

Decision Statement
Issued under Section 54 of the *Canadian Environmental Assessment Act, 2012*

to
IDM Mining Ltd.
c/o Rob McLeod, President and Chief Executive Officer

1500-409 Granville Street
Vancouver, British Columbia
V6C 1T2

for the
Red Mountain Underground Gold Project

Description of the Designated Project

IDM Mining Ltd. proposes to construct, operate and decommission an underground gold-silver mine located approximately 15 kilometres northeast of Stewart, British Columbia. As proposed, the Red Mountain Underground Gold Project would produce approximately 1000 tonnes of mineral ore per day or 365,000 tonnes per year, over an operational mine life of six years.

Conduct of the environmental assessment

The Canadian Environmental Assessment Agency (the Agency) conducted an environmental assessment of the Designated Project in accordance with the requirements of the *Canadian Environmental Assessment Act, 2012*. The Agency commenced the environmental assessment on November 12, 2015 and submitted its report to me in my capacity as Minister of Environment and Climate Change.

Decision on environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*

In accordance with paragraph 52(1)(a) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(1) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

Decision on environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*

The carrying out of the Designated Project may require the following federal authorities to exercise a power or perform a duty or function conferred on them under an Act of Parliament other than the *Canadian Environmental Assessment Act, 2012*:

- The Minister of Fisheries and Oceans may issue authorization(s) under paragraph 35(2)(b) of the *Fisheries Act*; and
- The Minister of Natural Resources may issue a licence under subsection 7(1) of the *Explosives Act*.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*.

Consultation with Indigenous groups

In establishing the conditions below in relation to the environmental effects referred to in subsections 5(1) and 5(2) of the *Canadian Environmental Assessment Act, 2012*, I took into account the concerns and interests identified in the consultation process with Indigenous groups. I also considered the measures to address these concerns and interests that have been identified in the environmental assessment and consultation processes. I am satisfied that the consultation process undertaken is consistent with the honour of the Crown and, with the conditions I have established, that the concerns and interests of Indigenous groups are appropriately accommodated for the purpose of issuing this Decision Statement.

1 Definitions

- 1.1 *Access and haul roads* mean the roadways between Highway 37A, Bromley Humps and the mine site.
- 1.2 *Agency* means the Canadian Environmental Assessment Agency.
- 1.3 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project as described in the Environmental Impact Statement.
- 1.4 *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.
- 1.5 *Contact water* means water which has come into contact with, or seeped from or through, any mine component, including groundwater flows into the underground mine.
- 1.6 *Days* means calendar days.
- 1.7 *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 to the satisfaction of relevant authorities.

- 1.8 *Deleterious substance* means "deleterious substance" as defined in subsection 34(1) of the *Fisheries Act*.
- 1.9 *Designated Project* means the Red Mountain Underground Gold Project as described in section 2 of the environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80093).
- 1.10 *Designated Project area* means the geographic area disturbed by the Designated Project and includes the mine site, Bromley Humps and the access and haul roads.
- 1.11 *Environmental assessment* means "environmental assessment" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.12 *Environmental effects* means "environmental effects" as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *Environmental Impact Statement* means the September 2017 document entitled *Environmental Assessment Application and Environmental Impact Statement* (Canadian Environmental Assessment Registry Reference Number 80093, Document Number 20).
- 1.14 *Fish* means "fish" as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *Fish habitat* means "fish habitat" as defined in subsection 2(1) of the *Fisheries Act*.
- 1.16 *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*.
- 1.17 *Follow-up program* means "follow-up program" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.18 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 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 *Nisga'a Nation* as represented by Nisga'a Lisims Government.

- 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 *Proponent* means IDM Mining Ltd. and its successors or assigns.
- 1.26 *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 knowledge.
- 1.27 *Record* means "record" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.28 *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 Decision Statement.
- 1.29 *Reporting year* means May 1 of a calendar year through April 30 of the next calendar year.
- 1.30 *Serious harm* means "serious harm" as defined in subsection 2(2) of the *Fisheries Act*.
- 1.31 *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 peoples.
- 1.32 *Water frequented by fish* means "water frequented by fish" as defined in subsection 34(1) of the *Fisheries Act*.

Conditions

These conditions are 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 Decision Statement 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 Decision Statement 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 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 Decision Statement:

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 available and relevant to 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 the Nisga'a Nation, Tsetsaut/Skii km Lax Ha or Métis Nation British Columbia is a requirement of a condition set out in this Decision Statement, communicate with each of Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia 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 the Nisga'a Nation, Tsetsaut/Skii km Lax Ha or Métis Nation British Columbia 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 Decision Statement, 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 maintain 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 3.11, 4.6, 4.7, 5.4, 6.15 and 8.3 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 update(s) made pursuant to condition 2.5 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 Decision Statement:
- 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 the Nisga'a Nation, Tsetsaut/Skii km Lax Ha or Métis Nation British Columbia is a requirement of a follow-up program, the Proponent shall discuss with each of them 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 Decision Statement, 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 Decision Statement;
- 2.9.2 how the Proponent complied with condition 2.1;

- 2.9.3 for conditions set out in this Decision Statement 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 3.11, 4.6, 4.7, 5.4, 6.15 and 8.3; 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 provide a draft annual report referred to in condition 2.9 to the Nisga'a Nation, no later than June 30 following the reporting year to which the annual report applies. The Proponent shall consult the Nisga'a Nation on the findings in the draft annual report.
- 2.11 The Proponent, in consideration of any comments received from the Nisga'a Nation pursuant to condition 2.10, shall submit to the Agency a final annual report, including an executive summary in both official languages, no later than August 31 following the reporting year to which the annual report applies.

Information sharing

- 2.12 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 information submitted to the Agency pursuant to condition 2.15, the offsetting plan(s) referred to in condition 3.9, the reports related to accidents and malfunctions referred to in conditions 10.4.2 and 10.4.3, the communication plan referred to in condition 10.6, the schedules referred to in conditions 11.1, and 11.2, 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, Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia of the availability of these documents within 48 hours of their publication.
- 2.13 When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the plan to the Agency prior to construction, unless otherwise required through the condition.

Change of Proponent

- 2.14 The Proponent shall notify the Agency, Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia 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

- 2.15 The Proponent shall consult with the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia 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).

- 2.16 In notifying the Agency pursuant to condition 2.15, 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 the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia and relevant authorities.

3 Fish and fish habitat

- 3.1 The Proponent shall conduct in-water construction activities during the timing windows for carrying out work in fish habitat defined for the Skeena region by British Columbia for Dolly Varden (*Salvelinus malma*) in the *Terms and Conditions for Water Sustainability Act Changes In and About a Stream as specified by Ministry of Forests, Lands, Natural Resources Operations, and Rural Development (FLNRORD) Habitat Officers, Skeena Region (April 2018)*, unless otherwise allowed by relevant authorities. If the Proponent is allowed by relevant authorities to conduct in-water construction activities outside of these timing windows, the Proponent shall develop and implement additional mitigation measures for in-water construction activities other than the application of timing windows to protect fish during sensitive life stages. The Proponent shall submit these measures to the Agency prior to implementation.
- 3.2 The Proponent shall implement measures to control erosion and sedimentation within the Designated Project area, including along the access and haul roads, to avoid the deposit of deleterious substances in water frequented by fish.
- 3.3 The Proponent shall restore riparian buffer strips disturbed by the construction activities of the Designated Project to their baseline width and capacity as soon after the disturbance as possible and as the construction work is completed. The Proponent shall use plant species native to the area of the Designated Project when restoring the riparian zone.
- 3.4 The Proponent shall comply with the *Metal and Diamond Mining Effluent Regulations* and the pollution prevention provisions of the *Fisheries Act*.
- 3.5 The Proponent shall collect supernatant and seepage from the tailings management facility and shall treat all collected supernatant and seepage during operation and decommissioning and until such time that water is suitable for direct discharge into the environment.
- 3.6 The Proponent shall collect and treat any contact water during all phases of the Designated Project when water is not suitable for direct discharge into the environment.
- 3.7 The Proponent shall cover tailings in the tailings management facility with an oxygen-limiting barrier within the time to onset of acid rock drainage.
- 3.8 The Proponent shall backfill all waste rocks into the underground mine prior to the end of decommissioning and within the time to onset of acid rock drainage.

- 3.9 The Proponent shall develop, at least 6 months prior to the start of construction and in consultation with the Nisga'a Nation, any offsetting plan(s) related to any residual serious harm to fish associated with carrying out the Designated Project. As part of the development of any offsetting plan(s), the Proponent shall strive to reach consensus with Nisga'a Nation on the content of the plan(s). The Proponent shall use the Conceptual Fisheries Offsetting Plan provided in attachment 1 of the Proponent's Updated Information Request Responses on Fish and Fish Habitat (IR2-01) provided to the Agency on April 9, 2018, as the basis for developing the offsetting plan(s), including the list of preliminary offsetting options, unless a preferred alternative is identified and agreed upon by the Proponent and the Nisga'a Nation. As part of the offsetting plan, the Proponent shall demonstrate that appropriate measures will be implemented to mitigate unavoidable loss of fish habitat and that it meets the requirements of the *Fisheries Act*. The Proponent shall seek the support of the Nisga'a Nation in the development of any final offsetting plan(s) and shall submit any final offsetting plan(s) to the Agency prior to implementation. The Proponent shall implement the offsetting plan(s).
- 3.10 The Proponent shall, for any fish habitat offsetting measure(s) proposed in any offsetting plan(s) referred to in condition 3.9 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia and relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to implementation.
- 3.11 The Proponent shall develop, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to fish and fish habitat and to determine the effectiveness of mitigation measures referred to in conditions 3.1 to 3.9. The Proponent shall implement the follow-up program, including the monitoring requirements of the *Metal and Diamond Mining Effluent Regulations*, during all phases of the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 3.11.1 monitor water quality year round in Bitter Creek, Goldslide Creek, Bear River and in at least one reference site not expected by the Proponent to be influenced by the Designated Project or other physical activities that have been or will be carried out; and
 - 3.11.2 develop, in consultation with the Nisga'a Nation and relevant authorities, and implement modified or additional mitigation measures pursuant to condition 2.7 if results of monitoring referred to in condition 3.11.1 demonstrate any exceedance of Water Quality Objectives, British Columbia Water Quality Guidelines or Science Based Environmental Benchmarks established by British Columbia for the Designated Project to protect aquatic life.

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 take into account Environment and Climate Change Canada's *Avoidance Guidelines* and the risk of incidental take. The Proponent's actions

when carrying out the Designated Project 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 develop, prior to construction and in consultation with relevant authorities, and implement, during all phases of the Designated Project, mitigation measures related to sensitive periods and locations for migratory birds, including mitigation measures that shall consider critical habitat identified for black swift (*Cypseloides niger*), common nighthawk (*Chordeiles minor*), marbled murrelet (*Brachyramphus marmoratus*) and olive-sided flycatcher (*Contopus cooperi*) in recovery strategies under the *Species at Risk Act* and suitable habitat identified by the Proponent in figures 16.7-21, 16.7-22, 16.7-23 and 16.7-24 of the Environmental Impact Statement.
- 4.3 The Proponent shall control lighting required for all phases of the Designated Project, including direction, timing and intensity, to avoid adverse effects on migratory birds and on listed species at risk, while meeting health and safety requirements.
- 4.4 The Proponent shall deter migratory birds from using or frequenting on-site settling sumps, ponds, the tailings management facility and other water management structures containing contact water until such time that water quality does not exceed the water quality thresholds in British Columbia's *Water Quality Guidelines for the Protection of Wildlife*.
- 4.5 The Proponent shall undertake, in consultation with the Nisga'a Nation and relevant authorities, progressive reclamation of all areas disturbed by the Designated Project. The Proponent shall identify, in consultation with the Nisga'a Nation and relevant authorities, plant species native to the area of the Designated Project to use for revegetation as part of progressive reclamation, including species suitable to create habitat for migratory birds and listed species at risk and species of interest to Indigenous peoples.
- 4.6 The Proponent shall develop, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and 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 condition 4.1 to 4.4. 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:
 - 4.6.1 monitor the use by migratory birds of on-site settling sumps, ponds, the tailings management facility and other water management structures containing contact water; and
 - 4.6.2 monitor migratory bird collisions with vehicles and infrastructure associated with the Designated Project.
- 4.7 The Proponent shall develop, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, a follow-up program to assess the effectiveness of the progressive reclamation referred to in condition 4.5, including the establishment of plant species native to the area of the Designated Project and suitable to create habitat for migratory birds and listed species at risk and of species of interest to Indigenous peoples.

5 Health and socio-economic conditions of Indigenous Peoples

- 5.1 The Proponent shall mitigate, during all phases of the Designated Project, emissions of fugitive dust and particulate matter from the Designated Project, including through point source emission control and improvement and treatment of unpaved road surfaces.
- 5.2 The Proponent shall establish a speed limit on the access and haul roads and shall require employees and contractors associated with the Designated Project to abide by this limit.
- 5.3 The Proponent shall ensure, during all phases of the Designated Project, that noise generated by the Designated Project does not exceed the background noise level at the boundary of the local study area identified by the Proponent in figure 8.3-1 of the Environmental Impact Statement.
- 5.4 The Proponent shall develop, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects on the health of Indigenous peoples caused by changes in concentrations of contaminants of potential concern in air, water, soil, vegetation and fish. As part of the development of the follow-up-program, the Proponent shall identify the species of plants and fish exposed to these contaminants that the Proponent must monitor as part of the follow-up program. 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:
 - 5.4.1 conduct baseline sampling, prior to construction, for contaminants of potential concern in soil, water, vegetation and fish. In doing so, the Proponent shall co-locate soil sampling from the root zone with vegetation samples and shall co-locate water sampling with fish sampling in order to establish site-specific bioconcentration factors;
 - 5.4.2 monitor air concentrations of nitrogen dioxide, sulfur dioxide, particulate matter (PM_{2.5} and PM₁₀) and metals in dustfall at the nearest open air locations to where maximum concentrations are predicted to occur as identified by the Proponent in Appendix D of Appendix 7-A of the Environmental Impact Statement;
 - 5.4.3 monitor contaminants of potential concern in soil, water, vegetation and fish. In doing so, the Proponent shall co-locate soil sampling from the root zone with vegetation samples and shall co-locate water sampling with fish sampling; and
 - 5.4.4 if the sampling and monitoring results referred to in conditions 5.4.1 through 5.4.3 exceed the predictions made during the environmental assessment, update the human health risk assessment (May 2018 update to Appendix 22-A of the Environmental Impact Statement) using the site-specific bioconcentration factors established pursuant to condition 5.4.1 and the sampling and monitoring results referred to in condition 5.4.1 through 5.4.3. In doing so, the Proponent shall assume that 100 percent of all contaminants of potential concern from country foods are absorbed.
- 5.5 The Proponent shall develop, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, and implement, during all phases of the Designated Project, a plan to communicate the results of the follow-up program referred to in condition 5.4 to the Nisga'a Nation and relevant authorities. The communication plan shall include procedures to communicate any update to the human health risk assessment made pursuant to condition 5.4.4

and potential associated health risks in plain language, and any modified or additional mitigation measures developed and implemented pursuant to condition 2.7 based on the results of the follow-up program.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall provide access to the Bitter Creek valley through use of the access and haul roads, during all phases of the Designated Project, to Nisga'a Nation, to the extent that such access is safe. The Proponent shall consult with the Nisga'a Nation prior to construction to identify the manner by which the Proponent will provide this access. The Proponent shall notify the Nisga'a Nation in a timely manner if the Proponent must prohibit access temporarily for safety reasons.
- 6.2 The Proponent shall provide access to the Bitter Creek valley through use of the access and haul roads, during all phases of the Designated Project, to Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia for practicing traditional activities, to the extent that such access is safe. The Proponent shall consult with Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia prior to construction to identify the manner by which this access will be provided. The Proponent shall notify Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia in a timely manner if the Proponent must prohibit access temporarily for safety reasons.
- 6.3 The Proponent shall control public access to the access and haul roads during all phases of the Designated Project.
- 6.4 The Proponent shall prohibit employees and contractors associated with the Designated Project from fishing and hunting in the Bitter Creek valley during all phases of the Designated Project, except when the Proponent provides access to holders of provincially-registered traplines, unless not feasible for safety reasons, or to an employee or contractor pursuant to condition 6.1 or 6.2.
- 6.5 The Proponent shall identify, prior to construction and in consultation with the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia and relevant authorities, time periods during which construction activities must be carried out to protect wildlife during sensitive life stages, including for mountain goat (*Oreamnos americanus*), grizzly bear (*Ursus arctos*), moose (*Alces americanus*), hoary marmot (*Marmota caligata*), marten (*Martes americana*) and wolverine (*Gulo gulo luscus*). In doing so, the Proponent shall:
 - 6.5.1 apply British Columbia's Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia when identifying these time periods;
 - 6.5.2 notify, prior to construction, the Agency of these time periods and of the areas within which each of these time periods shall apply; and
 - 6.5.3 conduct construction activities during these time periods, unless not technically feasible.
- 6.6 If construction during the time periods referred to in condition 6.5 is not technically feasible, the Proponent shall develop and implement additional mitigation measures, in consultation with the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia and relevant authorities, to protect mountain goat (*Oreamnos americanus*), grizzly bear (*Ursus arctos*), moose (*Alces*

americanus), hoary marmot (*Marmota caligata*), marten (*Martes americana*) and wolverine (*Gulo gulo luscus*) during construction. In doing so, the Proponent shall:

- 6.6.1 develop and implement additional mitigation measures, including species-specific non-disturbance setback distances around habitat features used by each species for critical life functions, to protect wildlife during sensitive life stages. The Proponent shall apply British Columbia's *Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia* when developing the setback distances; and
 - 6.6.2 notify the Agency of the additional mitigation measures referred to in condition 6.6.1 prior to implementation, including the setback distance identified for each species, the habitat feature(s) and construction activity(ies) applicable to each setback distance and the period(s) of time during which each setback distance will be applied.
- 6.7 The Proponent shall not conduct helicopter overflights and blasting within two kilometres of grizzly bear (*Ursus arctos*) known denning sites and identified potential denning habitat, unless required for safety reasons.
- 6.7.1 If overflight or blasting is required for safety reasons within two kilometres of known denning sites and identified potential denning habitat during critical periods for denning grizzly bears (October 1 to the end of winter conditions), the Proponent shall keep a line-of-sight distance of 500 metres from known denning sites and identified potential denning habitat.
- 6.8 The Proponent shall not conduct helicopter overflights during winter conditions within two kilometres or with less than a 500-metre absolute altitude from mountain goat (*Oreamnos americanus*) ungulate winter range, unless required for safety reasons.
- 6.9 The Proponent shall not conduct any surface blasting, including for avalanche control purposes, if the Proponent observes mountain goat (*Oreamnos americanus*) within one kilometre of the blast area, unless required for safety reasons.
- 6.10 The Proponent shall, during all phases of the Designated Project, manage snow bank height along the access and haul roads and shall create and maintain escape pathways at periodic distances to allow ungulates to exit the plowed roads in winter.
- 6.11 The Proponent shall install and maintain, during all phases of the Designated Project, wildlife crossing signs along the access and haul roads.
- 6.12 The Proponent shall not use salt for de-icing or traction control purposes on the access and haul roads during all phases of the Designated Project, unless all other methods used for de-icing or traction control purposes do not meet safety requirements.
- 6.13 The Proponent shall manage vegetation height and composition along the access and haul roads to increase sight lines for drivers and visibility of wildlife during all phases of the Designated Project.
- 6.14 The Proponent shall reclaim the access and haul roads at the end of decommissioning, unless otherwise required by the Nisga'a Nation or relevant authorities.

6.15 The Proponent shall develop, prior to operation and in consultation with the Nisga'a Nation, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to mountain goat (*Oreamnos americanus*). As part of the implementation of the follow-up program, the Proponent shall:

6.15.1 conduct mountain goat (*Oreamnos americanus*) population surveys once every three years starting during the first year of operation; and

6.15.2 develop the methodology for the surveys referred to in conditions 6.15.1 in consultation with the Nisga'a Nation, prior to the implementation of the follow-up program.

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 the Nisga'a Nation and relevant authorities, a chance find protocol for any previously undiscovered structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources discovered within the Designated Project area by the Proponent or brought to the attention of the Proponent by the Nisga'a Nation or another party during any phase of the Designated Project. As part of the chance find protocol, the Proponent shall:

7.1.1 immediately halt work at the location of the discovery, except work required to be undertaken to protect the integrity of the discovery;

7.1.2 delineate an area of at least 30 metres around the discovery as a no-work zone;

7.1.3 conduct an assessment at the location of the discovery;

7.1.4 inform the Agency and the Nisga'a Nation within 24 hours of the discovery, and allow the Nisga'a Nation to monitor archaeological works; and

7.1.5 consult with the Nisga'a Nation and relevant authorities on the manner by which to comply with all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.

8 Listed species at risk

8.1 The Proponent shall identify, prior to construction and in consultation with relevant authorities, time periods during which construction activities must be carried out to protect western screech-owl (*Megascops kennicottii kennicottii*), northern goshawk (*Accipiter gentilis laingi*), little brown myotis (*Myotis lucifugus*), northern myotis (*Myotis septentrionalis*) and western toad (*Anaxyrus boreas*) during sensitive life stages. In doing so, the Proponent shall:

8.1.1 apply British Columbia's Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia when identifying these time periods;

8.1.2 notify the Agency, prior to construction, of these time periods and of the areas within which each of these time periods shall apply; and

- 8.1.3 conduct construction during these time periods, unless not technically feasible.
- 8.2 If construction during the time periods referred to in condition 8.1 is not technically feasible, the Proponent shall conduct pre-clearing surveys and shall develop and implement additional mitigation measures to protect western screech-owl (*Megascops kennicottii kennicottii*), northern goshawk (*Accipiter gentilis laingi*), little brown myotis (*Myotis lucifugus*), northern myotis (*Myotis septentrionalis*) and western toad (*Anaxyrus boreas*) during construction. In doing so, the Proponent shall:
- 8.2.1 develop, in consultation with relevant authorities, and implement species-specific non-disturbance setback distances around habitat features used by each species for critical life functions and identified through the pre-clearing surveys. The Proponent shall apply British Columbia's *Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia* when identifying these setback distances; and
- 8.2.2 notify the Agency of these additional mitigation measures prior to implementation, including the setback distance identified for each species pursuant to condition 8.2.1, the habitat feature(s) and construction activity(ies) applicable to each setback distance and the period(s) of time during which each setback distance will be applied.
- 8.3 The Proponent shall develop, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures to avoid harm to listed species at risk. 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:
- 8.3.1 monitor the use of habitat features, including nests, hibernacula and roosts, by western screech-owl (*Megascops kennicottii kennicottii*), northern goshawk (*Accipiter gentilis laingi*), little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*);
- 8.3.2 monitor western toad (*Anaxyrus boreas*) use of the access and haul roads; and
- 8.3.3 monitor ventilation shafts, portal entrance, tailings management facility and open waterbodies for use by listed species at risk.

9 Independent Environmental Monitor

- 9.1 The Proponent shall retain, prior to construction, the services of an independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring of mining projects in British Columbia, and is also a Qualified Professional pursuant to the requirements of British Columbia, to observe, record, and report on the implementation of the mitigation measures set out in this Decision Statement during all phases of the Designated Project.
- 9.2 The Proponent shall, through contract, give the independent environmental monitor the authority to stop Designated Project activities that do not comply with the conditions set out in this Decision Statement.
- 9.3 The Proponent shall require the independent environmental monitor to prepare reports at a minimum monthly that include:

- 9.3.1 a description, including through photo evidence, of the Designated Project activities that occurred and the mitigation measures that were applied during the period covered by the report; and
- 9.3.2 a description, including through photo evidence, of occurrence(s) of non-compliance related to the implementation of mitigation measures set out in this Decision Statement observed during the period covered by the report, including:
 - 9.3.2.1 the date of the occurrence(s) of non-compliance;
 - 9.3.2.2 whether Designated Project activities were stopped as a result of the occurrence(s) of non-compliance;
 - 9.3.2.3 how the occurrence(s) of non-compliance was or were corrected by the Proponent and the date that the corrective actions was or were completed by the Proponent; and
 - 9.3.2.4 if any, the status of pending occurrences of non-compliance that have not been corrected yet by the Proponent and a description of any adverse environmental effects associated with the occurrences of non-compliance
- 9.4 The Proponent shall require the independent environmental monitor to provide the reports referred to in condition 9.3 to the Agency, the Nisga'a Nation and relevant federal authorities within 10 days of their production. The Proponent shall require the independent environmental monitor to retain the reports referred to in condition 9.3 until the end of decommissioning.
- 9.5 The Proponent shall require the independent environmental monitor to report all occurrence(s) of non-compliance observed by the independent environmental monitor directly to the Agency, the Nisga'a Nation and relevant federal authorities within 48 hours of the observation of occurrence(s) of non-compliance.

10 Accidents and malfunctions

- 10.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects.
- 10.2 The Proponent shall, prior to construction, consult with the Nisga'a Nation and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.
- 10.3 The Proponent shall, prior to construction and in consultation with the Nisga'a Nation and relevant authorities, develop an accidents and malfunctions response plan in relation to the Designated Project. The accidents and malfunctions plan shall include:
 - 10.3.1 the types of accidents and malfunctions that may cause adverse environmental effects; and
 - 10.3.2 the measures to be implemented in response to each type of accidents and malfunctions referred to in condition 10.3.1 to mitigate any adverse environmental effects caused by the accident or malfunction.

- 10.4 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 10.3.2 and shall:
- 10.4.1 notify, as soon as possible, the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia 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 the Nisga'a Nation, Tsetsaut/Skii km Lax Ha, Métis Nation British Columbia and the Agency, the Proponent shall specify:
 - 10.4.1.1 the date the accident or malfunction occurred;
 - 10.4.1.2 a summary description of the accident or malfunction;
 - 10.4.1.3 a list of any substances potentially released into the environment as a result of the accident or malfunction.
 - 10.4.2 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:
 - 10.4.2.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
 - 10.4.2.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 10.4.2.3 any view(s) from the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects;
 - 10.4.2.4 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
 - 10.4.2.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 10.3.
 - 10.4.3 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction took place that includes a description of the 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 10.4.2. The report shall also include all additional views from the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia and advice from relevant authorities received since the views and advice referred to in condition 10.4.2.3 were received by the Proponent.
- 10.5 When notifying relevant authorities pursuant to condition 10.4.1, the Proponent shall notify them of accidents or malfunctions with the potential to cause adverse environmental effects outside Canada.

- 10.6 The Proponent shall develop a communication plan in consultation with the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia. 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:
- 10.6.1 the types of accidents and malfunctions requiring the Proponent to notify each of the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia;
 - 10.6.2 the manner by which the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia to assist in the response to the accident or malfunction; and
 - 10.6.3 the contact information of the representatives of the Proponent that the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia may contact and of the representatives of the Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia to which the Proponent shall provide notification.

11 Schedules

- 11.1 The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement 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 Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 11.2 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.
- 11.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 11.1 and 11.2 every year no later than August 31, until completion of all activities referred to in each schedule.
- 11.4 The Proponent shall provide to the Agency revised schedules if any change is made to the initial schedules referred to in conditions 11.1 and 11.2 or to any subsequent update(s) referred to in condition 11.3, upon revision of the schedules.
- 11.5 The Proponent shall provide Nisga'a Nation, Tsetsaut/Skii km Lax Ha and Métis Nation British Columbia with the schedules referred to in conditions 11.1 and 11.2 and the updates or revisions to the initial schedules pursuant to conditions 11.3 and 11.4 at the same time the Proponent provides these documents to the Agency.

12 Record keeping

- 12.1 The Proponent shall maintain all records required to demonstrate compliance with the conditions set out in this Decision Statement. 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.

- 12.2 The Proponent shall retain all records referred to in condition 12.1 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.
- 12.3 The Proponent shall notify the Agency of change(s) to the contact information of the Proponent included in this Decision Statement.

Issuance

This Decision Statement is issued in Ottawa, Ontario by:

< Original signed by >

January 14, 2019

Date _____

The Honourable Catherine McKenna
Minister of the Environment