

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

to
Alamos Gold Inc.
c/o Colin Webster, VP, Sustainability and External Affairs

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for the
Lynn Lake Gold Project

Description of the Designated Project

Alamos Gold Inc. is proposing the construction, operation, decommissioning, and reclamation of an open pit gold mine and new metal mill located approximately 1000 kilometres north of Winnipeg, near the Town of Lynn Lake, Manitoba. The Designated Project would involve the redevelopment of two historical gold mines (the Gordon site and MacLellan site) and have an ore input capacity of 8,250 tonnes per day over a 13-year period. Components of the project would include new mine infrastructure, a new distribution line, open pits, access roads, an ore milling and processing plant, ore and overburden stockpiles, mine rock storage areas, and a tailings management facility.

Conduct of the environmental assessment

The Impact Assessment Agency of Canada (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 September 1, 2017 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 paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*, and permit(s) for listed aquatic species at risk under sections 32 and 33, and subsection 58(1) of the *Species at Risk Act*;
- The Minister of Transport may approve works in and about navigable waters under subsection 7(1) and/or the Governor in Council may issue an exemption for the depositing of materials in, or the dewatering of, navigable waters under subsection 24(1) of the *Canadian Navigable Waters 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*.

In accordance with subsection 53(2) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

Decision Statement under the *Impact Assessment Act*

A Decision Statement issued by me under subsection 54(1) of the *Canadian Environmental Assessment Act, 2012* and amended pursuant to section 308 of the *Budget Implementation Act, 2024*, is deemed, as of the day on which the amended Decision Statement is posted on the Canadian Impact Assessment Registry, to be a decision statement issued under subsection 65(1) of the *Impact Assessment Act*.

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.

Definitions

1.1 *Agency* means the Impact Assessment Agency of Canada.

- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 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 that 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.
- 1.7 *Designated Project* means the Lynn Lake Gold Project as described in Chapter 2 of the Environmental Assessment Report prepared by the Impact Assessment Agency of Canada (Canadian Environmental Assessment Registry Reference Number 80140).
- 1.8 *Distribution lines* means power lines that carry low voltage electricity from substations to end user buildings.
- 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 Assessment Report* means the report prepared by the Impact Assessment Agency of Canada pursuant to subsection 25(2) of the *Canadian Environmental Assessment Act, 2012* (Canadian Impact Assessment Registry Reference Number 80140).
- 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 May 2020 document entitled Lynn Lake Gold Project Environmental Impact Statement (Canadian Impact Assessment Registry Reference Number 80140, document #19).
- 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 *Health Canada* means the Department of Health as established under subsection 2(1) of the *Department of Health Act*.
- 1.19 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.20 *Indigenous groups* means the following Aboriginal Peoples: Barren Lands First Nation, Chemawawin Cree Nation, Hatchet Lake First Nation, Manitoba Métis Federation, Marcel Colomb First Nation, Mathias Colomb Cree Nation, Métis Nation – Saskatchewan Eastern Region 1, Métis Nation – Saskatchewan Northern Region 1, Nisichawayasihk Cree Nation, Northlands Denesuline First Nation, O-Pipon-Na-Piwin Cree Nation, Peter Ballantyne Cree Nation, and Sayisi Dene First Nation.
- 1.21 *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*.
- 1.22 *Local assessment areas* means the geographic areas in which Designated Project-related environmental effects (direct or indirect) can be predicted or measured for environmental assessment, including for the Gordon Site and the MacLellan Site, as described in Figures 2 and 3 of the Environmental Assessment Report (Canadian Impact Assessment Registry Reference Number 80140).
- 1.23 *Manitoba Environment, Climate and Parks* means Manitoba’s Department of Environment, Climate and Parks as established by *Order in Council No. 1/2022*, and that is responsible for the administration of the Statutes as set out in Schedule F of *Order in Council No. 4/2022*.
- 1.24 *Manitoba Natural Resources and Northern Development* means Manitoba’s Department of Natural Resources and Northern Development as established by *Order in Council No. 1/2022*, and that is responsible for the administration of the Statutes as set out in Schedule O of *Order in Council No. 4/2022*.
- 1.25 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.26 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.27 *Monitoring* means observation of the environmental effects of the Designated Project, performed in the context of a follow-up program set out in these conditions in order to verify the accuracy of the environmental assessment and/or determine the effectiveness of any mitigation measure.
- 1.28 *Offsetting plan* means “offsetting plan” as described in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations*.
- 1.29 *Operation* means the phase of the Designated Project starting when commercial production begins and continuing until the start of decommissioning. This phase includes periods when commercial production may temporarily cease.

- 1.30 *Participate* means to directly or indirectly assist or support initiatives through the provision of resources, including knowledge, time, data, access and other means that are economically and technically feasible and within the care and control of the parties participating.
- 1.31 *Post-closure* means the phase that begins when decommissioning and final reclamation activities are complete in accordance with conditions 5.7 and 10.4.3, and water treatment is no longer required to meet the pollution prevention provisions of the *Fisheries Act* pursuant to condition 3.7, and that includes continued monitoring activities as set out in conditions in this Decision Statement.
- 1.32 *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.
- 1.33 *Project development areas* means the geographic areas occupied by the Designated Project, including the Gordon Site and the MacLellan Site, as described in Figures 2 and 3 of the Environmental Assessment Report (Canadian Impact Assessment Registry Reference Number 80140).
- 1.34 *Proponent* means Alamos Gold Inc. and its successors or assigns.
- 1.35 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, provides the Proponent with advice within their area of expertise. Knowledge relevant to a particular matter may include community and Indigenous knowledge.
- 1.36 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.37 *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.
- 1.38 *Reporting year* means January 1 to December 31 of the same calendar year.
- 1.39 *Structure, site or thing of historical, archaeological, 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.
- 1.40 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.41 *Weed* means “noxious weed” as defined in section 1 of Manitoba’s *Noxious Weeds Act*.
- 1.42 *Wetland* means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation and various kinds of biological activity which are adapted to a wet environment and as further defined in the *Canadian Wetland Classification System*.

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 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. In this Decision Statement, a reference to a statute will include every amendment to it, every regulation made under it, every amendment made to a regulation made under it and any law enacted in substitution for, or in replacement of, it.

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 policies, guidelines and directives and 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.
- 2.2 The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.

Consultation

- 2.3 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
 - 2.3.1 provide a written notice of the opportunity for the parties being consulted to present their views and information on the subject matter of the consultation;
 - 2.3.2 provide all information available and relevant to the scope and the subject matter of the consultation and a reasonable period of time agreed upon with the parties being consulted, not to be less than 30 days, to prepare their views and information;
 - 2.3.3 undertake an impartial consideration of all views and information presented by the parties being consulted on the subject matter of the consultation; and
 - 2.3.4 advise as soon as feasible the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent and provide a justification.
- 2.4 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, discuss with each Indigenous group with respect to the manner to satisfy the consultation requirements referred to in condition 2.3, including:
 - 2.4.1 methods of notification;

- 2.4.2 the type of information, resources and the period of time to be provided when seeking input;
- 2.4.3 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
- 2.4.4 the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.

Follow-up programs

- 2.5 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 Indigenous groups and any other parties being consulted during the development, the following information, unless otherwise specified in the condition:
 - 2.5.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.5.2 the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;
 - 2.5.3 the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;
 - 2.5.4 the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities causing the environmental change to be stopped;
 - 2.5.5 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 2.5.4 have been reached or exceeded; and
 - 2.5.6 the specific and measurable end points that must be achieved before the follow-up program can end. Those end points should indicate that the accuracy of the environmental assessment has been verified and/or that the mitigation measures are effective.
- 2.6 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.5 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.5.3 and in consultation with Indigenous groups and any other parties being consulted during the development of each follow-up program.
- 2.7 The Proponent shall provide details of the follow-up programs referred to in conditions 3.12, 3.13, 3.14, 3.15, 4.5, 4.6, 6.3, 6.4, 6.5, 9.3, 10.5 and 12.2, including the information determined for each follow-up program pursuant to condition 2.5, to the Agency and to Indigenous groups and any other 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 made pursuant to condition 2.6 to the Agency and to Indigenous groups and any other parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.

- 2.8 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
- 2.8.1 implement the follow-up program according to the information determined pursuant to condition 2.5;
 - 2.8.2 conduct 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;
 - 2.8.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.8.2;
 - 2.8.4 if modified or additional mitigation measure(s) are required pursuant to condition 2.8.3, develop and implement these mitigation measure(s) as soon as feasible and monitor them pursuant to condition 2.8.2. The Proponent shall notify the Agency in writing within 48 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.5, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
 - 2.8.5 report all results of the follow-up program to the Agency no later than March 31 following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.5.2, to the parties being consulted during the development of the follow-up program.
- 2.9 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and the determination of whether modified or additional mitigation measure(s) are required, as set out in condition 2.8, and opportunities for training to support participation in monitoring. The Proponent shall permit the participation of any interested Indigenous group in the identified follow-up program and training.

Annual reporting

- 2.10 The Proponent shall prepare an annual report for each reporting year that sets out:
- 2.10.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;
 - 2.10.2 how the Proponent complied with condition 2.1;
 - 2.10.3 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, and the resources provided to support their participation in consultation activities;
 - 2.10.4 the information referred to in conditions 2.5 and 2.8 for each follow-up program;
 - 2.10.5 a summary of the available results of the follow-up program requirements identified in conditions 3.12, 3.13, 3.14, 3.15, 4.5, 4.6, 6.3, 6.4, 6.5, 9.3, 10.5 and 12.2;

- 2.10.6 for any plan that is a requirement of a condition set out in this Decision Statement, any update(s) to the plan that have been made during the reporting year; and
 - 2.10.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.8.
- 2.11 The Proponent shall submit to the Agency the annual report referred to in condition 2.10, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.
- 2.12 The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.10 shall start on the day the Minister of the Environment issues the Decision Statement pursuant to subsection 54 (1) of the *Canadian Environmental Assessment Act, 2012*.

Information sharing

- 2.13 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 2.10 and 2.11, the reports related to accidents and malfunctions referred to in conditions 12.6.4 and 12.6.5, the accident and malfunction communication plan referred to in condition 12.7, the schedules referred to in conditions 13.1 and 13.2, and any update or revision to the above documents, upon submission of these documents to the parties consulted 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 in writing of the availability of these documents within 48 hours of their publication.
- 2.14 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 and Indigenous groups prior to construction, unless otherwise required through the condition.

Change of Proponent

- 2.15 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

- 2.16 If the Proponent is proposing to carry out the Designated Project in a manner other than described in condition 1.7, the Proponent shall notify the Agency and Indigenous groups in writing in advance. As part of the notification, the Proponent shall provide:
- 2.16.1 a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the change(s);
 - 2.16.2 any modified or additional measure to mitigate any environmental effect(s) that may result from the change(s) and any modified or additional follow-up requirement; and

- 2.16.3 an explanation of how, taking into account any modified or additional mitigation measure referred to condition 2.16.2, the environmental effects that may result from the change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment.
- 2.17 The Proponent shall submit to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.16, which may include the results of consultation with Indigenous groups and relevant authorities on the proposed change(s) and environmental effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.

3 Fish and fish habitat

- 3.1 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with Indigenous groups, and implement an offsetting plan to mitigate residual effects to fish and fish habitat associated with the carrying out of the Designated Project. The Proponent shall share the proposed plan with Indigenous groups at least 30 days prior to formal submission to Fisheries and Oceans Canada, and submit the approved offsetting plan to the Agency prior to implementation.
- 3.2 The Proponent shall, for any fish habitat offsetting measure proposed in any offsetting plan referred to in condition 3.1 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with Indigenous groups and relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency before implementing them.
- 3.3 The Proponent shall install exclusion screens on intake pipes prior to their operation, 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 develop, prior to construction and in consultation with relevant authorities, and implement and maintain, during all phases of the Designated Project, measures to mitigate any potential effects to water levels in Farley Lake and Gordon Lake due to groundwater drawdown resulting from Designated Project activities. In doing so, the Proponent shall intercept and/or redirect groundwater flowing towards the open pits with wells and/or other mitigation measures, as applicable, before it enters the open pits. The Proponent shall submit these measures to the Agency before implementing them.
- 3.5 The Proponent shall, when releasing any collected water into Farley Lake and Gordon Lake, including groundwater intercepted pursuant to condition 3.4 and water from dewatering the East and Wendy pit lakes:
- 3.5.1 aerate, or treat by other means, water collected from the East and Wendy pit lakes, prior to release into Farley Lake and Gordon Lake, in accordance with condition 3.7, to precipitate oxides, increase dissolved oxygen concentrations, and prevent chemical stratification; and

- 3.5.2 release collected water into Farley Lake and Gordon Lake in a manner that maintains the lake temperature at the point of release within baseline temperature variations to protect fish and fish habitat, unless otherwise authorized by Fisheries and Oceans Canada.
- 3.6 The Proponent shall adjust, during construction, the rate of release of water into Farley Lake and Gordon Lake from dewatering the East and Wendy pit lakes and from groundwater intercepted pursuant to condition 3.4 in order to maintain lake levels within the range of natural variability predicted in Volume 2 Chapter 10 of the Environmental Impact Statement and Appendix A Attachment IAAC-48 of the Proponent's Information Request Responses Round 1, Package 1 (Canadian Impact Assessment Registry Reference Number 80140, document #54).
- 3.7 The Proponent shall collect contact water and seepage from the Project development areas, including seepage and recharge from the tailings management facility, mine rock storage areas, overburden and ore stockpiles, and seepage input to groundwater that flows into the open pits, and treat it, as necessary, before releasing it into the receiving environment during all phases of the Designated Project to ensure that any deposits are made in accordance with the *Metal and Diamond Mining Effluent Regulations* and the pollution prevention provisions of the *Fisheries Act*. When treating contact water and seepage, the Proponent shall take into account Manitoba's *Water Quality Standards, Objectives, and Guidelines*, the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines of the Protection for Aquatic Life*, and Environment and Climate Change Canada's *Federal Environmental Quality Guidelines*.
- 3.8 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, measures to protect fish and fish habitat when undertaking activities in or near fish-bearing water bodies, in a manner that complies with any authorization issued under the *Fisheries Act* for the Designated Project. The Proponent shall implement these measures during all phases of the Designated Project. In doing so, the Proponent shall:
- 3.8.1 salvage and relocate fish prior to conducting any Designated Project activity requiring the removal of fish habitat, including dewatering;
- 3.8.2 conduct activities in or near fish-bearing water bodies in accordance with Fisheries and Oceans Canada's Manitoba Restricted Activity Timing Windows for the Protection of Fish and Fish Habitat and Measures to Protect Fish and Fish Habitat, unless otherwise authorized by relevant authorities;
- 3.8.3 maintain, during all phases of the Designated Project, a buffer of undisturbed vegetation of at least 30 meters from the high-water mark, as follows:
- 3.8.3.1 around fish-bearing water bodies, including wetlands, within and adjacent to the Project development areas that are not required to be removed for construction of the Designated Project, in a manner that complies with any authorization issued under the *Fisheries Act*; and
- 3.8.3.2 around wetlands, within and adjacent to the Project development areas that are not required to be removed for construction of the Designated Project, unless not technically or economically feasible. If work within 30 meters of wetlands is required, the Proponent shall use weight-distributing materials under machinery to limit soil compaction and give preference to using existing access roads to access areas near wetlands.

- 3.9 The Proponent shall identify in consultation with Indigenous groups, prior to conducting the salvage and relocation of fish referred to in condition 3.8.1, opportunities for Indigenous groups to take part in, and determine their interest to take part in, the salvage and relocation of fish.
- 3.10 The Proponent shall manage, during all phases of the Designated Project and in consultation with Environment and Climate Change Canada and any other relevant authorities, acid-generating and metal-leaching and potentially acid-generating and metal-leaching tailings and waste, including from the tailings management facility, mine rock storage areas and ore stockpiles. In doing so, the Proponent shall:
- 3.10.1 characterize, prior to construction, the acid rock drainage and metal-leaching potential of overburden and other mine rock to be used for construction;
 - 3.10.2 only use materials that are not acid-generating, non-potentially acid-generating and non-metal-leaching during construction, including for earthworks and grading, unless not technically or economically feasible. If not technically or economically feasible, the Proponent shall preclude water and oxygen ingress into the materials used;
 - 3.10.3 conduct geochemical testing of generated waste rock and tailings during operation to identify potentially acid-generating and metal-leaching waste material and verify the magnitude and onset of potential acid rock drainage in waste rock and tailings;
 - 3.10.4 taking into account results of geochemical testing referred to in condition 3.10.3, implement measures to delay onset and magnitude of acid rock drainage in waste rock, including blending potentially acid generating with non-potentially acid generating during operation; and
 - 3.10.5 cover all acid-generating, potentially acid-generating, and potentially metal-leaching tailings and waste, including waste in the tailings management facility and mine rock storage areas, during decommissioning with an oxygen-limiting barrier in a manner determined by a qualified individual.
- 3.11 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement and maintain during all phases of the Designated Project, measures to control erosion and sedimentation within the Project development areas in a manner consistent with the *Fisheries Act* and its regulations, and taking into account Environment and Climate Change Canada's *Environmental Code of Practice for Metal Mines*, and Fisheries and Oceans Canada's *Measures to Protect Fish and Fish Habitat*. The Proponent shall submit these measures to the Agency before implementing them. As part of these measures, the Proponent shall:
- 3.11.1 install intake pipes pointing upwards and away from sediment; and
 - 3.11.2 equip contact water discharge pipes with diffusers.
- 3.12 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada and any other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as they pertain to adverse environmental effects of the Designated Project on water quality, taking into account Environment and Climate Change Canada's *Metal Mine Technical Guidance for Environmental Effects Monitoring*. The

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

- 3.12.1 determine, in consultation with Indigenous groups, Environment and Climate Change Canada, and any other relevant authorities, the location and extent of mixing zones in water bodies that may be affected by the Designated Project;
- 3.12.2 monitor water quality in the East and Wendy pit lakes, newly formed pit lakes, tailings management facility, mine rock storage areas, contact water collection ponds, and receiving water bodies and watercourses upstream and downstream of the Project development areas, including at the edge and downstream of the edge of mixing zones identified pursuant to condition 3.12.1, Arbor Lake, Burge Lake, Cockeram Lake, Ellystan Lake, Farley Creek, Farley Lake, Gordon Lake, the Hughes River, the Keewatin River, the unnamed tributary of the Keewatin River, Minton Lake, Payne Lake, Susan Lake and Swede Lake, for all contaminants that may have adverse effects on fish and fish habitat, including aluminum, antimony, arsenic, calcium, copper, cyanide, fluoride, hexavalent chromium, iron, magnesium, methylmercury, phosphorus, selenium, and total and dissolved cadmium. Monitoring shall be conducted as follows:
 - 3.12.2.1 beginning during construction and continuing through decommissioning, except in the East and Wendy pit lakes, and the newly formed pit lakes; and
 - 3.12.2.2 beginning during construction in the East and Wendy pit lakes, and beginning during decommissioning and continuing through post-closure in the newly formed pit lakes, until water quality is stable and improving and any contact water or seepage potentially released meets the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines of the Protection for Aquatic Life* and Manitoba's *Water Quality, Standards, Objectives, and Guidelines* pursuant to condition 3.7;
- 3.12.3 monitor, beginning during construction, water quality in groundwater near the open pits, Farley Lake, Gordon Lake, the Keewatin River, the unnamed tributary of the Keewatin River, Minton Lake, the unnamed lakes northeast of Minton Lake, Payne Lake, Pump Lake and Susan Lake, up and down gradient from the tailings management facility, mine rock storage areas, ore and overburden stockpiles, and seepage collection systems. Monitoring shall be conducted for all contaminants that may have adverse effects on fish and fish habitat, including antimony, arsenic, iron, sodium, sulphate, and uranium at the Gordon site and aluminum, antimony, arsenic, cobalt, total cyanide, iron, lead, nitrate, nitrite, sodium, and sulphate at the MacLellan site;
- 3.12.4 monitor, during construction and operation, total suspended solids and turbidity in fish-bearing water bodies where Designated Project activities are undertaken in or near water frequented by fish; and
- 3.12.5 develop, in consultation with relevant authorities, and implement modified or additional mitigation measures, if the results of monitoring conducted pursuant to condition 3.12.2, 3.12.3 and 3.12.4 demonstrate any unanticipated effects attributable to the Designated Project, taking into account the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines of the Protection for Aquatic Life* or Manitoba's *Water Quality Standards, Objectives, and Guidelines*, whichever is most protective of fish and fish

habitat, and predicted concentrations identified in Volume 1 Chapter 9 of the Environmental Impact Statement.

- 3.13 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada and any other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as they pertain to adverse environmental effects of the Designated Project on water quantity. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
- 3.13.1 monitor, during all phases of the Designated Project, surface water instantaneous flows, lake levels and pH levels within Arbor Lake, Burge Lake, Cockeram Lake, Ellystan Lake, Farley Creek, Farley Lake, Gordon Lake, the Keewatin River, the unnamed tributary of the Keewatin River, Minton Lake, Payne Lake, Susan Lake, Swede Lake, fish-bearing wetlands within the local assessment areas, the East and Wendy pit lakes, newly formed pit lakes, the tailings management facility, and contact water collection ponds to verify the environmental assessment predictions identified in Volume 2 Chapter 10 of the Environmental Impact Statement and Appendix A Attachment IAAC-48 of the Proponent's IR Responses Round 1, Package 1 (Canadian Impact Assessment Registry Reference Number 80140, document #54);
 - 3.13.2 monitor, during all phases of the Designated Project, groundwater levels, gradients and hydraulic conductivity of all hydrogeological units, as identified in the groundwater model in Volume 5 Appendix F and G of the Environmental Impact Statement, with well depths ranging from near surface to a minimum of 115 meters below ground to characterize contaminant transport via groundwater at the depth of the groundwater model for the Designated Project. Monitoring wells shall be installed near the open pits, the tailings management facility, mine rock storage areas, ore and overburden stockpiles, and fish-bearing wetlands within the local assessment areas that intersect with the Project development areas; and
 - 3.13.3 develop, in consultation with relevant authorities, and implement modified or additional mitigation measures, if the results of monitoring conducted pursuant to condition 3.13.1 and 3.13.2 demonstrate unanticipated effects attributable to the Designated Project.
- 3.14 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada and any other relevant authorities, a follow-up program to determine the effectiveness of the mitigation measures and verify the accuracy of the environmental assessment predictions identified in Volume 2 Chapter 10 of the Environmental Impact Statement as they pertain to adverse environmental effects of the Designated Project on fish and fish habitat, taking into account Environment and Climate Change Canada's *Metal Mine Technical Guidance for Environmental Effects Monitoring*. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
- 3.14.1 monitor, during all phases of the Designated Project, water temperature in Farley Creek, Farley Lake, Gordon Lake, the Hughes River, the Keewatin River, Minton Lake, the new diversion channel, and any additional locations identified in consultation with relevant

authorities, taking into account predictions in Volume 2 Chapter 10 of the Environmental Impact Statement;

- 3.14.2 monitor total invertebrate density, taxon richness, Simpson's Evenness Index, Bray-Curtis Index, and chlorophyll a to characterize benthic invertebrate, plankton and periphyton communities in Farley Creek, Farley Lake, Gordon Lake, the Hughes River, the Keewatin River, Minton Lake, the new diversion channel, and any additional locations identified in consultation with Indigenous groups and relevant authorities, for the detection of project-related changes in nutrient and contaminant levels, taking into account predictions in Volume 2 Chapter 10 of the Environmental Impact Statement;
 - 3.14.3 identify, in consultation with Indigenous groups, Fisheries and Oceans Canada and any other relevant authorities, fish species to monitor, including species used for traditional purposes by Indigenous groups. Species shall include northern pike (*Esox lucius*), lake whitefish (*Coregonus clupeaformis*), and white sucker (*Catostomus commersonii*); and
 - 3.14.4 monitor, starting prior to construction and during all phases of the Designated Project, fish habitat quality and quantity end points for all species identified pursuant to condition 3.14.3, in Farley Creek, Farley Lake, Gordon Lake, the Keewatin River, Minton Lake, the new diversion channel, fish-bearing wetlands within and downstream of the Project development areas, and any additional locations identified in consultation with Indigenous groups and relevant authorities.
- 3.15 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 the effectiveness of the mitigation measures as they pertain to acid rock drainage and metal leaching into the receiving environment from the Project development areas, including from the mine rock storage areas, ore stockpiles, and the tailings management facility. The Proponent shall implement the follow-up program during all phases of the Designated Project. In doing so, the Proponent shall:
- 3.15.1 verify that the covers installed at the mine rock storage areas and tailings management facility pursuant to condition 3.10.5 perform and continue to perform as predicted in Volume 1 Chapter 5 of the Environmental Impact Statement during all phases of the Designated Project, including post-closure.

4 Migratory birds

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids injuring, killing or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing their nests, taking into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2 The Proponent shall mitigate distribution line strikes of migratory birds within the Project development areas. In doing so, the Proponent shall:
 - 4.2.1 identify high-risk locations for avian distribution line strikes prior to construction in consultation with a qualified individual;

- 4.2.2 route new distribution lines away from high-risk locations identified pursuant to condition 4.2.1; and
 - 4.2.3 increase distribution line visibility to migratory birds at high-risk locations identified pursuant to condition 4.2.1, from the beginning of construction until distribution lines are decommissioned, taking into account the Avian Power Line Interaction Committee's *Suggested Practices for Avian Protection on Power Lines*.
- 4.3 The Proponent shall control lighting during all phases of the Designated Project, including aiming lighting downwards at nighttime and selecting lighting that avoids attracting insects, to mitigate adverse effects on migratory birds, while meeting health and safety requirements for Designated Project employees and contractors.
- 4.4 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities and taking into account Environment and Climate Change Canada's *Guide for Developing Beneficial Management Practices for Migratory Bird Conservation*, and implement, from the beginning of operation, measures to prevent migratory birds from using Designated Project infrastructure where contact water is stored or conveyed, including the tailings management facility and contact water collection management ponds. In doing so, the Proponent shall:
- 4.4.1 install deterrents near Designated Project infrastructure where contact water is stored or conveyed, including the tailings management facility and contact water collection ponds; and
 - 4.4.2 maintain deterrents installed pursuant to condition 4.4.1 until such time that Designated Project infrastructure where contact water is stored or conveyed, including the tailings management facility and contact water collection ponds, have been reclaimed pursuant to conditions 3.10.5 and 5.7.
- 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 through 4.3. The Proponent shall implement the follow-up program during all phases of the Designated Project.
- 4.6 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 mitigation measures implemented pursuant to condition 4.4. In doing so, the Proponent shall:
- 4.6.1 monitor, from the beginning of operation until such time that the tailings management facility and contact water collection ponds have been reclaimed, migratory birds usage of Designated Project infrastructure where contact water is stored or conveyed pursuant to condition 4.4; and
 - 4.6.2 develop, in consultation with Indigenous groups and relevant authorities, and implement modified or additional mitigation measures, including deterrents, if the results of the monitoring conducted pursuant to condition 4.6.1 demonstrate migratory bird usage of Designated Project infrastructure where contact water is stored or conveyed. These

measures shall be implemented until such time that the tailings management facility and contact water collection ponds have been reclaimed, and results of water quality monitoring for these structures conducted pursuant to condition 3.12.2 show that water quality objectives established in consultation with Indigenous groups and relevant authorities, taking into account an ecological risk-based approach, are met.

5 Current use of lands and resources for traditional purposes

- 5.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, measures to mitigate adverse impacts from the Designated Project on access to lands and resources used for traditional purposes, including the implementation of safe access point(s) and/or routes within the local assessment areas. The Proponent shall submit these measures to the Agency prior to construction.
- 5.2 The Proponent shall avoid disturbing sites of traditional or cultural importance within or near the Project development areas, except for the construction of Designated Project components. In doing so, the Proponent shall:
 - 5.2.1 identify, in consultation with Indigenous groups, the location of sites of traditional or cultural importance within or near the Project development areas;
 - 5.2.2 provide opportunities to Indigenous groups, prior to construction and at times determined in consultation with each Indigenous group, to:
 - 5.2.2.1 harvest and transplant, during seasons where plants can be identified and harvested, plant species used for traditional purposes from areas that will be cleared of vegetation; and
 - 5.2.2.2 conduct ceremonies for any sites of traditional or cultural importance that will be disturbed by any Designated Project activities.
- 5.3 The Proponent shall prohibit, during all phases of the Designated Project, Designated Project employees and contractors from fishing and hunting within the Project development areas or using the Project development areas to access surrounding areas with the intent to fish or hunt, unless an employee or contractor is provided access by the Proponent for exercising Aboriginal rights.
- 5.4 The Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, a protocol for inspecting and cleaning vehicles, machinery and equipment associated with the Designated Project that have come from other worksites in order to limit the introduction and spread of weed species within the Project development areas.
- 5.5 The Proponent shall identify days of traditional or cultural importance in consultation with Indigenous groups, and modify the blasting schedule for the Designated Project to minimize or avoid disturbance to current use of lands and resources by Indigenous groups, unless not technically or economically feasible.
- 5.6 The Proponent shall, when implementing measures to limit the introduction and spread of weed species within the Project development areas, use measures other than broadcast spraying when applying herbicides to mitigate effects to plant species used for traditional purposes by

Indigenous groups, unless the Proponent determines that these measures are ineffective at controlling the introduction and spread of weed species.

- 5.7 The Proponent shall undertake, in consultation with Indigenous groups and relevant authorities, progressive reclamation of areas disturbed by the Designated Project. In doing so, the Proponent shall:
 - 5.7.1 identify, in consultation with Indigenous groups, plant species native to the local assessment areas and plant species used for traditional purposes, to use for revegetation;
 - 5.7.2 establish performance standards for reclaimed areas, including that the areas be self-sustaining, reduce establishment of weed species, restore native species assemblages, and reduce erosion of exposed soils; and
 - 5.7.3 monitor reclaimed areas for a minimum of five years during post-closure or until performance standards established pursuant to condition 5.7.2 are met.

6 Health and socio-economic conditions of Indigenous peoples

- 6.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, measures to mitigate emissions of dust and fugitive particulates within the Project development areas, taking into account the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and *Manitoba's Ambient Air Quality Criteria*. The Proponent shall implement these measures from construction through decommissioning. In doing so, the Proponent shall:
 - 6.1.1 apply dust suppressants, including water, that do not contain chemicals and have the least potential for adverse environmental effects, on haul and access roads during periods when dust generation is expected or occurring, including periods of drought and high winds;
 - 6.1.2 locate all stationary machinery and equipment used for processing ore indoors, where technically and economically feasible, including the crushing plant and conveyors feeding into the ore milling and processing plant;
 - 6.1.3 ensure all equipment and vehicles used, including equipment and vehicles operated by third-party contractors, are serviced and maintained in accordance with the manufacturer's maintenance guidelines to meet or exceed applicable emission standards, including Tier 4 emission standards for off-road equipment with off-road diesel engines, pursuant to the *Off-Road Compression-Ignition (Mobile and Stationary) and Large Spark-Ignition Engine Emission Regulations* and *Off-Road Compression-Ignition Engine Emission Regulations*;
 - 6.1.4 develop and implement policies to reduce the fuel consumption of equipment and vehicles operating in the Project development areas, including no-idling and limited cold start policies; and
 - 6.1.5 establish speed limits on the roads located in the Project development areas, taking into account the recommended speed limits in Environment and Climate Change Canada's *Best Practices for the Reduction of Air Emissions from Construction and Demolition*

Activities and by requiring and ensuring that speed limits are respected, including by installing signs indicating speed limits.

- 6.2 The Proponent shall implement measures, during all phases of the Designated Project, to avoid exceedances of the thresholds for noise and vibration, identified in Health Canada's *Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise* at sensitive receptors identified in the human health and ecological risk assessment in Volume 5 of the Environmental Impact Statement. In doing so, the Proponent shall:
- 6.2.1 develop, prior to construction, a protocol for receiving and addressing feedback related to the exposure to noise and vibration generated by the Designated Project. The Proponent shall provide the protocol to the Agency and Indigenous groups prior to construction, and make the protocol publicly available online. As part of the protocol, the Proponent shall:
 - 6.2.1.1 identify how a person may provide feedback, how the Proponent will handle the feedback received, including ranking and responding to feedback received according to the anticipated level of impacts, and how the Proponent may implement modified or additional mitigation measures(s) and/or follow-up requirement(s) in response to the feedback received;
 - 6.2.1.2 record any feedback received as soon as feasible, no later than 48 hours after receiving the feedback; and
 - 6.2.1.3 implement, as soon as technically feasible, any modified or additional mitigation measure and/or follow-up requirement that the Proponent deems necessary to respond to the feedback received.
- 6.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Health Canada, Environment and Climate Change Canada and any other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects from the Designated Project on air quality and country foods as it relates to the health of Indigenous peoples, taking into account available Indigenous knowledge provided by Indigenous groups related to current use of lands and resources for traditional purposes. 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:
- 6.3.1 identify, in consultation with Indigenous groups, the species of fish, vegetation and wildlife consumed as country foods that may be adversely affected by the Designated Project and the locations where these species shall be monitored;
 - 6.3.2 monitor, beginning prior to construction and continuing through post-closure, contaminants of potential concern, including arsenic, copper, mercury, methylmercury and selenium, in the species and at the locations identified pursuant to condition 6.3.1;
 - 6.3.3 monitor, throughout construction and operation, ambient air concentrations of total suspended particulates, PM₁₀ and PM_{2.5} at locations identified in consultation with Indigenous groups, and upwind and downwind from the Project development areas, taking into account 24-hour and 1-hour thresholds in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards*;

- 6.3.4 monitor, during all phases of the Designated Project, dustfall at locations identified in consultation with Indigenous groups, and upwind and downwind from the Project development areas;
 - 6.3.5 monitor ambient air concentrations of nitrogen dioxide (NO₂) at locations identified in consultation with Indigenous groups and relevant authorities, for at least two consecutive months during year 2 of operation, and continue to monitor during all phases of the Designated Project if the monitoring results exceed predicted levels in the atmospheric dispersion model in Volume 1 Chapter 6 of the Environmental Impact Statement;
 - 6.3.6 monitor meteorological conditions (including wind speed, wind direction, temperature and relative humidity) upwind and downwind of the Project development areas, during construction and operation; and
 - 6.3.7 if the monitoring results referred to in conditions 6.3.2 to 6.3.5 exceed predicted levels in the atmospheric dispersion model in Volume 1 Chapter 6 of the Environmental Impact Statement, taking into account the results of monitoring meteorological conditions pursuant to condition 6.3.6, the human health and ecological risk assessment in Volume 5 of the Environmental Impact Statement, or thresholds of the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards*, modify or implement additional mitigation measures pursuant to condition 2.8, and update the human health and ecological risk assessment in Volume 5 of the Environmental Impact Statement. The Proponent shall submit any updates to the human health and ecological risk assessment to the Agency and relevant authorities.
- 6.4 The Proponent shall develop, in consultation with Indigenous groups, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to adverse effects on the socio-economic conditions of Indigenous peoples from changes to the environment caused by the Designated Project. The Proponent shall solicit and incorporate additional information provided by Indigenous groups when monitoring these effects. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
- 6.4.1 monitor, based on the information provided by Indigenous groups that are trapping, harvesting, fishing or hunting within the local assessment areas, including Marcel Colomb First Nation and holders of registered trap lines:
 - 6.4.1.1 the ability of trappers, harvesters, fishers and hunters to relocate, if required to do so, to new trapping, harvesting, fishing and hunting sites used for traditional purposes, including registered trap lines;
 - 6.4.1.2 the quantity and quality of resources obtained through trapping, harvesting, fishing and hunting activities; and
 - 6.4.1.3 the changes in socio-economic conditions of Indigenous groups, including any additional financial costs incurred by Marcel Colomb First Nation and holders of registered trap lines, as they relate to the relocation of trapping, harvesting, fishing and hunting activities.
- 6.5 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 determine the effectiveness of mitigation measures as it pertains to noise and

vibration from the Designated Project on the health of Indigenous peoples. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:

- 6.5.1 monitor noise and vibration levels at receptors identified in Volume 1 Chapter 7 Tables 7-7 to 7-10 of the Environmental Impact Statement, and at any other human receptors identified in consultation with Indigenous groups.

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, and implement, during all phases of the Designated Project, an archaeological and heritage resource management plan for any structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Project development areas. As part of the archaeological and heritage resource management plan, the Proponent shall:
 - 7.1.1 immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;
 - 7.1.2 delineate an area of at least 50 metres around the discovery as a no-work zone;
 - 7.1.3 inform the Agency and Indigenous groups in writing within 24 hours of the discovery, and allow Indigenous groups to monitor and participate in archaeological works;
 - 7.1.4 have a qualified individual, whose expertise pertains to the requirements of Manitoba's *Heritage Resources Act*, conduct an assessment at the location of the discovery, including sampling and construction monitoring on landforms of similar historic potential to the discovery site(s) within the Project development areas that are planned for development, prior to development in these areas; and
 - 7.1.5 consult with Indigenous groups and relevant authorities on the manner by which to comply with all applicable legislative or legal requirements and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.
- 7.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, nation-specific measures to address the effects described in the Environmental Assessment Report caused by the Designated Project on cultural heritage, including tangible and intangible losses to culture. The Proponent shall implement the measures during all phases of the Designated Project and submit these measures to the Agency prior to implementing them, while ensuring that confidential information is protected. The Proponent shall report its discussions with Indigenous groups as part of the annual report referred to in condition 2.10, including the level of satisfaction of Indigenous groups with the implementation of the measures. As part of the measures, the Proponent shall:
 - 7.2.1 develop and/or contribute to Indigenous-led program(s) and/or initiative(s) to preserve and enhance cultural heritage, including the transfer of intergenerational knowledge; and

- 7.2.2 develop, in collaboration with Indigenous groups, cultural awareness training for all employees associated with the Designated Project, including the cultural setting and providing an understanding of cultural practices, protocols and considerations.

8 Indigenous Environmental Advisory Committee

- 8.1 The Proponent shall establish, prior to construction and in consultation with Indigenous groups, and maintain, during all phases of the Designated Project, an Indigenous Environmental Advisory Committee (IEAC) related to ongoing Designated Project activities, including land use planning, and the development and implementation of follow-up programs, and mitigation measures. The Proponent shall invite Indigenous groups to engage in all IEAC activities, and shall consult participating Indigenous groups on the development of Terms of Reference for the IEAC. The Proponent shall strive to reach consensus on the Terms of Reference with participating Indigenous groups. The Proponent shall submit the final Terms of Reference to the Agency. As part of the Terms of Reference, the Proponent shall include:
 - 8.1.1 the means by which the Proponent and Indigenous groups shall jointly identify topics to be discussed by the IEAC and the means by which the Proponent shall document these topics and discussions;
 - 8.1.2 the frequency, timing and location of IEAC meetings during each phase of the Designated Project and the means by which the Proponent shall document meeting minutes and shall seek approval of the meeting minutes by Indigenous groups;
 - 8.1.3 the means by which the Proponent shall share with the IEAC the following information, including when and how this information will be shared:
 - 8.1.3.1 opportunities for participating in ongoing Designated Project activities, including land use planning, and the development and implementation of follow-up programs and mitigation measures;
 - 8.1.3.2 opportunities for providing feedback on effects to cultural heritage, in accordance with condition 7.2, and how feedback will be addressed;
 - 8.1.3.3 the results of the follow-up programs, including any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent as a result of each follow-up requirement; and
 - 8.1.3.4 other information as determined by the IEAC; and
 - 8.1.4 the means by which the Proponent shall evaluate, in consultation with Indigenous groups, the Terms of Reference to determine whether administrative or management improvements are required to increase the efficiency and effectiveness of the IEAC.

9 [Removed, Budget Implementation Act, 2024]

- 9.1 [Removed, Budget Implementation Act, 2024]
 - 9.1.1 [Removed, Budget Implementation Act, 2024]
 - 9.1.2 [Removed, Budget Implementation Act, 2024]
 - 9.1.3 [Removed, Budget Implementation Act, 2024]

9.1.4 [Removed, *Budget Implementation Act, 2024*]

9.2 [Removed, *Budget Implementation Act, 2024*]

9.2.1 [Removed, *Budget Implementation Act, 2024*]

9.2.2 [Removed, *Budget Implementation Act, 2024*]

9.2.3 [Removed, *Budget Implementation Act, 2024*]

9.3 [Removed, *Budget Implementation Act, 2024*]

10 Species at Risk

10.1 The Proponent shall conduct, prior to construction and in consultation with Indigenous groups and relevant authorities, pre-construction surveys within the Project development areas to identify woodland caribou (*Rangifer tarandus caribou*) calving and calf-rearing habitat.

10.2 The Proponent shall monitor, during all phases of the Designated Project, woodland caribou (*Rangifer tarandus caribou*) usage of the Project development areas, and provide monitoring results to Indigenous groups, Environment and Climate Change Canada, Manitoba Environment, Climate and Parks and any other relevant authorities.

10.3 The Proponent shall participate, during construction and operation and at the request of Manitoba Environment, Climate and Parks or any other relevant authorities responsible for these initiatives, in regional initiatives related to the management of adverse effects on woodland caribou (*Rangifer tarandus caribou*). Regional initiatives in which the Proponent shall participate include:

10.3.1 habitat restoration initiatives, including a collaring program, conducted as part of the Provincial Caribou Recovery Strategy led by Manitoba Natural Resources and Northern Development, or any equivalent future initiative as determined by Manitoba Natural Resources and Northern Development.

10.4 The Proponent shall develop and implement, during all phases of the Designated Project and in consultation with Indigenous groups, Environment and Climate Change Canada and any other relevant authorities, measures to mitigate adverse effects from the Designated Project on woodland caribou (*Rangifer tarandus caribou*) and its habitat, taking into account calving and calf-rearing habitat identified pursuant to condition 10.1, results from monitoring woodland caribou (*Rangifer tarandus caribou*) usage of the Project development areas pursuant to condition 10.2, and available results from any regional initiatives in which the Proponent participates pursuant to condition 10.3. The Proponent shall submit these measures to the Agency prior to implementation, and the measures shall include:

10.4.1 conducting site clearing activities outside of the woodland caribou (*Rangifer tarandus caribou*) calving and calf-rearing period (May 1 to June 30), unless otherwise authorized by relevant authorities;

10.4.2 giving preference to avoiding the destruction or alteration of habitat over minimizing the destruction or alteration of habitat, to minimizing the destruction or alteration of habitat

over restoring altered or destroyed habitat on-site, and to restoring altered or destroyed habitat on-site over offsetting for habitat that must be removed as a result of Designated Project activities; and

- 10.4.3 as part of progressive reclamation referred to in condition 5.7, removing and reclaiming all linear features when they are no longer required for the Designated Project, to impede woodland caribou (*Rangifer tarandus caribou*) predator access to linear features in the Project development areas, including the distribution line right of way, and any access roads identified in consultation with Indigenous groups and relevant authorities as no longer being used for other purposes.
- 10.5 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 determine the effectiveness of all mitigation measures related to adverse effects from the Designated Project on habitat, health and survival for woodland caribou (*Rangifer tarandus caribou*), including the mitigation measures used to comply with conditions 10.1 to 10.4. The Proponent shall implement the follow-up program during all phases of the Designated Project.

11 Independent Environmental Monitor

- 11.1 The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a qualified individual with a minimum of five years of experience as it pertains to environmental monitoring in Manitoba and who has a minimum of two years of experience working with Indigenous groups. The Proponent shall require the independent environmental monitor to independently observe and maintain a record of the implementation of the conditions set out in this Decision Statement during construction and operation and to report findings to the Proponent.
- 11.2 The Proponent shall require the independent environmental monitor to report to the Agency and Indigenous groups, in writing, prior to or concurrent with the reporting to the Proponent referred to in condition 11.1, about the implementation of any condition set out in this Decision Statement during construction and operation. The Proponent shall require the independent environmental monitor to report the information to the Agency and Indigenous groups at a frequency and in a format determined in consultation with the Agency.
- 11.3 The Proponent shall require the independent environmental monitor to retain the information reported to the Proponent, the Agency and Indigenous groups pursuant to conditions 11.1 and 11.2 for at least five years following submission.

12 Accidents and malfunctions

- 12.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects, including dam breaches, and mitigate them. In doing so, the Proponent shall:
- 12.1.1 design, construct and operate the tailings management facility containment structures taking into account the Canadian Dam Association's *Dam Safety Guidelines* and the

Mining Association of Canada's *Guide to the Management of Tailings Facilities*, and by restricting use of the emergency spillway to extreme precipitation events; and

- 12.1.2 design, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada, and any other relevant authorities, the Designated Project taking into account projections of climate change-related changes in the frequency and severity of extreme precipitation events, and available Indigenous knowledge of historic flooding in the local assessment areas.
- 12.2 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, and implement, a follow-up program related to the effects of changing permafrost on the Designated Project and how these changes may adversely affect the current use of lands by Indigenous groups. As part of the follow-up program, the Proponent shall identify the type, degree and extent of residual permafrost remaining within the Project development areas following construction to be incorporated into the design of the Designated Project.
- 12.3 The Proponent shall consult, prior to construction, Indigenous groups and relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the likelihood, modes of failure and consequences of a dam breach.
- 12.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, an accidents and malfunctions response plan in relation to each phase of the Designated Project. The accident and malfunction plan for each phase shall include:
 - 12.4.1 a description of the types of accidents and malfunctions that may cause adverse environmental effects during that phase;
 - 12.4.2 the measures to be implemented in response to each type of accident and malfunction referred to in condition 12.4.1 to mitigate any adverse environmental effect caused by the accident or malfunction; and
 - 12.4.3 for each type of accident and malfunction referred to in condition 12.4.1, the roles and responsibilities of the Proponent and each relevant authority in implementing the measures referred to in condition 12.4.2 and for mobilizing emergency response equipment.
- 12.5 The Proponent shall ensure the accidents and malfunctions response plan referred to in condition 12.4 is kept up-to-date during the phase to which it pertains. The Proponent shall submit any updated accident and malfunction response plan to the Agency, Indigenous groups and the relevant authorities involved in its implementation within 30 days of the plan being updated.
- 12.6 In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or a malfunction referred to in condition 12.4.1, the Proponent shall immediately implement the measures appropriate to remedy the accident or malfunction, including any measure referred to in condition 12.4.2, and shall:
 - 12.6.1 implement the communication plan referred to in condition 12.7 as it relates to accidents and malfunctions;

- 12.6.2 notify relevant authorities with responsibilities related to emergency response, including environmental emergencies, in accordance with applicable regulatory and legislative requirements;
- 12.6.3 notify, as soon as possible and pursuant to the communication plan referred to in condition 12.7, Indigenous groups of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying Indigenous groups and the Agency, the Proponent shall specify:
 - 12.6.3.1 the date and time when and location where the accident or malfunction occurred;
 - 12.6.3.2 a summary description of the accident or malfunction;
 - 12.6.3.3 a list of any substance potentially released into the environment as a result of the accident or malfunction; and
 - 12.6.3.4 a description of the notified relevant authorities, as referred to in condition 12.6.2.
- 12.6.4 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:
 - 12.6.4.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
 - 12.6.4.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 12.6.4.3 any view from Indigenous groups 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;
 - 12.6.4.4 a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and
 - 12.6.4.5 details concerning the implementation of the accidents and malfunctions response plan referred to in condition 12.4.
- 12.6.5 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred, taking into account the information submitted in the written report pursuant to condition 12.6.4, that includes:
 - 12.6.5.1 a description of the changes made to avoid a subsequent occurrence of the accident or malfunction;
 - 12.6.5.2 a description 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; and
 - 12.6.5.3 all additional views from Indigenous groups and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 12.6.4.3 were received by the Proponent.
- 12.7 The Proponent shall develop, in consultation with Indigenous groups, a communication plan for accidents and malfunctions occurring in relation to the Designated Project. 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:

- 12.7.1 the types of accidents and malfunctions requiring the Proponent to notify the Indigenous groups;
- 12.7.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunity for the Indigenous groups to assist in the response to the accident or malfunction; and
- 12.7.3 the names and contact information of the Proponent and Indigenous group representatives for the purposes of notifying pursuant to condition 12.7.2 and communicating about accidents and malfunctions.

13 Schedules

- 13.1 The Proponent shall submit to the Agency and Indigenous groups 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.
- 13.2 The Proponent shall submit to the Agency and Indigenous groups 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.
- 13.3 The Proponent shall submit to the Agency and Indigenous groups in writing an update to the schedules referred to in conditions 13.1 and 13.2 every year no later than March 31, until the completion of all activities referred to in each schedule.

14 Record keeping

- 14.1 The Proponent shall maintain all records relevant to the implementation of 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 post-closure 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.
- 14.2 The Proponent shall retain all records referred to in condition 14.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency in writing 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.
- 14.3 The Proponent shall notify the Agency in writing of any change 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>

The Honourable Steven Guilbeault
Minister of the Environment

March 5, 2023

Date _____

Amendment

This Decision Statement is amended in Ottawa, Ontario by:

<Original signed by>

The Honourable Steven Guilbeault
Minister of the Environment

July 26, 2024

Date _____