

Canadian Environmental Assessment Agency
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Agence canadienne d'évaluation environnementale
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November 10, 2017

Steve Lines
Environmental Assessment and Permitting Manager
Greenstone Gold Mines
2381 Bristol Circle, Suite B203
Oakville, ON L6H 5S9
steve.lines@ggmines.com

Sent by E-mail

Dear Mr. Lines,

SUBJECT: Outcome of the Technical Review of the July 2017 Hardrock Gold Mine Project Environmental Impact Statement – Part 1

The Canadian Environmental Assessment Agency (the Agency) has completed the technical review of the July 2017 Hardrock Gold Mine Project (the Project) Environmental Impact Statement (EIS) documentation from Greenstone Gold Mines (GGM) and determined that the information provided is insufficient for the purpose of moving forward with the environmental assessment (EA).

To facilitate moving forward with the EA, the Agency has prepared information requirements (IRs), contained in this letter and the attached Annexes, in consultation with Environment and Climate Change Canada, Natural Resources Canada, Health Canada, Fisheries and Oceans Canada, and Transport Canada. The Agency has also taken into consideration comments and questions received from the Province of Ontario, Indigenous groups and the public. The Agency has not yet received comments from all participating Indigenous groups, and may submit additional IRs once those comments are received and reviewed.

The primary deficiencies identified in the EIS relate to:

- The characterization of effects on Indigenous peoples, and potential impacts on Aboriginal and Treaty rights;
- Incomplete information related to the excavation, storage and deposition of historical tailings into the new tailings management facility;
- The clear articulation of mitigation measures, and steps and actions within follow-up programs.

The attached IRs are categorized and sorted by their links to environmental effects that are to be taken into account under section 5 of the *Canadian Environmental Assessment Act, 2012* (CEAA 2012), or factors to be considered under section 19 of CEAA 2012. The IRs cover a variety of matters, including the assessment of effects to fish and fish habitat (including water quantity and water quality), terrestrial environment (including species at risk), human environment (including atmospheric environment and effects of changes to the environment on Indigenous Peoples), accidents and malfunctions, cumulative effects, and alternatives assessment.

The IRs include areas of insufficient information in the assessment of effects of changes to the environment on Indigenous peoples such as health, socio-economic conditions, physical and cultural heritage, and current use of lands and resources for traditional purposes, and of the potential adverse impacts of the project on potential or established Aboriginal and treaty rights protected by Section 35 of the *Constitution Act of Canada, 1982* (referred to herein as section 35 rights).

The IRs are subdivided into three Annexes and collectively form the **first Information Requirement (IR#1)**:

- Annex 1 contains **IRs from the Agency and other government reviewers**, provided in accordance with subsection 23(2) of *CEAA 2012*. These IRs relate to the federal EA and must be satisfactorily addressed to enable the Agency and other federal government reviewers to better understand the potential adverse environmental effects of the project and the Agency's preparation of the EA report. Some key issues may require technical discussions with relevant federal departments. The Agency would be happy to facilitate these meetings, as required.
- Annex 2 contains **advice to the proponent** from government reviewers. These comments may include guidance or standard advice related to the federal and provincial regulatory processes, supplementary actions for consideration, and editorial comments on the EIS. These comments may be useful in answering some of the comments in Annex 1, while others may need to be addressed during the federal and provincial regulatory processes, as appropriate.
- Annex 3 contains submissions from **members of the public**. Submissions from Indigenous groups will be sent under separate cover. The Agency, where applicable, has incorporated these comments into its own Annex 1 IRs. Responses to the attached comments, including those sent under separate cover, should be directed to the originators of the comments, and with the Agency copied. Note that comments received in writing are included as an attachment to ensure that the intent of the comment is accurately communicated to the proponent.

In accordance with subsection 23(2) of *CEAA 2012*, the Agency requires, at a minimum, that GGM submit complete responses to the requirements and comments appearing in Annexes 1 and 3.

Submission of Response to IR#1

In responding to IR#1, where there may be changes to the information presented in the EIS by GGM, the Agency expects that GGM will also discuss how any new or revised information may change the effects assessment conclusions, proposed mitigation measures, characterization of residual effects, determination of significance of residual environmental effects, and development of follow-up programs for all valued components. With regards to Annex 3, responses to all Indigenous comments are required to determine whether the Project is likely to cause significant adverse environmental effects and the severity of potential adverse impacts on potential or established Aboriginal or Treaty rights. This information will assist the Crown in assessing the adequacy of consultation and accommodation and will allow the Agency's preparation of the EA report under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). Direct responses to Indigenous groups will demonstrate that Indigenous groups were provided the opportunity to provide input into the EIS, validate the findings in the EIS related to the potential effects and impacts to Aboriginal and Treaty rights, and that any concerns raised by Indigenous groups received responses from the proponent.

In addition, the Agency expects that GGM will address comments from Province of Ontario and the public. Any changes to the EIS that are not related to IR#1 should be summarized so that the Agency may follow the changes when reviewing the response to IR#1.

To facilitate the review of the GGM's response to IR#1, the Agency would prefer that the response be provided in a self-contained table with clear answers to each question. If necessary, a memo may be provided to support the response to a particular question, although key information contained in the memo should be summarized in the table. While sections of the final EIS may be referenced, the reader should understand GGM's response through the table itself, and only need to consult the EIS if they wish to understand more. If GGM believes that a

response to a particular question is not needed, GGM should discuss this with the Agency prior to the submission of the responses.

Coordination with the Provincial Process

If the Province of Ontario requires a submission of a full amended EIS to meet the requirements of their EA process, the Agency will accept a digital copy of the amended EIS, and would encourage GGM to incorporate any changes resulting from federal IRs into the amended EIS. However, please note that the Agency would still require that a self-contained response table be submitted to fulfill the requirements described in the paragraph above, and references to the amended EIS would be acceptable only to support the response given in the table. The Agency further requests that the timing of the submission of a full amended EIS and the response to IR#1 be coordinated and informed following discussions with the Agency and the Province.

Completeness Check

As per the Agency's "*Operational Policy Statement: Information Requests and Timelines, February 2016*"¹, the Agency will take up to a maximum of 15 days, without the federal EA timeline resuming, to check whether GGM's response to IR#1 is complete. If the Agency has not come to a conclusion after 15 days, the timeline will resume.

Registry provisions

In accordance with CEAA 2012, comments received and other documents submitted or generated to inform the EA are part of the project file. Accordingly, information submitted to the Agency that is relevant to the EA of the project is available to the public upon request and may also be posted on the online public registry under reference number 80068. The Agency will remove information, such as home addresses, telephone numbers, email addresses and signatures prior to public disclosure. Should you provide any documents that contain confidential or sensitive information that you believe should not be made public, please contact me directly.

Next Steps

The federal EA timeline is stopped on day 135 as of November 10, 2017, and will not recommence until the Agency reviews the submission of the response to the IR#1 and is satisfied that responses are sufficiently complete to proceed with the EA.

The Agency is willing to meet with GGM to discuss the path forward and schedule meetings on specific thematic areas with government reviewers, GGM and their consultants to clarify expectations for the IR responses.

If you have any further questions, please contact me directly at 647-262-8219 or Hardrock@ceaa-acee.gc.ca.

Sincerely,

<Original signed by>

Marc Léger
Project Manager

Attachments:

Annex 1 – Information Requirements for the Hardrock Gold Mine Project Environmental Impact Statement

Annex 2 – Advice to the Proponent

Annex 3 – Comments from members of the Public (followed by comments from Indigenous groups under separate cover)

¹ <https://www.canada.ca/en/environmental-assessment-agency/news/media-room/media-room-2016/information-requests-timelines.html>

cc: Gavin Battarino, Ontario Ministry of the Environment and Climate Change
Ian Horne, Greenstone Gold Mines