contaminated with hydrocarbons and waste materials will be managed on an ongoing basis during the operations stage.</li> <li>○ To mitigate the risk of contamination, the Applicant developed a Waste Management Plan (WMP), including hazardous waste management.</li> </ul> </li> <li>• In response to an Information Request (IR1) Fortune provided the following mitigation:               <ul style="list-style-type: none"> <li>○ Spills of drilling fluid or hydrocarbons may result in soil contamination. To mitigate potential for soil contamination and to clean up any spills that occur on land, the Spill Contingency Plan will be implemented to reduce instances of soil contamination. Fortune Minerals will also comply with applicable standard land use permit conditions (e.g., Fuel Containment, Spill Response).</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:               <ul style="list-style-type: none"> <li>○ WASTE MANAGEMENT PLAN</li> </ul> </li> </ul>	Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.

		<ul style="list-style-type: none"> <li>○ REPAIR LEAKS</li> <li>○ FUEL CACHE SECONDARY CONTAINMENT</li> <li>○ SECONDARY CONTAINMENT – REFUELING</li> <li>○ FUEL CONTAINMENT</li> <li>○ SEAL OUTLET</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> <li>○ REPORT SPILLS</li> </ul> <ul style="list-style-type: none"> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ WASTE MANAGEMENT PLAN</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ REPORT SPILLS</li> <li>○ SPILL PREVENTION AND RESPONSE EQUIPMENT</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> </ul>	
Soil compaction	<p>NPAR Construction and operation: Clearing of timber, brush, or vegetation mat; repeated use of motorized and heavy equipment or storage of equipment and materials during construction.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Project Screening Document: <ul style="list-style-type: none"> <li>○ The NPAR will be as narrow as possible.</li> <li>○ Erosion control practices will limit loss and alterations of soils.</li> <li>○ Construction will likely be completed during winter months, when possible.</li> <li>○ Use of culverts and other design features that reduce changes to local flows, drainage patterns and drainage areas.</li> </ul> </li> <li>• As per the Conceptual Closure and Reclamation Plan submitted with the Application: the loosening of compacted surfaces will be accomplished by ripping the road and airstrip beds using a dozer with a “ripper” attachment on the back. All bridges, culverts, and airstrip surface components will be removed, and original drainage patterns will be restored.</li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>

		<ul style="list-style-type: none"> <li>• No concerns related to this impact were raised during the public review period.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>• PARALLEL ROADS</li> <li>• WIDTH RIGHT-OF-WAY</li> <li>• PREVENTION OF RUTTING</li> <li>• SUSPEND OVERLAND TRAVEL</li> <li>• VEHICLE MOVEMENT FREEZE-UP</li> <li>• OFF-ROAD VEHICLE TRAVEL</li> </ul> </li> </ul>	
Destabilization/erosion.	NPAR Construction and operation: Use of motorized and heavy equipment or storage of equipment and materials during construction; use of drills; clearing and grubbing of vegetation; construction and maintenance of culverts and bridges; borrow/stockpile.	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Project Screening Document: <ul style="list-style-type: none"> <li>○ Erosion control practices will limit loss and alterations of soils.</li> <li>○ The NPAR will be as narrow as possible.</li> <li>○ Construction will likely be completed during winter months, when possible.</li> <li>○ Use of culverts and other design features that reduce changes to local flows, drainage patterns and drainage areas.</li> </ul> </li> <li>• In response to an Information Request (IR1) Fortune indicated that drilling activities may cause destabilization, erosion, changes to soil structure and impact vegetation. To mitigate potential impacts to soil and vegetation, the Erosion and Sedimentation Management Plan will be implemented, and Fortune Minerals will comply with applicable standard land use permit conditions (e.g., Progressive Erosion Control, Repair Erosion, Prevention of Rutting).</li> <li>• The Applicant included an Erosion and Sedimentation Control Plan, which details structural and non-structural methods for erosion and sedimentation control, as well as best management practices to reduce erosion.</li> <li>• As per the Conceptual Closure and Reclamation Plan submitted with the Application, all bridges, culverts, and airstrip surface components</li> </ul>	Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.

		<p>will be removed, and original drainage patterns will be restored.</p> <ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ NATURAL DRAINAGE</li> <li>○ PROGRESSIVE EROSION CONTROL</li> <li>○ PROGRESSIVE RECLAMATION</li> <li>○ REPAIR EROSION</li> <li>○ STREAM BANKS</li> <li>○ FLOWING ARTESIAN WELL</li> <li>○ MINIMIZE APPROACH</li> <li>○ EXCAVATION AND EMBANKMENTS</li> <li>○ EQUIPMENT: WATERCOURSE BUFFER</li> <li>○ EXCAVATION SETBACK</li> <li>○ MINIMIZE AREA CLEARED</li> </ul> </li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ EROSION CONTROL</li> <li>○ EROSION AND SEDIMENT CONTROL PLAN</li> </ul> </li> </ul>	
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<p>Change in soil structure</p>	<p>NPAR Construction and operation: Through soil compaction, as described above; borehole drilling for geotechnical investigations or setting of explosives.</p>	<ul style="list-style-type: none"> <li>• In response to an Information Request (IR1) Fortune indicates that drilling activities may cause destabilization, erosion, changes to soil structure and impact vegetation. To mitigate potential impacts to soil and vegetation, the Erosion and Sedimentation Management Plan will be implemented, and Fortune Minerals will comply with applicable standard land use permit conditions (e.g., Progressive Erosion Control, Repair Erosion, Prevention of Rutting).</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ DRILL LOCATIONS</li> <li>○ EXCAVATED MATERIAL TEST PITS</li> <li>○ PERMAFROST PROTECTION</li> <li>○ PREVENTION OF RUTTING</li> <li>○ SUSPEND OVERLAND TRAVEL</li> <li>○ VEHICLE MOVEMENT FREEZE-UP</li> <li>○ PRE-CONSTRUCTION PROFILES</li> <li>○ DRILLING NEAR WATER OR ON ICE</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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<p>Inability to support vegetation</p>	<p>NPAR Construction and operation: Soil compaction and soil stripping may create conditions unsuitable for vegetation growth. Some areas of the Project will be permanently altered.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Conceptual Closure and Reclamation Plan: <ul style="list-style-type: none"> <li>○ The Road and airstrip surfaces will be scarified to encourage natural revegetation to the extent possible.</li> <li>○ When operations are complete, the overall reclamation objective for borrow and quarry areas is to return the site to a condition that blends in with the existing topography and surrounding landscape to the extent possible.</li> </ul> </li> <li>• In response to NSMA (comment 5) Fortune indicated that natural revegetation will be encouraged at borrow sites where borrow source development has resulted in a change relative to the previously existing landscape. Natural revegetation strategies may include spreading of stockpiled organic soil on the surface of borrow sites or scarification at closure</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ MINIMIZE AREA CLEARED</li> <li>○ NATURAL VEGETATION</li> <li>○ ACTIVE REVEGETATION</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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<p>Groundwater: Changes to infiltration rate; changes in water quality; water table alteration.</p>	<p>NPAR Construction and operation: Clearing and grubbing of vegetation, along with activities leading to soil compaction, may change the rate and location of surface water infiltration to groundwater</p>	<ul style="list-style-type: none"> <li>• The Applicant provided the following mitigations in the Application: <ul style="list-style-type: none"> <li>○ See mitigations in the Soil Compaction entry above.</li> </ul> </li> <li>• The Applicant proposed the following mitigations in response to an Information Request (IR1): <ul style="list-style-type: none"> <li>○ Spills of drilling fluid or hydrocarbons during drilling may result in groundwater contamination. To mitigate potential for contamination and to clean up any spills that occur in water, the Spill Contingency Plan will be implemented to. Fortune Minerals will also comply with applicable standard land use permit conditions (e.g., Fuel Containment, Spill Response).</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ NATURAL DRAINAGE</li> <li>○ PROGRESSIVE EROSION CONTROL</li> <li>○ REPAIR EROSION</li> <li>○ FLOWING ARTESIAN WELL</li> <li>○ MINIMIZE AREA CLEARED</li> <li>○ NATURAL VEGETATION</li> <li>○ ACTIVE REVEGETATION</li> <li>○ FUEL CONTAINMENT</li> <li>○ SPILL RESPONSE</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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<p>Permafrost: loss or change in extent; changes in seasonal fluctuations; change in persistence</p>	<p>NPAR Construction and operation:  Clearing of vegetation, excavation, stripping of overburden, construction of structures;  Construction (development or alteration: widening, straightening, detours), maintenance, and operation of lines, trails, or rights-of-way.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Application or in responses to review comments: <ul style="list-style-type: none"> <li>○ Construction will likely be completed during winter months, when possible.</li> <li>○ Organic and/or topsoil horizons will not be stripped in areas containing ice-rich permafrost.</li> <li>○ The width of access roads and workspaces will be limited.</li> <li>○ The NPAR will be as narrow as possible.</li> </ul> </li> <li>• No concerns related to this impact were raised during the public review.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ PERMAFROST PROTECTION</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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<p>Surface water: water flow or level changes (permanent, temporary, seasonal); drainage pattern changes.</p>	<p>NPAR Construction and operation: construction and use of a watercourse crossing (bridges); Watercourse alteration/diversion (installation of culverts, coffer dams). Clearing timber, brush, or vegetation mat near a watercourse. Use of motorized or heavy equipment adjacent to, within, or through a watercourse. Transfer, storage, and use of petroleum products and/or chemicals near a watercourse. Water withdrawal for road compaction, dust control, ice bridges, winter road portages and camps</p>	<ul style="list-style-type: none"> <li>• In the Water Licence Application Form, the Applicant indicated that no additional impacts from water withdrawal along the NPAR Southern Section are anticipated, and water withdrawal will follow the Method for Determining Winter Water Source Capacity for Small-Scale Developments (LWB 2021).</li> <li>• The Applicant proposed the following mitigations in the Project Screening Report: <ul style="list-style-type: none"> <li>○ Use of culverts and other design features that reduce changes to local flows, drainage patterns, and drainage areas.</li> <li>○ All culverts would be installed using best management practices for erosion and sediment control, and appropriate water management strategies would be implemented during construction.</li> <li>○ Cross-drainage structures will be designed and constructed such that structures will not create a hydraulic barrier to fish passage.</li> <li>○ A single span bridge is being proposed for crossing C1, and the natural stream bottom would be largely undisturbed.</li> </ul> </li> <li>• The Applicant has requested to use water for the purposes of road compaction, dust control, ice bridges, winter road portages and camp from Nico Lake, Peanut Lake, Lake1, Burke Lake, Hislop Lake, Rabbit Lake, Lake2, Lake3, Lake4, Lake5, Lake6, Marian River, Stream C1. In response to Board staff (WLWB staff comment 10), the Applicant agreed to including a Licence condition limiting water withdrawal to a maximum of 10% of instantaneous flows for flowing water sources.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ PORTABLE RAMPS</li> <li>○ STREAM BANKS</li> <li>○ MINIMIZE APPROACH</li> <li>○ DRY FORDING</li> <li>○ EXCAVATION AND EMBANKMENTS</li> <li>○ CULVERT SIZE</li> </ul> </li> </ul>	<p>The Applicant indicated that ecological conditions are similar to the Northern Section of the NPAR, the effects analysis does not change, and the same environmental design features and mitigation will be applied to both sections of the road. The Southern Section of the NPAR is not predicted to change local flows, drainage patterns, and drainage areas outside the range of baseline values, and should have a negligible effect on terrain and soil. The Applicant further indicated that the installation of cross-drainage structures is expected to result in minor changes to stream flow velocity in the vicinity of the structures relative to baseline conditions and have negligible residual effects on water quantity.</p> <p>In the Application and draft Water Licence, Fortune has proposed to use no more than a combined 299 m<sup>3</sup> per day from all sources; and no more than 10% of lake volume or instantaneous river flow. The Board notes that Measure 2 from the Report of EA requires that the water quality, quantity and rate of flow in the Marian River is to remain substantially unaltered from Project activities. At this time, no evidence has been provided to indicate if withdrawal of 299 m<sup>3</sup> of water per day from the Marian River does not substantially alter the rate of flow in the Marian River.</p> <p>The Board recognizes that other sources have</p>
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		<ul style="list-style-type: none"> <li>○ NATURAL DRAINAGE</li> <li>○ REMOVE ICE BRIDGES/SNOWFILLS</li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ IN-WATER CONSTRUCTION ACTIVITIES – WATER QUALITY</li> <li>○ WATER SOURCE AND MAXIMUM VOLUME</li> </ul> </li> </ul>	<p>been proposed so withdrawal of water from the Marian River for other purposes than pit filling at closure may not be required. However, the Board could set additional limits on water use specifically for the use of the Marian River under the NPAR licence to ensure that Measure 2 will be met. This could include requiring Fortune submit details on the proposed withdrawal rate in consideration of how this rate would meet the requirements of EA Measure 2.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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<p>Surface water: Water flow, level, quality, temperature and aquatic habitat changes</p>	<p>Increased water withdrawal at Lou Lake for the purposes of camp use, mine, dust control, post-closure filling of open pit; water withdrawal from the Marian River at a maximum pumping rate of 5% of mean monthly flow, or 200 L/s (0.2 m<sup>3</sup>/s), whichever is less, for the purpose of filling the open pit at closure</p>	<ul style="list-style-type: none"> <li>• The Applicant indicated in the NICO Mine Licence Renewal Application that the proposed increase from 235,000 m<sup>3</sup>/year to 400,000 m<sup>3</sup> /year is precautionary and is not expected to occur from year-to-year. The Applicant proposed the following mitigations in the Application form: <ul style="list-style-type: none"> <li>○ Use the estimate of Lou Lake volume derived from bathymetric surveys</li> <li>○ Incorporate the guidance that water withdrawal be less than 10% of under-ice volume during winter months</li> <li>○ Limit withdrawals to less than 4% of Lou Lake volume over the year and incorporate the guidance that water withdrawal be less than 10% of under-ice volume during winter months.</li> <li>○ Recycle contact water stored within the NICO Mine (e.g., from the Surge Pond or the Site Runoff Pond) to reduce the need for water withdrawal from Lou Lake</li> <li>○ Comply with relevant conditions set out in the Water Licence</li> </ul> </li> <li>• In response to the Tłı̨ch̓ Government (comment 9) Fortune indicated that it opted to include a water withdrawal limit in the Water Licence that allowed for possible increases in water withdrawal requirements, while remaining protective of aquatic ecosystems. Fortune further noted that the requested volume is only 4% of the volume of Lou Lake over the entire year, well below the recommended limit of 10% of under-ice water volume during a single ice-covered season. In addition, Fortune indicated it is preparing to submit a Request for Review to DFO to consider the changes to water withdrawal rates and the water intake structure, and noted that “Fortune Minerals agrees that water quality and flow should remain substantially unaltered. Considering that all water withdrawn from Lou Lake will be returned within the Marian River system, and that recent droughts have illustrated the wide range of natural variability in water quantity, Fortune Minerals is confident that the proposed water licence limit is both protective of the environment and of Tłı̨ch̓ rights” to “have waters which are on or flow through or are adjacent to Tlı̨cho lands remain substantially unaltered as to quality, quantity and rate of flow when such waters are on or flow</li> </ul>	<p>In response to Board staff (comment 109), Tlı̨cho Government (comment 9) and ECCC (comment 2) regarding the increased water withdrawal volume from Lou Lake, Fortune indicated that a more refined estimate of water withdrawal will be provided in future versions of the Water and Wastewater Management Plan for Board approval. Fortune has noted that the that the proposed increase is precautionary and is not expected to occur from year-to-year. The Board notes that water use volumes are typically included in the Licence, and therefore if Fortune proposes an increased volume in the future, an amendment to the Licence would be necessary.</p> <p>The Board can carry forward the conditions currently included in Part D (water use) which are intended to ensure the Licensee does not exceed the maximum authorized water withdrawal volume for each water source, or from all sources combined, and to protect aquatic habitat during water withdrawal in under-ice conditions. The Board can decide to reduce the quantity of water proposed to be withdrawn from Lou Lake based on evidence provided throughout the proceeding. The Board can also include conditions limiting water withdrawal at particular times of the year as proposed by Fortune in response to comments during the public review.</p>
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		<p>through or are adjacent to Tłı̄chǫ lands."</p> <ul style="list-style-type: none"> <li>• In response to Board staff (comment 109), the Applicant indicated that bathymetry has been collected for Lou Lake, and its maximum depth was recorded at 32 metres, therefore it has sufficient volume and depth for under-ice water withdrawal. The Applicant agreed to incorporating the water withdrawal limit proposed in the Application form, as a Licence Condition, and agreed to keeping conditions 3 and 4 in Part D of the water licence.</li> <li>• In response to DFO (comment 1 and 2) the Applicant agreed to submitting a Request for Review, and incorporate the items recommended by DFO. Fortune noted that "the overall site water balance is still being refined with the objective of maximizing recycling to minimize water withdrawal from Lou Lake. The increase in water from Lou Lake is a precautionary measure while this work is proceeding. Water withdrawal will be year-round with higher levels in late winter and lower levels in spring and early summer. The withdrawal rate will comply with DFO regulations concerning under-ice withdrawal regulations."</li> <li>• In the Water Licence Application Form, Fortune proposed to withdraw water from Marian River at up to 10% of the instantaneous river flow. However, in response to Board staff comments during the public review (WLWB staff comment 78) Fortune proposed a maximum pumping rate of 5% of mean monthly flow, or 200 L/s (0.2 m<sup>3</sup>/s), whichever is less, and, as a further precaution, pumping would only occur between May and October when flows are higher. Fortune further noted that a withdrawal rate of 5% is below the recommended limit of 10% of under-ice water volume during a single ice-covered season as recommended by DFO Protocol for Winter Water Withdrawal from Ice-covered Waterbodies in the Northwest Territories and Nunavut and the LWB's Method for Determining Available Winter Water Use Capacity for Small-Scale Projects. As such, Fortune indicated that "the proposed pumping confers the benefits of filling the open pit over 12 rather than 120 years while keeping the Marian River</li> </ul>	<p>As described, the current licence includes a condition that the rate of flow from the Marian River into the pits at closure will not substantially alter the flow of Marian River. The Board can include this condition in the renewed Licence.</p> <p>In response to Board staff comments during the public review of the current Application (WLWB staff comment 78), Fortune proposed a maximum pumping rate of 5% of mean monthly flow, or 200 L/s (0.2 m<sup>3</sup>/s), whichever is less, which Fortune proposed as a rate to ensure that the flow rates of the Marian River would not be substantially altered. The Board will decide on the maximum withdrawal rate for the Marian River based on the evidence provided during the proceeding. The Board may decide on a more restrictive withdrawal rate from the Marian River if other evidence is provided during the proceeding.</p> <p>Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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		<p>substantially unaltered as per EA Measure 2.”</p> <ul style="list-style-type: none"> <li>• The Board notes that in the Board’s Reasons for Decision on the initial issuance of the Licence, the Board directed Fortune to include water withdrawal sources and limits for filling the open pit at closure in the Conceptual Closure and Reclamation Plan, with the objective of ensuring that the rate of flow in the Marian River will not be substantially altered by pit filling, consistent with Measure 2 of the Report of Environmental Assessment.<sup>13</sup></li> <li>• The current licence includes a condition in Part K condition 1.a) that requires Fortune to submit an Interim Closure and Reclamation Plan including water withdrawal sources and limits for filling the open pit at closure, with the objective of ensuring that i. the time required to fill the pit will be no less than eight years and no more than 14 years, consistent with Measure 5 of the Report of Environmental Assessment; ii. the rate of flow in the Marian River will not be substantially altered by pit filling, consistent with Measure 2 of the Report of Environmental Assessment; iii. there are no significant adverse impacts to water quantity in the water withdrawal sources.</li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ IN-WATER CONSTRUCTION ACTIVITIES – WATER QUALITY</li> <li>○ WATER SOURCE AND MAXIMUM VOLUME</li> <li>○ LENTIC WATER SOURCE – MINIMUM DEPTH</li> <li>○ WATER SOURCE DEPTH VERIFICATION</li> <li>○ MAXIMUM UNDERICE WATER WITHDRAWAL VOLUME</li> </ul> </li> </ul>	
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<sup>13</sup> See WLWB Online Registry for NICO Mine - Water Licence and Land Use Permit - Reasons for Decision - Jun 17\_14

<p>Surface water: Changes in water quality.</p>	<p>NPAR Construction and Operation: Risk of petroleum hydrocarbons contamination from equipment, vehicles, and fuel storage; risk of water in contact with concrete; dust from traffic; runoff from dust suppressants introduced to surface water and ice. Increased turbidity and total suspended solids from in-water Construction activities; runoff and dust from blasting; use of sumps.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Project Screening Report: <ul style="list-style-type: none"> <li>○ Compliance with regulatory emissions requirements.</li> <li>○ Implementation of best management practices plan for controlling fugitive and exhaust emissions.</li> <li>○ Watering of roads and enforcing speed limits to suppress dust production.</li> <li>○ Equipment and fleet equipped with industry standard emission control systems.</li> <li>○ The NPAR will be as narrow as possible.</li> <li>○ NICO EA measure 3 requires a dust mitigation and monitoring plan, which will apply to all mine components, the entire NPAR and airstrip.</li> </ul> </li> <li>• In response to Board staff (comment 2) the Applicant indicated that only dust suppressants recommended in the GNWT Guidelines will be used, following procedures described in the Dust Management Plan to avoid pooling or run off. Traffic will be restricted during and after application to allow suppressants to settle, avoid application during or prior to rain, or over bridges and water courses.</li> <li>• In response to a question from the Tłı̨chǫ Government (comment 5) the Applicant indicated that mitigations will be in place to ensure that ore concentrate being transported on the road does not spill or enter the receiving environment. These include speed limits along the NPAR, covering of concentrate during transport where possible, efficient project planning to reduce the number of trips required to move concentrate.</li> <li>• Fortune Minerals will locate any greywater sumps at least 100 metres from a watercourse if sumps are required (WLWB comment 9).</li> <li>• The preliminary NPAR alignment indicates that it is over 100 m from Rabbit and Hislop Lakes (WLWB comment 1).</li> <li>• The Applicant submitted a Dust Management Plan, which includes Action Levels and contingencies for visible dust, dustfall sampling, the</li> </ul>	<p>In response to Board staff (comment 9) Fortune stated that any greywater sumps will be located at least 100 metres from a watercourse and committed to providing further details in an updated Waste Management Plan when camp details are finalized. The draft Permit included a sump setback condition (Part C, condition 4) as a mitigation and the Board can include this condition in the issued permit.</p> <p>Fortune submitted an Erosion and Sedimentation Control Plan (ESCP) with the Application which includes monitoring and responses to specific turbidity and TSS thresholds. Board staff (comment 13) asked during the public review for clarification regarding the High Action Level threshold and the Board may decide that the Plan requires a different threshold to mitigate potential effects from increase in turbidity. The draft water licence included TSS limits for in-water construction and the Board can include this condition in the issued water licence.</p> <p>Fortune submitted a Framework Borrow Source Management Plan with the application that outlines methods of environmental protection at the NPAR borrow sources. In response to Board staff (comment 18), Fortune indicated that water for dust suppression should not be allowed to pool or drain from the borrow pit and that</p>
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		<p>use of engineering controls for fugitive dust, and approved products for dust suppression. The Applicant submitted a Spill Contingency Plan<sup>14</sup>, which includes spill prevention during fuel transfer, while using or storing hazardous products, and operating fluids, and spill response procedures for spills on snow/ice, water or on land.</p> <ul style="list-style-type: none"> <li>• The Applicant submitted a Waste Management Plan<sup>15</sup>, which describes the management of the different waste types on site to prevent Waste from entering Watercourses and affecting water quality, fish and other aquatic life.</li> <li>• The Applicant submitted an Erosion and Sedimentation Control Plan<sup>16</sup> with the Application, which includes a response framework for TSS and Action Levels in response to exceedance of specific thresholds.</li> <li>• In response to Information Requests from the Board (IR1 and IR7) Fortune provided the following mitigations: <ul style="list-style-type: none"> <li>○ Spills of drilling fluid or hydrocarbons during drilling may result in surface water contamination. To mitigate potential for contamination and to clean up any spills that occur on or near water, the Spill Contingency Plan will be implemented to. Fortune Minerals will also comply with applicable standard land use permit conditions (e.g., Fuel Containment, Spill Response).</li> <li>○ Collection areas described in site-specific Borrow Source Site Plans, submitted for each source prior to development per Section 2.3 of the Borrow Source Management Plan, will prevent contact water from draining from the borrow pit and avoid discharge of waste to the environment. Blasting is unlikely to be required, however, to reduce the levels of explosive residue, pre-packaged nitroglycerine (dynamite) is most likely form of explosive to be used, avoiding the need for ammonium nitrate. If ammonium nitrate is used, standard procedures will be used to avoid loss to the environment.</li> </ul> </li> </ul>	<p>the Dust Management Plan includes similar mitigation for the application of dust suppressants. The Board can require updates to the Plan to clarify that water used for dust suppression will be applied in a way as to avoid pooling or drainage, to include a cross-reference to the Response Framework in the ESCP for TSS/turbidity, and to also consider potential blast residue.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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<sup>14</sup> See WLWB Online Registry for [NPAR - Spill Contingency Plan – Version 1.0 – Oct 14 25](#).

<sup>15</sup> See WLWB Online Registry for [NPAR – Waste Management Plan – Version 1.0 - Oct 14 25](#).

<sup>16</sup> See WLWB Online Registry for [NPAR - Erosion and Sedimentation Management Plan – Version 1.0 – Oct 14 25](#).

		<p>This includes use of ammonium nitrate pellets with waxy coating to prevent water infiltration, avoiding blasting in wet or windy conditions and minimizing time between placement and detonation. A setback of 100 meters from of the ordinary high watermark of any waterbody may also be considered.</p> <ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ QUARRY SETBACK</li> <li>○ PARALLEL WATERCOURSE SETBACK</li> <li>○ STORAGE ON ICE</li> <li>○ CONSTRUCT ICE BRIDGES SNOWFILLS</li> <li>○ REMOVE ICE BRIDGES / SNOWFILLS</li> <li>○ EXCAVATION SETBACK</li> <li>○ DRILLING NEAR WATER OR ON ICE</li> <li>○ DRILLING WASTE</li> <li>○ DRILLING WASTE DISPOSAL</li> <li>○ DRILLING WASTE CONTAINMENT</li> <li>○ GREYWATER DISPOSAL – SUMP SETBACK</li> <li>○ SEWAGE DISPOSAL – PLAN</li> <li>○ SPILL RESPONSE</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ EROSION AND SEDIMENT CONTROL PLAN</li> <li>○ WATER QUALITY MONITORING PLAN</li> <li>○ IN-WATER CONSTRUCTION ACTIVITIES – WATER QUALITY</li> <li>○ OBJECTIVE – PREVENT WASTE INTO WATER</li> <li>○ SPILL CONTINGENCY PLAN</li> <li>○ SPILL PREVENTION AND RESPONSE EQUIPMENT</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> </ul>	
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<p>Air quality. Increased greenhouse gases.</p>	<p>Burning of fossil fuels; mobilization and operation of equipment for construction and operational activities; increased road traffic.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Project Screening Report: <ul style="list-style-type: none"> <li>○ Compliance with regulatory emission requirements</li> <li>○ Implementation of best management practices plan for controlling fugitive and exhaust emissions and improving energy efficiencies.</li> <li>○ Watering roads and enforcing speed limits to suppress dust production.</li> <li>○ Equipment and fleet equipped with industry-standard emission control systems.</li> <li>○ NPAR will be as narrow as possible.</li> <li>○ Compliance with a dust mitigation and monitoring plan as required by NICO Environmental Assessment Measure 3. EA Measure 3 requires a dust management and monitoring plan, which will apply to all mine components including the airstrip and the entire NPAR.</li> </ul> </li> <li>• In response to an Information Request (IR1) the Applicant provided the following mitigations: <ul style="list-style-type: none"> <li>○ Greenhouse gas emissions will be produced by drilling equipment. Where possible, Fortune Minerals will use energy efficient equipment and implement emissions reduction strategies (e.g., no idling).</li> </ul> </li> <li>• In response to a Tłıchǫ Government (TG comment 8), Fortune Minerals indicated that it considered the Project carbon footprint in project design and has switched the primary electrical generation source at the NICO Mine from diesel to Liquified Natural Gas, which has lower carbon emissions.</li> <li>• In response to a comment from the North Slave Metis Alliance (NSMA comment 10), Fortune Minerals indicated that it will implement best management practices for dust management including proactive planning and risk assessment, speed limits, use of water or approved dust suppressants, pre-planning of dust suppression during a period of strong winds, covering of crushers and conveyors where possible, implementing Dust Management Plan.</li> </ul>	<p>The draft licence included a condition requiring compliance with an approved Dust Management Plan (Part F, condition 5) as a mitigation and the Board can include this condition in the issued licence.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment or be a cause of public concern.</p>
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<p>Direct loss of vegetation</p> <p>Introduction of non-native (invasive) species</p> <p>Effects on plant health (dust, metals, toxins)</p> <p>Compaction of vegetation</p>	<p>Clearing of Vegetation, contouring, excavation; use of motorized and heavy equipment; quarrying; dust generation and emissions from motorized equipment; storage.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Project Screening Document: <ul style="list-style-type: none"> <li>○ Where possible, existing access roads and trails will be used.</li> <li>○ The width of access roads and workspaces will be limited.</li> <li>○ The NPAR will be as narrow as possible.</li> <li>○ Use of culverts and other design features that reduce changes to local flows, drainage patterns and drainage areas.</li> <li>○ The NPAR design will use coarser materials to minimize frost effects.</li> <li>○ Most construction will likely be completed during winter months, when possible.</li> <li>○ Organic and/or topsoil horizons will not be stripped in areas containing ice-rich permafrost to reduce potential for an increase in thaw depth and related thaw subsidence.</li> <li>○ Compliance with regulatory emission requirements and best management practices for controlling fugitive and exhaust emissions and improving energy efficiency.</li> <li>○ Watering of roads and enforcing speed limits to suppress dust production.</li> <li>○ Equipment and fleet equipped with industry-standard emission control systems.</li> <li>○ A dust mitigation and monitoring plan required by EA Measure 3 will apply to the entire NPAR and airstrip.</li> <li>○ New equipment will be inspected and cleaned prior to arriving to site, particularly before moving into sensitive vegetation and disturbed areas.</li> <li>○ Develop and implement an invasive plant management strategy.</li> </ul> </li> <li>• In response to an Information Request (IR1) by the Board, the Applicant provided the following mitigations: <ul style="list-style-type: none"> <li>○ Drilling activities and equipment may result in the direct loss of vegetation. As the drilling will precede excavation, the proposed mitigation is to minimize the overall Project footprint.</li> <li>○ Drilling equipment may have the potential to spread non-native or</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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		<p>invasive plant species. To limit possible non-native species introductions, all drilling equipment will be cleaned prior to transport on site.</p> <ul style="list-style-type: none"> <li>○ Drilling equipment may compact vegetation. As the drilling will precede excavation, the proposed mitigation is to minimize the overall Project footprint.</li> <li>• The Applicant proposed the following mitigations to protect vegetation in the Wildlife Management and Monitoring Plan submitted with the Application: <ul style="list-style-type: none"> <li>○ Reduce the spatial extent of the Project footprint as much as practical. Promote natural re-vegetation and practice progressive reclamation, as per the Closure and Reclamation Plan.</li> <li>○ Remediate and decommission the site when mining operations are complete, as per the Closure and Reclamation Plan.</li> <li>○ Clean earth-moving equipment to prevent the introduction of invasive species.</li> <li>○ Collect and store topsoil for re-vegetation.</li> <li>○ Manage the risk of on-site forest fires through the Emergency Response Plan and the Spill Contingency Plan.</li> </ul> </li> <li>• In response to the Tłjchq Government (comment 16), Fortune Minerals agreed to ensure that all salvageable trees are not wasted and are hauled to Whati during construction, in the same season they are cut.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ WASTE MANAGEMENT PLAN</li> <li>○ REPAIR LEAKS</li> <li>○ FUEL CACHE SECONDARY CONTAINMENT</li> <li>○ SECONDARY CONTAINMENT – REFUELING</li> <li>○ FUEL CONTAINMENT</li> <li>○ SAVE AND PLACE ORGANIC SOIL</li> <li>○ SEAL OUTLET</li> <li>○ SPILL CONTINGENCY PLAN</li> </ul> </li> </ul>	
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		<ul style="list-style-type: none"><li>○ SPILL RESPONSE</li><li>○ DRIP TRAYS</li><li>○ CLEAN UP SPILLS</li><li>○ REPORT SPILLS</li><li>● The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:<ul style="list-style-type: none"><li>○ WASTE MANAGEMENT PLAN</li><li>○ SPILL CONTINGENCY PLAN</li><li>○ REPORT SPILLS</li><li>○ SPILL PREVENTION AND RESPONSE EQUIPMENT</li><li>○ CLEAN UP SPILLS</li></ul></li></ul>	
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<p>Fish and Aquatic Habitat</p>	<p>Construction and operation of NPAR: use of watercourse crossings on NPAR; withdrawal of water from the watercourses listed in the Licence and other smaller lakes and streams; watercourse alteration (installation of culverts); clearing of vegetation; excavation or stockpiling; use of motorized or heavy equipment; transfer, storage, and use of petroleum products and/or chemicals near a watercourse; road traffic. NICO Mine: Increased water withdrawal from Lou Lake; filling of the pit at closure with water from Marian River.</p>	<ul style="list-style-type: none"> <li>• The Applicant proposed the following mitigations in the Applications and within the Project Screening Document: <ul style="list-style-type: none"> <li>○ Water use will be less than 299 cubic metres per day and no more than 10% of lake volume will be used in any one year, or no more than 10% of instantaneous river flow for the NPAR.</li> <li>○ For the use of Lou Lake at the Mine, Fortune proposed to limit withdrawals to less than 4% of Lou Lake volume over the year, and less than 10% of under-ice volume in winter.</li> <li>○ In the Licence Application form Fortune proposed a withdrawal rate of up to 10% of the instantaneous river flow for the Marian River, however, in response to Parties Fortune proposed a maximum pumping rate of 5% of mean monthly flow, or 200 L/s (0.2 m3/s), whichever is less.</li> <li>○ The selection of the crossing design considers the size of the watercourse and potential risks to fish and fish habitat.</li> <li>○ Cross-drainage structures will be designed and constructed such that structures will not create a hydraulic barrier to fish passage.</li> <li>○ Use of culverts and standard environmental design features that reduce impacts to local flows and drainage patterns.</li> <li>○ Instream work during road crossing construction along the NPAR will be avoided or limited to the minimum extent possible.</li> <li>○ Site staff will not be permitted to fish while at work.</li> <li>○ The NPAR is a private road and access may be restricted.</li> <li>○ Watering of roads and enforcing speed limits to suppress dust production.</li> <li>○ Equipment and fleet equipped with industry-standard emission control systems.</li> <li>○ Compliance with regulatory emission requirements and best management practices for controlling fugitive and exhaust emissions.</li> <li>○ Watering of roads and enforcing speed limits to suppress dust production.</li> <li>○ A dust mitigation and monitoring plan required by EA Measure 3</li> </ul> </li> </ul>	<p>The draft Licence included a condition to limit water withdrawal. This condition aims to protect the Water Sources and aquatic habitat during low flow in rivers and streams, or when water levels are low in lakes. The draft Licence also included a standard licence condition that requires the Licensee to construct and maintain the Water Intake(s) with a screen designed to prevent impingement or entrainment of fish (Part D, condition 7: Water Intake Screen) and a condition that requires the Licensee to obtain written authorization from an Inspector for the location of the Water intake in a fish-bearing Watercourse to minimize disruption of fish habitat near a Water intake (Part D, Condition 8).</p> <p>Fortune has not requested these conditions be removed from the draft Licence and the Board can carry these conditions over to the issued licence.</p> <p>The Applicant indicated that all watercourses to be crossed have been assessed by a qualified fisheries biologist. Fortune anticipates that by following the construction and crossing structure recommendations and mitigation (e.g., avoiding or limiting to the extent possible in-stream work activities) there will be negligible impacts to fish and fish habitat as a result of the construction of the NPAR southern section. In addition, Fortune noted that the bridge over the Marian River</p>
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		<p>will apply to the entire NPAR and airstrip.</p> <ul style="list-style-type: none"> <li>○ In-stream work will comply with the relevant NWT Restricted Activity Timing Windows for the protection of fish and fish habitat.</li> <li>○ The construction practices and mitigation during construction are expected to minimize negative impacts on the fisheries resources. Construction practices will follow applicable DFO’s Measures to Avoid Causing Harm to Fish and Fish Habitat including Aquatic Species at Risk (DFO 2016). Construction will follow erosion and sediment control measures outline in the Erosion and Sediment Control Plan. For example, work will be done during relatively dry conditions in late summer or frozen conditions in fall or winter to maximize favourable weather and minimize potential effects to fish habitat. Worksite entrances will be stabilized, onshore silt fences will be installed, and the construction area will be isolated using cofferdams and dewatered.</li> <li>○ Any conditions and mitigations outlined by regulatory agencies under the Fisheries Act, the MVRMA, the Navigation Protection Act, and the Water Licence and Permit, will be adhered to.</li> <li>• See air quality for details on mitigations that protect fish and aquatic habitat from impacts resulting from air emissions.</li> <li>• In response to DFO (comment 1) Fortune indicated the following: <ul style="list-style-type: none"> <li>○ Fortune Minerals will complete and submit a request for review form to the DFO for the NPAR and NICO mine. The NPAR route has been designed to minimize the number of water crossings and construction of water crossing structures will be scheduled outside of fish spawning and incubation periods.</li> <li>○ The bridge across the Marian River will be designed as a clear span structure and construction will occur at a bedrock outcrop where the river narrows to protect fish habitat. Construction practices and mitigation measures (e.g., sediment and erosion control measures such as silt curtains and runoff management) during construction are expected to minimize negative impacts on aquatic resources.</li> </ul> </li> </ul>	<p>will be a span and therefore construction in stream will not affect fish habitat in any way.</p> <p>In response to comments, a request for review will also be submitted to the DFO for the NPAR per DFO comment 1. DFO may require additional mitigations as the protection of fish and fish habitat is largely its responsibility and specific regulatory authority for these matters rest with DFO. The Board could include a requirement for Fortune to satisfy any applicable DFO authorization or requirements.</p> <p>The Dust Management Plan indicates that Calcium chloride and DL10 are currently the only approved dust suppressants in the NWT (GNWT 2013). The Plan also indicates that water may also be used, in compliance with the water licence. The Board could include conditions in the licence or requirements in the RFD about the use of dust suppressants and a schedule in the Licence with requirements for the Dust Management Plan.</p> <p>Fortune submitted an Erosion and Sedimentation Control Plan (ESCP) with the Application which includes monitoring and responses to specific turbidity and TSS thresholds. Board staff (comment 13) asked during the public review for clarification regarding the High Action Level threshold and</p>
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		<p>from Rabbit and Hislop Lakes (WLWB comment 1).</p> <ul style="list-style-type: none"> <li>○ As described in the Dust Management Plan, only dust suppressants recommended by in the GNWT Guideline for Dust Suppression will be used, and following the procedures listed in Section 2.4 of the Dust Management Plan to avoid pooling or runoff. For clarity, dust suppressants are proposed as mitigation to reduce the transport of dust, which may also impact surrounding waterbodies. Fuel caches will adhere to the anticipated land use permit conditions #73 to 88, providing clear and specific direction for the storage and access of fuel. Mitigation and procedures listed in the Spill Contingency Plan will also apply (WLWB comment 2).</li> <li>○ Mitigations for dust suppressants would include restriction of traffic during and after application to allow suppressants to settle and reduce instances of runoff, avoid application of suppressants during or prior to rain, and avoiding application over bridges and watercourses (WLWB comment 5).</li> <li>○ The use of suppressants will also be monitored and evaluated to determine effectiveness and if alternative dust suppression activities are required. These mitigations can be included in a future version of the Dust Management Plan (WLWB comment 5).</li> <li>○ Fortune Minerals will locate any greywater sumps at least 100 metres from a watercourse if sumps are required (WLWB comment 9).</li> <li>○ The bridge across the Marian River will be designed as a clear span structure and construction will occur at a bedrock outcrop where the river narrows to protect fish habitat. Construction practices and mitigation measures (e.g., sediment and erosion control measures such as silt curtains and runoff management) during construction are expected to minimize negative impacts on aquatic resources (DFO comment 1).</li> <li>○ In response to Board staff (comment 20) Fortune indicated that Impacts to waterbodies from water withdrawal include entrapment of fish on intake pipes, change or loss of aquatic</li> </ul>	
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		<p>pumping confers the benefits of filling the open pit over 12 rather than 120 years while keeping the Marian River substantially unaltered as per EA Measure 2.</p> <ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ CAMP SETBACK</li> <li>○ SUMP SETBACK</li> <li>○ QUARRY SETBACK</li> <li>○ PARALLEL WATERCOURSE SETBACK</li> <li>○ STORAGE ON ICE</li> <li>○ CONSTRUCT ICE BRIDGES SNOWFILLS</li> <li>○ REMOVE ICE BRIDGES / SNOWFILLS</li> <li>○ EXCAVATION SETBACK</li> <li>○ DRILLING NEAR WATER OR ON ICE</li> <li>○ DRILLING WASTE</li> <li>○ DRILLING WASTE DISPOSAL</li> <li>○ DRILLING WASTE CONTAINMENT</li> <li>○ GREYWATER DISPOSAL – SUMP SETBACK</li> <li>○ SEWAGE DISPOSAL – PLAN</li> <li>○ FUEL STORAGE SETBACK</li> <li>○ FUEL CONTAINMENT</li> <li>○ FUEL ON LAND</li> <li>○ SPILL RESPONSE</li> <li>○ DRIP TRAYS</li> <li>○ CLEAN UP SPILLS</li> </ul> </li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ EROSION AND SEDIMENT CONTROL PLAN</li> <li>○ WATER QUALITY MONITORING PLAN</li> <li>○ IN-WATER CONSTRUCTION ACTIVITIES – WATER QUALITY</li> </ul> </li> </ul>	
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		<ul style="list-style-type: none"><li>○ OBJECTIVE – PREVENT WASTE INTO WATER</li><li>○ SPILL CONTINGENCY PLAN</li><li>○ SPILL PREVENTION AND RESPONSE EQUIPMENT</li><li>○ CLEAN UP SPILLS</li><li>○ WATER SOURCE AND MAXIMUM VOLUME</li><li>○ LENTIC WATER SOURCE – MINIMUM DEPTH</li><li>○ WATER SOURCE DEPTH VERIFICATION</li><li>○ MAXIMUM UNDERICE WATER WITHDRAWAL VOLUME</li><li>○ WATER INTAKE SCREEN</li><li>○ WATER INTAKE LOCATION – AUTHORIZATION</li></ul>	
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Wildlife	<p>Clearing of timber, brush, or vegetation mat; Stripping of overburden; Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way; Increased traffic; Increased human presence; Noise (use of heavy equipment, blasting, crushing, drilling; airplanes on runway); Transfer, storage, and use of petroleum products and/or chemicals; On-site storage or disposal of wastes; the construction of the airstrip. Operation of the airstrip.</p>	<ul style="list-style-type: none"> <li>• The Applicant indicated the following in its Cover Letter submitted with the NPAR Application: <ul style="list-style-type: none"> <li>○ A Project Screening Report has been included with the application to aid Preliminary Screening for the new activities. This document includes relevant environmental information for the new areas and confirms that mitigations applied to screened sections of the NPAR also applies to the areas that require screening (i.e., southern section and airstrip).</li> <li>○ Issues associated with the construction and operation of the NPAR were addressed during the EA process. The EA on the NICO Project included Measures 9 and 10 to mitigate wildlife issues associated with the Mine and NPAR. The Wildlife Monitoring and Management Plan (WMMP) fulfills the requirements of both Measures 9 and 10, for both the Mine and Road. These measures apply to the NPAR in its entirety regardless of length of the road or point of origin.</li> </ul> </li> <li>• The Applicant proposed the following mitigations in the Project Screening Report submitted with the Application: <ul style="list-style-type: none"> <li>○ A WMMP has been developed for the Project and will be implemented.</li> <li>○ The NPAR will be as narrow as possible and will follow an existing alignment from a historic winter road.</li> <li>○ Develop and enforce “no hunting, trapping, harvesting, or fishing policy”.</li> <li>○ NICO Project design will use conventional insulation, baffles and noise suppressors on equipment.</li> <li>○ Watering of roads and enforcing speed limits (40 to 60 kph) to suppress dust production.</li> <li>○ The Temporal avoidance of sensitive periods is the best approach when considering Project activity scheduling; however, this is not always feasible. When Project activities cannot avoid these periods, additional mitigation measures will be implemented. Mitigation measures are described in the WMMP.</li> </ul> </li> </ul>	<p>The EA for the NICO Project included Measures 9 and 10 to mitigate wildlife issues associated with the Mine and NPAR. A Wildlife Monitoring and Management Plan (WMMP) has been included with the Application to fulfill the requirements of Measures 9 and 10 from the Report of Environmental Assessment for both the Mine and Road. These measures apply to the NPAR in its entirety regardless of length of the road or point of origin, as indicated by Fortune in the Project Screening Report.</p> <p>The Board notes that GNWT-ECC required that Fortune Minerals submit a Tier 3 WMMP for approval so that the WMMP can undergo a 30-calendar-day public comment period, as per GNWT-ECC’s WMMP Process and Content Guidelines.</p> <p>GNWT required that the WMMP be updated to reflect: a) any recent regulatory changes for wildlife; b) new assessments/listing of species at risk; c) changes committed to in Fortune Minerals’ response to reviewers on the public WLWB registry; and, d) any lessons learned or changes to the wildlife mitigation measures and monitoring programs that have taken place since the 2013 WMMP (for the Project) was submitted. The GNWT-ECC will notify Fortune of any required revisions to the WMMP before its approval. Following any</p>
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		<ul style="list-style-type: none"> <li>○ Two strategies will be used to mitigate effects on wildlife and wildlife habitat due to the Project footprint. The first is the use of physical structures that have been incorporated into the design of the Project, such as containment structures around fuel storage and skirting around buildings. The second is the policies and procedures implemented, such as giving wildlife the right-of-way on roads, advising staff of wildlife on-site, and implementing the various environmental management plans.</li> <li>• The Applicant proposed the following mitigations in the Framework Borrow Source Management Plan: <ul style="list-style-type: none"> <li>○ Prior to confirming the boundaries of a borrow source, the location will be reviewed against all known or potential wildlife species of concern outlined in the WMMP. These areas will be avoided to the extent possible unless mitigation measures outlined in the WMMP can be effectively implemented, such as:</li> <li>○ The absence of nesting avian species at risk (and other migratory birds) will be confirmed in borrow sources prior to commencing disruptive activities during the general nesting period (May 1 to August 20). If work commences during that time, bird nest surveys will continue throughout activities during that timing period.</li> <li>○ Environmental Officer will complete pre-clearing surveys for black bear dens in favorable habitat if any new clearing occurs during the denning season.</li> <li>○ Garbage and other attractants will be removed daily to avoid attracting wildlife to the site. The feeding of wildlife will not be permitted.</li> <li>○ All animal sightings, including the species, location, number, and the animal's reaction to the project activity must be recorded by project staff and contractors and provided to FML representatives on site.</li> </ul> </li> <li>• The Applicant proposed the following mitigations in response to comments on the WMMP during the public review of the Application: <ul style="list-style-type: none"> <li>○ In response to NSMA (comment 1) Fortune noted that access and</li> </ul> </li> </ul>	<p>subsequent revisions to the WMMP, if required, GNWT-ECC will provide Fortune with a written notice of approval, conditional approval or rejection of the WMMP within 30 calendar days. The notification will also be posted to the WLWB public registry. The Board could include conditions in the Licence that work cannot commence until such time as the WMMP has been approved through the GNWT's process.</p> <p>The Board also notes that during the public review, the WRRB requested more details on how hunting will be restricted, including which activities, by whom, how the restriction will be monitored, and how far from the road the restrictions will be in effect. Fortune indicated that a proposal for access and harvest restrictions is under development in cooperation with the Tłı̨chǫ Government, as required by the Mackenzie Valley Review Board's Measure #11. Fortune Acknowledged that any proposed harvest restrictions must be reviewed by the WRRB, as per Section 12.5 of the Tłı̨chǫ Agreement.</p> <p>Based on the described mitigations, it is the Board's opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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		<p>community landfills. Organic waste will be removed from site frequently to avoid putrefaction and spread of odours (TG comment 9).</p> <ul style="list-style-type: none"> <li>○ Fortune Minerals will request Bluenose collar data to re-evaluate as part of WMMP reporting after the first year of construction (TG comment 19).</li> <li>○ The NPAR is a private road and will be gated, so all traffic will be monitored (TG comment 23).</li> <li>○ Fortune will include measures outlined in ECCC’s Guidelines to Avoid Harm to Migratory Birds, along with pertinent information summarized in Fact sheet: Nest Protection under the Migratory Birds Regulations, 2022 and Frequently Asked questions: Migratory Birds Regulations, 2022. Further, the plan will be updated to outline key locations that may be impacted by the Project, if and when they are identified, along with mitigation measures to avoid or minimize these effects (ECCC comment 3).</li> <li>○ In response to ECCC (comments 1) Fortune committed to reviewing the Species at Risk registry and Species at Risk in the Northwest Territories booklet and update relevant management plans prior to start of construction and operations as necessary. Fortune will correspond with GNWT to identify appropriate mitigations and/or monitoring measures should additional species be identified.</li> <li>○ In response to ECCC (comments 4, 5, and 6) Fortune noted that the strategies recommended by ECCC will be implemented to ensure staff and contractors are made aware of potential Bank, Barn and Cliff Swallow presence and this information will be included in relevant management plans.</li> <li>○ In response to GNWT-ECC (comment 6) Fortune indicated that Table 4 under Section 3 Potential Project Impacts provides cross-references to relevant mitigation and monitoring sections, and/or Operational and Management Plans, for each potential effects pathway, where relevant. Fortune Minerals will update this table</li> </ul>	
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		<p>to include relevant design features and policies. This table will also be updated if/when new effects and/or mitigation measures, monitoring strategies, or plans are introduced.</p> <ul style="list-style-type: none"> <li>○ In response to GNWT-ECC (comment 5) Fortune acknowledged the potential presence of little brown myotis and hoary bat in the project area and that these species have statues under COSEWIC and SARA. Fortune Minerals’ approach is to assume that bats are present. Fortune Minerals will implement the mitigations and monitoring activities outlined in the WMMP and in response to WRRB Comment 2 to limit impacts to bats and bat habitat present along the NPAR.</li> <li>○ In response to WRRB (comment 1) Fortune noted that a proposal for access and harvest restrictions is under development in cooperation with the Tłıchq Government. This mitigation is required by the Review Board’s Measure 11. Fortune Minerals is aware that any proposed harvest restrictions must be reviewed by the WRRB, as per Section 12.5 of the Tłıchq Agreement.</li> <li>○ In response to WRRB (comment 2) Fortune indicated that incidental observations are a standard and useful approach for the early detection of wildlife issues at development sites. In this example, the incidental observation by Project staff can be followed up by environmental monitors for immediate response. While it has not been confirmed that all the possible bat and avian species at risk are present, a precautionary approach requires they are assumed to be present. Acoustic recorders are not well suited to adaptive management, as the results are not available until months after the bird or bat is present and vocalizing near the acoustic recorder.</li> <li>• The Applicant proposed the following mitigations in response to Information Requests (IR1 and IR5): <ul style="list-style-type: none"> <li>○ Noise from drilling activities and equipment may impact wildlife. Fortune Minerals will install noise-dampening equipment or structures and conduct regular maintenance on equipment where</li> </ul> </li> </ul>	
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		<p>possible to reduce impacts from noise. As the drill holes will be shallow (i.e., less than 20 metres), drilling will have a short-term duration. The Wildlife Management and Monitoring Plan will also be implemented.</p> <ul style="list-style-type: none"> <li>○ Following the strategies and requirements outlined in the WMMP, should bat roost be encountered at anytime of the year, nearby Project activities will pause, and project staff will notify the Construction Manager. The Construction Manager will ensure sightings are included in the annual monitoring report and immediately notify the Government of the Northwest Territories Department of Environment and Climate Change (GNWT-ECC) of roost locations. Roosts will not be damaged, destroyed, disturbed or otherwise adversely affected in accordance with subsection 5.3.(1) of the Wildlife General Regulations, unless a general wildlife permit is obtained from GNWT-ECC. Whenever possible, roosts will be avoided, and additional mitigations will be implemented. Mitigation outside of the 1 May to 20 August <ul style="list-style-type: none"> <li>○ maternity roosting period may include implementation of buffer zones, and reduction of nearby sources of artificial lighting and/or noise-generating activities.</li> </ul> </li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ LOCATION OF ACTIVITIES</li> <li>○ REMOVE WIRE</li> <li>○ HABITAT DAMAGE</li> <li>○ WASTE MANAGEMENT PLAN</li> <li>○ GARBAGE CONTAINER</li> <li>○ MINIMIZE AREA CLEARED</li> <li>○ MIGRATORY BIRD NEST DISTURBANCE</li> </ul> </li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include:</li> </ul>	
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		<ul style="list-style-type: none"><li>○ PRECAUTION TO PROTECT ENVIRONMENT</li></ul>	
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<p>Impacts on Caribou and Caribou Habitat</p>	<p>Clearing of timber, brush, or vegetation mat; Stripping of overburden; Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, rights-of-way, or airstrip; Increased traffic; Increased human presence; Noise (use of heavy equipment, blasting, crushing, drilling);</p>	<ul style="list-style-type: none"> <li>• In the Cover Letter submitted with NPAR Application Fortune indicated the following: <ul style="list-style-type: none"> <li>○ Issues associated with the construction and operation of the NPAR were addressed during the EA process. In the Report of Environmental Assessment and Reasons for Decision on the NICO Project, the Mackenzie Valley Review Board’s included Measures 9 and 10 to mitigate wildlife issues associated with the Mine and NPAR. The Wildlife Monitoring and Management Plan (WMMP) fulfills the requirements of both Measures 9 and 10, for both the Mine and Road. These measures apply to the NPAR in its entirety regardless of length of the road or point of origin. The Board notes that the GNWT made a determination that a Wildlife Management and Monitoring Plan is required to be submitted to the GNWT for approval, which is to include the NPAR.<sup>17</sup></li> </ul> </li> <li>• In the Project Screening Report, the Applicant proposed the following mitigations: <ul style="list-style-type: none"> <li>○ The NPAR will be as narrow as possible, while maintaining safe construction practices.</li> <li>○ The NPAR will follow an existing alignment from a historic winter road.</li> <li>○ NICO suggestion 5 from the EA requires discussions for caribou habitat compensation.</li> <li>○ Develop and enforce “no hunting, trapping, harvesting, or fishing policy”</li> <li>○ Fortune indicated that as per the REA, there are Measures that it must implement related to caribou and caribou habitat. NPAR Measure 11 prohibits harvesting of Caribou on the NPAR.</li> <li>○ NICO Project design will use conventional insulation, baffles and noise suppressors on equipment.</li> <li>○ Speed limits will be established (40 to 60 kilometres per hour).</li> <li>○ The presence of caribou will be monitored and communicated to</li> </ul> </li> </ul>	<p>The Board notes that GNWT-ECC required that Fortune Minerals submit a WMMP for approval. The WMMP should be updated to reflect commitments made by Fortune in response to reviewers on the WLWB public registry. The WMMP will undergo a 30-calendar-day public comment period and based on GNWT- ECC’s review and the comments received from other parties, GNWT-ECC will notify Fortune Minerals of any required revisions to the WMMP before its approval. The board can include a condition that Fortune can not start work until GNWT-ECC has approved the WMMP.</p> <p>The Board also notes that during the public review, the WRRB requested more details on how hunting will be restricted along the NPAR. Fortune indicated that a proposal for access and harvest restrictions is under development in cooperation with the Tłı̨chǫ Government, as required by the Review Board’s Measure 11. Fortune Acknowledged that any proposed harvest restrictions must be reviewed by the WRRB, as per Section 12.5 of the Tłı̨chǫ Agreement. The Board can include a condition that requires that the WRRB reviews the proposal for access and harvest restrictions developed in cooperation with the Tłı̨chǫ Government,</p>
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<sup>17</sup> [NPAR - Wildlife Management and Monitoring Plan - Wildlife Act Section 95\(1\) Determination - Nov 17 25.pdf](#)

		<p>site personnel.</p> <ul style="list-style-type: none"> <li>○ Caribou will be given the right-of-way.</li> <li>○ All employees will be provided with environmental awareness training.</li> </ul> <ul style="list-style-type: none"> <li>● The Applicant proposed the following mitigations in response to comments from parties during the public review of the NPAR Application: <ul style="list-style-type: none"> <li>○ In response to NSMA (comment 1) Fortune noted that access and harvesting restrictions are required by EA Measure 11. Fortune will restrict access on the road for safety reasons and any other access issues will be dealt with by the Tłıchǫ Government and the GNWT.</li> <li>○ In response to NSMA (comment 13) Fortune indicated that project clearing activities will be suspended for areas where caribou are observed.</li> <li>○ In response to GNWT-ECC (comment 10) Fortune noted that it will update the WMMP to clarify that a proposal to restrict caribou harvesting along the NPAR will be submitted to the WRRB. Access and harvesting restrictions are required by the Mackenzie Valley Review Board EA Measure #11. A road management proposal will be presented to GNWT and WRRB prior to commissioning of the NPAR (GNWT-ECC comment 15).</li> <li>○ In response to GNWT-ECC (comment 11) Fortune noted that the NICO Project occurs in a boreal environment and the potential for boreal caribou to interact with the Project is year-round. The proposed surveillance monitoring will be year-round. If collar maps of barren-ground caribou indicate caribou are visible from the Project site or NPAR, then there will be a follow-up survey in that area to determine how many caribou are present and whether additional mitigation is required. This is consistent with use of barren-ground collar maps for the Tłıchǫ All-season Road (GNWT 2020).</li> <li>○ In response to GNWT-ECC (comment 13) Fortune noted that pre-clearing surveys during construction include large mammals within</li> </ul> </li> </ul>	<p>prior to starting any construction work.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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		<p>the survey scope. This would include survey for active dens. Fortune will include “active den” in the example list of wildlife sign in Section 5.3.</p> <ul style="list-style-type: none"> <li>○ In response to GNWT-ECC (comment 17) Fortune indicated that Dust monitoring and suppression will be provided in the Dust Management Plan, a framework version of which was provided with the application. Should the project generate dust that travels within or beyond the project area, project activities may be limited or postponed until wind speeds subside or until dust suppressants can be applied.</li> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ LOCATION OF ACTIVITIES</li> <li>○ REMOVE WIRE</li> <li>○ HABITAT DAMAGE</li> <li>○ WASTE MANAGEMENT PLAN</li> <li>○ GARBAGE CONTAINER</li> <li>○ MINIMIZE AREA CLEARED</li> </ul> </li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ PRECAUTION TO PROTECT ENVIRONMENT</li> </ul> </li> </ul>	
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<p>Change to or loss of heritage resources</p>	<p>Clearing of timber, brush, or vegetation mat; Construction of structures (buildings, water or waste management facilities, etc.); drilling, blasting.</p>	<ul style="list-style-type: none"> <li>• In the PSR the Applicant indicated that the report Heritage Resources Impact Assessment Fortune Minerals NICO Mine All-Weather Access Road (Golder 2005) assessed both the Northern and the Southern sections of the NPAR route and that no significant sites were recorded along the NPAR during the survey. However, during the public review, GNWT Prince of Wales Northern Heritage Centre (PWNHC) noted that although a significant amount of archaeological work has been completed for the previous project footprint area, additional work is still required for the current project footprint area. Fortune committed to discussing with GNWT-PWNHC any additional archaeological work that may be required for the NPAR route.</li> <li>• In the PSR the Applicant provided the following mitigations: <ul style="list-style-type: none"> <li>○ Fortune Minerals will conduct Archaeological Assessment for areas that are considered likely to contain heritage resources.</li> <li>○ Avoid previously recorded heritage resources sites</li> <li>○ Complete additional archaeological assessment for any changes to NICO Project footprint in areas considered to have moderate to high potential to contain heritage resources.</li> <li>○ Monitor condition of known heritage resource sites near the NPAR southern section.</li> <li>○ Provide awareness training and a manual for recognizing heritage resources to construction crews.</li> </ul> </li> <li>• In the Framework Borrow Source Management Plan, Fortune indicated that to prevent the spread of invasive plants, all equipment used for borrow source development and operations must arrive on-site clean and free of dirt, mud, and plant material. Material that is contaminated with seed or plant parts from an invasive plant must not be moved from one location to another. This and other preventative measures will be implemented as described in future versions of this plan.</li> <li>• In response to the Tłı̨chǫ Government (comment 4), Fortune indicated that it has an agreement with the Tłı̨chǫ Government that heritage surveys will be completed on borrow sources prior to their use</li> <li>• In response to the Tłı̨chǫ Government’s recommendation that the</li> </ul>	<p>GNWT-PWNHC indicated that Draft Permit conditions 61. Archaeological Buffer, 62. Site Disturbance, 63. Site Discovery and Notification, 64. Archaeological Overview, and 65. AIA – High Potential are sufficient. The Board can carry forward these conditions into the renewed Licence.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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		<p>proposed route (and borrow sources) consider TK and be protective of any identified archaeological or sensitive sites, Fortune committed to working with the Tłıchǫ Government on gathering Traditional Knowledge (TK) (response to TG comment 1).</p> <ul style="list-style-type: none"> <li>• The Board has standard permit conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ AIA – HIGH POTENTIAL</li> <li>○ ARCHAEOLOGICAL OVERVIEW</li> <li>○ FINAL CLEANUP AND RESTORATION</li> <li>○ AIA</li> <li>○ ARCHAEOLOGICAL BUFFER</li> <li>○ SITE DISTURBANCE</li> <li>○ SITE DISCOVERY AND NOTIFICATION</li> </ul> </li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ IDENTIFY TRADITIONAL KNOWLEDGE</li> <li>○ INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL KNOWLEDGE</li> </ul> </li> </ul>	
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<p>Effects on traditional harvesting due to changes in access.</p>	<p>Clearing of vegetation; Noise (use of heavy equipment, blasting, crushing, drilling) Construction activities; Increased human presence; increased access; increased road traffic.</p>	<ul style="list-style-type: none"> <li>• The Applicant provided the following mitigations in the Project Assessment Report: <ul style="list-style-type: none"> <li>○ The NPAR is a private road and access may be restricted.</li> <li>○ Cultural awareness programs.</li> <li>○ Hunting, trapping, or recreational fishing will be prohibited by staff or contractors at the NICO Mine site, or when on the NPAR for work purposes. The recreational use of all-terrain vehicles at site will be prohibited.</li> <li>○ Fortune is committed to having discussions with hunters and trappers whose hunting and trapping practices have been compromised by the NICO Project.</li> <li>○ Fortune will hire Tłı̨chǫ people to perform the monitoring on site whenever possible and assist in the design of monitoring programs.</li> <li>○ Under the Tłı̨chǫ Agreement, the Tłı̨chǫ Government may implement harvesting and access restrictions to non-Tłı̨chǫ if traditional activities are impacted.</li> <li>○ NICO EA Measure 9 requires Fortune to collaborate with the Tłı̨chǫ Government, the North Slave Metis Alliance, the Yellowknives Dene First Nation, the GNWT and the Wek'èezhì Renewable Resources Board to complete and implement a Wildlife Effects Monitoring Program.</li> <li>○ Impacts on wildlife will be managed by site environmental staff and through meetings and interviews with the local residents.</li> </ul> </li> <li>• In response to WRRB (comment 3) Fortune acknowledged that any plans made by the Tłı̨chǫ Government and Fortune Minerals relating to the restriction of wildlife or tree harvesting along the NPAR will be provided to the WRRB for review.</li> <li>• The Board has standard licence conditions that are typically used to mitigate the identified potential impacts. These standard conditions include: <ul style="list-style-type: none"> <li>○ IDENTIFY TRADITIONAL KNOWLEDGE</li> <li>○ INCORPORATE SCIENTIFIC INFORMATION AND TRADITIONAL</li> </ul> </li> </ul>	<p>During the public review, the North Slave Metis Alliance (NSMA) noted that the NPAR lies within NSMA traditional territory as well as Tlı̨cho Lands, and any decisions regarding access, harvesting restrictions, or land use management must be developed in full collaboration NSMA, whose members exercise constitutionally protected rights in this area. NSMA noted that it must be meaningfully included in any caribou-related land management efforts in NSMA traditional lands (NSMA comment 1). The Board notes that, while the NPAR will be a private road based on the access agreement with the Tlı̨cho Government, and access to the road may be restricted in order to mitigate significant adverse impacts from the project on caribou, as required by EA Measure 11, NSMA will still have the right to access their traditional hunting lands.</p> <p>The Board notes that the WRRB is responsible for managing wildlife and wildlife habitat in Wek'èezhì. Section 12.5.1 of the Tłı̨chǫ Agreement specifically states that “limitations on harvesting activities” is a wildlife management action which must be submitted to the WRRB for approval when it is being proposed by a Party to the Agreement” (WRRB comment 3). Fortune responded that it is aware that any proposed harvest restrictions must be reviewed by the WRRB, as per Section 12.5 of the Tłı̨chǫ</p>
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		<p>KNOWLEDGE</p>	<p>Agreement, and any plans made by the Tłıchǫ Government and Fortune Minerals relating to the restriction of wildlife or tree harvesting along the NPAR will be provided to the WRRB for review.</p> <p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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<p>Social and Economic Well Being</p>	<p>Noise (use of heavy equipment, blasting, drilling)  Transfer, storage, and use of petroleum products and/or chemicals  On-site storage or disposal of wastes, Construction (development or alteration: widening, straightening, detours), maintenance and operation of lines, trails, or rights-of-way  Increased human access and presence  Operating in a remote location inaccessible or not easily accessible by emergency aid  Withdrawal of water from a watercourse  Direct or indirect deposit of waste into water.</p>	<ul style="list-style-type: none"> <li>• The Applicant provided the following mitigations in the Project Assessment Report: <ul style="list-style-type: none"> <li>○ Fortune will continue to seek input on proposed NPAR modifications/closure, new roads, transportation routes, and travel times from communities and highways.</li> <li>○ Fortune will actively seek, engage, and support meaningful consultation on issues and opportunities related to its business and operations.</li> <li>○ A plan for ongoing consultations will be developed and vetted with nearby communities.</li> <li>○ Fortune will continue to evaluate both the process and the outcome of the ongoing consultation and communications activity to address and manage issues as they arise.</li> <li>○ Travel safety programs, including substance abuse and alcohol use and vehicles.</li> <li>○ Employee and Family Assistance Program (EFAP).</li> <li>○ Measures that will be considered to reduce risk include driver training, road improvements (if determined to be necessary), strict controls on speed, and advice to communities about approximate time trucks will be passing.</li> <li>○ Worker transportation will be explored with a view to minimize commuter traffic, especially at night.</li> <li>○ Prohibit the use of Project or contractor vehicles for transporting hitchhikers along the TASR or the NPAR.</li> <li>○ Ensure safe operation of Project and contractor vehicles (e.g., zero-tolerance policy for driving under the influence of impairing substances, maintain vehicles in safe operating condition, adequate lighting when driving in dark conditions, enforce fatigue policies and maximum working hours for drivers).</li> <li>○ Cultural awareness programs.</li> </ul> </li> </ul>	<p>Based on the described mitigations, it is the Board’s opinion that the proposed activities will not have a significant adverse impact on the environment and/or will not be a cause of public concern.</p>
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#### **4.1 Consideration of Potential Impacts**

Based on the potential impacts and proposed mitigations identified above in Table 1, the Board considered whether the changes to the Project might have a significant adverse impact on the environment. In general, impacts of the changes to the Project on the environment can be mitigated through the use of standard permit and licence conditions and/or project-specific conditions established by the Board as per the LWB [Standard Process for Creating New Conditions](#). These conditions may include requirements for management and monitoring plans that provide detailed information regarding the implementation of mitigation measures and the evaluation of their effectiveness.

The conditions for the NICO Mine Licence will be discussed in further detail by all Parties through the regulatory proceeding and will be finalized by the Board following completion of the regulatory proceeding.

For the NPAR, a draft Licence and Permit were circulated for review during the regulatory proceeding, and all Parties were given the opportunity to provide comments and recommendations on the draft conditions. In finalizing the conditions, the Board will consider all of the evidence provided through the regulatory proceeding.

##### **4.1.1 Traditional Hunting Grounds**

In addition, the Board notes that, during the public review of the NPAR Application, NSMA raised a concern that “any decisions regarding access, harvesting restrictions, or land use management must be developed in full collaboration with the North Slave Métis Alliance, whose members exercise constitutionally protected rights in this area” (NSMA comment 1). In response to NSMA comment 1, and in response to the Board’s Information Request (IR 6) related to NSMA’s comment, Fortune indicated that NSMA will have meaningful input into the management of direct project-related effects and potential cumulative effects through the working groups mandated in the Review Board’s EA measures.<sup>18</sup> EA Measure 8 specifically includes the NSMA to be part of a working group that will examine the potential for mine-related effects to contribute to cumulative effects. In addition, Measure 10 specifically requires Fortune to collaborate with the NSMA on the development of the Wildlife Effects Monitoring Plan. Fortune Minerals committed to continuing to engage with NSMA on a cooperation agreement, regulatory applications and other project milestones and to present project updates to communities once the feasibility study for the mine is completed in mid-2026 (response to NSMA comment 2). The Board notes that hunting will not be allowed on the road, as per EA measure 11,<sup>19</sup> to help reduce or avoid any significant impacts on caribou and caribou habitat, as increased access is likely to result in increased hunting activity along the NPAR. Despite the access road being private, NSMA members will be able to continue to exercise constitutionally protected rights in this area and have access to traditional hunting grounds.

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<sup>18</sup> See WLWB Online Review System for [NPAR – LUP and WL Application – Response to IRs – Jan 16 26](#).

<sup>19</sup> Page 119, [Report of Environmental Assessment and Reasons for Decision](#), January 25, 2013.

#### **4.1.2 Impacts to Wildlife**

Regarding potential impacts to wildlife, Fortune submitted a Wildlife Management and Monitoring Plan (WMMP) with the Application to fulfill the requirements of Measures 9 and 10 from the Report of Environmental Assessment. Several comments were received from parties in review of the WMMP (NSMA comments 6 through 13; WRRB comments 1 through 4; TG comments 17 through 23; ECCC comments 1 through 7; and GNWT-ECC comments 2 through 18). The Board notes that GNWT-ECC considered the potential impacts to wildlife and wildlife habitat associated with the Project and the Minister determined that, as per Section 95(1), a WMMP is required for the NICO Project and NPAR for approval by the GNWT.<sup>20</sup> GNWT-ECC indicated that the WMMP is to reflect commitments made by Fortune in response to reviewers on the WLWB public registry. As indicated in Table 1: Potential Impacts and Proposed Mitigations for the Proposed Changes to the Project, the Board can include a condition that requires Fortune not to begin construction until the GNWT-ECC has reviewed and approved the WMMP.

#### **4.2 Consideration of Public Concern**

In addition to considering the potential impacts of the changes to the Project, the Board considered whether the changes to the Project might be a cause of public concern.

Based on the evidence provided during the regulatory proceeding thus far, the Board did not identify any comments or issues that indicate that the Project is a cause of public concern.

#### **5.0 Conclusion**

The Review Board completed an EA of the Project on January 25, 2013<sup>21</sup> however, the Applications include proposed changes to the Project. Accordingly, the Board has determined that Project activities that have already been subject to Part 5 of the [MVRMA](#) are exempt from preliminary screening under Part 1, Schedule 1, section 2.1 of the Exemption List Regulations to the MVRMA. The Board has conducted a preliminary screening of the proposed changes to the Project. The Board has reviewed all the evidence received during the regulatory process with respect to the Preliminary Screening of the proposed changes to the Project. Based on the evidence, it is the Board's opinion that the proposed changes to the Project will not have a significant adverse impact on the environment or be a cause of public concern, as set out in paragraph 125(1)(a) of the [MVRMA](#). The Board has therefore decided not to refer the proposed changes to the Project to Environmental Assessment and will resume the regulatory proceeding.

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<sup>20</sup> See WLWB Online Registry for the Minister's [Wildlife Act Section 95\(1\) Determination - Requirement of a WMMP for NICO Project and Access Road](#).

<sup>21</sup> See Review Board Online Registry at [new.reviewboard.ca/](http://new.reviewboard.ca/) for the [NICO Report of EA and Reasons for Decision](#).

SIGNATURE



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**Mason Mantla, Chair**  
**Wek'èezhìi Land and Water Board**

March 3, 2026

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**Date**