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Follow Up to Memorandum #4 Regarding IAAC Updated Mitigation and Follow-Up Program Measures

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On Friday June 5, 2026, Slate Falls received a package of materials from the Impact Assessment Agency of Canada (“**IAAC**”) including a Summary of Key Mitigation and Follow-up Program Measures (noting changes) for the Springpole Gold Project (“**Enclosure 1**”). On Monday June 8, 2026, Slate Falls provided its own package of materials (given timing, we assume this was prepared simultaneously to Enclosure 1). Slate Falls’ submission included a memorandum containing Slate Falls’ suggestions for federal project conditions to meaningfully respond to Slate Falls’ concerns (“**Memorandum #4**”). This further submission is made in response to IAAC’s June 5 package to identify where gaps remain.

While some improvements were made in Enclosure 1, we continue to see critical, unresolved gaps in IAAC’s approach in key areas set out below. Conditions in these areas are essential to the meaningful protection of Slate Falls’ rights including current use of lands and resources, resources for traditional purposes, the fish and fish habitat that support traditional practices, its reserve lands, physical and cultural heritage, and the community’s health and socio-economic conditions, IAAC’s proposals must be improved before final federal regulatory conditions are determined.

The main gaps remaining fall into four categories: (1) Slate Falls’ Confirmation of Required Protections, (2) Fundamental Project Incompatibilities with Slate Falls’ Rights, Culture, and Way of Life, (3) Required Protections for Water, and (4) Closure by Design. We provide further comments below.

I. Slate Falls’ Confirmation of Required Protections

As we have previously set out for IAAC, many of the conditions have been limited to monitoring and follow up programs (this issue persists but such programs are improving in some places). As such, to ensure that certain conditions in fact protect Slate Falls’ current use of lands and resources for traditional purposes, the fish and fish habitat that support traditional practices, its reserve lands, physical and cultural heritage, and the community’s health and socio-economic conditions, conditions must be designed such that Slate Falls has a meaningful role in confirming condition-linked processes. For example, IAAC’s additions continue to avoid requirements for Slate Falls’ confirmation before construction or permitting takes place (for instance, see 1.1-1.6 in Memorandum #4). Slate Falls requires that no federal or provincial permit, authorization, approval,

licence, amendment, or other instrument enabling construction of major project infrastructure shall be issued until the Proponent has completed a collaborative design refinement and risk reduction process involving Slate Falls Nation, federal regulators, and provincial regulators. To support this requirement, IAAC must also:

- Require timely provision of information to Slate Falls;
- Require a formal process for addressing unresolved technical issues before permitting decisions are finalized;
- Link major project advancement decisions to completion of agreed design, risk reduction, and closure planning milestones; and
- Require a consolidated satisfaction demonstration documenting how SFN concerns, uncertainties, and recommendations have been addressed.

The risk reduction process shall evaluate alternative project configurations and demonstrate that the selected design represents the lowest reasonably achievable residual risk configuration, considering protection of water quality, fish and fish habitat, Aboriginal and Treaty rights, cultural continuity, long-term closure performance, climate resilience, and intergenerational environmental liability.

At a minimum, the risk reduction process shall evaluate alternative locations and configurations for major mine waste facilities, opportunities to increase separation from sensitive water resources, improve watershed separation, reduce long-term environmental liabilities, and improve closure outcomes. The Proponent shall document the alternatives evaluated, the predicted risks associated with each alternative, and the rationale for the selected design, including how recommendations from Slate Falls Nation were considered and addressed. The risk reduction process shall demonstrate that significant risks have been avoided or reduced through project design wherever reasonably achievable and that monitoring and adaptive management are used to supplement risk reduction through design rather than replace it.

II. Fundamental Project Incompatibilities with Slate Falls' Rights, Culture, and Way of Life

In many instances, IAAC has failed to address fundamental project components that pose unacceptable risks to or impacts on Slate Falls' rights, culture, and way of life. This includes Slate Falls' current use of lands and resources for traditional purposes, physical and cultural heritage, and the community's health and socio-economic conditions.

For instance, IAAC has not yet addressed Slate Falls' requirements for:

- comprehensive investigations before final cofferdam design selection (see Sections 5.1-5.6 of Memorandum #4);
- evaluation of alternative cofferdam designs (see Sections 5.7-5.11 of Memorandum #4); and

- active seepage control and monitoring measures including cofferdam QA/QC (see sections 5.15-5.18 of Memorandum #4).

IAAC's proposed changes to the conditions have not added anything that will prevent impacts to fish and fish habitat or the ways in which Slate Falls relies on fish and fish habitat to exercise its rights and way of life.

IAAC's additions also continue to avoid preventative requirements that will support caribou population, habitat, and Slate Falls' way of life and exercise of rights that depends on the health and abundance of caribou. Caribou related measures continue to focus exclusively on monitoring without incorporating any requirements that will actually support caribou populations including maximum disturbance thresholds (see 11.3-11.6 in Memorandum #4).

IAAC has adjusted its conditions related to portages in the Project area but has not incorporated Slate Falls' requirement that existing portages remain open and functional unless otherwise agreed by Slate Falls (see 10.1 in Memorandum #4).

III. Required Protections for Water

IAAC has failed to meaningfully deal with the source risk associated with the CDF (i.e. the CDF is located too close to sensitive waterbodies). While IAAC's additional measures improve the understanding and management of risk, they do not require increased separation from Birch and Springpole Lakes or the relocation of the CDF itself (see 2.1 in Memorandum #4). While continued evaluation of alternatives and consideration of Indigenous knowledge is incorporated in Enclosure 1, IAAC's additions are not specific enough to incorporate Slate Falls' requirements. To meet Slate Falls' requirements, IAAC must:

- Complete investigations prior to final design selection and demonstrate reduction of key uncertainties;
- Require independent verification of hydrogeological conclusions;
- Require demonstration that High and Extreme risks are reduced through design measures before permitting;
- Include long-term liner performance, seepage pathways, and treatment dependency;
- Include interactions between major project components and closure infrastructure in FMEA;
- Address unacceptable outcomes in modeling through design refinement and risk reduction of mine layout, closure configuration, or waste management strategy before relying on adaptive management (see 7.8 in Memorandum #4);
- Ensure there is an explicit requirement for methylmercury accumulation and transport modelling in water, sediment and fish local to and downstream of the proposed development, at minimum to Slate Falls' reserve;
- Ensure Slate Falls is involved in the co-development of a fish health monitoring program with community-established thresholds and Indigenous-led sampling (see 13.4 in Memorandum #4)

IAAC's new measures improve management of seepage and contaminant release but do not require relocation of the low-grade ore stockpile into the pit catchment or elimination of long-term contamination pathways. Slate Falls requires confirmation that untreated drainage cannot enter waters used by SFN for drinking, fishing, travel, or cultural purposes (see 4.3 in Memorandum #4).

IV. Closure by Design

Closure planning should prioritize long-term isolation of mine-affected waters, no reconnection unless demonstrated safe, and no requirement to establish a fishery or reconnect the mine basin to the Springpole system. IAAC has not yet incorporated measures requiring these outcomes to be demonstrated before permitting or construction proceeds.