

The Impact Assessment Agency of Canada (IAAC) is conducting its technical review of the Environmental Impact Statement (EIS) and associated EIS Summary for the proposed Springpole Gold Project (the Project). IAAC’s review is supported by submissions from government experts, Indigenous communities and the public. This enclosure provides advice to the Proponent that can inform future regulatory processes that may be required for the Project. It also includes a few examples of follow-up programs that may be required to manage uncertainties about effects predictions in the environmental assessment, and other measures to address issues, as identified by IAAC. The Enclosure is provided as advice and for proponent awareness and does not include information requirements. Advice is identified by original commenter: Environment and Climate Change Canada (ECCC); Fisheries and Oceans Canada (DFO); Impact Assessment Agency of Canada (IAAC); Indigenous Services Canada (ISC); and Transport Canada (TC).

Advice to the Proponent

Advice Number	Reference to Environmental Impact Statement	Description of Concern	Advice to the Proponent
01	<p>Section 6.13 – Caribou</p> <p>Section 6.14 - Wolverine</p> <p>Section 6.15 - Bats</p> <p>Section 6.16 SAR Birds</p> <p>Table 11.1-1: Anticipated Federal Environment related Approvals. Pg 11-2</p>	<p><b>ECCC: Advice related to potential permits under SARA and MBCA</b></p> <p>ECCC advised that it could not locate within the EIS where the Proponent has provided any terrestrial species at risk information for where the proposed transmission line is expected to intersect with the Slate Falls Nation lands.</p> <p>Federal permits from ECCC may be required for this Project but are missing from the list of Anticipated Federal Environment-related Approvals.</p> <hr/> <p><b>Species at Risk Act Permits</b></p> <p>For species listed in Schedule 1 of the <i>Species at Risk Act</i> (SARA) as extirpated, endangered or threatened, a permit may be required from ECCC under section 73 of SARA for activities that affect a listed terrestrial wildlife species, any part of its critical habitat, or the residences of its individuals, where those prohibitions are in place. Such permits may only be issued: if all reasonable alternatives to the activity that would reduce the impact on the species have been considered and the best solution has been adopted; all feasible measures will be taken to minimize the impact of the activity on the species or its critical habitat or the residences of its individuals; and if the activity will not jeopardize the survival or recovery of the species.</p> <p>Prohibitions are in place for individuals and residences on federal lands in a province, reserve or any other lands under the <i>Indian Act</i>, or lands under the authority of the Minister of the Environment, and for birds listed under the <i>Migratory Birds Convention Act, 1994</i> (MBCA) wherever they occur and regardless of land tenure.</p> <p>Species that are both a migratory bird protected under the MBCA and listed on Schedule 1 of SARA as endangered, threatened, or extirpated, receive protections under the MBCA and SARA. For some migratory bird species listed under SARA, the residence prohibition (section 33) will protect nest and/or roost sites that are not active, for example when a species re-uses these sites in subsequent years. Please note that the protection afforded may differ between the two pieces of legislation.</p> <p>Refer to the Species at Risk Registry for more information on migratory bird residences and protection requirements: <a href="https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions.html">https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/residence-descriptions.html</a>.</p> <p>Furthermore, prohibitions may be in force on land other than federal land pursuant to other orders or regulations under SARA. It is possible that further prohibitions may come into force in the future through orders in Council for individuals, residences and critical habitat on non-federal lands and/or through ministerial order for critical habitat on federal lands. It is also possible that, over the course of an assessment or after an assessment, additional species could be listed under SARA; permits may be required for project activities that affect these additional species.</p> <p>Proponents are advised to monitor for such developments on the SARA Registry: <a href="https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html">https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry.html</a>.</p>	<p>The absence of this terrestrial species at risk information for the area where the proposed transmission line is expected to intersect with the Slate Falls Nation lands limits the ability of ECCC to assess the potential effects from this project on species at risk in this area.</p> <p>A MBCA permit may be required (e.g. Pileated Woodpecker and Great Blue Heron).</p> <p>A SARA permit would likely be required for affected SAR on federal lands, which includes First Nation lands.</p> <p>A SARA permit may be required to authorize impacts to SARA-listed, MBCA-protected migratory bird residences, as these are protected on all lands in Canada.</p>

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		<p>If prohibitions were to come into force, examples of activities that could require a SARA permit include:</p> <ul style="list-style-type: none"> <li>• species surveys that would affect individuals or residences;</li> <li>• site preparation (clearing, grubbing, site access, staging, blasting);</li> <li>• deconstruction/decommissioning of infrastructure;</li> <li>• construction and operation of temporary and permanent works and infrastructure;</li> <li>• creation of new roads, rail lines, or power lines;</li> <li>• infilling or dewatering of wetlands or watercourses;</li> <li>• any monitoring that requires capture/release of individuals; and</li> <li>• sensory disturbance effects (artificial lighting, noise, vibration, human activity, vehicular traffic).</li> </ul> <p>ECCC requires detailed information on the potential effects of the Project, including locations and/or occurrences of species at risk, their use of habitat and critical habitat within the Project area, and specific effects on federal (reserve) land, to determine whether a SARA permit is required for proposed project activities.</p> <p>Based on the information provided to date, a SARA permit may be required to authorize impacts to migratory bird species at risk residences, as these are protected on all lands in Canada, regardless of tenure. A SARA permit may also be required for impacts to individuals and residences of species at risk bats and Boreal Caribou on federal lands.</p> <p>Links to other publicly available documents:            Guidelines for permitting under Section 73 of SARA: <a href="https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html">https://www.canada.ca/en/environment-climate-change/services/species-risk-public-registry/policies-guidelines/permitting-under-section-73.html</a>            Species at Risk Permitting Policy: <a href="https://registrelep-sararegistry.gc.ca/virtual_sara/files/policies/Permitting_EN.pdf">https://registrelep-sararegistry.gc.ca/virtual_sara/files/policies/Permitting_EN.pdf</a></p> <hr/> <p><b>Migratory Birds Convention Act, 1994 permits</b>            The MBCA and the <i>Migratory Birds Regulations, 2022</i> (MBR) protect migratory birds and prohibit the disturbance or destruction of migratory bird nests when they contain a viable egg or a migratory bird themselves (young or adult). This legislation and regulations apply to all lands and waters in Canada, regardless of ownership.</p> <p>Schedule 1 of the MBR provides year-round nest protection for 18 species and nests of these species cannot be damaged, destroyed, removed or disturbed, even when they are unoccupied, unless the following conditions of the regulations have been met:</p> <ul style="list-style-type: none"> <li>• a notification of the unoccupied nest has been submitted/received through the Registry for Abandoned Nests, and;</li> <li>• the wait time designated in the regulations has passed, and during this time the nest was not occupied by a migratory bird.</li> </ul> <p>Planning can help to avoid risks of detrimental effects to migratory birds, as the principal risk factors are the location and time of year of activities.</p> <p>For more information on ways to reduce the risk of detrimental effects to migratory birds, their nest and eggs, visit: <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html">https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds.html</a></p> <p>For more information on permits and the MBR, visit: <a href="https://www.canada.ca/en/environment-climate-change/services/migratory-game-bird-hunting/status-update-modernization-regulations.html">https://www.canada.ca/en/environment-climate-change/services/migratory-game-bird-hunting/status-update-modernization-regulations.html</a></p>	

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		<p>For more information and guidance on general nesting periods, visit: <a href="https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html">https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/general-nesting-periods/nesting-periods.html</a></p> <p>In some situations, it may be possible to obtain a permit to move or destroy an unoccupied nest of a Schedule 1 species. For more information, visit: <a href="https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits.html">https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits.html</a></p>	
02	<p>Section 6 (multiple examples including):</p> <p>Section 6.14.1 – Assessment Approach. Pg. 6.14-2</p> <p>Section 6.16.1 – Assessment Approach. Pg. 6.16-2</p>	<p><b>ECCC: Guidance related to the application of MBCA, MBR, and SARA</b></p> <p>ECCC noted there may be a misinterpretation of obligations under federal legislation such as the MBCA, MBR, and SARA.</p> <p>Examples are quoted as follows:</p> <ul style="list-style-type: none"> <li><i>Migratory birds (i.e., those species listed under Article I of the Migratory Birds Convention Act, 1994 [S.C. 1994, c. 22]) that also fall under Schedule 1 of SARA; this does not include the species' critical habitat, but it does include residences of migratory birds that have residence descriptions - (Pg. 6.16-2).</i></li> <li><i>Generally, compliance with provincial legislation in Ontario satisfies SARA requirements. - (Pg. 6.16-2)</i></li> </ul> <p><i>Regarding birds, the application of SARA has been considered for the portion of the transmission line that crosses Slate Falls Nation. - (Pg. 6.16-2)</i></p> <p><i>The SARA applies to the SAR birds VC as Barn Swallow is a migratory bird under Schedule 1 and has a residence description. Only Eastern Whip-poor-will's recovery strategy is considered in this evaluation of effects. - (Pg. 6.16-3).</i></p>	<p>ECCC notes the following important clarifications with respect to the application of the MBCA, MBR, and SARA:</p> <ul style="list-style-type: none"> <li>For migratory bird species at risk, the prohibitions protecting individuals and residences apply on all lands in Canada, regardless of tenure. Accordingly, the application of SARA for these species should be considered in the context of the entire project and not limited to the portion of the transmission line would cross Slate Falls Nation reserve lands.</li> <li>SARA residence protections apply for all migratory bird species at risk everywhere in Canada, regardless of whether a residence description has been published on the SARA public registry. Accordingly, impacts to individuals and residences for all implicated migratory bird species at risk should be considered in the evaluation of effects for all components of this Project.</li> </ul> <p>There is also no reference in the EIS to any migratory birds listed under Schedule 1 of the MBR (e.g. Pileated Woodpecker and Great Blue Heron), which provides year-round nest protection for 18 species until they can be deemed abandoned. All notifications for unoccupied nests of Schedule 1 species are to be submitted through the Abandoned Nest Registry: <a href="https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/notice-abandoned-nest-registry.html">https://www.canada.ca/en/environment-climate-change/services/migratory-bird-permits/notice-abandoned-nest-registry.html</a></p>
03	<p>Appendix N-2 (Surface Water Quality Modelling Report)</p> <p>Section 2.2 - Ambient and Effluent Discharge Flow Rates. Pg. 2-2</p> <p>Table 3-1. Water Quality Model Nodes. Pg.3-13</p> <p>Figure 3-1. Water Quality Model Nodes. Pg. 3-22</p> <p>Attachment A - Treated Effluent Discharge Mixing Study</p>	<p><b>ECCC: Assimilative capacity at decommissioning</b></p> <p>ECCC noted concerns with the assimilative capacity assessment of the proposed effluent treatment plant's discharge during decommissioning (active closure), regarding the assumption of environmental flows. The Proponent characterized these environmental flows by using the 7Q20 low flow condition at the treated effluent discharge location.</p> <p>The estimated flows at Springpole Lake at the proposed discharge location were based on historical flows measured at McDougall Mills Water Survey of Canada station and prorated based on watershed area, which was then used to determine the 7Q20 flow value.</p> <p>During decommissioning, the pit is to be filled using flows from Springpole Lake which are estimated to reach values up to 10% of the average monthly flows at the Springpole Lake inlet.</p> <p>Thus, the hydrologic regime will be altered during this filling period of the open pit resulting in reduced volume in Springpole Lake to assimilate the effluent treatment plant discharge.</p> <p>As a result of the reduction in water availability at Springpole Lake during the open pit filling phase, there is potential for reduced assimilative capacity for the treated effluent discharge. While the estimated mixing zone is</p>	<p>IAAC will share this comment with MECP for its consideration in permitting at the decommissioning phase, such as the Permit to Take Water and the Environmental Compliance Approval for effluent.</p> <p>The Proponent may choose to:</p> <ul style="list-style-type: none"> <li>Re-evaluate the input used in the mixing and water quality models with respect to environmental flows during the active closure phase.</li> <li>Develop an enhanced monitoring program during decommissioning. This enhanced monitoring program should target inflow rates, lake levels, and water quality parameters at key locations within the southeast arm of Springpole Lake, including the edge of the mixing zone.</li> </ul>

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		relatively small (Appendix N-2; Table 3-1. pg.3-13 and Figure 3-1. Pg. 3-22), revised inputs regarding flows in the receiving environment could result in a larger than expected mixing zone.	
04	Appendix F	<p><b>DFO: Guidance on Coarse Wood Structure Shoreline Enhancement offset project</b></p> <p>Springpole Lake is a remote lake with little anthropogenic disturbance and should be considered near pristine. As described in DFO's offsetting policy, habitat enhancement is generally focused in areas where habitat conditions are considered poor or degraded.</p> <p>As described in the EIS, the addition of coarse woody debris does not provide sufficient rationale, or measurable success criteria to justify its inclusion as an offset project.</p>	<p>DFO's offsetting policy requires the following to be included in the plan: 'a detailed description of the monitoring measures that will be put in place to assess the effectiveness of the selected measures to offset'.</p> <p>DFO advises that if the Proponent wishes to retain this project as a potential offset, further information regarding how the addition of coarse woody debris will improve Springpole Lake's capacity to produce and sustain fish is required, as well as clearly defined success criteria, and what monitoring will be required to confirm project success. Monitoring stability of structures as indicated in Appendix F, Table 8-5 will not be sufficient.</p>
05	Appendix F	<p><b>DFO: Guidance on spawning shoals offset project</b></p> <p>As written, the building of spawning shoals along the dikes assumes that fish will use these areas in lieu of previous (now dewatered) spawning locations. The Proponent must validate that these newly built shoals are being used, particularly as they will be built/included as features in the design for the final rewatered basin. Monitoring the stability of spawning shoal structures as indicated in Appendix F, Table 8-5, will not be sufficient.</p>	DFO recommends that additional information detailing the success criteria of the spawning shoals project is provided, as well as monitoring to confirm success criteria and that the spawning shoals are being used by fish in Springpole Lake.
06	6.26 Effects on Indigenous Peoples	<p><b>DFO: Guidance on consultation for permits</b></p> <p>Ongoing consultation and engagement with potentially impacted Indigenous groups regarding all elements of the Project will support future regulatory Crown consultation requirements. The Government of Canada does not delegate its Duty to Consult requirements. Should the proposed Project proceed to the regulatory phase and a <i>Fisheries Act</i> Authorization be required, DFO would be required to conduct formal Crown consultation as an integral part of its regulatory review.</p>	<p>DFO recommends the Proponent to work closely with potentially impacted Indigenous communities to seek Indigenous engagement and input in the development of any proposed <i>Fisheries Act</i> Authorization applications.</p> <p>Local Indigenous partners can provide insights into fish and fish habitat within and surrounding the project area due to their unique, historic and ongoing relationship with the lands and waters.</p> <p>Impacts to fish and fish habitat require offsetting – development of projects that promote fish and fish habitat. Indigenous partners can also provide insights into potential offsetting including in the collaboration and development of offsetting projects.</p> <p>Undertaking incorporation of these perspectives prior to regulatory submission can support the Crown's Duty to Consult requirements once formally initiated by the Crown.</p>
07	Appendix F, Page 8-13	<p><b>DFO: Guidance on Broadscale Monitoring Program (BsM) for Lake Trout Populations</b></p> <p>As there is uncertainty with how long NB-01 would be offline, and how long the lake trout population in Springpole Lake could be sustained without the habitat of NB-01, it would be important to implement a population follow-up program. IAAC will identify the importance and value of this follow up program in its advice to decision makers and specific details may become a requirement in either the Decision Statement conditions, or the <i>Fisheries Act</i> authorization, should the Project be allowed to proceed.</p> <p>BsM monitoring should be conducted on Springpole Lake at suitable intervals during active mining to support early-detection of any potential and unforeseen impacts to lake trout populations. In addition, a nearby comparable lake should be monitored via BsM to provide a regional control.</p>	<p>To inform the follow-up program that will be described in the advice to decision-makers, IAAC and DFO recommend the Proponent:</p> <ul style="list-style-type: none"> <li>Clarify in Table 8-5, whether timing of broadscale monitoring (BsM) is for years 1, 5, and 10 post-construction/post closure only.</li> <li>Propose an updated monitoring program and schedule that monitors lake trout populations during active mining, including post-closure, and include at least one regional control.</li> </ul> <p>In Table 8-6, include a contingency measure to be implemented in the event the results trigger a threshold that indicates a significant decline in the lake trout populations is occurring as a result of the mine.</p>

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08	<p>Section 6.2 - Operations Phase. Pg. 6-2</p> <p>Section 6.10; Appendix F</p>	<p><b>DFO: Guidance on effects to fish and fish habitat due to changes in surface water quantity in small inland waterbodies</b></p> <p>The Proponent has modelled that there will be no impacts to fish habitat as a result of groundwater and surface water quantity changes in many of the inland waterbodies within the project area.</p> <p>DFO understands there may be concerns about assumptions and parameters used in the modelling of surface water flows under dry climate conditions and during pit refilling, as well as the applicability of the model to small inland waterbodies. For example, ECCC advised that a water balance that accounts for several years being drier than average could result in reductions in flow or lowered lake levels. These changes in model output could influence the determination of loss of fish habitat for all waterbodies; however, the impacts could be more drastic in smaller inland waterbodies and their inlets/outlets.</p> <p>IAAC acknowledges that surface water quantity review is underway by the Ontario Ministry of the Environment, Conservation and Parks (MECP) and looks forward to a technical discussion on the outcomes of its review. Water taking is regulated by the province through Permits to Take Water, which consider environmental requirements and water quantity.</p> <p>Any potential changes to surface water modelling outputs, including flow reductions and changes in lake levels, must be evaluated in terms of potential impacts to fish and fish habitat. To inform the <i>Fisheries Act</i> authorization review, DFO will need to be confident in the accounting of fish habitat loss in small inland lakes, and related offsetting, taking into account dry climate conditions and pit refilling. The advice to the Proponent will inform federal permitting.</p>	<p>DFO recommends the Proponent do the following to inform the <i>Fisheries Act</i> authorization:</p> <ul style="list-style-type: none"> <li>Address uncertainties and assumptions in the surface water modeling, and evaluate any potential additional impacts to fish and fish habitat in small inland waterbodies. This evaluation should be based on discussions between the Proponent and the Ontario Ministry of the Environment, Conservation and Parks (MECP) regarding surface water and groundwater management, as well as relevant provincial permitting requirements.</li> <li>Provide an adequate monitoring plan for surface water that is sufficient to validate predictions from the modelling with emphasis on the impacts to fish and fish habitat in small inland waterbodies. Additional monitoring stations may be required for inland waterbodies and watercourses near the Project site to ensure sufficient spatial resolution to capture deviations from the predictions. Monitoring plans should include an adaptive management plan with threshold-based actions for significant flow deviations and contingencies in the event of unanticipated impacts unaccounted for due to inaccurate model predictions.</li> </ul> <p>Distinguish in Table 6.10-11 where flow reduction is a result of changes to groundwater or surface water and provide a direct reference to the corresponding modelling information and monitoring/adaptive management plans that support each of the predictions within the EIS.</p>
09	<p>Appendix G-2 (Air Quality Assessment Report)</p> <p>Section 8.0 - Recommended Monitoring. Pg. 8-1</p> <p>Table 8-1 Recommended Monitoring. Pg. 8-2</p> <p>Appendix R – (Human Health and Environment Risk Assessment)</p> <p>Section 4.3.2.1 (PDF Pg. 67)</p>	<p><b>IAAC: Guidance related to effect on air quality and air quality monitoring.</b></p> <p>ECCC and HC noted concern that changes to air quality could impact Indigenous Peoples practicing traditional uses on Springpole Lake, Birch Lake and in other surrounding areas (HEHRA Section 4.3.2.1).</p> <p>It is indicated in the EIS that the ambient air quality monitoring program will be designed and conducted based on the Ontario Ministry of the Environment, Conservation and Parks' (MECP) document <i>Operation Manual for Air Quality Monitoring in Ontario</i>. The EIS provides an overview of the program, including the submission timeline and the review process.</p> <p>Table 8-1 in the EIS indicates the parameters that the Proponent plans to monitor as part of the provincial Environmental Compliance Approval that will be required for the Project. Key parameters such as, carbon monoxide, ozone, volatile organic compounds (VOCs), polycyclic aromatic hydrocarbons (PAHs) and other substances that may be released from project activities (such as by-products of fuel combustion) were not included in this table.</p> <p>ECCC also noted that, where multiple provincial and federal criteria for a given contaminant of potential concerns is available, the proponent should compare emissions to the most conservative (i.e. lowest) available criteria. HC reminded that air quality monitoring locations should be selected so that they are protective of health (so taking into account information about use).</p>	<p>The Proponent may also, prior to construction, be required to consult with Indigenous communities and relevant authorities on the development of the follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the health of Indigenous Peoples of changes to air quality.</p> <p>IAAC will also consider how it can leverage other means to address effects on the health of Indigenous peoples, such as the air quality Environmental Compliance Approval, in the assessment up and follow-up requirements.</p>

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		<p>Additionally, the EIS did not include important details such as sampling methodology (continuous/non-continuous) and equipment, triggers and thresholds for action and adaptive measures and reporting of the results (and exceedance reporting). Further details are required to confirm that the proposed air quality monitoring program will be protective of the health of Indigenous land users.</p>	
10	<p>Section 9.14 - Cyanide Spill during Transportation. Pg. 9-20</p> <p>Section 9.15 - Release from Containment or Dispensing Facilities. Pg. 20</p>	<p><b>IAAC: Guidance related to effects of spills on migratory birds and wildlife of importance to Indigenous peoples</b></p> <p>ECCC noted concerns around the potential effects of spills and other accidents and malfunctions on wildlife. ISC raised the possibility of using Indigenous monitors to observe the remediation of spills on-site and to report on the efficacy of the measures implemented by the Proponent to eliminate or reduce the risk of a potential accident or malfunction from occurring, and its potential for effects on the environment.</p> <p>Potential accidents or malfunctions include potential spills of contaminants, such as spills of liquid cyanide in transport to the mine, spills of fuels and hydrocarbons from storage or dispensing locations. These accidents may affect wildlife, including fish, migratory birds and species at risk, and may cause effects to the health conditions of Indigenous peoples.</p>	<p>Should the Project be allowed to proceed, the Proponent would be required to develop, prior to construction, and in consultation with Indigenous communities, ECCC, and other relevant authorities, and implement, an accidents and malfunctions response plan in relation to each phase of the Project. The Proponent would also be required to develop, in consultation with Indigenous communities, a communication plan for accidents and malfunctions in relation to the Project.</p> <p>IAAC understands that the Proponent will be establishing community-specific Environmental Committee(s) to discuss community concerns and adaptive management throughout the project lifecycle. IAAC recommends that this committee consider the use of Indigenous environmental monitors on site to observe and record the implementation of environmental mitigations, including measures to prevent and respond to accidents and malfunctions.</p>
11	N/A	<p><b>IAAC: Potential future site expansion</b></p> <p>IAAC is aware of media articles reporting that the Proponent has conducted exploration activities in the Springpole area and have located additional mineral deposits. These deposits could lead to future mine expansion.</p>	<p>Please note that the current environmental assessment is an assessment of the Project as proposed in the EIS.</p> <p>Should the Project be allowed to proceed, the Proponent would be required to notify IAAC in advance of carrying out any proposed changes to the Project, such as an expansion of the open pit, and would be subject to a new impact assessment if the changes are deemed to be a new activity described in the <i>Physical Activities Regulations</i>. If the proposed changes are not deemed to be a new activity, then the Minister may amend the Decision Statement to account for proposed changes to the Project. As part of an amendment to the Decision Statement, the Proponent would be required to provide requested information, and be subject to consultation with relevant authorities, Indigenous communities and the public.</p>
12	Section 6.25	<p><b>ISC: Guidance on permit for construction on Slate Falls Nation</b></p> <p>The EIS does not list any permits or authorizations under the <i>Indian Act</i> in the approvals chapter, although the Project involves the construction of a transmission line on Slate Falls Nation, which would require a federal approval and consultation.</p>	<p>IAAC advises the Proponent that it may be required to apply for an authorization under the <i>Indian Act</i> and should work with ISC to ensure that department has all the relevant information to make a determination on relevant approvals, including a potential permit under section 28(2) of the <i>Indian Act</i> or a Timber Permit, which would require consultation with Slate Falls Nation.</p>
13	<p>Section 2</p> <p>Section 6.19 Local and Regional Economy</p> <p>Section 6.21</p> <p>Section 6.26</p>	<p><b>TC: Guidance related to navigability permitting</b></p> <p>Further information is required for Transport Canada (TC) to determine if an approval is required under the <i>Canadian Navigable Waters Act</i> (CNWA).</p> <p>As per section 23(1) of the CNWA, it is prohibited to take any action that lowers the water level of a navigable water or any part of a navigable water to a level that extinguishes navigation for vessels of any class that</p>	<p>IAAC advises the Proponent that it may be required to apply for an authorization under the CNWA and should work with TC to ensure that it has all the relevant information to make a determination on relevant approvals in a timely way, including those identified in the Description of Concern column.</p>

Advice Number	Reference to Environmental Impact Statement	Description of Concern	Advice to the Proponent
		<p>navigate, or are likely to navigate, the navigable water in question. If the Proponent plans to dewater a navigable waterbody, it must apply for a Governor In Council (GIC) Exemption.</p> <p>The EIS notes that some water levels will be lowered, dammed, or overprinted, and further information is required to support TC's navigability assessment for waterways that have proposed prohibited activities as defined by the CNWA (dewatering of a navigable waterway or throwing/depositing into a navigable waterway). Example questions used to determine whether a waterway is navigable include:</p> <ul style="list-style-type: none"> <li>• What are the physical characteristics (e.g. size and depth)?</li> <li>• Is it used for transport of travel for commercial or recreational purposes?</li> <li>• Is it used for transport or travel by Indigenous Peoples?</li> <li>• Is it likely to be used in the future?</li> <li>• Was it used in the past?</li> <li>• Is there public access?</li> <li>• Is there access by land and water?</li> <li>• Are there two or more waterfront owners?</li> <li>• Is the Crown the only waterfront owner?</li> </ul> <p>Further, as per section 5(1) of the CNWA, owners of major works that may interfere with navigation are required to apply to TC. The following classes of works established in the Major Works Order are designated as likely to substantially interfere with navigation on any navigable water:</p> <ol style="list-style-type: none"> <li>1. water control structures;</li> <li>2. bridges;</li> <li>3. ferry Cables, excluding the repair and replacement of existing ferry cables;</li> <li>4. causeways; and</li> <li>5. aquaculture facilities.</li> </ol> <p>There is also a <i>Minor Works Order</i> that may be applicable to the Project (i.e. the Order covers works that typically have minor navigation interference and includes things like various cables, pipelines, and intake and outfall pipes, and more).</p> <p>Please note that TC provided a CNWA training session in September 2022, reviewed the document titled "Preliminary Draft: Information for Navigable Waters Assessment Springpole Gold Project First Mining Gold Corp.", dated August 2023, and provided comments on the draft to the Proponent on November 16, 2023. None of these efforts have resulted in a detailed analysis of potential impacts on navigable waterbodies. Specific correspondence with Indigenous communities about recreational uses of waterways or navigable bodies that are impacted by the Project must be provided in order to determine if an approval is required under the CNWA. TC is available to meet with any interested party to discuss past, present, or future use of waterways in the project area (if any), and what vehicles/float planes are used on such waters (if any).</p>	<p>Activities requiring GIC Exemption can potentially take 1-2 years, so streamlining with the environmental assessment continues to be encouraged.</p> <p>Further, IAAC advises the Proponent that it may submit an application for an approval under the CNWA through TC's External Submission Site: <a href="https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login-connexion">https://npp-submissions-demandes-ppn.tc.canada.ca/auth/login-connexion</a></p>