

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

to  
AuRico Metals Inc.  
c/o Harold Bent, Director, Environment

1076 Main Street, Suite 2  
Smithers, British Columbia  
VOJ 2N0

for the  
**Kemess Underground Project**

**Description of the Designated Project**

AuRico Metals Inc. is proposing the construction and operation of the Kemess Underground Project, an underground gold-copper mine located approximately 250 kilometres north of Smithers and 430 kilometres northwest of Prince George, British Columbia. The Designated Project would have an ore production capacity of approximately 24,650 tonnes per day (105,000 ounces of gold and 44 million pounds of copper per year) using underground block caving methods, over a predicted 13-year mine life.

**Conduct of the environmental assessment**

The Canadian Environmental Assessment Agency (the Agency) commenced an environmental assessment of the Designated Project under the *Canadian Environmental Assessment Act, 2012* on April 8, 2014 and, on that same date, the former Minister of the Environment, under the authority of section 32 of the *Canadian Environmental Assessment Act, 2012*, granted the substitution of the environmental assessment process set out in British Columbia's *Environmental Assessment Act* for the *Canadian Environmental Assessment Act, 2012* process.

British Columbia's Environmental Assessment Office (the EAO) conducted an environmental assessment of the Designated Project in accordance with the substitution conditions set out in subsection 34(1) of the *Canadian Environmental Assessment Act, 2012*, including those additional conditions set by the former Minister of the Environment, and in consideration of the *Memorandum of Understanding on Substitution of Environmental Assessments* (2013) entered into by the Agency and the EAO. The EAO submitted its report to the Agency on February 17, 2017.

### **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 EAO 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 AuRico Metals Inc. 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 authority to exercise a power or perform a duty or function conferred on it under an Act of Parliament other than the *Canadian Environmental Assessment Act, 2012*:

- The Minister of Natural Resources may issue an user magazine licence and a division 1 factory license under paragraph 7(1)(a) of the *Explosives Act*.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the EAO 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 AuRico Metals Inc. must comply.

### **Consultation with Indigenous groups**

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

## **1 Definitions**

1.1 *Agency* means the Canadian Environmental Assessment Agency.

- 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 site preparation, building, or installation of any components of the Designated Project are undertaken by the Proponent.
- 1.4 *Days* means calendar days.
- 1.5 *Decommissioning* means the phase of the Designated Project during which the Proponent has permanently ceased commercial production and has commenced removal from service of any components of the Designated Project, and that continues until the site is restored.
- 1.6 *Deleterious substance* means “deleterious substance” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.7 *Designated Project* means the Kemess Underground Project as described in section 1.2 of the assessment report prepared by the British Columbia’s Environmental Assessment Office (Canadian Environmental Assessment Registry Reference Number 80063).
- 1.8 *Effluent* means “effluent” as defined in subsection 1(1) of the *Metal Mining Effluent Regulations*.
- 1.9 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.11 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.12 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *Heritage value* means the aesthetic, historic, scientific, cultural, social, or spiritual importance or significance for past, present, or future generations.
- 1.14 *Indigenous groups* means Takla Lake First Nation, Tsay Keh Dene First Nation, and Kwadacha First Nation.
- 1.15 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.16 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.17 *Northern section of the Omineca Resource Access Road* means the northern 168-kilometre portion of the Omineca Resource Access Road from the junction of the Thutade and Finlay Osilinka Forest Service Roads.
- 1.18 *Operation* means the phase of the Designated Project during which the commercial production takes place, including periods during which commercial production may temporarily cease, and that continues until the start of decommissioning.

- 1.19 *Progressive reclamation* means a planned approach to reclamation which is carried out 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.
- 1.20 *Project area* means the geographic area occupied by the Designated Project.
- 1.21 *Proponent* means AuRico Metals Inc. and its successors or assigns.
- 1.22 *Qualified individual* means someone who, through education, experience, and knowledge relevant to a particular matter, may be relied on by the Proponent to provide advice within his or her area of expertise. Knowledge relevant to a particular matter may include community and Indigenous traditional knowledge.
- 1.23 *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.
- 1.24 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.25 *Reporting year* means from January 1 of a calendar year through December 31 of the same calendar year.
- 1.26 *Structure, site, or thing of historical, archeological, paleontological, or architectural significance* means a structure, site, or thing that is determined by a qualified individual, on the basis of heritage value, to be directly associated with an important aspect or aspects of human history or culture.
- 1.27 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries Act*.

## **Conditions**

These conditions are established for the sole purpose of the Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this Decision Statement shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

## **2 General conditions**

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge available at the time the Proponent takes action, including community and Indigenous traditional 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 achievable technologies.

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
  - 2.2.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
  - 2.2.2 provide sufficient information on the scope and the subject matter of the consultation and a reasonable period of time to permit the party or parties being consulted to prepare their views and information;
  - 2.2.3 provide a full and impartial consideration of any views and information presented by the party or parties being consulted on the subject matter of the consultation; and
  - 2.2.4 advise in a timely manner the party or parties being consulted on how their views and information have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, communicate with each Indigenous group with respect to the manner by which to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information and the period of time to be provided when seeking input, the process for full and impartial consideration of any views and information presented on the subject of the consultation, and the means by which Indigenous groups will be informed of how their views and information have been considered by the Proponent.
- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of the follow-up program and in consultation with Indigenous groups and relevant authorities, the following information, for each follow-up program:
  - 2.4.1 the methodology, location, frequency, timing, and duration of monitoring associated with the follow-up program as well as the scope, content, and frequency of reporting of the follow-up results;
  - 2.4.2 the levels of environmental change relative to established baseline conditions that would require the Proponent to implement additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
  - 2.4.3 the range of technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.4.2 have been reached or exceeded.
- 2.5 The Proponent shall submit the information referred to in condition 2.4 to the Agency prior to the implementation of a follow-up program. The Proponent shall update that information in consultation with Indigenous groups and relevant authorities during the implementation of the follow-up program, and shall provide the updated information to the Agency, Indigenous groups, and relevant authorities within 30 days of the information being updated.

- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
- 2.6.1 conduct the follow-up program according to the information determined pursuant to condition 2.4;
  - 2.6.2 undertake monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure(s);
  - 2.6.3 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.6.2; and
  - 2.6.4 if modified or additional mitigation measures are required pursuant to condition 2.6.3, develop and implement the modified or additional mitigation measures in a timely manner and monitor them pursuant to condition 2.6.2.
- 2.7 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for the participation of that Indigenous group in the implementation of the follow-up program, including the analysis of the follow-up results and whether modified or additional mitigation measures are required, as set out in condition 2.6.
- 2.8 The Proponent shall follow the consultation process outlined in conditions 2.3, 2.4, 2.5, and 2.7 when consulting Gitksan Wilp Nii Kyap for the purpose of conditions 3.7 and 9.5.
- 2.9 The Proponent shall, commencing in the reporting year during which the Proponent begins the implementation of the conditions set out in this Decision Statement, prepare an annual report that sets out:
- 2.9.1 the activities undertaken in the reporting year to comply with each of the conditions set out in this Decision Statement;
  - 2.9.2 how the Proponent complied with condition 2.1;
  - 2.9.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
  - 2.9.4 the information referred to in conditions 2.4 and 2.5 for each follow-up program;
  - 2.9.5 the results of the follow-up program requirements identified in conditions 3.7, 4.3, 5.1, 6.10, and 6.11; and
  - 2.9.6 any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.6.
- 2.10 The Proponent shall submit to the Agency the annual report referred to in condition 2.9, including an executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.
- 2.11 The Proponent shall publish on the Internet, or any medium which is widely publicly available, the annual reports and the executive summaries referred to in conditions 2.9 and 2.10, the reports related to accidents and malfunctions referred to in conditions 9.4.3 and 9.4.4, the

communication plan referred to in condition 9.5, the implementation schedule referred to in condition 10.1, and any update(s) or revision(s) to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available throughout construction and operation and until the end of decommissioning. The Proponent shall notify the Agency, Indigenous groups, and Gitxsan Wilp Nii Kyap of the availability of these documents upon publication.

- 2.12 The Proponent shall notify the Agency and Indigenous groups in writing no later than 60 days after the day on which there is a transfer of ownership, care, control, or management of the Designated Project in whole or in part.
- 2.13 The Proponent shall consult with Indigenous groups prior to initiating any material change(s) to the Designated Project that may result in adverse environmental effects, and shall notify the Agency in writing no later than 60 days prior to initiating the change(s).
- 2.14 In notifying the Agency pursuant to condition 2.13, the Proponent shall provide the Agency with a description of the potential adverse environmental effects of the change(s) to the Designated Project, the measures proposed to be implemented by the Proponent to mitigate adverse environmental effects, and the results of the consultation with Indigenous groups.

### **3 Fish and fish habitat**

- 3.1 The Proponent shall implement erosion and sedimentation control measures within the Project area during all phases of the Designated Project to avoid the deposit of deleterious substances in waters frequented by fish.
- 3.2 The Proponent shall, taking into consideration Fisheries and Oceans Canada's *Measures to Avoid Causing Harm to Fish and Fish Habitat Including Aquatic Species at Risk*, implement mitigation measures when conducting Designated Project activities to avoid causing harm to fish and fish habitat, including timing work in or around water to respect the timing windows identified to protect fish.
- 3.3 The Proponent shall comply with the *Metal Mining Effluent Regulations* and subsection 36(3) of the *Fisheries Act* regarding the deposit of effluent from the Designated Project in water frequented by fish, taking into account the Canadian Council of Ministers of the Environment's *Water Quality Guidelines for the Protection of Aquatic Life*, from the start of construction to the end of decommissioning. In doing so, the Proponent shall:
  - 3.3.1 place all acid-generating and potentially acid-generating material into the tailings storage facility and submerge all such materials placed in the tailings storage facility under a permanent water cover; and
  - 3.3.2 collect and treat all waters affected by the Designated Project that do not meet the requirements of the *Metal Mining Effluent Regulations* and subsection 36(3) of the *Fisheries Act*, as applicable, prior to the affected waters being deposited in waters frequented by fish.
- 3.4 The Proponent shall install hydraulic plugs in the declines before the underground mine is flooded to direct seepage from the flooded underground mine towards East Cirque Creek.

- 3.5 The Proponent shall, in a manner that complies with the *Metal Mining Effluent Regulations* and subsection 36(3) of the *Fisheries Act*, discharge water from the tailings storage facility into Attichika Creek during construction and the first year of operation such that flow rates downstream of the discharge location are within the range of minimum and maximum flow rates naturally occurring in Attichika Creek, and shall only discharge water into Attichika Creek during open water months.
- 3.6 The Proponent shall divert all runoff from the East Pit quarry into the tailings storage facility during construction and operation.
- 3.7 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Gitksan Wilp Nii Kyap, and relevant authorities, and implement, from the start of construction to the end of decommissioning, a follow-up program to verify the accuracy of the environmental assessment as it pertains to fish and fish habitat and to determine the effectiveness of mitigation measures referred to in conditions 3.1 to 3.6. As part of the follow-up program, the Proponent shall:
- 3.7.1 monitor quality of water discharged in Attichika Creek during the dewatering of the Kemess South Pit and treat that water to meet the requirements of subsection 36(3) of the *Fisheries Act*;
  - 3.7.2 monitor surface water quality in Amazay Lake and groundwater movement between the subsidence zone identified by the Proponent during the environmental assessment and Amazay Lake;
  - 3.7.3 monitor changes in channel form and sediment load downstream of the discharge location in Attichika Creek;
  - 3.7.4 monitor changes in water quality in Waste Rock Creek and the tailings storage facility, including changes in selenium concentrations;
  - 3.7.5 monitor the presence and use of spawning habitat by bull trout (*Salvelinus confluentus*) and rainbow trout (*Oncorhynchus mykiss*) downstream of the discharge location in Attichika Creek prior to and after the installation of the discharge pipeline into Attichika Creek. The Proponent shall offset any loss of spawning habitat for bull trout (*Salvelinus confluentus*) and rainbow trout (*Oncorhynchus mykiss*) in Attichika Creek if monitoring results show that spawning habitat loss has occurred; and
  - 3.7.6 monitor contaminants, including mercury, in the tissue of fish species harvested by Indigenous groups in Thutade Lake, including bull trout (*Salvelinus confluentus*).

#### **4 Migratory birds**

- 4.1 The Proponent shall carry out Designated Project activities in a manner that protects migratory birds and avoids harming, killing, or disturbing migratory birds or destroying, disturbing, or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.



- 4.2 The Proponent shall deter migratory birds from accessing the tailings storage facility and seepage ponds until water quality is not harmful to migratory birds.
- 4.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to determine the effectiveness of the mitigation measures to avoid harm to migratory birds, their eggs, and nests, including the mitigation measures used to comply with conditions 4.1 and 4.2. The Proponent shall implement the follow-up program from the start of construction to the end of decommissioning.

## **5 Human health**

- 5.1 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 as it pertains to adverse effects on the health of Indigenous Peoples caused by changes in concentrations of contaminants of potential concern identified during the environmental assessment in air, soil, water, and sediment. The Proponent shall implement the follow-up program during construction and operation. As part of the development of the follow-up program, the Proponent shall:
  - 5.1.1 identify levels of environmental change relative to established baseline conditions for contaminants of potential concern that would require the Proponent to implement modified or additional mitigation measure(s) to mitigate increased risks to human health; and
  - 5.1.2 if monitoring results demonstrate that concentration levels for contaminants of potential concern are greater than the identified levels of environmental change, update the human health risk assessment for the consumption of traditional foods exposed to these contaminants and communicate the results of the updated human health risk assessment to Indigenous groups.

## **6 Current use of lands and resources for traditional purposes**

- 6.1 The Proponent shall install and maintain, during construction and operation, ramps every 100 to 300 metres over the discharge line between the tailing storage facility and Attichika Creek to provide passage for moose (*Alces alces*), woodland caribou (*Rangifer tarandus caribou*), grizzly bear (*Ursus arctos*), and furbearers. The Proponent shall identify the locations of ramps in consultation with Indigenous groups and relevant authorities.
- 6.2 The Proponent shall create and maintain, during construction and operation, escape pathways along all access roads associated with the Designated Project, including the northern section of the Omineca Resource Access Road, to allow ungulates to exit the plowed roads. The Proponent shall identify the locations of escape pathways in consultation with Indigenous groups and relevant authorities.
- 6.3 The Proponent shall, from the start of construction to the end of decommissioning, remove carrion within 24 hours of its discovery by the Proponent from all access roads associated with the Designated Project, including the northern section of the Omineca Resource Access Road.

- 6.4 The Proponent shall prohibit employees and contractors associated with the Designated Project from fishing, hunting, and trapping within the Project Area, unless an employee or a contractor is provided access by the Proponent for traditional purposes or for exercising Aboriginal rights, to the extent that such access is safe.
- 6.5 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, conduct pre-clearing surveys to identify Western toad (*Anaxyrus boreas*) breeding habitat, and shall implement measures to mitigate the loss of Western toad (*Anaxyrus boreas*) breeding habitat caused by the Designated Project.
- 6.6 The Proponent shall conduct pre-clearing surveys to determine the distribution of little brown myotis (*Myotis lucifugus*) and Northern myotis (*Myotis septentrionalis*), and establish, in consultation with Indigenous groups and relevant authorities, buffer zones around active hibernacula and active roosts.
- 6.7 The Proponent shall install, prior to construction, and maintain, during construction and operation, roosting structures to offset any loss of little brown myotis (*Myotis lucifugus*) and Northern myotis (*Myotis septentrionalis*) roosting habitat.
- 6.8 The Proponent shall develop and implement a follow-up program to monitor the little brown myotis (*Myotis lucifugus*) and Northern myotis (*Myotis septentrionalis*) usage of buffer zones and roosting structures to determine the effectiveness of the mitigation measures during construction and operation.
- 6.9 The Proponent shall, in consultation with Indigenous groups, undertake progressive reclamation of the habitats disturbed by the Designated Project. The Proponent shall use native species when undertaking that progressive reclamation.
- 6.10 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 as it pertains to the presence of hoary marmot (*Marmota caligata*), white-tailed ptarmigan (*Lagopus leucura*), and short-eared owl (*Asio flammeus*) within the subsidence zone identified by the Proponent during the environmental assessment and within a buffer area of 250 metres along the limits of that subsidence zone. The Proponent shall implement the follow-up program during construction and operation.
- 6.11 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 as it pertains to the effects of changes caused by the Designated Project to the Chase herd of Southern mountain caribou (*Rangifer tarandus caribou*) and the Thudade herd of Northern mountain caribou (*Rangifer tarandus caribou*) on caribou hunting activities for traditional purposes and to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program from the start of construction to the end of decommissioning. As part of the follow-up program, the Proponent shall:
- 6.11.1 monitor, during construction and the first three years of operation, the use by moose (*Alces alces*), woodland caribou (*Rangifer tarandus caribou*), grizzly bear (*Ursus arctos*), and furbearers of the ramps referred to in condition 6.1 and of the escape pathways referred to in condition 6.2; and

- 6.11.2 monitor mortality of wildlife on all access roads associated with the Designated Project, including the northern section of the Omineca Resource Access Road.
- 6.12 The Proponent shall provide Indigenous groups with the implementation schedule, updates, or revisions to the implementation schedule pursuant to conditions 10.1 to 10.3 at the same time the Proponent provides these documents to the Agency.

**7 Physical and cultural heritage and structures, sites, or things of historical, archaeological, paleontological, or architectural significance**

- 7.1 The Proponent shall, for any previously unidentified archeological structures, sites, or things of historical, archaeological, paleontological, or architectural significance discovered by the Proponent or brought to the attention of the Proponent by an Indigenous group, Gitxsan Wilp Nii Kyap, or another party during any phase of the Designated Project:
  - 7.1.1 immediately halt work at the location of the discovery;
  - 7.1.2 have a qualified individual conduct an assessment at the location of the discovery;
  - 7.1.3 inform, forthwith, in writing, Indigenous groups and Gitxsan Wilp Nii Kyap of the discovery, and allow for monitoring by Indigenous groups and Gitxsan Wilp Nii Kyap during archeological work; and
  - 7.1.4 comply with all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring, and safekeeping of previously unidentified archeological structures, sites, or things of historical, archaeological, paleontological, or architectural significance.
- 7.2 The Proponent shall not undertake any ground altering activities within 50 metres of the boundaries of archeological sites, unless authorized by relevant authorities.

**8 Independent Environmental Monitor**

- 8.1 Prior to the start of construction, the Proponent shall retain the service of an independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring of mining projects in British Columbia, to observe, record, and report on the implementation of the mitigation measures set out in this Decision Statement.
- 8.2 The Proponent shall give the independent environmental monitor the authority to stop Designated Project activities that do not comply with the conditions set out in this Decision Statement.
- 8.3 The Proponent shall require the independent environmental monitor to prepare reports that include:
  - 8.3.1 a description, including through photo evidence, of the Designated Project activities that occurred and the mitigation measures that were applied during the period covered by the report; and
  - 8.3.2 if any, a description, including through photo evidence, of occurrences of non-compliance related to the implementation of mitigation measures set out in this Decision Statement

observed during the period covered by the report, the date of the occurrence(s) of non-compliance, whether Designated Project activities were stopped as a result of non-compliance, how the occurrence(s) of non-compliance was or were corrected by the Proponent, the date that the corrective action(s) was or were completed by the Proponent, or, if any, the status of pending occurrence(s) non-compliance that have not been corrected yet, and a description of any adverse environmental effect(s) associated with the occurrence(s) of non-compliance.

- 8.4 The Proponent shall require the independent environmental monitor to retain the reports referred to in condition 8.3 until the end of decommissioning. The Proponent shall require the independent environmental monitor to provide the reports referred to in condition 8.3 to the Agency, Indigenous groups, and relevant federal authorities within 10 days of their production. If occurrence(s) of non-compliance are observed by the independent environmental monitor, the Proponent shall require the independent environmental monitor to report all occurrence(s) of non-compliance directly to the Agency, Indigenous groups, and relevant federal authorities immediately.

## **9 Accidents and malfunctions**

- 9.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects.
- 9.2 The Proponent shall, prior to construction, consult with Indigenous groups and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.
- 9.3 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, develop an emergency response plan in relation to the Designated Project.
- 9.4 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall implement the emergency response plan referred to in condition 9.3 and shall:
- 9.4.1 notify Indigenous groups, Gitxsan Wilp Nii Kyap, and relevant authorities of the accident or malfunction as soon as possible, and notify the Agency in writing;
  - 9.4.2 implement immediate measures to mitigate any adverse environmental effects associated with the accident or malfunction;
  - 9.4.3 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction took place. The written report shall include:
    - 9.4.3.1 a description of the accident or malfunction and of its adverse environmental effects;
    - 9.4.3.2 the measures that were taken by the Proponent to mitigate the adverse environmental effects of the accident or malfunction;
    - 9.4.3.3 any views received from Indigenous groups, Gitxsan Wilp Nii Kyap, and relevant authorities with respect to the accident or malfunction, its adverse environmental effects, and measures taken by the Proponent to mitigate adverse environmental effects;

- 9.4.3.4 a description of any residual adverse environmental effects and any modified or additional measures required by the Proponent to mitigate residual adverse environmental effects;
    - 9.4.3.5 details concerning the implementation of the emergency response plan referred to in condition 9.3; and
  - 9.4.4 submit a written report to the Agency, no later than 90 days after the day on which the accident or malfunction took place, on the changes made to avoid a subsequent occurrence of the accident or malfunction, and on the implementation of any modified or additional measures to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information in the written report submitted pursuant to condition 9.4.3.
- 9.5 The Proponent shall develop and implement a communication plan in consultation with Indigenous groups and Gitxsan Wilp Nii Kyap. The Proponent shall develop the communication plan prior to construction and shall implement and maintain it up to date from the start of construction to the end of decommissioning. The plan shall include:
- 9.5.1 the types of accidents and malfunctions requiring the Proponent to notify the respective Indigenous groups and Gitxsan Wilp Nii Kyap;
  - 9.5.2 the manner by which Indigenous groups and Gitxsan Wilp Nii Kyap shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups and Gitxsan Wilp Nii Kyap to assist in the response to the accident or malfunction; and
  - 9.5.3 the contact information of the representatives of the Proponent that the Indigenous groups and Gitxsan Wilp Nii Kyap may contact and of the representatives of the respective Indigenous groups and Gitxsan Wilp Nii Kyap to which the Proponent provides notification.

## **10 Implementation schedule**

- 10.1 The Proponent shall submit an implementation schedule for conditions contained in this Decision Statement to the Agency at least 30 days prior to the start of construction. The implementation schedule shall indicate the commencement and completion dates for each activity relating to conditions set out in this Decision Statement.
- 10.2 The Proponent shall submit an update to this implementation schedule in writing to the Agency every two years on or before March 31, until completion of the activities.
- 10.3 The Proponent shall provide the Agency with a revised implementation schedule if any material change(s) occur from the initial schedule referred to in condition 10.1 or any subsequent update(s). The Proponent shall provide the revised implementation schedule at least 30 days prior to the implementation of the change.

## **11 Record keeping**

- 11.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement, including any records that the Agency considers relevant. The

Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.

- 11.2 The Proponent shall retain all records referred to in condition 11.1 at a facility in Canada. The records shall be retained and made available throughout construction and operation and until the end of decommissioning. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide the address of the new location.

**Issuance**

This Decision Statement is issued in Ottawa, Ontario by:

<Original signed by>

March 9, 2017

Date \_\_\_\_\_

\_\_\_\_\_  
**The Honourable Catherine McKenna**  
Minister of the Environment