

TABLE 1: PROPOSED EXPERT COMMENTS ON POTENTIAL CONDITIONS TO INCLUDE IN SUBMISSION TO IAAC, OCTOBER 21, 2022

Issue #	Reference to Draft Condition	Draft Condition (Original)	Comment	Draft Condition
ECCC - 01	1.2.5	<i>Offsetting plan means "offsetting plan" as described in Schedule 1 of the Authorizations Concerning Fish and Fish Habitat Protection Regulations and "compensation plan" as described in subsection 27.1 of the Metal and Diamond Mining Effluent Regulations.</i>	Correcting reference to section 27.1	<i>Offsetting plan means "offsetting plan" as described in Schedule 1 of the Authorizations Concerning Fish and Fish Habitat Protection Regulations and "compensation plan" as described in section 27.1 of the Metal and Diamond Mining Effluent Regulations.</i>
ECCC - 02	3.2.6	limit seepage from the process solids management facility by:	The condition may give the impression the Government of Canada (GOC) is allowing/agreeing to "some" seepage and has given approval for the seepage control/limitation measures proposed, which could increase the legal risk of officially induced error given ECCC's enforcement role for the MDMER. The alternative wording suggested by ECCC may reduce this legal risk.	undertake seepage control at the process solids management facility by:
ECCC - 03	3.3	The Proponent shall comply with <i>the Metal and Diamond Mining Effluent Regulations</i> and the pollution prevention provisions of the <i>Fisheries Act</i> ,	Recommend remove condition 3.3. Legislative and regulatory requirements will need to be met regardless of being included as a condition.	n/a
ECCC - 04	3.4	The Proponent shall collect contact water from the Designated Project area, including seepage from the process solids management facility and any temporary storage areas for potentially acid generating and metal leaching mine rock, and water associated with the mine rock storage area, during all phases of the Designated Project and treat in accordance with the <i>Fisheries Act</i> before it is deposited into the receiving environment.	The <i>Fisheries Act</i> and regulations under the Act such as the MDMER do not specify how effluent is to be treated so It is not possible to "treat in accordance with the <i>Fisheries Act</i> ". Moreover, it is not appropriate for a condition to simply require adherence to relevant laws.	The Proponent shall collect contact water from the Designated Project area, including seepage from the process solids management facility and any temporary storage areas for potentially acid generating and metal leaching mine rock, and water associated with the mine rock storage area, during all phases of the Designated Project.
ECCC - 05	3.5.4	connect the pit lakes with the receiving environment only once water quality in the pit lakes complies with the pollution prevention provisions of the <i>Fisheries Act</i> .	The language in 3.5.4 should be adjusted. The <i>Fisheries Act</i> does not specify a series of water quality concentrations for a range of metal and non-metal parameters to comply with the pollution prevention provisions.	connect the pit lakes with the receiving environment only once water quality in the pit lakes will avoid adverse effects in the receiving environment.
ECCC - 06	5.1	The Proponent shall implement measures to reduce Designated Project-related greenhouse gas emissions during all phases of the Designated Project. As part of these measures, the Proponent shall:	ECCC recommends adding the word 'mitigation' measures to better reflect the terminology of the SACC technical guide referred to in condition 5.2.2	The Proponent shall implement mitigation measures to minimize greenhouse gas emissions during all phases of the Designated Project. As part of these measures, the Proponent shall
ECCC - 07	5.2.2	for each source of emissions identified pursuant to condition 5.2.1, identify the greenhouse gas emission mitigation measures applicable to that source in addition to the measures taken to comply with condition 5.1, including emerging technologies and practices at a sufficiently	The condition should direct the proponent to the SACC guidance. The proponent has already committed to use the SACC, and related technical guide which provides more complete details and guidance about how the Best Available Technologies /	for each source of emissions identified pursuant to condition 5.2.1, identify the greenhouse gas emission mitigation measures, which include the best available technologies and best environmental practices (BAT/BEP) applicable to that source in addition to the measures taken to comply with condition 5.1, including emerging technologies and practices at

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		advanced stage of technological development to become technically and economically feasible over the life of the Designated Project. The Proponent shall use the Best Available Technologies / Best Environmental Practices Determination process in Table 2 of the Government of Canada's Strategic Assessment of Climate Change and other available guidance documents published by Environment and Climate Change Canada when identifying these measures;	Best Environmental Practices Determination process should be completed by the proponent.	a sufficiently advanced stage of technological development to become technically and economically feasible over the life of the Designated Project. This shall be completed following the BAT/BEP Determination process as described in the Government of Canada's Strategic Assessment of Climate Change (SACC) and the latest version of its relevant technical guide;
ECCC - 08	5.2.3	in identifying measures pursuant to condition 5.2.2, demonstrate how the following measures have been considered: 5.2.3.1 employment of electrical assistance for haul trucks, carbon dioxide capture in construction concrete and processed solids stream, utilization of low carbon fuels, and utilization of electric off-road vehicles;	Condition should incorporate the measures in section 5.1.1 and 5.1.2 as part of the greenhouse gas management plan. It is recommended conditions 5.2.3 and 5.2.3.1 be replaced with the proposed new condition 5.2.2.1, as it directly relates to condition 5.2.2.	5.2.2.1 The Best Available Technologies / Best Environmental Practices Determination shall, amongst others, incorporate the measures outlined in condition 5.1, and also demonstrate how the following measures have been considered: employing trolley assist (electrical assistance for haul trucks), CO ₂ capture (in construction concrete and processed solids stream), and utilization of low carbon and fuels and/or electric off-road vehicles.
ECCC - 09	5.2.4	determine how each technically and economically feasible technology or practice identified pursuant to condition 5.2.2 will be implemented by the Proponent over the life of the Designated Project, including consideration of when any equipment associated with the Designated Project that contributes to the emission of greenhouse gases will need to be replaced with equipment of lower greenhouse gas intensity;	Recommend the condition include the timing to implement a Best Available Technologies / Best Environmental Practices. Additional editorial changes also recommended.	5.2.4 determine when and how each BAT/BEP identified pursuant to condition 5.2.2 will be implemented by the Proponent over the life of the Designated Project, including consideration of when any equipment associated with the Designated Project that contributes to the emission of greenhouse gases will need to be replaced with equipment of lower greenhouse gas intensity;
ECCC - 10	5.2.6	review the plan, in consultation with Environment and Climate Change Canada, at a minimum frequency of every five years from the commencement of operations for the life of the Designated Project. If the Proponent updates the plan, the Proponent shall submit any updated plan to the Agency and to Environment and Climate Change Canada within 30 days of the revision of the plan. As part of each review of the plan, the Proponent shall: 5.2.6.1 review the technologies and practices referred to in condition 5.2.2 and update the plan if it identifies other emerging technologies and practices that are at a sufficiently advanced stage of technological development to become	Recommend incorporating condition 5.2.6, 5.2.6.1 and 5.2.6.2 into condition related to the greenhouse gas follow-up program (condition 5.3). The process of reviewing the greenhouse gas management plan and determining if revisions are needed would be better situated in the follow-up program.	Remove conditions 5.2.6, 5.2.6.1 and 5.2.6.2

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		<p>technically and economically feasible over the life of the Designated Project; and 5.2.6.2 determine whether the reduction targets referred to in condition 5.2.5 need to be revised and, if so, revise the targets and provide a justification for the revision.</p>		
ECCC - 11	5.3	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement, during all phases of the Designated Project, a follow-up program with respect to greenhouse gas emissions from the Designated Project. As part of the development of the follow-up program, the Proponent shall identify the sources of greenhouse gas emissions that will be quantified. As part of the implementation of the follow-up program, the Proponent shall:</p> <p>5.3.1 quantify annually, during all phases of the Designated Project, greenhouse gas emissions from the Designated Project for each source of greenhouse gas emissions identified during the development of the follow-up program, including the methodology, assumptions and all supporting data used for quantifying the emissions. In doing so, the Proponent shall;</p> <p>5.3.1.1 use methods outlined in the Government of Canada's most-recent Greenhouse Gas Quantification Requirements, or, where emission source methods are not specified for a certain activity, methods consistent with the 2006 IPCC Guidelines for National Greenhouse Gas Inventories; and</p> <p>5.3.1.2 justify the methodology used to quantify emission from any activity not specified in the Government of Canada's Greenhouse Gas Quantification Requirements;</p> <p>5.3.2 quantify annually, during operation, greenhouse emissions</p>	<p>Recommend reworking the condition and removing the requirements to quantify emissions annually, as this is a regulatory requirement through the federal Greenhouse Gas Reporting Program.</p> <p>The condition should differentiate between requirements of the greenhouse gas management plan (condition 5.2) and need to implement a follow up program to verify the assessment accuracy and monitor project implementation to determine where the greenhouse gas management plan needs to be adjusted. For these reasons, it is recommended the original condition 5.2.6 be integrated into this follow-up program condition.</p>	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement, during all phases of the Designated Project, a follow-up program with respect to greenhouse gas emissions from the Designated Project. As part of the follow-up program, the Proponent shall:</p> <p>5.3.1 justify any discrepancy between the Designated Project's actual greenhouse gas emissions quantified and the predicted emissions estimated during the environmental assessment</p> <p>5.3.2 Review the greenhouse gas management plan developed pursuant to condition 5.2, in consultation with Environment and Climate Change Canada, at a minimum frequency of every five years from the commencement of operations for the life of the Designated Project. As part of each review of the plan, the Proponent shall:</p> <p>5.3.2.1 review the technologies and practices referred to in condition 5.2.2 and update the plan if it identifies other emerging technologies and practices that are at a sufficiently advanced stage of technological development to become technically and economically feasible over the life of the Designated Project;</p> <p>5.3.2.2 determine whether the greenhouse gas emission targets referred to in condition 5.2.5 need to be revised and, if so, revise the targets; and</p> <p>5.3.2.3 If the Proponent updates the plan, the Proponent shall submit any updated plan to the Agency and to Environment and Climate Change Canada within 30 days of the revision of the plan.</p>

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		<p>intensity in accordance with the SACC; and 5.3.3 justify, when reporting the results of the follow-up program, any discrepancy between the greenhouse gas emissions quantified pursuant to condition 5.3.1 and the predicted emissions estimated during the environmental assessment included in Table 6.2-4 of the Environmental Impact Statement (Canadian Impact Assessment Registry Reference Number 54755, Document number 224)</p>		
ECCC - 12	10.2	<p>The Proponent shall give preference to avoiding vegetation clearing required for the Designated Project during periods when little brown myotis (<i>Myotis lucifugus</i>) and Northern myotis (<i>Myotis septentrionalis</i>) are establishing and occupying maternity roosts. Where the Proponent plans to undertake vegetation clearing during these periods, the Proponent shall conduct pre-vegetation clearing surveys to identify if any active hibernacula or maternity roost site is present in any of the areas to be cleared using methods determined in consultation with Ontario Ministry of Environment, Conservation and Parks.</p>	<p>Recommend including the estimated timing window for when maternity roosting sites would be occupied, estimated to be from April to August.</p>	n/a
ECCC - 13	10.7	<p>The Proponent shall mitigate, during all phases of the Designated Project and in consultation with Biigtigong Nishnaabeg and other Indigenous groups, Environment and Climate Change Canada, Ontario Ministry of the Environment, Conservation and Parks and other relevant authorities, adverse environmental effects on woodland caribou (<i>Rangifer tarandus caribou</i>) and its habitat. In doing so, the Proponent shall:</p> <p>10.7.1 give 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; and</p>	<p>Recommend condition 10.7 include a mitigation measure to decrease sensory disturbances to sensitive category 1 boreal caribou habitat as identified by the Province of Ontario.</p>	<p>10.7.2 implement mitigation measures including timing windows for mine activities such as the use of explosives, in order to decrease sensory disturbance to sensitive category 1 boreal caribou habitat as identified by the Province of Ontario. The proponent shall demonstrate how the "Ontario Ministry of the Environment, Conservation and Parks (2020) Best Management Practices for Mineral Exploration and Development Activities and Woodland Caribou in Ontario" was followed;</p>

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		<p>10.7.2 develop, prior to construction, and implement, during construction and operation, a caribou monitoring and response protocol to determine when woodland caribou (<i>Rangifer tarandus caribou</i>) are within 500 meters of the Designated Project area, and suspend or delay tree clearing, blasting, drilling and crushing activities when woodland caribou (<i>Rangifer tarandus caribou</i>) is observed within 500 meters of the Designated Project area. The Proponent shall resume activities only once woodland caribou (<i>Rangifer tarandus caribou</i>) are no longer within 500 meters of the Designated Project area.</p>		
ECCC - 13	11.2.1.4	<p>habitat for woodland caribou (<i>Rangifer tarandus caribou</i>), including habitat within the Designated Project area that connects with adjacent woodland caribou (<i>Rangifer tarandus caribou</i>) habitats outside the Designated Project area and that is as close to the baseline forest stand as technically feasible;</p>	<p>Recommend condition include requirement to create viable woodland caribou corridors to support movement through the Designated Project area.</p>	<p>11.2.1.4 create habitat (preference habitat to support low-resistance corridors) for woodland caribou (<i>Rangifer tarandus caribou</i>) to allow for movement and habitat use (intra- and inter-range connectivity), including habitat within the Designated Project area that connects with adjacent woodland caribou (<i>Rangifer tarandus caribou</i>) habitats outside the Designated Project area and that is as close to the baseline forest stand as technically feasible.</p>
ECCC - 14	15.1	<p>The Proponent shall update, prior to construction, the climate change projections for the Designated Project described in Section 2 of <i>Supporting Information Document 8 – Greenhouse Gas and Climate Change Assessment from Environmental Impact Statement - Supporting Information Documents</i> (Canadian Impact Assessment Registry Reference Number 54755, Document Number 227) using methods described in the Government of Canada's <i>Strategic Assessment of Climate Change</i>, and available associated technical guidance and the Canadian Standards Association's <i>Technical Guide: Development, interpretation, and use of rainfall intensity-duration-frequency (IDF) information: Guideline for Canadian water resources practitioners</i> (CSA PLUS 4013-12, 2019) and use these projections to inform the final design measures to prevent accidents and malfunctions pursuant to condition 15.4.1.</p>	<p>Recommend including "best available science and guidance" and recommend against referring to "Supporting Information Document 8" as this is not the only place where climate change predictions were used.</p>	<p>The Proponent shall update, prior to construction, the climate change projections for the Designated Project using best available science and guidance including the methods described in the Government of Canada's <i>Strategic Assessment of Climate Change</i>, and available associated technical guidance and the Canadian Standards Association's <i>Technical Guide: Development, interpretation, and use of rainfall intensity-duration-frequency (IDF) information: Guideline for Canadian water resources practitioners</i> (CSA PLUS 4013-12, 2019) and use these projections to inform the final design measures to prevent accidents and malfunctions pursuant to condition 15.4.1.</p>