

Potential conditions under the *Canadian Environmental Assessment Act, 2012*

The Canadian Environmental Assessment Agency is contemplating the following potential conditions in relation to the Hardrock Gold Mine Project (the Designated Project) located in Ontario for recommendation to the Minister of Environment and Climate Change (the Minister) for inclusion in a Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. If the Minister decides that the carrying out of the Designated Project is unlikely to cause significant adverse environmental effects as defined under subsections 5(1) and 5(2), or if the Minister decides that the Designated Project is likely to cause significant adverse environmental effects and the Governor in Council decides such effects are justified in the circumstances, the Designated Project would be allowed to proceed, and any conditions established by the Minister under the *Canadian Environmental Assessment Act, 2012* would become legally binding.

1 Definitions

- 1.1 *Agency* means the Canadian Environmental Assessment Agency.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project as described in the Environmental Impact Statement.
- 1.3 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation, building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.4 *Contact water* means water which has come into contact with any mine site components.
- 1.5 *Days* means calendar days.
- 1.6 *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases commercial production and commences removal from service of any components of the Designated Project, and that continues until the Proponent completes the reclamation of the site of the Designated Project and the pit lake is connected with Kenogamisis Lake.
- 1.7 *Designated Project* means the Hardrock Gold Mine Project as described in section 2 of the draft environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80068).
- 1.8 *Effluent* means “effluent” as defined in subsection 1(1) of the *Metal and Diamond Mining Effluent Regulations*.
- 1.9 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.10 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.

- 1.11 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.12 *Environmental Impact Statement* means the July 2017 document entitled *Environmental Impact Statement* (Canadian Environmental Assessment Registry Reference Number 80068, document Number 17).
- 1.13 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.14 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.16 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.17 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.18 *Indigenous groups* means the following Aboriginal peoples: Animbiigoo Zaagi'igan Anishinaabek, Aroland First Nation, Ginoogaming First Nation, Long Lake #58 First Nation and Métis Nation of Ontario.
- 1.19 *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.
- 1.20 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.21 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.22 *Offsetting plan* means “offsetting plan” as defined in section 1 of the *Applications for Authorization under paragraph 35(2)(b) of the Fisheries Act Regulations* and “compensation plan” as described in subsection 27.1 of the *Metal and Diamond Mining Effluent Regulations*.
- 1.23 *Operation* means the phase of the Designated Project during which the commercial production takes place, including periods during which commercial production may temporarily cease, and which continues until the start of decommissioning.
- 1.24 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.25 *Project development area* means the area labelled “project development area” on figure 1 of the draft environmental assessment report prepared by the Canadian Environmental Assessment Agency.

- 1.26 *Proponent* means Greenstone Gold Mines and its successors or assigns.
- 1.27 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, may be relied on by the Proponent to provide advice within his or her area of expertise. Knowledge relevant to a particular matter may include community and Indigenous traditional knowledge.
- 1.28 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.29 *Relevant authorities* means federal and/or provincial authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.30 *Reporting year* means October 1 of a calendar year through September 30 of the subsequent calendar year.
- 1.31 *Serious harm* means "serious harm" as defined in subsection 2(2) of the *Fisheries Act*.
- 1.32 *Structure, site or thing of historical, archeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous groups.

Potential Conditions

These conditions may be established for the sole purpose of the Decision Statement 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 of the federal, provincial, or local governments. Nothing in this document 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.

2 General conditions

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge available at the time the Proponent takes action, including community and Indigenous traditional knowledge, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, and have applied the best available economically and technically feasible technologies.

Consultation

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this document:

- 2.2.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
 - 2.2.2 provide all information relevant and applicable on the scope and the subject matter of the consultation and a period of time agreed upon with the party or parties being consulted, not to be less than 15 days, to prepare their views and information;
 - 2.2.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
 - 2.2.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each Indigenous group with respect to the manner to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.

Follow-up and adaptive management

- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information:
- 2.4.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.4.2 the scope, content and frequency of reporting of the results of the follow-up program;
 - 2.4.3 the levels of environmental change relative to baseline conditions that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
 - 2.4.4 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.4.3 have been reached or exceeded.
- 2.5 The Proponent shall update the information referred to in condition 2.4 during the implementation of each follow-up program in consultation with the party or parties being consulted during the development of each follow-up program.
- 2.6 The Proponent shall provide the follow-up programs referred to in conditions 3.9, 3.10, 3.11, 4.4, 4.5, 5.2, 5.3, 5.4 and 6.10 to the Agency and to the party or parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any subsequent update(s) to the Agency and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.

- 2.7 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.7.1 conduct the follow-up program according to the information determined pursuant to condition 2.4;
 - 2.7.2 undertake monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure(s);
 - 2.7.3 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.7.2; and
 - 2.7.4 if modified or additional mitigation measures are required pursuant to condition 2.7.3, develop and implement these mitigation measures in a timely manner and monitor them pursuant to condition 2.7.2.
- 2.8 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for their participation in the implementation of the follow-up program, including the analysis of the follow-up results and whether modified or additional mitigation measures are required, as set out in condition 2.7.

Annual reporting

- 2.9 The Proponent shall, commencing in the reporting year during which the Proponent begins the implementation of the conditions set out in this document, prepare an annual report that sets out:
- 2.9.1 the activities undertaken by the Proponent in the reporting year to comply with each of the conditions set out in this document;
 - 2.9.2 how the Proponent complied with condition 2.1;
 - 2.9.3 for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
 - 2.9.4 the information referred to in conditions 2.4 and 2.5 for each follow-up program;
 - 2.9.5 the results of the follow-up program requirements identified in conditions 3.9, 3.10, 3.11, 4.4, 4.5, 5.2, 5.3, 5.4 and 6.10; and
 - 2.9.6 any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.7.
- 2.10 The Proponent shall submit to the Agency the annual report referred to in condition 2.9, including an executive summary in both official languages, no later than December 31 following the reporting year to which the annual report applies.

Information sharing

- 2.11 The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.9 and 2.10, the offsetting plan(s)

referred to in condition 3.6, the reports related to accidents and malfunctions referred to in conditions 8.4.2 and 8.4.3, the communication plan referred to in condition 8.5, the schedules referred to in conditions 9.1, and 9.2, and any update(s) or revision(s) to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation, or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents within 48 hours of their publication.

- 2.12 When the development of any plan is a requirement of a condition set out in this document, the Proponent shall submit the plan to the Agency prior to construction, unless otherwise required through the condition.

Change of Proponent

- 2.13 The Proponent shall notify the Agency and Indigenous groups in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

Change to the Designated Project

- 2.14 The Proponent shall consult with Indigenous groups and relevant authorities prior to initiating any changes to the Designated Project that may result in adverse environmental effects, and shall notify the Agency in writing no later than 60 days prior to initiating the change(s).
- 2.15 In notifying the Agency pursuant to condition 2.14, the Proponent shall provide the Agency with a description of the potential adverse environmental effects of the change(s) to the Designated Project, the proposed mitigation measures and follow-up requirements to be implemented by the Proponent and the results of the consultation with Indigenous groups and relevant authorities.

3 Fish and fish habitat

- 3.1 The Proponent shall salvage and relocate fish prior to conducting any activity requiring removal of fish habitat. The Proponent shall salvage and relocate fish in a manner consistent with the *Fisheries Act* and its regulations and in consultation with Indigenous groups and Fisheries and Oceans Canada.
- 3.2 The Proponent shall develop, prior to the start of blasting activities in or near water, and implement mitigation measures to avoid or prevent adverse effect to fish and fish habitat when using explosives in or near water. When developing these measures, the Proponent shall take into account the *Measures to avoid causing harm to fish and fish habitat including aquatic species at risk* issued by Fisheries and Oceans Canada as it pertains to the use of explosives in or near water.
- 3.3 The Proponent shall design, install and operate the water intake structures in the Southwest Arm of Kenogamisis Lake in a manner which reduces the incidental capture of fish through entrainment and impingement through the use of an appropriately sized fish screen, taking into account Fisheries and Oceans Canada's *Freshwater Intake End-of-Pipe Fish Screen Guideline* and in a manner consistent with the *Fisheries Act* and its regulations.

- 3.4 The Proponent shall comply with the requirements of the *Metal and Diamond Mining Effluent Regulations* and the pollution prevention provisions of the *Fisheries Act* as it pertains to the deposit of effluent from the Designated Project in the Southwest Arm of Kenogamisis Lake and shall take into account the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for Protection of Aquatic Life* for the Central Basin and Barton Bay of Kenogamisis Lake, Mosher Lake, Lake A-322, the Southwest Arm Tributary and Goldfield Creek Tributary. In doing so, the Proponent shall:
- 3.4.1 collect and direct runoff and seepage from the waste rock storage areas (including any temporary storage location of excavated historical tailings), overburden storage area and ore stockpile to contact water collection ditches for reuse in Designated Project activities, and treat excess water that cannot be reused if required to meet the requirements of the *Metal and Diamond Mining Effluent Regulations* and of subsection 36(3) of the *Fisheries Act* before it is discharged at the effluent discharge location in the Southwest Arm of Kenogamisis Lake;
 - 3.4.2 collect and direct contact water from the tailings management facility, including the final location of the excavated historical tailings, to the collection ponds associated with the tailings management facility and pump the collected water back into the tailings management facility;
 - 3.4.3 install, prior to operation, and use a cyanide destruction circuit to reduce cyanide concentrations in tailings before the tailings are directed to the tailings management facility during operation;
 - 3.4.4 after the end of operation and until the pit lake is filled, direct contact water from all collection ponds around the waste rock storage areas, overburden storage area, ore stockpile and the tailings management facility to the open pit; and
 - 3.4.5 treat water in the open pit, if required, to meet the pollution prevention provisions of the *Fisheries Act* while taking into account the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for Protection of Aquatic Life* until the pit lake is connected to the Southwest Arm of Kenogamisis Lake.
- 3.5 The Proponent shall mitigate, in consultation with Indigenous groups and relevant authorities, the adverse environmental effects on water quality, including in the Southwest Arm, Central Basin and Barton Bay of Kenogamisis Lake, Mosher Lake and the Southwest Arm Tributary, caused by the presence of unexcavated historical tailings. In doing so, the Proponent shall cover the exposed portions of the *in situ* historical tailings to promote runoff and reduce infiltration.
- 3.5.1 The Proponent shall complete the covering of the *in situ* historical tailings as soon after tailings have been excavated as technically feasible.
- 3.6 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and Environment and Climate Change Canada and in consultation with Indigenous groups, any offsetting plan(s) related to any residual serious harm to fish associated with the carrying out of the Designated Project. The Proponent shall submit any approved offsetting plan(s) to the Agency prior to implementation.
- 3.7 The Proponent shall, if any fish habitat offsetting measure(s) proposed in any offsetting plan(s) referred to in condition 3.6 may cause adverse environmental effects not considered in the

environmental assessment, develop and implement, following consultation with Indigenous groups, Fisheries and Oceans Canada and Environment and Climate Change Canada, measures to mitigate those effects. The Proponent shall submit these measures to the Agency before implementing them.

- 3.8 The Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, measures to control erosion and sedimentation in the project development area. The Proponent shall submit these measures to the Agency before implementing them. Among other measures, the Proponent shall maintain stream bank stability using ditches and diversion berms.
- 3.9 The Proponent shall develop, prior to the start of blasting activities in or near water and in consultation with relevant authorities, a follow-up program to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of blasting on fish and fish habitat, including aquatic listed species at risk. The Proponent shall implement the follow-up program during blasting activities. The Proponent shall monitor instantaneous pressure and peak particle velocity during the first blasting event and shall identify, prior to the next blasting event and in consultation with relevant authorities, modified or additional mitigation measures pursuant to condition 2.7 in order to protect fish and fish habitat, including spawning habitat, from blasting.
- 3.10 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to adverse environmental effects on fish and fish habitat caused by changes in water quality in Kenogamisis Lake, Mosher Lake and the Southwest Arm Tributary. The Proponent shall implement the follow-up program during all phases of the Designated Project, including the environmental effects monitoring requirements set out in Schedule 5 of the *Metal and Diamond Mining Effluent Regulations*. As part of the implementation of the follow-up program, the Proponent shall:
 - 3.10.1 monitor, at least quarterly, nutrient levels, algae abundance, and dissolved oxygen levels in Kenogamisis Lake, Mosher Lake and the Southwest Arm Tributary;
 - 3.10.2 monitor, at least quarterly, concentrations of arsenic, unionized ammonia and total phosphorus in the Southwest Arm of Kenogamisis Lake;
 - 3.10.3 monitor, at least quarterly, concentrations of arsenic in Mosher Lake and the Southwest Arm Tributary; and
 - 3.10.4 if the results of the monitoring referred to in conditions 3.10.1, 3.10.2 or 3.10.3 demonstrate that modified or additional mitigation measures are required to protect fish and fish habitat from changes to water quality, develop and implement modified or additional mitigation measures pursuant to condition 2.7 in a timely manner and monitor these measures. The Proponent shall submit these measures to the Agency before implementing them.
- 3.11 The Proponent shall develop, prior to construction, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of changes in groundwater quality caused by the Designated Project. The Proponent shall implement the

follow-up program during all phases of the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:

- 3.11.1 monitor groundwater seepage flows, levels and quality at sites located upgradient, downgradient and cross-gradient of the tailings management facility, waste rock storage areas, overburden storage area, ore stockpile and historical MacLeod and Hardrock tailings, using as benchmarks the concentrations predicted by the Proponent in table 9-20 of the Environmental Impact Statement; and
- 3.11.2 if the results of the monitoring referred to in condition 3.11.1 demonstrate that modified or additional mitigation measures are required, develop and implement modified or additional mitigation measures pursuant to condition 2.7. The Proponent shall submit these measures to the Agency before implementing them.

4 Migratory birds

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall develop, before construction and in consultation with relevant authorities, a migratory birds management plan that takes into account Environment and Climate Change Canada's *Avoidance Guidelines* and the risk of incidental take. The migratory birds management plan shall also include measures the Proponent shall implement if migratory birds or their nests are found. The Proponent shall implement the migratory birds management plan during all phases of the Designated Project. The Proponent's actions when implementing the migratory birds management plan shall be in compliance with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.
- 4.2 The Proponent shall undertake, in consultation with Indigenous groups and relevant authorities, progressive reclamation of the project development area. The Proponent shall identify, prior to the start of progressive reclamation and in consultation with Indigenous groups and relevant authorities, plant species native to the area of the Designated Project to use for revegetation as part of the progressive reclamation, including species suitable to create habitat for migratory birds.
- 4.3 The Proponent shall compensate, in consultation with relevant authorities, the loss of barn swallow (*Hirundo rustica*) nesting sites as a result of the Designated Project, taking into account Ontario's *Recovery Strategy for barn swallow (Hirundo rustica)*. In doing so, the Proponent shall install, prior to construction, and maintain, during all phases of the Designated Project, artificial barn swallow (*Hirundo rustica*) nesting structures.
- 4.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the use by migratory birds of surface water facilities in the project development area. As a part of the implementation of the follow-up program, the Proponent shall:
 - 4.4.1 monitor the use of the water surface of the tailings management facility, contact water collection ditches and collection ponds by migratory birds during all phases of the

Designated Project and at times migratory birds are expected to be present in the project development area;

- 4.4.2 monitor the use of the pit lake by migratory birds from the start of filling of the pit lake and until the end of decommissioning and at times migratory birds are expected to be present in the project development area; and
 - 4.4.3 if results of the monitoring referred to in conditions 4.4.1 or 4.4.2 indicate that migratory birds use the tailing management facility, the contact water collection ditches, the collection ponds or the pit lake, develop and implement modified or additional mitigation measures pursuant to condition 2.7 in a timely manner and monitor these measures. The Proponent shall submit these measures to the Agency before implementing them.
- 4.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harm to migratory birds, their eggs and nests, including the mitigation measures used to comply with conditions 4.1 to 4.3. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the development of the follow-up program, the Proponent shall identify performance indicators that shall be used by the Proponent to evaluate the effectiveness of the progressive reclamation referred to in condition 4.2. As part of the implementation of the follow-up program, the Proponent shall:
- 4.5.1 conduct migratory bird surveys annually for the first three years following completion of construction to assess changes in migratory bird populations caused by the Designated Project. The Proponent shall develop the methodology for the migratory bird surveys in consultation with Indigenous groups and relevant authorities. The Proponent shall determine, in consultation with Indigenous groups and relevant authorities and based on the results of the initial surveys, if additional surveys are required after the first three years following completion of construction and with what frequency and in which locations these additional surveys shall occur;
 - 4.5.2 monitor the effectiveness of the progressive reclamation referred to in condition 4.2, including the establishment of plant species native to the area of the Designated Project to create habitat for migratory birds, annually during operation and during the first five years of decommissioning and every five years thereafter. The Proponent shall monitor the effectiveness of the progressive reclamation referred to in condition 4.2 until the Proponent has determined, in consultation with Indigenous groups and relevant authorities, that the performance indicators have been met; and
 - 4.5.3 monitor barn swallow (*Hirundo rustica*) nesting activity and use of the artificial nesting structures referred to in condition 4.3 annually during the first three years following the installation of the nesting structures and at times barn swallow (*Hirundo rustica*) is expected to be present in the area of the Designated Project.

5 Health and socio-economic conditions of Indigenous peoples

- 5.1 The Proponent shall develop, prior to construction, measures to mitigate emissions of dust generated by the Designated Project, including during the transport of historical tailings, to meet the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and the Ontario's *Ambient Air Quality Criteria*. The Proponent shall submit these measures to the Agency before implementing them. The Proponent shall implement these measures during all phases of the Designated Project. Among other measures, the Proponent shall:
- 5.1.1 use dust suppressants for all Designated Project activities that may generate dust; and
 - 5.1.2 install, prior to operation, and use, during ore crushing and transfer, crushers with dust collection systems.
- 5.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the health of Indigenous peoples of changes to air quality. As part of the follow-up program, the Proponent shall:
- 5.2.1 identify, prior to construction, monitoring locations for air contaminants within areas used by Indigenous groups for traditional purposes for which maximum concentrations of air contaminants were predicted by the Proponent during the environmental assessment, as identified on figures J-19, J-20, J-21, J-28 and J-29 of appendix F1 of the Environmental Impact Statement (technical data report for atmospheric environment, April 2017);
 - 5.2.2 monitor, during construction, operation and the first five years of decommissioning, total suspended particulates, particulate matter (PM₁₀), fine particulate matter (PM_{2.5}) and nitrogen dioxide at the monitoring locations identified pursuant to condition 5.2.1, using as benchmarks the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and Ontario's *Ambient Air Quality Criteria*. The Proponent shall monitor total suspended particulates, fine particulate matter (PM_{2.5}) and nitrogen dioxide at least monthly and shall monitor particulate matter (PM₁₀) in real-time;
 - 5.2.3 monitor, at least annually during construction and for the first two years of operation, airborne benzene and benzo(a)pyrene at the monitoring locations identified pursuant to condition 5.2.1. The Proponent shall determine, in consultation with Indigenous groups and relevant authorities and based on the results of the monitoring, if additional monitoring is required after the first two years of operation and with what frequency this additional monitoring shall occur; and
 - 5.2.4 monitor, during construction and for the first two years of operation, silt content on roads within the project development area. The Proponent shall determine, in consultation with Indigenous groups and relevant authorities and based on the results of the monitoring, if additional monitoring is required after the first two years of operation and with what frequency this additional monitoring shall occur.
- 5.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental

assessment as it pertains to the adverse environmental effects on the health of Indigenous peoples of changes in concentrations of contaminants in water and fish. As part of the implementation of the follow-up program, the Proponent shall:

- 5.3.1 monitor, at least quarterly during operation and decommissioning, mercury in the Southwest Arm Tributary, using as a benchmark a concentration of 0.04 micrograms per litre; and
 - 5.3.2 monitor, at least quarterly during operation and decommissioning, methylmercury in the Southwest Arm Tributary, using as a benchmark a concentration of 0.0001 micrograms per litre.
- 5.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the health of Indigenous peoples of changes in concentrations of contaminants in country foods. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the development of the follow-up program, the Proponent shall identify, in consultation with Indigenous groups and relevant authorities, species of vegetation, fish and wildlife, which shall include small mammals and moose, that shall be monitored and shall determine, in consultation with Indigenous groups and relevant authorities, the sampling methodology, including how samples of small mammals and moose will be collected, that shall be applied for the monitoring. As part of the implementation of the follow-up program, the Proponent shall:
- 5.4.1 monitor mercury, methylmercury and arsenic concentrations in walleye (*Sander vitreus*) tissue; and
 - 5.4.2 monitor concentrations of metals, including mercury and arsenic, in small mammals and moose according to the methodology determined pursuant to condition 5.4.
- 5.5 The Proponent shall develop, in consultation with Indigenous groups, a communication plan to share the results of the follow-up programs referred to in conditions 5.2, 5.3 and 5.4, including any potential health risks in plain language, and the modified or additional mitigation measures developed and implemented by the Proponent pursuant to condition 2.7. The Proponent shall develop the communication plan prior to construction and shall implement and maintain it up to date during the periods of time that the follow-up programs referred to in conditions 5.2, 5.3 and 5.4 are implemented.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall establish, prior to construction and in consultation with Indigenous groups, alternate unrestricted access to the Southwest Arm of Kenogamisis Lake and shall maintain that alternate access during all phases of the Designated Project, to the extent that such access is safe.
- 6.2 The Proponent shall maintain unrestricted access along Goldfield Road during all phases of the Designated Project and to the Goldfield Creek diversion channel starting when the Proponent has completed the progressive reclamation referred to in condition 4.2 and until the end of decommissioning, to the extent that such access is safe.

- 6.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a communication plan to share information related to Designated Project activities and about the adverse environmental effects of the Designated Project with Indigenous groups. The Proponent shall implement and maintain the communication plan up-to-date during all phases of the Designated Project. The communication plan shall include procedures, including timing and methods, for sharing information on the following:
- 6.3.1 the location and timing of Designated Project activities that may permanently or temporarily affect navigation within the project development area and in the Southwest Arm of Kenogamisis Lake, including the locations of the effluent discharge location and the freshwater intakes in Kenogamisis Lake; and
 - 6.3.2 the schedules of blasting activities to be conducted by the Proponent, including the date and time of each blasting event. The Proponent shall notify Indigenous groups directly at a minimum 48 hours prior to each blasting event. The Proponent shall only conduct blasting activities between 10:00 am and 4:00 pm and shall not conduct blasting on statutory holidays.
- 6.4 The Proponent shall develop, as part of the communication plan referred to in condition in 6.3, procedures for Indigenous groups to provide feedback to the Proponent about adverse environmental effects caused by the Designated Project related to access to and use of lands for traditional purposes, including navigation and consumption of country foods, and procedures for the Proponent to document and respond in a timely manner to the feedback received and demonstrate how issues have been addressed, including through the implementation of additional or modified mitigation measures. The Proponent shall implement these procedures during all phases of the Designated Project.
- 6.5 As part of the progressive reclamation referred to in condition 4.2, the Proponent shall:
- 6.5.1 identify, prior to the start of progressive reclamation and in consultation with Indigenous groups and relevant authorities, species of interest to Indigenous peoples to use for revegetation as part of the progressive reclamation; and
 - 6.5.2 develop, prior to the start of progressive reclamation and in consultation with Indigenous groups and relevant authorities, and implement, during all phases of the Designated Project, measures to manage the spread of invasive species. The Proponent shall submit these measures to the Agency before implementing them.
- 6.6 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a protocol for receiving complaints related to the exposure to noise from the Designated Project. The Proponent shall respond to any noise complaint(s) within 48 hours of the complaint being received and shall implement corrective actions to reduce exposure to noise in a timely manner. The Proponent shall implement the protocol during all phases of the Designated Project.
- 6.7 The Proponent shall provide access to the project development area to Indigenous groups prior to construction, to the extent that such access is safe, to harvest traditional plants. In doing so, the Proponent shall:
- 6.7.1 notify Indigenous groups at least 90 days in advance of vegetation clearing to allow Indigenous groups to harvest traditional plants within the project development area; and

- 6.7.2 notify Indigenous groups in a timely manner if the Proponent must prohibit access to the project development area for safety reasons.
- 6.8 The Proponent shall establish, during construction, a speed limit of no more than 65 kilometres per hour on all roads within the project development area, including the portion of Highway 11 to be realigned by the Proponent located within the project development area, and shall require employees and contractors associated with the Designated Project to abide by this limit.
- 6.9 The Proponent shall establish, during operation and decommissioning, a speed limit of no more than 65 kilometres per hour on all roads within the project development area, excepting the portion of Highway 11 located within the project development area, and shall require employees and contractors to abide by this limit.
- 6.10 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the adverse environmental effects of the Designated Project on the current use of lands and resources for traditional purposes, including access to the Southwest Arm of Kenogamisis Lake referred to in condition 6.1 and access along Goldfield Road and to the Goldfield Creek diversion channel referred to in condition 6.2. The Proponent shall implement the follow-up program during all phases of the Designated Project.

7 Physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance

- 7.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a bald eagle (*Haliaeetus leucocephalus*) protection plan that takes into account Ontario's *Management Plan for the Bald Eagle (Haliaeetus leucocephalus) in Ontario* and Ontario's *Bald Eagle Habitat Management Guidelines*. The Proponent shall implement the protection plan during construction and operation. As part of the implementation of the protection plan, the Proponent shall:
- 7.1.1 conduct, once prior to construction and annually until vegetation clearing is completed within the project development area, surveys of active bald eagle (*Haliaeetus leucocephalus*) nests within the project development area and within 800 meters of the project development area, and provide the results of the surveys to Indigenous groups and relevant authorities no later than 30 days after the end of each survey; and
- 7.1.2 develop, in consultation with Indigenous groups, and implement measures to protect active nest(s) found pursuant to the surveys referred to in condition 7.1.1. At a minimum, these measures shall include restrictions on access and on Designated Project activities, including site preparation and vegetation clearing, that the Proponent may undertake from March 1 to August 31 within 200 metres of any active nest. The Proponent shall submit these measures to the Agency prior to implementing them, including the period(s) of time during which these measures will apply.

8 Accidents and malfunctions

- 8.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects.
- 8.2 The Proponent shall, prior to construction, consult with Indigenous groups and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.
- 8.3 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, develop an accident and malfunction response plan in relation to the Designated Project. The accident and malfunction plan shall include:
 - 8.3.1 the types of accidents and malfunctions that may cause adverse environmental effects;
and
 - 8.3.2 the measures to be implemented in response to each type of accidents and malfunctions referred to in condition 8.3.1 to mitigate any adverse environmental effect(s) caused by the accident or malfunction.
- 8.4 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall immediately implement the measures appropriate to the accident or malfunction referred to in condition 8.3.2 and shall:
 - 8.4.1 notify, as soon as possible, Indigenous groups and relevant authorities of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to Indigenous groups and the Agency, the Proponent shall specify:
 - 8.4.1.1 the date the accident or malfunction occurred;
 - 8.4.1.2 a summary description of the accident or malfunction;
 - 8.4.1.3 a list of any substances potentially released into the environment as a result of the accident or malfunction.
 - 8.4.2 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:
 - 8.4.2.1 a detailed description of the accident or malfunction and of its adverse environmental effects and any associated potential health risks;
 - 8.4.2.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 8.4.2.3 any view(s) from Indigenous groups and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects, the associated potential health risks and the measures taken by the Proponent to mitigate these adverse environmental effects;
 - 8.4.2.4 a description of any residual adverse environmental effects and any modified or additional measures required by the Proponent to mitigate residual adverse environmental effects; and
 - 8.4.2.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 8.3.

- 8.4.3 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 8.4.2. The report shall include all additional views from Indigenous groups and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 8.4.2.3 were received by the Proponent.
- 8.5 The Proponent shall develop a communication plan in consultation with Indigenous groups. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up to date during all phases of the Designated Project. The plan shall include:
- 8.5.1 the types of accidents and malfunctions requiring the Proponent to notify the respective Indigenous groups;
 - 8.5.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups to assist in the response to the accident or malfunction; and
 - 8.5.3 the contact information of the representatives of the Proponent that the Indigenous groups may contact and of the representatives of the respective Indigenous groups to which the Proponent provides notification.

9 Schedules

- 9.1 The Proponent shall submit to the Agency a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 9.2 The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.
- 9.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 9.1 and 9.2 every year no later than June 30, until completion of all activities referred to in each schedule.
- 9.4 The Proponent shall provide to the Agency revised schedules if any change is made to the initial schedules referred to in conditions 9.1 and 9.2 or to any subsequent update(s) referred to in condition 9.3, upon revision of the schedules.
- 9.5 The Proponent shall provide Indigenous groups with the schedules referred to in conditions 9.1 and 9.2 and the updates or revisions to the initial schedules pursuant to condition 9.3 and 9.4 at the same time the Proponent provides these documents to the Agency.

10 Record keeping

- 10.1 The Proponent shall maintain all records required to demonstrate compliance with the conditions set out in this document. The Proponent shall retain the records and make them available to the Agency throughout construction and operation and for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 10.2 The Proponent shall retain all records referred to in condition 10.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide to the Agency the address of the new location.
- 10.3 The Proponent shall notify the Agency of any change to the contact information of the Proponent.