

Table B - IR2: Regulatory Requests and Suggested Actions Derived from the Canadian Malartic Corporation's Responses to Information Request #1 (IR1) on the Final Environmental Impact Statement /Environmental Assessment Report for the Federal Environmental Assessment of the Hammond Reef Gold Mine Project

Reference #	Link to IR1	Ecosystem Topic	Reference to EIS Guidelines	Reference to EIS	Summary of Comment/ Rationale	Regulatory Request/ Suggested Action
R(2)-08	T-50, T-62	Fish and Fish Habitat	10.2.4, 10.9.4	Aquatic Environment TSD	<p>As noted in the Aquatic Environment Technical Support Document, No Net Loss/Habitat Offset Plan, dated December 2013, the <i>Fisheries Act</i> (the Act) has been amended. These amendments came into force in November 2013 and have resulted in changes to terminology, policies and application of the Act. Throughout the EIS and supporting documents, the term "harmful alteration, disruption or destruction (HADD)" is no longer correct. Fisheries and Oceans Canada (DFO) now reviews projects for "serious harm", which is defined as the death of fish, permanent alteration of fish habitat, or the destruction of fish habitat.</p> <p>Requirements of the Act that will have bearing on this project include:</p> <ul style="list-style-type: none"> • Application for a <i>Fisheries Act</i> paragraph 35(2)(b) authorization, which includes information requirements and regulated timelines for DFO to review and issue an authorization; • The proponent must submit contingency measures to be implemented if mitigation measures and standards to avoid and mitigate serious harm to fish are not successful; • The proponent must have contingency measures in place should offsetting measures (formerly referred to as compensation) not be completed or functioning as proposed; • Monitoring is required for mitigation, avoidance, offsetting and contingency measures; • The proponent must submit a Letter of Credit to DFO as part of the application for the paragraph 35(2)(b) authorization. <p>The No Net Loss/Habitat Offset Plan for this project is draft and will require further discussion with DFO and the Ministry of Natural Resources and Forestry (MNR). Also the plan will need to be updated to reflect the requirements of the amended <i>Fisheries Act</i>; include additional information on the draining of Mitta Lake, fish salvage, and water quality of Sawbill Bay; detail the plans for offsetting to satisfy the <i>Fisheries Act</i> paragraph 35(b) authorization and the requirements of the <i>Metal Mining Effluent Regulations</i>; and incorporate any other requirements of DFO, Environment Canada, and MNR.</p> <p>DFO would prefer to see two separate offsetting plans: one for offsetting required to satisfy the <i>Fisheries Act</i> paragraph 35(2)(b) authorization and the other to meet the requirements of the <i>Metal Mining Effluent Regulations</i> (MMER). If the proponent prefers to submit a single offsetting plan, DFO requests the impacts to fish and fish habitat be clearly delineated between 35(2) and MMER at the beginning of the document. Also, a clear figure indicating all areas of serious harm and offsetting measures would be useful for both plans.</p>	Fisheries and Oceans Canada requests that the proponent addresses the requirements for finalizing the No Net Loss/Habitat Offset Plan outlined in the summary of comment and updates the plan accordingly to meet the requirements of the <i>Fisheries Act</i> and its regulations, including the <i>Metal Mining Effluent Regulations</i> .