

June 20, 2013

Note to file

EA 0809-004
NICO Project, Fortune Minerals Limited

To parties:

Re: Results of consultation with Review Board on proposed modification to measure #8 in NICO Report of EA

Review Board staff met with representatives of the Responsible Ministers and the Tlicho Government on June 17 and 19 to find mutually agreeable wording to the proposed modified measure #8. Meeting goals were to satisfy the requirements of the Responsible Ministers and Tlicho Government, preserve the intent of the original measure and avoid language in the measure that is not found on the NICO Project public record. The result of this collaboration is the measure set out below.

The language in the modified measure #8 described below respects the intent of the Review Board's original measure and represents consensus between Responsible Ministers, the Tlicho Government and the Review Board.

Letters will be sent to the Minister of Aboriginal Affairs and Northern Development and the Tlicho Government advising that the modified measure #8 described below satisfies the requirements of the Review Board.

Sincerely,

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Senior EA Officer
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Mackenzie Valley Review Board

Modification to measure #8 in the NICO Report of Environmental Assessment

To mitigate and manage significant adverse cumulative impacts to barren ground caribou, the Government of the Northwest Territories and Tłı̨cho Government will, in coordination with a working group including the Wek'eezhii Renewable Resource Board, Yellowknives Dene First Nation, the North Slave Métis Alliance, Fortune Minerals Limited, other traditional harvesters, and other parties as appropriate, use a response framework for the Bathurst barren ground caribou herd to address NICO-Project-specific contributions to cumulative effects. The Government of the Northwest Territories has taken a lead facilitating role in collaboratively developing timelines and workplans for this task and the Tłı̨cho Government will have a leadership role in the implementation of the response framework where and when applicable to the NICO Project.

The mitigation of NICO-Project-level contributions to cumulative effects on the Bathurst barren ground caribou herd will be addressed through:

- The development of a Wildlife and Wildlife Habitat Protection Plan (WWHPP), which, among other mitigation measures, identifies and applies best practices at the local-scale of the NICO Project to minimize footprint, sensory disturbance to caribou, project-related wildlife mortality, and increased harvester access;*
- The design of a Wildlife Effects Monitoring Program (WEMP) to test NICO Project impact predictions related to the herd. The information from the monitoring program may support and contribute to broader cumulative effects assessment and management for the herd; and*
- The use of WWHPP and WEMP monitoring results to support adaptive management at the local-scale of the NICO Project.*

To address cumulative effects monitoring, assessment, and management at a scale appropriate to the herd and as it pertains to the NICO Project, the cumulative effects response framework will:

- Be informed and guided by the working group;*
- Demonstrate how the results from the NICO Project WEMP may inform cumulative effects assessment and management programs at the scale of the Bathurst caribou range;*
- Demonstrate how the NICO Project WEMP may inform the Bathurst caribou management planning process; and*
- Demonstrate how updated and ongoing cumulative effects management may refine or adapt the WWHPP and WEMP for the NICO Project.*