

Draft Potential Conditions

The Canadian Environmental Assessment Agency is contemplating the following potential conditions in relation to the Brucejack Gold Mine Project (the Designated Project) for recommendation to the Minister of the Environment for inclusion in a Decision Statement under the *Canadian Environmental Assessment Act, 2012*. Such conditions would become legally binding on the Proponent only if the Minister of the Environment decides that the carrying out of the Designated Project is unlikely to cause significant adverse environmental effects under subsections 5(1) and 5(2) or that the Governor in Council decides such effects are justifiable in the circumstances therefore allowing the Designated Project to proceed.

1 Definitions

- 1.1 *Aboriginal groups* – Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Tahltan Nation.
- 1.2 *Agency* – Canadian Environmental Assessment Agency.
- 1.3 *Construction* – the phase of the Designated Project during which physical activities in connection with site preparation, building or installation of any component of the Designated Project are undertaken prior to operation.
- 1.4 *Contact water* – mine water and water that comes into contact with tailings and waste rock, as well as runoff contaminated by mining activity, and any industrial wastewater produced by mining activity.
- 1.5 *Culturally modified tree* – a tree that has been altered by Aboriginal people as part of their traditional use of the forest.
- 1.6 *Days* – calendar days.
- 1.7 *Decommissioning* – the phase of the Designated Project where commercial production has permanently ceased and actions have commenced to remove from service all or part of the Designated Project and continues until site restoration activities are complete.
- 1.8 *Designated Project* – the Brucejack Gold Mine Project as described in documents provided by the Proponent to support the environmental assessment under the *Canadian Environmental Assessment Act, 2012* (Canadian Environmental Assessment Registry Reference Number 80034).
- 1.9 *Effluent* – as defined in the *Metal Mining Effluent Regulations*, a hydrometallurgical facility effluent, milling facility effluent, mine water effluent, tailings impoundment area effluent, treatment pond effluent, seepage and surface drainage, treatment facility effluent other than effluent from a sewage treatment facility — that contains a deleterious substance.
- 1.10 *Fish* – as defined in the *Fisheries Act*, includes (a) parts of fish, (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals, and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.

- 1.11 *Fish habitat* – as defined in the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes.
- 1.12 *Follow-up program* – as defined in the *Canadian Environmental Assessment Act, 2012*, means a program for (a) verifying the accuracy of the environmental assessment of a designated project; and (b) determining the effectiveness of any mitigation measures.
- 1.13 *Migratory bird* – as defined in the *Migratory Birds Convention Act, 1994*, means a migratory bird referred to in the Convention, and includes the sperm, eggs, embryos, tissue cultures and parts of the bird.
- 1.14 *Mitigation measures* – as defined in the *Canadian Environmental Assessment Act, 2012*, means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.
- 1.15 *Operation* – the phase of the Designated Project where commercial production takes place.
- 1.16 *Project area*— the geographic area occupied by the Designated Project that includes the access road, the transmission line and the mine site.
- 1.17 *Proponent* – Pretium Resources Inc.
- 1.18 *Qualified individual* – someone who, through suitable education, experience and knowledge relevant to a particular matter, may be reasonably relied on to provide advice within his or her area of expertise.
- 1.19 *Species at risk* – as defined in the *Species at Risk Act*, means an extirpated, endangered or threatened species or a species of special concern.
- 1.20 *Stope* – the void space left from underground mining after the desired ore body is extracted from the ground.
- 1.21 *Structure, site or thing that is of historical, archaeological, paleontological or architectural significance* – one that is determined, on the basis of heritage value, to be directly associated with an important aspect or aspects of human history or culture. Heritage value is the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.

Conditions

These conditions are established for the sole purpose of the Decision Statement that may be issued under the *Canadian Environmental Assessment Act, 2012*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements by the federal, provincial or local governments. Nothing in this document should be construed as reducing, increasing, or otherwise affecting what may be required to comply with all applicable legislative or other legal requirements.

2 General conditions

- 2.1 The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this document are informed by the best available information and knowledge, are based on validated methods and models, are undertaken by qualified individuals and have applied the best available economically and technologically feasible mitigation strategies.
- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this document:
 - 2.2.1 provide written notice of the opportunity for the party or parties to present their views on the subject of the consultation;
 - 2.2.2 provide sufficient information and a reasonable period of time to permit the party or parties to prepare their views; and
 - 2.2.3 provide a full and impartial consideration of any views presented.
- 2.3 The Proponent shall, where consultation with Aboriginal groups is a requirement of a condition set out in this document, first consult each Aboriginal group on the most appropriate manner in which to conduct the consultation.
- 2.4 The Proponent shall, from the start of construction, submit to the Agency an annual report, including an executive summary of the annual report in both official languages. The annual report is submitted no later than September 30. The Proponent shall document in the report:
 - 2.4.1 implementation activities undertaken in the preceding reporting year (defined as from July 1 to June 30) for each of the conditions;
 - 2.4.2 how it met condition 2.1 in the implementation of the conditions set out in this document;
 - 2.4.3 for conditions set out in this document for which consultation is a requirement, how it has considered any views and information received;
 - 2.4.4 the results of the follow-up program requirements identified in conditions 3.3 and 5.3; and
 - 2.4.5 any corrective actions taken by the Proponent, or proposed to be taken, should the predictions of environmental effects prove to be inaccurate or the mitigation measures prove not to be effective.

- 2.5 The Proponent shall make the annual report and the executive summary referred to in conditions 2.4, as well as the implementation schedule referred to in condition 9, available on its website upon submission to the Agency. The Proponent shall keep these documents available on its website for twenty-five years following the end of operations or until the end of decommissioning of the Designated Project, whichever comes first.
- 2.6 The Proponent shall notify in writing the Agency as soon as possible if the Designated Project is expected to be undertaken by another party due to a sale, a transfer or other circumstances that arise and would result in a new proponent taking over the Designated Project in whole or in part.

3 Fish and fish habitat

- 3.1 The Proponent shall, for all effluent discharges, comply with the *Fisheries Act*, the *Metal Mining Effluent Regulations*, and any site-specific water quality objectives set by British Columbia, including by:
 - 3.1.1 designing and constructing the perimeter ditching around the waste rock stockpile, mill building and portals to accommodate a 200-year flood event;
 - 3.1.2 capturing and diverting contact water and seepage to the water treatment plant for treatment prior to discharge into Brucejack Lake;
 - 3.1.3 immobilizing tailings and depositing potentially acid generating rocks on the bottom of Brucejack Lake or in decommissioned stopes; and
 - 3.1.4 using multiple turbidity curtains at the outlet of Brucejack Lake.
- 3.2 The Proponent shall protect fish and fish habitat during all phases of the Designated Project including by implementing mitigation measures to avoid causing harm to fish and fish habitat, including when using explosives, or conducting activities in or around water.
- 3.3 The Proponent shall monitor water quality, and fish and fish habitat, to determine the effectiveness of the mitigation measures and to verify the accuracy of the environmental assessment. The monitoring shall include:
 - 3.3.1 water quality from Brucejack Lake into Brucejack Creek as per the requirements of schedule 4 of the *Metal Mining Effluent Regulations* and any site-specific water quality objectives set by British Columbia.

4 Migratory birds

- 4.1 The Proponent shall carry out all phases of the Designated Project in a manner that protects and avoids harming, killing or disturbing migratory birds or destroying or taking their nests or eggs. In this regard, the Proponent shall take into account Environment Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.
- 4.2 The Proponent shall design and build the transmission line in a manner that prevents electrocution, discourages nesting and makes the transmission line more visible to migratory

birds taking into account the Avian Power Line Interaction Committee's *Suggested Practices for Avian Protection on Power Lines*.

5 Health of Aboriginal peoples

- 5.1 The Proponent shall, in consultation with Tsetsaut/Skii km Lax Ha and Nisga'a Nation, during all phases of the Designated Project, manage air emissions to meet, at the Tsetsaut/Skii km Lax Ha Lodge, the *Canadian Ambient Air Quality Standards* of the Canadian Council of Ministers of the Environment, and the British Columbia *Air Quality Objectives* for nitrogen oxide, sulphur dioxide, particulate matter (10 microns in diameter or less), fine particulate matter (2.5 microns in diameter or less), carbon monoxide, and dust deposition, including by:
- 5.1.1 implementing fugitive dust best management practices; and
 - 5.1.2 using of low-sulphur diesel fuel equipment and pollution control equipment on mobile heavy equipment that meet the *Canadian Environmental Protection Act, 1999* for the emissions from this equipment and vehicles.
- 5.2 The Proponent shall, in consultation with Tsetsaut/Skii km Lax Ha and Nisga'a Nation, during all phases of the Designated Project, at the Tsetsaut/Skii km Lax Ha Lodge, implement noise reduction measures to meet outdoor sound levels near the lodge not exceeding 55 decibels during the day and not exceeding 45 decibels at night.
- 5.3 The Proponent shall, in consultation with Tsetsaut/Skii km Lax Ha and Nisga'a Nation, monitor air quality at the Tsetsaut/Skii km Lax Ha Lodge to evaluate the effectiveness of mitigation measures under condition 5.1. Monitoring shall start with construction and ceases at the end of the decommissioning phase.
- 5.3.1 The Proponent shall alert the Tsetsaut/Skii km Lax Ha and Nisga'a Nation in cases of exceedances of the *Canadian Ambient Air Quality Standards* of the Canadian Council of Ministers of the Environment and the British Columbia *Air Quality Objectives* at the Tsetsaut/Skii km Lax Ha Lodge.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall provide Aboriginal groups with the implementation schedule and any updates or revisions as stated in condition 9 at the same time it is provided to the Agency.
- 6.2 The Proponent shall prohibit any hunting, fishing and trapping by employees and contractors within the Project Area.
- 6.3 The Proponent shall prohibit public access to the access road.
- 6.4 The Proponent shall impose speed limits on the access road taking into account provincial guidelines.
- 6.5 The Proponent shall construct gaps in snow banks large enough to provide passage for wildlife, including ungulates and furbearers.

- 6.6 The Proponent shall, following consultation with Tsetsaut/Skii km Lax Ha, provide access to the Project Area to carry out traditional practices, to the extent that such access is safe.
- 6.7 The Proponent shall, following consultation with Nisga'a Nation, provide access to the Project Area to exercise rights under the *Nisga'a Final Agreement*, to the extent that such access is safe.
- 6.8 The Proponent shall monitor mortality of wildlife, including ungulates and furbearers, along the access road to determine the effectiveness of the mitigation measures and verifying the accuracy of the environmental assessment.

7 Physical and cultural heritage and historical and archaeological sites and structures

- 7.1 The Proponent shall, in consultation with Aboriginal groups, develop and implement an Archaeological and Heritage Resources Management Plan for the Designated Project. The Plan shall take into account the British Columbia's *Handbook for the Identification and Recording of Culturally Modified Trees*. This Plan shall include:
 - 7.1.1 describing the types of structures, sites or things that are historical, archaeological, paleontological or architectural (including Culturally Modified Trees) that may be encountered during construction;
 - 7.1.2 defining procedures and practices for the removal or disturbance of structures, sites or things that are of historical, archaeological, paleontological or architectural significance, where necessary; and
 - 7.1.3 implementing a Chance Find Protocol when a structures, sites or things that are of historical, archaeological, paleontological or architectural significance (including Culturally Modified Trees) is encountered during construction activities.

8 Accidents or malfunctions

- 8.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and shall implement emergency response procedures and contingencies developed in relation to the Designated Project.
- 8.2 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall:
 - 8.2.1 notify in writing the Agency of the occurrence as soon as possible;
 - 8.2.2 implement measures to minimize any adverse environmental effects associated with the occurrence as soon as possible; and
 - 8.2.3 submit a written report to the Agency as soon as possible in the circumstances, but at the latest 30 days after the day on which the accident or malfunction took place; the written report must include:
 - 8.2.3.1 a description of the accident or malfunction and of its adverse environmental effects;

- 8.2.3.2 the measures that were taken to mitigate the environmental effects of the occurrence;
 - 8.2.3.3 a description of any residual environmental effects, and any additional measures required to address residual environmental effects;
 - 8.2.3.4 if an emergency response plan was implemented, details concerning its implementation; and
 - 8.2.3.5 changes made to avoid a subsequent occurrence of the accident or malfunction.
- 8.3 The Proponent shall prepare and implement a communication strategy in consultation with Aboriginal groups that shall include:
- 8.3.1 the types of accidents or malfunctions that require a notification to the respective Aboriginal groups;
 - 8.3.2 the manner by which Aboriginal groups shall be notified of an accident or malfunction; and
 - 8.3.3 a contact person for the Proponent and for the respective Aboriginal groups.

9 Implementation schedule

- 9.1 The Proponent shall submit an implementation schedule for conditions contained within this document to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, at least 30 days prior to construction. The implementation schedule shall indicate the commencement and completion dates for each activities relating to conditions set out in this document.
- 9.2 The Proponent shall submit an update to this implementation schedule in writing to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, every two years on or before September 30, until completion of the activities.
- 9.3 The Proponent shall provide the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, with a revised implementation schedule if any change occurs from the initial schedule or any subsequent updates. The Proponent shall provide the revised implementation schedule at least 30 days prior to the implementation of the change.

10 Record keeping

- 10.1 The Proponent shall record, retain and make available to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, upon demand, at a facility close to the Designated Project (local facility), information related to the implementation of the conditions of this document and the results of all monitoring, including:
- 10.1.1 the place, date and time of any sampling, as well as techniques, methods or procedures used;
 - 10.1.2 the dates and the analyses that were performed;
 - 10.1.3 the analytical techniques, methods or procedures used in the analyses;

- 10.1.4 the names of the persons who collected and analyzed each sample and documentation of any professional certifications relevant to the work performed that they might possess;
and
 - 10.1.5 the results of the analyses.
- 10.2 The proponent shall retain and make available upon demand to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, the information contained in condition 10.1 at a facility close to the Designated Project (or at a location within Canada and agreed upon by the Agency, should the local facility no longer be maintained). The information shall be retained and made available throughout construction and operations, and for twenty-five years following the end of operations or until the end of decommissioning of the Designated Project, whichever comes first.