

Potential conditions under the *Canadian Environmental Assessment Act, 2012*

The Canadian Environmental Assessment Agency is contemplating the following potential conditions in relation to the Howse Property Iron Mine Project (the Designated Project) in Newfoundland and Labrador for recommendation to the Minister of Environment and Climate Change (the Minister) for inclusion in a Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. If the Designated Project is ultimately allowed to proceed because the Minister decides that the carrying out of the Designated Project is unlikely to cause significant adverse environmental effects as defined under subsections 5(1) and 5(2), or if the Minister decides that the Designated Project is likely to cause significant adverse environmental effects and the Governor in Council decides such effects are justified in the circumstances, the Designated Project would be allowed to proceed, and any conditions established by the Minister under the *Canadian Environmental Assessment Act, 2012* would become legally binding.

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 is undertaken by the Proponent.
- 1.4 *Daytime* means all that portion of the day extending from one-half hour before sunrise until one-half hour after sunset.
- 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 reclamation of the site of the Designated Project.
- 1.7 *Deleterious substance* means "deleterious substance" as defined in subsection 34(1) of the *Fisheries Act*.
- 1.8 *Designated Project* means the Howse Property Iron Mine Project as described in section 2 of the environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80067).
- 1.9 *Designated Project area* means the geographic area occupied by the Designated Project.
- 1.10 *Effluent* means "effluent" as defined in subsection 1(1) of the *Metal Mining Effluent Regulations*.
- 1.11 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.

- 1.12 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *Environmental impact statement* means the April 2016 document entitled *Howse Property Iron Mine Project: Environmental Impact Statement* (Canadian Environmental Assessment Registry Reference Number 80067, Document Number 14).
- 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 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.17 *Heritage value* means, in respect of a structure, site or thing, its aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations of the people of Canada, including Indigenous groups.
- 1.18 *Howse mini-plant* means the primary processing facility built within the Direct Shipping Ore plant complex to process ore from the Howse pit.
- 1.19 *HowseA sedimentation pond* means the new sedimentation pond built by the Proponent to collect and treat site runoff and pit dewatering water from the Designated Project.
- 1.20 *Indigenous groups* means the following Aboriginal Peoples: the Naskapi Nation of Kawawachikamach, the Nation Innu Matimekush Lac-John, the NunatuKavut Community Council, the Innu Nation and the Innu TakuaiKAN Uashat mak Mani-Utenam.
- 1.21 *Kauteitnat* means a geologic site of heritage value, also known as Irony Mountain, located west of the Designated Project.
- 1.22 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.23 *Mining phases* means the different phases of operation during which the Proponent will excavate the northwest, center and southeast portions of the pit and that are identified in the Proponent’s final response to Information Request 106 (Canadian Environmental Assessment Registry Reference Number 80067, Document Number 28)
- 1.24 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.25 *Night* means all that portion of the day extending from one-half hour after sunset until one-half hour before sunrise.
- 1.26 *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 which continues until the start of decommissioning.

- 1.27 *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.
- 1.28 *Proponent* means Howse Minerals Limited and its successors or assigns.
- 1.29 *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.
- 1.30 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.31 *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 document.
- 1.32 *Reporting year* means October 1st of a calendar year through September 30 of the subsequent calendar year.
- 1.33 *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 associated with an aspect of the history or culture of the people of Canada, including indigenous groups.
- 1.34 *Timmins4 sedimentation pond* means the existing sedimentation pond at the Direct Shipping Ore plant complex used by the Proponent to collect and treat site runoff from the Designated Project.
- 1.35 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.36 *Wetland* means land saturated with water long enough to promote formation of water altered soils, growth of water-tolerant vegetation and various kinds of biological activity that is adapted to the wet environment.
- 1.37 *Wetland functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g. groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

Potential 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 document 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 document 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 document:
 - 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 undertake an impartial consideration of all 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 the views and information received 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 document, 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, the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, the period of time to advise Indigenous groups of how their views and information were considered by the Proponent and the means by which Indigenous groups will be advised.
- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, 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;

- 2.4.2 the scope, content and frequency of reporting of the follow-up results;
 - 2.4.3 the levels of environmental change relative to baseline conditions that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
 - 2.4.4 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 2.4.3 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 each follow-up program. The Proponent shall update that information in consultation with Indigenous groups and relevant authorities during the implementation of each 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 document:
- 2.6.1 undertake monitoring and analysis according to the information determined pursuant to condition 2.4 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);
 - 2.6.2 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.6.1; and
 - 2.6.3 if modified or additional mitigation measures are required pursuant to condition 2.6.2, implement these mitigation measures in a timely manner and monitor them pursuant to condition 2.6.1.
- 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 its participation in the analysis of the follow-up results and the selection of any modified or additional mitigation measures, as set out in condition 2.6.
- 2.8 The Proponent shall, commencing in the reporting year during which the Proponent begins the implementation of the conditions set out in this document begins, prepare an annual report that sets out:
- 2.8.1 the activities undertaken by the Proponent in the reporting year to comply with each of the conditions set out in this document;
 - 2.8.2 how the Proponent complied with condition 2.1;
 - 2.8.3 for conditions set out in this document 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;
 - 2.8.4 the information referred to in conditions 2.4 and 2.5 for each follow-up program;

- 2.8.5 the results of the follow-up program requirements identified in conditions 3.5, 4.7, 4.8, 5.8, 5.9, 6.5, 6.6, and 7.5; and
 - 2.8.6 any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.6.
- 2.9 The Proponent shall submit to the Agency the annual report referred to in condition 2.8, including an executive summary in both official languages, no later than June 30 following the reporting year to which the annual report applies.
- 2.10 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 2.8 and 2.9, the communication plan referred to in condition 6.7, the cultural heritage control plan referred to in condition 7.6, 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 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 of the availability of these documents within 48 hours of their publication.
- 2.11 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.
- 2.12 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).
- 2.13 In notifying the Agency pursuant to condition 2.12, the Proponent shall provide the Agency with a description of the potential adverse environmental effects of the change(s) to the Designated Project, the proposed mitigation measures and follow-up requirements to be implemented by the Proponent 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 Designated 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 collect site runoff and pit dewatering water into Howse^A and Timmins⁴ sedimentations ponds. The Proponent shall treat water at the sedimentation ponds prior to its discharge into the environment, if necessary, to meet the requirements of subsection 36(3) of the *Fisheries Act*.
- 3.3 The Proponent shall use a time delay blasting technique when blasting.
- 3.4 The Proponent shall not set the blast charge per delay to above 1092 kilograms.

- 3.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups 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 3.4. As part of the follow-up program, the Proponent shall:
- 3.5.1 monitor water quality and quantity parameters as per the Water Management Plan (October 2015) in the environmental impact statement and at locations outlined in figure 1 of the Proponent's final response to Information Request 106 (July 24, 2017), including:
 - 3.5.1.1 water levels in Triangle Lake, Morley Lake, Burnetta Lake and Pinette Lake;
 - 3.5.1.2 groundwater levels at monitoring well locations outlined in figure 1 or equivalent locations where groundwater may be impacted by the Designated Project;
 - 3.5.1.3 iron concentration at the final discharge points of the HowseA and Timmins 4 sedimentation ponds;
 - 3.5.1.4 effluent quality at the final discharge points of the HowseA and Timmins 4 sedimentation ponds, in accordance with the *Metal Mining Effluent Regulations* and taking into account the *Canadian Council of Ministers of the Environment's Water Quality Guidelines for the Protection of Aquatic Life*;
 - 3.5.1.5 water quality between the HowseA sedimentation pond final discharge point and Triangle Lake, and in Triangle Lake, Burnetta Lake and Pinette Lake; and
 - 3.5.2 update the hydrogeological groundwater model from the Proponent's final response to Information Request 106 (July 24, 2017) at the end of mining phases I, II and III based on the results from 3.5.1;
 - 3.5.3 monitor fish and fish habitat in Triangle Lake, Burnetta Lake, Pinette Lake and Goodream Creek; and
 - 3.5.4 once per month during operation, monitor waste rock for acid generation prior to placing the waste rock into waste rock piles by conducting testing using validated assessment methods and quality assurances and quality control procedures. If acidity is measured, segregate the acidic waste rocks and develop and implement modified or additional mitigation as per condition 2.6.

4 Migratory birds

- 4.1 The Proponent shall conduct the Designated Project 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 when taking into account 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 have a qualified individual survey, during operation, the mine pit walls annually during the nesting period to determine if bank swallows (*Riparia riparia*) are using the open pit as a nesting site. The Proponent shall conduct an additional survey one to two days prior to undertaking any new activity associated with the Designated Project during the nesting period areas where Bank Swallows (*Riparia riparia*) may occur. The Proponent shall identify, in consultation with Environment and Climate Change Canada and other relevant authorities, and implement a setback distance in which no Designated Project activity shall take place around any bank swallow (*Riparia riparia*) nest(s) found and shall maintain the setback distance until the young have permanently left the area of the nest. The Proponent shall implement additional measures to deter bank swallows (*Riparia riparia*) from nesting in the area prior to the next breeding period.
- 4.3 The Proponent shall notify Environment and Climate Change Canada if it finds bank swallow (*Riparia riparia*) nests within the Designated Project area.
- 4.4 The Proponent shall control lighting required for the construction, operation and decommissioning of the Designated Project, including direction, timing and intensity, to avoid adverse effects on migratory birds, while meeting health and safety requirements.
- 4.5 The Proponent shall prohibit vehicles and heavy equipment associated with the Designated Project from entering wetlands except those affected by components of the Designated Project as identified in figure 7-33 of the environmental impact statement.
- 4.6 The Proponent shall not undertake vehicle, machinery and equipment cleaning, fueling and maintenance and shall not store substance with the potential to cause harmful effects to the receiving environment, within 20 metres of any wetland.
- 4.7 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Environment and Climate Change Canada, a follow-up program to determine the effectiveness of all mitigation measures to avoid harm to migratory birds, their eggs and nests. 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:
- 4.7.1 conduct migratory bird surveys in the Triangle Lake, Burnetta Lake and Pinette Lake watersheds every year for the first three years following completion of construction. After three years, the Proponent shall determine, in consultation with Indigenous groups and Environment and Climate Change Canada, the frequency of additional surveys based on the results of the follow-up program.
- 4.8 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a follow-up program to verify the predictions of the environmental assessment as it pertains to the adverse environmental effects of the Designated Project on wetland functions that support migratory birds, and to determine the effectiveness of the mitigation measures referred to in conditions 4.5 and 4.6. 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:
- 4.8.1 have a qualified individual conduct a wetland disturbance survey every five years, with the first survey conducted at the start of construction, to assess wetland functions that support migratory birds; and

- 4.8.2 monitor groundwater levels associated with the wetlands located north of the open pit to verify the effects of pit dewatering on wetlands. Monitoring wells shall be spaced no more than 50 metres apart and measurements shall be taken every two weeks during operation.

5 Health and socio-economic conditions of Indigenous peoples

- 5.1 The Proponent shall undertake progressive reclamation of the areas disturbed by the Designated Project, including by stabilizing, compacting and revegetating with native plant species overburden stockpiles and waste rock piles.
- 5.2 Using a qualified individual, the Proponent shall design overburden stockpiles and waste rock piles, in consultation with Indigenous groups and relevant authorities, and in consideration of reducing effects to viewscales. The Proponent shall implement the design throughout all phases of the Designated Project.
- 5.3 The Proponent shall apply dust suppressant on the Howse haul road during all phases of the Designated Project to control the release of dust. The Proponent shall select, in consultation with relevant authorities, dust suppressants with the least potential effects on human health and the environment.
- 5.4 The Proponent shall implement measures to mitigate dust emissions at the conveyor transfer and drop points when the conveyor is active, in the drum scrubber when ore is mixed and at the crude ore recovery tunnel, the secondary crusher and the dryer during ore processing activities.
- 5.5 The Proponent shall fill borehole necks with clean crushed rock to reduce dust and gas emissions from blasting during construction and operation.
- 5.6 The Proponent shall develop, prior to the start of construction and in consultation with Indigenous groups, relevant authorities and the Town of Schefferville, a dust management strategy to control dust generated by vehicles associated with the Designated Project using the road to Schefferville and for vehicles entering Schefferville. The Proponent shall implement the strategy during all phases of the Designated Project.
- 5.7 Throughout all phases of the Designated Project, the Proponent shall implement incentive measures to reduce the number of vehicles from the Designated Project, including by providing shuttle buses to transport workers to and from the Designated Project area.
- 5.8 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 air quality and the effects of dust on the health of Indigenous people and to determine the effectiveness of the mitigation measures referred to in conditions 5.3 to 5.7. The Proponent shall implement that program from the start of construction to the end of decommissioning of the Designated Project. As part of the follow-up program, the Proponent shall:

- 5.8.1 monitor air quality at a minimum at the receptors R3, R9, R10, R16, R18 and R24 identified by the Proponent in Table 7-13 of the environmental impact statement, including periodic monitoring of nitrogen dioxides after blasting activities;
 - 5.8.2 monitor dust generation and deposition from the Designated Project at locations potentially affected by the Designated Project, using a dust tracking system and mobile monitoring equipment;
 - 5.8.3 analyse concentrations of contaminants of concern in dust, including heavy metal content; and
 - 5.8.4 if the results of the follow-up program demonstrate that modified or additional mitigation measures are required, as determined in condition 2.6, at the Howse mini-plant, Designated Project roads, waste rock piles or overburden stockpiles, the Proponent shall implement modified or additional mitigation measures.
- 5.9 The Proponent shall develop, prior to operation and in consultation with Indigenous groups and relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to country foods. Country foods may include game birds, mammals, fish, and plant species. As part of the follow-up program, the Proponent shall:
- 5.9.1 sample country food species commonly consumed by Indigenous groups and identified in consultation with Indigenous groups including brook trout (*Salvelinus fontinalis*) and lake trout (*Salvelinus namaycush*);
 - 5.9.2 sample species identified in condition 5.9.1 for heavy metals, and other contaminants of concern identified in consultation with Indigenous groups and relevant authorities;
 - 5.9.3 sample in areas where Indigenous groups harvest country foods and that may be adversely affected by the Designated Project and in a control site that is not affected by activities of the Designated Project. Fish sampling shall include sampling in Goodream Creek, Triangle Lake, and Pinette Lake; and
 - 5.9.4 start sampling two years after the start of operation and continue sampling at a frequency and for a duration determined in consultation with Indigenous groups and relevant authorities.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall upgrade, prior to the start of construction, a bypass road around the Designated Project in order to provide access for Indigenous groups to Pinette Lake, Kauteitnat and the Howells River Valley. The Proponent shall maintain the bypass road at least twice per calendar year until the end of decommissioning to ensure its usability.
- 6.2 The Proponent shall upgrade, prior to the start of construction, a bypass road around the Direct Shipping Ore 4 area in order to provide access for Indigenous groups to hunting grounds to the northwest of the Designated Project near the Kivivic and Goodwood deposits. The Proponent shall maintain the bypass road at least twice per calendar year until the end of decommissioning to ensure its usability.

- 6.3 The Proponent shall not use the bypass roads, referred to in conditions 6.1 and 6.2, for Designated Project activities, except when undertaking the maintenance of those bypass roads as required by conditions 6.1 and 6.2, or if required for safety or emergency reasons.
- 6.4 If the Proponent is made aware of or observes caribou within a 20 kilometre radius of the active pit or of the Howse mini-plant, the Proponent shall consult the Newfoundland and Labrador Department of Fisheries and Land Resources to determine the appropriate course of action.
- 6.5 The Proponent shall develop, in consultation with Indigenous groups, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the adverse effects of the Designated Project on the current use of lands and resources for traditional purposes and to determine the effectiveness of the mitigation measures referred to in conditions 6.1 to 6.4. The Proponent shall implement the follow-up program in consultation with Indigenous groups.
- 6.6 The Proponent shall develop and implement, in consultation with Indigenous groups and the Government of Newfoundland and Labrador, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the adverse effects of the Designated Project on the George River herd of woodland caribou (*Rangifer tarandus caribou*). As part of the follow-up program, the Proponent shall monitor movement of the George River herd of woodland caribou (*Rangifer tarandus caribou*) and develop and implement modified or additional mitigation measures if the range of the George River herd of woodland caribou (*Rangifer tarandus caribou*) expands to occupy areas within a 20 km radius of the Designated Project.
- 6.7 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a communication plan to share information related to the Designated Project with Indigenous groups. The Proponent shall implement and maintain the communication plan up to date during all phases of the Designated Project. The communication plan shall include procedures, including timing, for sharing information on the following:
- 6.7.1 the Designated Project activities requiring notification to Indigenous groups and the timing of these notifications. For blasting, the Proponent shall advertise blasting schedules via local radio stations and directly to Indigenous groups at a minimum 48 hours prior to each blasting event;
 - 6.7.2 follow-up activities and monitoring results referred to in conditions 3.5, 4.7, 4.8, 5.8, 5.9, 6.5, 6.6, and 7.5; and
 - 6.7.3 temporary and permanent restrictions on access to traditional territories, including the location and timing of these restrictions and the availability of alternate routes.
- 6.8 The Proponent shall develop, as part of the communication plan referred to in condition in 6.7, procedures for Indigenous groups to provide feedback to the Proponent about adverse environmental effects caused by the Designated Project related to access to and use of traditional territories, traffic, air quality, including dust and dust deposition, and country foods and procedures for the Proponent to document and respond in a timely manner to the feedback received and demonstrate how issues have been addressed. The Proponent shall implement these procedures during all phases of the Designated Project.

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

- 7.1 If requested by Indigenous groups 48 hours prior to their planned use of Kauteitnat, the Proponent shall refrain from blasting for a period of 24 hours during that time of planned use of Kauteitnat, or less if Indigenous groups are no longer using Kauteitnat.
- 7.2 The Proponent shall not conduct any Designated Project activity to the south of proposed water diversion ditch, identified in figure 2 in the Draft Environmental Assessment Report, except for activities required for the construction and maintenance of the diversion ditch. The Proponent shall clearly identify the exclusion zone with signage on the ground, within its lease area, posted at the edge of the exclusion zone.
- 7.3 During the months of June, July, August and September, the Proponent shall not blast more than twice in a week and more than five times per month.
- 7.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during operation, a protocol for receiving complaints related to the exposure to noise from the Designated Project. The Proponent shall respond to any noise complaints within 48 hours of the complaint being received and shall implement corrective actions to reduce exposure to noise in a timely manner.
- 7.5 The Proponent shall develop and implement a follow-up program, in consultation with Indigenous groups, to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on the use of cultural and other sites as a result of noise levels. As part of the follow-up program, the Proponent shall:
- 7.5.1 monitor noise levels at receptor sites R9, R10, R11, R13 and R24 identified by the Proponent in figure 7.10 of the environmental impact statement. The Proponent shall implement modified or additional mitigation measures if noise levels at these sites exceed 5 decibels above the baseline noise levels as a result of the Designated Project, except during blasting.
- 7.6 Prior to construction, the Proponent shall develop, in consultation with Indigenous groups and the Government of Newfoundland and Labrador, a cultural heritage control plan. The Proponent shall implement the plan during all phases of the Designated Project. If any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project area by the Proponent or brought to the attention of the Proponent by an Indigenous group or another party during construction, the Proponent shall:
- 7.6.1 immediately halt work at the location of the discovery;
 - 7.6.2 delineate an area of at least 30 metres around the discovery as a no-work zone. The no-work requirement shall not apply to action(s) required to be undertaken to protect the integrity of the discovery;
 - 7.6.3 have a qualified individual conduct an assessment at the location of the discovery;

- 7.6.4 inform Indigenous groups within 24 hours of the discovery, and allow for monitoring by Indigenous groups during work related to the discovery; and
- 7.6.5 comply, in consultation with Indigenous groups and relevant authorities, with all applicable legislative or legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.

8 Cumulative Effects

- 8.1 The Proponent shall participate in regional initiative(s), if requested by a relevant authority or the Town of Schefferville, relating to the monitoring, assessment and management of cumulative environmental effects, including cumulative health effects related to dust likely to result from the Designated Project in combination with other mining activities that have or will be carried out in the region, should there be any such initiative(s) during the construction and operation phases of the Designated Project.

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. The plan shall include response plans for slope failures, sedimentation pond failures, or ditch failures in addition to all emergency response plans identified in the environmental impact statement.
- 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 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 caused by 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 caused by the accident or malfunction;

- 9.4.3.3 any view(s) received from Indigenous groups and relevant authorities with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these 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 measure(s) to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 9.4.3.
- 9.5 The Proponent shall develop, prior to construction, a communication plan in consultation with Indigenous groups. The Proponent shall implement and maintain the communication plan up to date during all phases of the Designated Project. The plan shall include:
- 9.5.1 the types of accidents and malfunctions requiring the Proponent to notify the respective Indigenous groups;
 - 9.5.2 the manner by which Indigenous group shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups 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 may contact and of the representatives of the respective Indigenous groups to which the Proponent provides notification.

10 Implementation schedule

- 10.1 The Proponent shall submit an implementation schedule for conditions contained in this document 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 required by conditions set out in this document.
- 10.2 The Proponent shall submit an update to the implementation schedule referred to in condition 10.1 in writing to the Agency every two years on or before June 30, until completion of the activities referred to in condition 10.1.
- 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) referred to in condition 10.2. The Proponent shall provide the revised implementation schedule to the Agency at least 30 days prior to the implementation of the change.

11 Record Keeping

- 11.1 The Proponent shall maintain all records required to demonstrate compliance with the conditions set out in this document. 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 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 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.