



Canadian Environmental  
Assessment Agency

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Ottawa ON K1A 0H3

July 21, 2017

File #: CEAA Registry - 80034

Max Holtby, P. Geo.  
Director, Permitting  
Pretium Resources Inc.  
Suite 2300, Four Bentall Centre  
PO Box 49334,  
1055 Dunsmuir Street  
Vancouver, BC V7X 1L4

Sent via email to: [MHoltby@pretivm.com](mailto:MHoltby@pretivm.com)

Dear Mr.Holtby:

I am writing today to provide a written copy of a:

1. Notice of Issuance of an Order Pursuant to section 94 of the Canadian Environmental Assessment Act, 2012.

Please note that this Order supersedes the Order issued on June 20, 2017. This Order has been prepared following the review of the comments you provided on June 30, 2017. A summary of how your comments have been considered is provided in Appendix I.

Nothing in the attached Order shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

Regards,

<Original signed by>

Nicolas Courville,  
Senior Enforcement Officer, Compliance Promotion and Enforcement Unit  
Canadian Environmental Assessment Agency



## **Preface**

On June 30, 2017, Michel K. Vitou, Chief of the Compliance and Enforcement Unit of the Canadian Environmental Assessment Agency, received representations from Pretium Resources Inc. (the proponent) regarding the Order issued on June 20, 2017 titled *CEAA Order – Registry 80034 regarding Toad Tunnel Installing*. The proponent requested that:

1. the requirement for the installation of three toad tunnels at High Priority Site #3 be delayed until the Fall 2017 to prevent impacting the toad population during migration periods;
2. the requirement for a toad tunnel to be built at High Priority Site #1 be moved to another suitable location at Site #6 which may be more biologically suitable;
3. the requirement for a toad tunnel installation or, in its alternative, the addition natural substrate below the existing bridge crossings at site #2 be delayed until 2018 pending further study; and,
4. the deadline for providing monitoring results described in the Order be delayed.

Following a review of the representations and supporting documentation, and taking into account the factors above, a new Order has been issued which supersedes the previous Order issued on June 20, 2017. The section below provides a disposition of the comments provided in the June 20, 2017 submissions.

## **Notable Changes**

### **1. Deadline for Measures to be taken**

The deadline for installation of toad tunnels has been set for April 30, 2018 to allow flexibility for the installation of toad tunnels from the fall of 2017 to the spring of 2018, outside of a migration window.

### **2. Location of toad tunnel at High Priority site #1**

A professional biologist employed by the proponent has identified that a toad tunnel at Site #1 may not be as biologically suitable as previously believed, and that an update of the Memorandum titled, *Selection of Western Toad Migration Sites along Brucejack Access Road* is underway. The updated Memorandum will better characterize whether an additional toad tunnel at Site #6 would be better for the species than a tunnel at Site #1. The new Order provides flexibility to build a toad tunnel at Site #1 or Site #6, allowing the proponent to install the toad tunnel in the location deemed most appropriate for conservation of the Western Toad.

### **3. Delaying installation of toad tunnel at Medium Priority Site #2**

The proponent has identified that the bridge at Site #2 is scheduled for replacement during the winter of 2017 or 2018 and that a modified bridge crossing may be installed at that time. Since the proponent has indicated that installation of toad tunnels during the 2017 migration window for Western Toads poses a risk to the species, the measures in the new Order are intended to bring the proponent back into compliance with the conditions by the next migration period for

Western Toads, beginning in spring 2018. The proponent's proposition does not guarantee the return of the proponent to compliance with the conditions within the desired time frame of the Order which a continuation of the current risk to migrating Western toads in the migration corridor through Site #2.

The proponent has also asserted that further engineering work is necessary to determine the best avenue to install a toad tunnel or modified bridge at Site #2. The enforcement officer believes that sufficient time has been provided in the new Order to allow for the completion of appropriate engineering and surveying at Site #2 in preparation for the installation of the required toad tunnel.

The flexibility remains in this measure for the proponent to install a modified bridge crossing if that installation occurs before the 2018 migration window for the Western Toad. This flexibility also allows the proponent to install a temporary toad tunnel to satisfy the requirement of the Order, and replace that toad tunnel with a modified bridge crossing at a later date as necessary.

#### **4. Deadline for monitoring and reporting results**

The deadline for monitoring and reporting results has been set to August 30, 2018 to allow the proponent to monitor the migration of Western Toads during breeding and emergence periods in the coming migration window. This measure provides the proponent with the opportunity to demonstrate the efficacy of the installed wildlife tunnels. Reporting of these results takes into account the proponent's comments submitted on June 30, 2017 to allow for 30 days to compile, analyse and submit the monitoring data.

#### **5. Size requirement of toad tunnels**

The size requirement of the tunnels has been set to match the guidance provided in British Columbia's *Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia*. The requirement also allows a professional biologist to set a size requirement, which allows for site specific recommendations to be made and implemented which would be beneficial for the local Western Toad populations.

#### **6. Monitoring and reporting requirements**

The requirement for monitoring of toad tunnels has been put in place to enable the proponent to demonstrate that it has completely taken into account the British Columbia's *Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia*, which includes recommendations for specific monitoring strategies and measures to be implemented in the absence of toad tunnels.