

## **Condition 11.1**

### **Schedule of Conditions**

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**Abbreviations**

CPEEMP	Caribou Protection and Environmental Effects Monitoring Plan
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPP	Environmental Protection Plan
MAC	Mining Association of Canada
NLDDFA	Newfoundland and Labrador Department of Fisheries, Forestry and Agriculture
TSM	Towards Sustainable Mining

## 1 Introduction

On August 24, 2022, the Honourable Steven Guilbeault, Minister of Environment and Climate Change, released a Decision Statement wherein the Minister agreed with the conclusions in the Impact Assessment Agency of Canada's Environmental Assessment Report of Impact Assessment Agency of Canada (the Agency) issued its Draft Environmental Assessment Report and Potential Environmental Assessment (EA) Conditions under the *Canadian Environmental Assessment Act, 2012* for Marathon Gold Corporation's Valentine Gold Project (the Project / the Designated Project).

Condition 11.1 of the Potential EA Conditions requires that Marathon provide the Agency with a schedule of conditions. Marathon has prepared this report to provide the required information regarding the planned activities to fulfill each condition, including the estimated commencement and completion dates for each condition where applicable.

Specifically, this report is prepared in accordance with Condition 11.1, which states:

*The Proponent shall submit to the Agency and Indigenous groups a schedule for all conditions set out in this Decision Statement no later than 30 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.*

Section 2 of this report describes the activities planned to fulfill each condition set out in the Potential Conditions. Timing for commencement and completion of sub-conditions is indicated for the condition, unless otherwise noted.

## 2 General Conditions

Condition Number	Condition	Commencement	Estimated Completion
General Conditions (2.1 to 2.2)			
2.1	<p>The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, 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 and technically feasible technologies.</p> <p><b>Activities Planned to Fulfil Condition:</b>            Marathon has retained a team of qualified individuals, including from Stantec, Gemtec, Golder, SEM, Ausenco, SNC Lavalin and others to develop mitigation measures and management plans, to design and implement the various follow-up and monitoring programs, and to undertake the detailed design. Field programs, studies, and engineering designs follow accepted and applicable standards and practices using recognized methods and models, which will lead to the construction and operation of a mine that complies with regulatory requirements and mitigates potential environmental effects. For construction, requirements outlined in the conditions have been incorporated into contract specifications and drawings for implementation by the applicable contractors, who will be managed by Marathon and/or Marathon representatives and monitored for compliance throughout all Project phases.</p> <p>Marathon continues to consult with relevant authorities, Indigenous groups, stakeholders and the public to solicit input and is incorporating information and knowledge into the various measures, plans, and programs required by the conditions. Marathon’s adaptive management approach will facilitate the identification and implementation of changes that may be required to reduce adverse effects of the Project and will support continuous improvement. Further details are included throughout this report specific to each condition.</p> <p>Marathon’s actions in fulfilling the conditions demonstrate a careful and precautionary approach that promotes sustainable development. As a member of the Mining Association of Canada (MAC), Marathon is required to adopt the guiding principles of the ‘Towards Sustainable Mining’ (TSM) initiative and conform with TSM requirements. TSM is framed around MAC performance assessments and a MAC letter-grade system ranging from C (no systems in place) to AAA (excellence and leadership is demonstrated and validated by external, independent assessments). The grades indicate performance within nine areas of sustainability, including Biodiversity Conservation Management, Climate Change, Indigenous and Community Relationships, Tailings Management Protocol, Water Stewardship, and Mine Closure Framework, among others.</p>	Prior to construction	Ongoing over the life of the Project
2.2	The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.	Prior to construction	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
	<p><b>Activities Planned to Fulfil Condition:</b>            The mitigation measures described in the EIS and in responses to information requests were developed in consideration of applicable recovery strategies and action plans for listed species at risk. These have been incorporated, as applicable, into the Construction Environmental Protection Plan (EPP), which is a document that is embedded in Marathon’s contractual management process, communicated through the Request for Proposal process, and incorporated into the contract upon award. Construction contractors and sub-contractors will be required, through their contracts with Marathon, to implement mitigation measures as directed, and the implementation of mitigation measures will be monitored throughout all Project phases.</p>		
Consultation (2.3 to 2.4)			
2.3	The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:	June 2022 (ongoing)	As required by the specific condition
2.3.1	<p>Provide a written notice of the opportunity for the parties being consulted to present their views and information on the subject matter of the consultation;</p> <p><b>Activities Planned to Fulfil Condition:</b>            Consultation with party or parties specific to each condition with a requirement to consult, will be undertaken by the following process. Marathon will issue a written request in the form of e-mail or correspondence to the relevant parties containing a request to the party to provide its views and information on the information which Marathon will provide as part of the consultation request. All requests will be documented and recorded in the Annual Report under condition 2.10. Marathon will continue to provide written notice respecting the opportunity for consultation to the party or parties as required by and in accordance with the timing specified in those conditions (e.g., prior to operation start or project change as per) identifying the requirement for consultation.</p>	June 2022 (ongoing)	As required by the specific condition
2.3.2	<p>Provide all information available and relevant to the scope and the subject matter of the consultation and a period of time agreed upon with the parties being consulted, not to be less than 15 days, to prepare their views and information;</p> <p><b>Activities Planned to Fulfil Condition:</b>            In accordance with condition 2.3.2 and subject to the agreement of the parties, Marathon will provide at least 15 days for parties being consulted to review and provide comments on all available information that is relevant to the scope and subject matter of the consultation. A summary of consultation with the various parties, including the views / information received, Marathon’s response documenting how this information was considered, and the rationale for this response, will be tracked and consolidated for inclusion in the annual report under condition 2.10.</p>	June 2022	As required by the specific condition
2.3.3	Undertake an impartial consideration of all views and information presented by the parties being consulted on the subject matter of the consultation; and	June 2022	As required by the specific condition

Condition Number	Condition	Commencement	Estimated Completion
	<p><b>Activities Planned to Fulfil Condition:</b>            In accordance with Condition 2.3.3, where comments on information relevant to the conditions of approval have been received from a party being consulted, Marathon will undertake an impartial review and consideration of this information and, where appropriate, will incorporate the views and information submitted into the final versions of applicable Project processes, plans and programs. Comments provided by parties being consulted and a description of how each comment/view has or has not been incorporated will be recorded and documented in the annual report under condition 2.10. This process will continue on an annual basis, if ongoing consultation is a requirement of a condition set out in the Decision Statement.</p>		
2.3.4	<p>Advise in a timely manner the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent and provide a justification.</p> <p><b>Activities Planned to Fulfil Condition:</b>            In accordance with condition 2.3.4, where comments expressing views or containing information relevant to the conditions of approval are received from a party being consulted, Marathon will review and consider those views or information for incorporation into the final or updated versions of applicable Project processes, plans, and programs, as appropriate. Marathon will record and document the rationale for why the views or information have, or have not, been integrated and will provide this rationale back to each party who made the comment(s) within a reasonable time. A record of consultation with the various parties, including the views / information received, Marathon’s response documenting how the views / information has been considered, and the rationale for Marathon’s response, will be tracked and consolidated for inclusion in each annual report under condition 2.10 for the year the comments are received.</p>	June 2022	As required by the specific condition
2.4	<p>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 to satisfy the consultation requirements referred to in condition 2.3, including methods of notification, the type of information and 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, and the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.</p> <p><b>Activities Planned to Fulfil Condition:</b>            In accordance with condition 2.4, Marathon has engaged with Miawpukek First Nation (Miawpukek) and Qalipu First Nation (Qalipu) to satisfy the consultation requirements referred to in condition 2.3.</p> <p>On June 14, 2022, Marathon wrote to each Indigenous Group proposing an engagement process. Following discussions with both Qalipu and Miawpukek, an agreed-upon engagement process was established, including:</p> <ul style="list-style-type: none"> <li>• the methods of notification / communication with each Indigenous group</li> <li>• the type of information to be transmitted</li> <li>• the period of time to be provided when seeking input from each Indigenous group</li> </ul>	June 2022	As required by the specific condition

Condition Number	Condition	Commencement	Estimated Completion
	<p>Information related to follow-up programs was provided to each group as follows:</p> <ul style="list-style-type: none"> <li>• Fish and fish habitat: June 30, 2022</li> <li>• Migratory birds: July 7, 2022</li> <li>• Effects of changes to air, water and country foods on the health of Indigenous Peoples: July 8, 2022</li> <li>• Acid rock drainage and metal leaching: July 11, 2022</li> </ul> <p>Additionally, on July 8, 2022, each group was provided with information related to plans for communicating with Indigenous groups regarding potential impacts of Project activities upon the current use of lands and resources for traditional purposes, and accidents and malfunctions response.</p> <p>Comments on the information were submitted to Marathon by Qalipu on July 29, 2022, and by Miawpukek on August 2, 2022. Marathon is currently reviewing the comments and information provided by each Indigenous group and has offered to meet to discuss the follow-up programs and any matters of concern. Marathon will advise each group in a timely manner how the comments provided have been taken into account, including incorporating the results of those consultations where appropriate as per conditions 2.3 and 2.4.</p> <p>Marathon will continue in the same manner on an ongoing basis when consultation is a requirement of a condition set out in the Decision Statement.</p>		
Follow-up programs (2.5 to 2.9)			
2.5 (and all sub-conditions 2.5.1 to 2.5.6)	<p>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 each follow-up program and in consultation with the parties being consulted during the development, the following information, unless otherwise specified in the condition:</p> <ul style="list-style-type: none"> <li>• 2.5.1 – the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;</li> <li>• 2.5.2 – the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;</li> <li>• 2.5.3 – the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;</li> <li>• 2.5.4 – the levels of environmental change relative to baseline 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;</li> <li>• 2.5.5 – 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 2.5.4 have been reached or exceeded; and</li> </ul>	Prior to construction	Ongoing throughout the duration of the follow-up program until completion of the program

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> <li>2.5.6 – the specific and measurable end points that must be achieved before the follow-up program can end. Those end points should indicate that the accuracy of the environmental assessment has been verified and/or that the mitigation measures are effective.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b> Where a follow-up program has been identified as a requirement of a condition, the follow-up program is being developed by qualified individuals familiar with the Project, proposed mitigation measures, and predicted effects, and in consultation with the applicable parties (agencies, Indigenous groups). Each follow-up program is being developed to include the requirements of this condition and sub-conditions.</p>		
2.6	<p>The Proponent shall update the information determined for each follow-up program pursuant to condition 2.5 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.5.3 and in consultation with the parties consulted during the development of each follow-up program.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon will update the follow-up programs consistent with the frequency determined in condition 2.5.3 and in consultation with the parties consulted during the development of each follow-up program.</p>	Ongoing, as applicable	Ongoing throughout the duration of the follow-up program until completion of the program
2.7	<p>The Proponent shall provide the details of the follow-up programs referred to in conditions 3.17, 3.18, 4.8, 4.9 and 6.1, including the information determined for each follow-up program pursuant to condition 2.5, to the Agency and to the parties consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.6 to the Agency and to the parties consulted during the development of each follow-up program within 30 days of the follow-up program being updated.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon will provide the details of the follow-up programs referred to in conditions 3.17, 3.18, 4.8, 4.9 and 6.1, to the Agency and the parties consulted during the development of each follow-up program prior to its implementation. Marathon will also provide any update to a follow-up program pursuant to condition 2.6 to the Agency and to the parties that were consulted on the development of the plan within 30 days of the update.</p>	Ongoing, as applicable	Ongoing throughout the duration of the follow-up program until completion of the program
2.8 (and all sub-conditions 2.8.1 to 2.8.5)	<p>The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:</p> <ul style="list-style-type: none"> <li>2.8.1 – implement the follow-up program according to the information determined pursuant to condition 2.5;</li> <li>2.8.2 – conduct 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;</li> </ul>	As required by the specific follow-up program	Ongoing throughout the duration of the follow-up program until completion of the program

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> <li>• 2.8.3 – determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.8.2;</li> <li>• 2.8.4 – if modified or additional mitigation measure(s) are required pursuant to condition 2.8.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.8.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.5, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of its implementation; and</li> <li>• 2.8.5 – report all results of the follow-up program to the Agency no later than March 31 following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.5.2, to the parties consulted during the development of the follow-up program.</li> </ul>		
	<p><b>Activities Planned to Fulfil Condition:</b>            Follow-up programs will be implemented according to the information determined pursuant to condition 2.5. Monitoring and analysis will be conducted to verify the accuracy of the environmental assessment and/or to determine effectiveness of mitigation measures, as outlined in the follow-up programs. The need for modified or additional mitigation measures will be determined based on the results of monitoring pursuant to condition 2.8.2, as outlined in the follow-up programs.</p> <p>If monitoring results demonstrate that mitigation measures are not as effective as planned, modified or additional mitigation measures will be developed and implemented in a timely manner, and monitored pursuant to condition 2.8.2. These modified or additional mitigation measures will be communicated to the Agency within 24 hours of being implemented. If such measures were not contemplated in the various follow-up programs, Marathon will provide a detailed description of the measure(s) to the Agency within 7 days of their implementation. Follow-up programs implemented in the previous calendar year will be reported to the Agency no later than March 31 following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to condition 2.5.2, submitted to the parties consulted during the development of the follow-up program.</p>		
2.9	Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.8.	June 2022	Ongoing throughout the duration of the follow-up program until completion of the program
	<p><b>Activities Planned to Fulfil Condition:</b>            As noted in the commentary provided for condition 2.4, information on follow-up programs has been provided to Miawpukek and Qalipu as required by the conditions and each group has provided comments to Marathon with respect to the follow-up programs. Marathon is currently reviewing these</p>		

Condition Number	Condition	Commencement	Estimated Completion
	<p>comments and has offered to meet with each group to discuss the follow-up programs. Marathon has committed to ongoing engagement with both Qalipu and Miawpukek throughout the life of the Project and this engagement will include any consultation required as a condition of a follow-up program. Marathon’s engagement in these cases will include discussion of opportunities for participation in the implementation of specific follow-up programs, including the conduct of monitoring, the analysis and reporting of follow-up results, and the need for modified or additional mitigation measures.</p>		
Annual reporting (2.10 to 2.12)			
2.10 (and all sub-conditions 2.10.1 to 2.10.7)	<p>The Proponent shall prepare an annual report that sets out, for each reporting year:</p> <ul style="list-style-type: none"> <li>• 2.10.1 - the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;</li> <li>• 2.10.2 - how the Proponent complied with condition 2.1;</li> <li>• 2.10.3 - 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;</li> <li>• 2.10.4 - the information referred to in conditions 2.5 for each follow-up program and any update to that information made pursuant to condition 2.6;</li> <li>• 2.10.5 - the results of the follow-up program requirements identified in conditions 3.17, 3.18, 4.8, 4.9 and 6.1;</li> <li>• 2.10.6 - for any plan that is a requirement of a condition set out in this Decision Statement, any update(s) to the plan that have been made during the reporting year; and</li> <li>• 2.10.7 - any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.8.</li> </ul>	Ongoing (no later than March 31 each reporting year)	Ongoing over the life of the Project
<p><b>Activities Planned to Fulfil Condition:</b></p> <p>An annual report that sets out the activities undertaken to comply with each of the conditions set out in the Decision Statement will be prepared. The annual report will provide information on how each of the conditions were considered in a careful and precautionary manner, and how Marathon’s actions in fulfilling these conditions promoted sustainable development and were informed by the best information and knowledge, including community and Indigenous knowledge, available at the time Marathon took action. The report will also provide reference to the methods and models, recognized by standard-setting bodies, that were undertaken by qualified individuals, and with application of the best available economically and technically feasible technologies.</p> <p>The annual report will include a summary table identifying and describing how the Proponent considered any views or information received as a result of consultation with various parties throughout the previous year. The annual report will also include information pertaining to the implementation of the follow-up programs and any updates to those programs stemming from consultation with the various parties, a summary of the results from the follow-up programs that were implemented in the previous year including a summary of the information referred to in condition 2.5 for each follow-up</p>			

Condition Number	Condition	Commencement	Estimated Completion
	program, and any update to the plans that were made during the reporting year, along with any modified or additional mitigation measure implemented or proposed to be implemented by Marathon.		
2.11	<p>The Proponent shall submit to the Agency the annual report referred to in condition 2.10, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.</p> <p><b>Activities Planned to Fulfil Condition:</b> The annual report will include a plain language executive summary in both official languages and will be submitted to the Agency no later than March 31 following the reporting year to which the annual report applies.</p>	Ongoing (no later than March 31 each reporting year)	Ongoing over the life of the Project
2.12	<p>The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.10 shall start on the day the Minister of the Environment issues the Decision Statement pursuant to subsection 54 (1) of the <i>Canadian Environmental Assessment Act, 2012</i>.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon will prepare reports annually starting with the first reporting year, which begins on the day the Minister of the Environment issues the Decision Statement.</p>	Beginning the day the Decision Statement is issued	End of first reporting year
Information sharing (2.13 to 2.14)			
2.13	<p>The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in condition 2.11 and 2.12, the reports related to accidents and malfunctions referred to in conditions 10.5.4 and 10.5.5, the communication plan for accidents and malfunctions referred to in condition 10.6, the schedules referred to in conditions 11.1 and 11.2, and any update or revision 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.</p> <p><b>Activities Planned to Fulfil Condition:</b> Final versions of the annual reports and executive summaries referred to in conditions 2.11 and 2.12, the reports related to accidents and malfunctions referred to in conditions 10.5.4 and 10.5.5, the communications plan for accidents and malfunctions referred to in condition 9.6, the schedules referred to in conditions 11.1 and 11.2 and any update or revision to any of these documents will be posted publicly to the Project website (<a href="https://www.marathon-gold.com">https://www.marathon-gold.com</a>). These documents will be maintained on the website and continue to be made publicly available until the earlier of 25 years following the conclusion of operations or the decommissioning of the Project. Marathon will notify the Agency and Miawpukek and Qalipu of the availability of these documents within 48 hours of their publication.</p>	Ongoing over the life of the Project	Estimated 25 years following original posting

Condition Number	Condition	Commencement	Estimated Completion
2.14	When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the final plan to the Agency prior to construction, unless otherwise required through the condition.	Prior to construction, as required by the specific condition	Prior to construction, as required by the specific condition
	<b>Activities Planned to Fulfil Condition:</b> All plans required to be developed prior to construction will be submitted to the Agency prior to construction.		
Change of Proponent (2.15)			
2.15	The Proponent shall notify the Agency and Indigenous groups in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.	Ongoing, no later than 30 days after transfer	As applicable, over the life of the Project
	<b>Activities Planned to Fulfil Condition:</b> Marathon intends to own and operate the Valentine Gold Project in perpetuity; however, should Marathon decide to transfer ownership, care, control or management of the Project (in whole or in part) to another party, Marathon will notify the Agency, Miawpukek First Nation, and Qalipu First Nation in writing no later than 30 days after the day on which that transfer occurs.		
Change to the Designated Project (2.16 to 2.17)			
2.16 (and all sub-conditions 2.16.1 to 2.16.3)	If the Proponent is proposing to carry out the Designated Project in a manner other than described in condition 1.8, the Proponent shall notify the Agency in writing in advance of carrying out those proposed activities. As part of the notification, the Proponent shall provide: <ul style="list-style-type: none"> <li>• 2.16.1 - a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the change(s);</li> <li>• 2.16.2 - any modified or additional measure to mitigate any environmental effect that may result from the change(s) and any modified or additional follow-up requirement; and</li> <li>• 2.16.3 - an explanation of how, taking into account any modified or additional mitigation measure referred to in condition 2.16.2, the environmental effects that may result from the change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment.</li> </ul>	Ongoing, as applicable	Ongoing over the life of the Project
	<b>Activities Planned to Fulfil Condition:</b> In the event that a change to the Designated Project would result in a change to the “Designated Project” description as defined in condition 1.8, Marathon will notify the Agency in writing in advance of carrying out the proposed activities. Notification will include a description of the proposed changes, associated predicted adverse environmental effects, proposed mitigation measures and modified or additional follow-up requirements, as well as an explanation of how the environmental effects may differ from those identified during the EA process.		

Condition Number	Condition	Commencement	Estimated Completion
2.17	The Proponent shall submit to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.16, which may include the results of consultation with Indigenous groups and relevant authorities on the proposed change(s) and environmental effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.	Ongoing, as applicable	Ongoing over the life of the Project
	<b>Activities Planned to Fulfil Condition:</b> Marathon will submit to the Agency any additional information required by the Agency regarding the proposed changes referred to in condition 2.16, including the results of consultation with Indigenous groups and relevant authorities on the proposed changes and environmental effects referred to in condition 2.16.1, as well as the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.		

### 3 Fish and Fish Habitat

Condition Number	Condition	Commencement	Estimated Completion
3.1	The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada, and implement any offsetting plan related to any harmful alteration, disruption or destruction of fish and fish habitat associated with the carrying out of the Designated Project. The Proponent shall submit any offsetting plan approved by Fisheries and Oceans Canada to the Agency before implementing it.	Prior to harmful alteration, disruption or description of fish or fish habitat, in accordance with Fisheries Act Authorization	Prior to implementing the offsetting plan
	<b>Activities Planned to Fulfil Condition:</b> Marathon developed the Valentine Gold Project Offsetting Plan in consultation with Fisheries and Oceans Canada, and this plan was submitted to Fisheries and Oceans Canada as a component of the application for <i>Fisheries Act</i> Authorization on May 25, 2022. Following Fisheries and Oceans Canada's approval of the offsetting plan through issuance of the <i>Fisheries Act</i> Authorization, Marathon will submit the approved offsetting plan to the Agency prior to its implementation.		
3.2	The Proponent shall, for any fish habitat offsetting measure proposed in any offsetting plan referred to in condition 3.1 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with relevant authorities, measures to	Prior to harmful alteration, disruption or description of fish or fish habitat, in	Prior to implementing the offsetting plan

Condition Number	Condition	Commencement	Estimated Completion
	<p>mitigate those effects. The Proponent shall submit these measures to the Agency before implementing them.</p> <p><b>Activities Planned to Fulfil Condition:</b>            The Valentine Gold Project Offsetting Plan, developed in consultation with Fisheries and Oceans Canada, was submitted to Fisheries and Oceans Canada as a component of the application for <i>Fisheries Act</i> Authorization on May 25, 2022. The offsetting plan includes the identification of potential adverse effects of the proposed offsetting project on fish and fish habitat, and measures and standards to avoid or mitigate these effects. Following Fisheries and Oceans Canada’s approval of the offsetting plan through issuance of the <i>Fisheries Act</i> Authorization, Marathon will submit the approved offsetting plan to the Agency prior to its implementation.</p>	<p>accordance with Fisheries Act Authorization</p>	
3.3	<p>The Proponent shall ensure, during all phases of the Designated Project, that existing fish passage is not removed in watercourses frequented by fish as a result of Designated Project activities, including building and upgrading of stream crossings and those activities that may decrease minimum watercourse flows, with the exception of watercourses that will be removed for the construction of Designated Project components as authorized under the <i>Fisheries Act</i>.</p> <p><b>Activities Planned to Fulfil Condition:</b>            Existing fish passage will not be removed in watercourses frequented by fish, with the exception of watercourses that will be removed for the construction of Designated Project components as specified in the Valentine Gold Project <i>Fisheries Act</i> Authorization application for the mine site. Marathon submitted a Request for Review for the Project roads on December 19, 2021, and Fisheries and Oceans Canada issued a Letter of Advice for the Project roads on March 28, 2022. The Letter of Advice includes the requirement to maintain fish passage and specifies the parameters needed to maintain appropriate depth and flow, to which Marathon will adhere. The requirements have been incorporated in the Construction EPP, and the Letter of Advice and the Construction EPP form part of the contract documents and work packages. The contractors’ work will be monitored to confirm fish passage is maintained throughout construction and post-construction.</p>	<p>Beginning of construction</p>	<p>Ongoing over the life of the Project</p>
3.4 (and all sub-conditions 3.4.1 to 3.4.3)	<p>The Proponent shall, during operation, withdraw water from lakes in such a way that water withdrawal does not cause adverse effects to fish and fish habitat, except if such adverse effects are otherwise authorized. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 3.4.1 - establish, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and other relevant authorities, criteria for determining maximum withdrawal rates taking into account natural flow rates and seasonality;</li> <li>• 3.4.2 - calculate maximum withdrawal rates for each month that withdrawal will be necessary and provide them to the Agency; and</li> <li>• 3.4.3 - implement water withdrawal, such that withdrawal rates remain below the maximum rates for each month calculated pursuant to condition 3.4.2.</li> </ul>	<p>Prior to construction</p>	<p>Ongoing over the life of the Project</p>

Condition Number	Condition	Commencement	Estimated Completion
	<p><b>Activities Planned to Fulfil Condition:</b>            Fish and fish habitat will not be adversely affected by water withdrawal from lakes, except as otherwise authorized. Marathon is developing criteria for determining maximum withdrawal rates taking into account natural flow rates and seasonality. Following consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, and other relevant authorities, the maximum withdrawal rates for each month that withdrawal will be necessary will be calculated and provided to the Agency. During operation, water withdrawal will be monitored via flow meters to assure that the withdrawal rates remain below the maximum calculated rates.</p>		
3.5	<p>The Proponent shall maintain, during all phases of the Designated Project, a buffer zone of undisturbed vegetation along the edge of any water body and watercourse of sufficient width to protect fish and fish habitat resulting from the construction of Designated Project components, unless such adverse effects are otherwise authorized under the <i>Fisheries Act</i>.</p> <p><b>Activities Planned to Fulfil Condition:</b>            Except where authorized under the <i>Fisheries Act</i>, Marathon will maintain a buffer zone of undisturbed vegetation along the edge of waterbodies and watercourses of sufficient width to protect fish and fish habitat. The Environmental Protection Plan specifies a 50 m vegetated buffer for Victoria River, and a 30 m vegetated buffer for all other waterbodies. These buffer zones will be included in the design drawings provided to the contractor, and the Construction EPP forms part of the contract documents and work packages.</p>	Beginning of construction	Ongoing over the life of the Project
3.6 (and all sub-conditions 3.6.1 to 3.6.2)	<p>The Proponent shall undertake, in consultation with relevant authorities, progressive reclamation of areas disturbed by the Designated Project, including bank and riparian areas. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 3.6.1 – identify plant species native to the regional assessment areas identified in Figure 3 of the environmental assessment report; and</li> <li>• 3.6.2 – use the plant species identified in 3.6.1 for use in establishing self-sustaining communities</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b>            In advance of progressive reclamation, Marathon will identify, in consultation with the applicable authorities, plant species native to the regional assessment areas. Marathon will endeavour to source and use these species in establishing self-sustaining communities throughout progressive reclamation of disturbed areas, including bank and riparian areas. A key objective of the rehabilitation and closure program for the Project is to create the necessary conditions for the re-establishment and long-term propagation of indigenous vegetative species in the areas disturbed by Project-related construction activities, and natural revegetation will be encouraged throughout the Project area. Revegetation trials will be considered in the full Rehabilitation and Closure Plan.</p>	At earliest opportunity for progressive reclamation	Ongoing over the life of the Project
3.7 (and all sub-conditions 3.7.1 to 3.7.2)	The Proponent shall develop prior to construction and implement during all phases of the Designated Project erosion and sediment control measures in a manner consistent with the fish and fish habitat protection provisions and the pollution prevention provisions of the <i>Fisheries Act</i> taking into account	Prior to construction	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
	<p>Fisheries and Oceans Canada's <i>Measures to Protect Fish and Fish Habitat</i>. The Proponent shall submit the measures to the Agency prior to implementing them. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 3.7.1 – develop, in consultation with relevant authorities, and implement measures that take into account future climate change scenarios, including periods of high water and wind, elevated snow pack, heavy rainfall and snowfall; and</li> <li>• 3.7.2 – maintain and regularly inspect, subject to safety requirements, all erosion and sediment control measures installed within the Designated Project area and document and repair any defective or damaged control measure as soon as technically feasible.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b>            Erosion and sediment control measures have been developed to align with the fish and fish habitat provisions and pollution prevention provisions of the <i>Fisheries Act</i> and taking into account Fisheries and Oceans Canada's <i>Measures to Protect Fish and Fish Habitat</i>. The application for authorization pursuant to the <i>Fisheries Act</i> included erosion and sediment control measures, and conditions will be specified in the <i>Fisheries Act</i> Authorization.</p> <p>The primary mechanism to reduce erosion and sediment during the Project is the water management infrastructure itself. The Water Management Plan summarizes the design criteria, information sources, project requirements, design calculations and specifications for water management infrastructure associated with the Early Works Construction Phase and incorporates consideration of future climate change scenarios. Erosion and sediment control measures are also described in the Construction EPP, which forms part of the contract documents and work packages, and erosion and sediment control specifications, including objectives, installation and removal procedures and requirements, and inspection and maintenance requirements and checklists, are being drafted for issued to contractors as part of design packages for Project construction. The contractor will update and provide implementation plans for the erosion and sediment control measures prior to the commencement of construction, where applicable.</p> <p>Marathon will consult with relevant authorities prior to finalizing and implementing the associated measures and will provide the Agency with the measures prior to their implementation. Erosion and sediment control measures will be implemented at the onset of construction, and will be maintained and regularly inspected, with any defective or damaged control measures documented and repaired as soon as technically feasible.</p>		
3.8	<p>The Proponent shall remove all vegetation from the tailings management facility containment zone during construction and prior to filling or flooding to reduce the potential generation of methylmercury.</p> <p><b>Activities Planned to Fulfil Condition:</b>            To reduce the potential for generation of methylmercury, all vegetation will be removed from the tailings management facility (TMF) containment zone during construction, prior to filling or flooding the TMF. This mitigation is included in the Construction EPP, which forms part of the contract documents and work packages.</p>	Prior to filling or flooding the tailings management facility containment zone	Prior to filling or flooding the tailings management facility containment zone

Condition Number	Condition	Commencement	Estimated Completion
3.9 (and all sub-conditions 3.9.1 to 3.9.3)	<p>The Proponent shall manage mine effluent before it is deposited into the receiving environment during all phases of the Designated Project. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 3.9.1 - collect effluent, including seepage, from operation through decommissioning, including from the overburden stockpiles, ore stockpiles, waste rock piles, tailings management facility and open pits;</li> <li>• 3.9.2 - when collecting effluent pursuant to condition 3.9.1, construct and maintain contact water collection ditches around overburden stockpiles, ore stockpiles and waste rock piles to collect seepage during all phases of the Designated Project; and</li> <li>• 3.9.3 - treat effluent collected pursuant to condition 3.9.1 as required in accordance with the <i>Metal and Diamond Mining Effluent Regulations</i> and the pollution prevention provisions of the <i>Fisheries Act</i> prior to its release into the environment.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b> The Water Management Plan appended to the EIS provided an overview of the water management features and infrastructure designed to reduce operational risks and environmental effects of the Project. Aspects of this plan were updated in response to Information Requests and based on updated modelling and continue to be revised as design progresses. The water management infrastructure for the Project incorporates the design elements described in sub-conditions 3.9.1 to 3.9.3.</p>	During construction	Ongoing over the life of the Project
3.10	<p>The Proponent shall, salvage and relocate fish in consultation with Fisheries and Oceans Canada prior to conducting any Designated Project activity requiring the removal of fish habitat in a manner that complies with any authorization issued under the <i>Fisheries Act</i>.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon is developing a fish rescue plan to be submitted to Fisheries and Oceans Canada for approval as a condition of the <i>Fisheries Act</i> Authorization. Marathon will retain qualified professional services to conduct fish rescues throughout construction prior to any in-water work. An aquatic biologist will complete the relocation of fish during the fish salvage prior to conducting any work where the removal of fish habitat or dewatering of fish-bearing water is planned to occur, in compliance with the <i>Fisheries Act</i> Authorization. These activities will be completed directly prior to installation of Project components such as culverts, realignment activities and instream work, as applicable. An aquatic biologist will obtain and comply with all applicable permits prior to any salvage activities. Activities for salvage and relocation will follow the mitigation measures, best management practices, and any approval conditions in the <i>Fisheries Act</i> Authorization, as well as any requirements in other applicable permits.</p>	Prior to Project activity requiring removal of fish habitat per the fish rescue plan	Final Project activity requiring removal of fish habitat
3.11	The Proponent shall conduct any in-water work activities, outside of restricted activity timing windows for fish species in accordance with Fisheries and Oceans Canada's <i>Timing Windows to Conduct Projects in or Around Water</i> for Newfoundland and Labrador, unless otherwise permitted by Fisheries and Oceans Canada.	Ongoing over the life of the Project	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
	<p><b>Activities Planned to Fulfil Condition:</b> In-water work activities are being scheduled to occur outside of the restricted activity timing windows for fish species located within the watershed, unless otherwise permitted by Fisheries and Oceans Canada.</p>		
3.12	<p>If the Proponent must conduct any in-water work activities related to construction during the restricted activity timing windows, the Proponent shall develop and implement additional mitigation measures, in consultation with Fisheries and Oceans Canada, to protect fish during sensitive life stages, including migration and spawning. The Proponent shall submit these measures to the Agency prior to implementing them.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon will endeavour to conduct in-water work activities outside of the restricted activity timing windows. In the event that any in-water work is required during the restricted access period, Marathon will consult with Fisheries and Oceans Canada prior to such work occurring. The Agency will be provided with any additional associated mitigation measures prior to their implementation.</p>	Ongoing over the life of the Project	Ongoing over the life of the Project
3.13	<p>The Proponent shall, prior to construction, install screens on the water supply intake structures taking into account Fisheries and Oceans Canada's <i>Interim Code of Practice for End-of-Pipe Fish Protection Screens for Small Water Intakes in Freshwater</i> and in a manner that is consistent with any authorization issued under the <i>Fisheries Act</i> and its regulations.</p> <p><b>Activities Planned to Fulfil Condition:</b> The design of the fish screen size for use during pumping or water intakes will be informed by Fisheries and Oceans Canada's <i>Interim Code of Practice for End-of-Pipe Fish Protection Screens for Small Water Intakes in Freshwater</i>, which provides national guidance on the design and installation of small end-of-pipe water intake fish screens to prevent entrainment and impingement of fish (updated from the 1995 Freshwater Intake End-of-Pipe Fish Screen Guideline). Installation of the pumps will be monitored during construction to confirm appropriate sizing and placement of screens.</p>	During construction of water supply intake structures / installation of pumps	Prior to operating pumps
3.14	<p>The Proponent shall develop, in consultation with Fisheries and Oceans Canada and any other relevant authorities prior to the start of blasting activities in or near water and implement, during blasting activities in or near water, mitigation measures to avoid adverse effects to fish and fish habitat from the use of explosives taking into account Fisheries and Oceans Canada's <i>Guidelines for the use of explosives in or near Canadian fisheries waters</i> and implement the measures in a manner consistent with the <i>Fisheries Act</i> and its regulations. The Proponent shall provide these measures to the Agency before implementing them.</p> <p><b>Activities Planned to Fulfil Condition:</b> Use of explosives in or near water will be avoided. Should blasting in or near water be required, however, mitigation measures will be developed prior to the start of blasting activities, in consultation with Fisheries and Oceans Canada and any other relevant authorities and in consideration of Fisheries and Oceans Canada's <i>Guidelines for the Use of Explosives in or near Canadian Fisheries Waters</i>. Measures to avoid adverse effects to fish and fish</p>	Prior to any blasting activities in or near water	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
	<p>habitat will be implemented in a manner consistent with the <i>Fisheries Act</i> and its regulations, and the Agency will be provided with any such measures prior to their implementation.</p>		
<p>3.15 (and all sub-conditions 3.15.1 to 3.15.4)</p>	<p>The Proponent shall develop procedures to identify and manage all mine rock that has the potential for or is already undergoing acid generation or metal leaching during all phases of the Designated Project in consultation with Environment and Climate Change Canada, Natural Resources Canada and any other relevant authorities, taking into account the Mine Environment Neutral Drainage Program’s <i>Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials</i>, and implement these procedures during all phases of the Designated Project. In doing so, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 3.15.1 - characterize, prior to construction, the acid rock drainage and metal leaching potential of the overburden and other mine rock to be used for construction;</li> <li>• 3.15.2 - conduct geochemical testing of waste rock and tailings during operation to verify the magnitude and onset of potential acid rock drainage in waste rock and tailings;</li> <li>• 3.15.3 - taking into account the geochemical testing in condition 3.15.2, develop procedures for segregation of potentially acid generating and metal leaching materials and additional mitigation for storage of waste rock, low-grade ore and other ore;</li> <li>• 3.15.4 - cover all acid generating, potentially acid-generating, and potentially metal leaching materials with an oxygen-limiting barrier prior to the onset of acid rock drainage unless not technically or economically feasible. If not technically or economically feasible, the proponent shall develop additional procedures to prevent the contamination of the receiving environment by acid generating, potentially acid generating, and potentially metal leaching materials, and implement these measures. The proponent shall submit these measures to the Agency prior to implementation; and</li> <li>• 3.15.5 - not use any acid generating and potentially acid generating materials for construction purposes, including earthworks and grading.</li> </ul>	<p>Prior to construction</p>	<p>Ongoing over the life of the Project</p>
<p><b>Activities Planned to Fulfil Condition:</b>  Marathon has completed test work and modelling to update the ARD/ML Management Plan submitted as part of the environmental assessment (EA) process in January 2022. The updated Plan will include the results of the test work and modelling outlined in the January version. This Plan includes a summary of the characterization of the acid rock drainage and metal leaching (ARD/ML) potential of overburden, mine waste, open pit wall rock, and rock materials to be used in construction; a plan for confirmatory test work to be conducted on waste rock and tailings and construction rock during construction and operations; potentially acid-generating (PAG) rock management and water quality monitoring. The testing and management procedures outlined in the Plan will ensure that no acid-generating or potentially acid-generating materials will be used in construction. This includes covering of all acid generating, potentially acid-generating, and potentially metal leaching materials, as well as other management procedures to protect the environment. Marathon will submit all planned measures to the Agency prior to implementation.</p>			

Condition Number	Condition	Commencement	Estimated Completion
	<p>A Phase III ARD/ML Report is being prepared, which will contain the details on all test work and assessment/modelling completed to date and provide recommendations regarding ongoing and future work. The Mine Environment Neutral Drainage Program has and will continue to be used in the assessment and management of rock and soil materials associated with the development, operation, and closure of the Project.</p> <p>The results of the ARD/ML test work and the development and implementation of procedures for the mitigation and management of PAG rock will be completed in consultation with Environment and Climate Change Canada, Natural Resources Canada, and other relevant authorities.</p>		
3.16	<p>The Proponent shall store fuel and hazardous materials a minimum of 200 meters from the tributaries of the Victoria River as identified under Fisheries and Oceans Canada’s Newfoundland and Labrador Scheduled Salmon Rivers and 100 meters from all other waterbodies.</p> <p><b>Activities Planned to Fulfil Condition:</b> The requirement to store fuel and hazardous materials a minimum of 200 meters from the tributaries of the Victoria River as identified under Fisheries and Oceans Canada’s Newfoundland and Labrador Scheduled Salmon Rivers and 100 meters from all other waterbodies has been incorporated in the Construction EPP, which forms part of the contract documents and work packages. Fuel and hazardous materials storage will be monitored during all Project phases to confirm compliance.</p>	From start of construction	Ongoing over the life of the Project
3.17 (and all sub-conditions 3.17.1 to 3.17.5)	<p>The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as they pertain to adverse environmental effects of the Designated Project on fish and fish habitat. The Proponent shall implement the follow-up program during all phases of the Designated Project, taking into account the Monitoring Framework in Section 7.9.1 of the environmental impact statement and including the environmental effects monitoring requirements set out in Schedule 5 of the Metal and Diamond Mining Effluent Regulations. As part of the follow-up program, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 3.17.1 - monitor open pits for the development of high hydraulic conductivity zones, as well as groundwater levels and groundwater flows associated with pit dewatering and pit filling to verify long-term hydraulic containment within the pits that may enhance groundwater flow;</li> <li>• 3.17.2 - monitor, during all phases of the project, surface water and groundwater flows, levels and quality to verify the assessment predictions identified in Appendices 7A, 7B and 7C of the environmental impact statement;</li> <li>• 3.17.3 - monitor, during all phases of the Designated Project, in consultation with relevant authorities, and taking into account the Canadian Council of Ministers of the Environment’s Canadian Water Quality Guidelines for Protection of Aquatic Life, contaminants of concern prescribed by the Metal and Diamond Mining Effluent Regulations as well as mercury,</li> </ul>	Prior to construction	Ongoing throughout the duration of the follow-up program until completion of the program

Condition Number	Condition	Commencement	Estimated Completion
	<p>chromium, nitrogen, and phosphorous at locations identified in Section 7.9.1 of the environmental impact statement and at offshore locations on Valentine and Victoria lakes to confirm the zone of influence predicted in the assimilative capacity assessment in appendix 7C of the environmental impact statement;</p> <ul style="list-style-type: none"> <li>• 3.17.4 - monitor, during decommissioning, and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, the water quality of the pit lake during filling to verify that it complies with the pollution prevention provisions of the <i>Fisheries Act</i> prior to connecting it to the receiving environment; and</li> <li>• 3.17.5 - if the results of the monitoring referred to in conditions 3.17.1, 3.17.2, 3.17.3 or 3.17.4 demonstrate that modified or additional mitigation measures are required to protect fish and fish habitat from changes to water quality, develop and implement modified or additional mitigation measures. The Proponent shall submit these measures to the Agency before implementing them.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b></p> <p>The follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as they pertain to adverse environmental effects of the Designated Project on fish and fish habitat is being developed in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada, and other relevant authorities. Information related to the fish and fish habitat follow-up program was provided to Qalipu and MFN on June 30, 2022, and comments have been received from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the follow-up program. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating the results of those consultations where appropriate per conditions 2.3 and 2.4.</p> <p>The follow-up program will be implemented and reported on during all Project phases, in accordance with the applicable EA conditions from Section 2 (General Conditions) and Marathon will continue to engage with each Indigenous group in the implementation of the program.</p> <p>Open pits will be monitored for the development of high hydraulic conductivity zones, as will groundwater levels and groundwater flows associated with pit dewatering and pit filling to verify long-term hydraulic containment within the pits that may enhance groundwater flow. Surface water and groundwater flows, levels and quality will be monitored during all Project phases to verify the EIS assessment predictions. Contaminants of concern prescribed by the Metal and Diamond Mining Effluent Regulations, as well as mercury, chromium, nitrogen, and phosphorous, will be monitored at locations agreed-upon with the applicable regulatory authorities, to confirm the zone of influence predicted in the assimilative capacity assessment in the EIS. Water quality of the pit lake during filling will be monitored, during decommissioning and in consultation with Indigenous groups, Environment and Climate Change Canada, and other relevant authorities, to verify that it complies with the pollution prevention provisions of the <i>Fisheries Act</i> prior to connecting it to the receiving environment.</p> <p>If the results of the monitoring referred to in conditions 3.17.1, 3.17.2, 3.17.3 or 3.17.4 demonstrate that modified or additional mitigation measures are required to protect fish and fish habitat from changes to water quality, these will be developed in consultation with Indigenous groups and the relevant authorities and provided to the Agency prior to their implementation.</p>		

Condition Number	Condition	Commencement	Estimated Completion
3.18	<p>The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, Environment and Climate Change Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as they pertain to acid rock drainage and metal leaching into the receiving environment from the Designated Project area, including from the waste rock storage areas, low-grade ore and ore stockpiles, and the tailings management facility. The Proponent shall implement the follow-up program through all phases of the Designated Project.</p> <p><b>Activities Planned to Fulfil Condition:</b>            The follow-up program for acid rock drainage and metal leaching is being developed in consultation with Indigenous Groups, Fisheries and Oceans Canada, Environment and Climate Change Canada, and other relevant authorities, per conditions 2.3 and 2.4. Information related to the ARD/ML follow-up program was provided to Qalipu and Miawpukek for review on July 11, 2022, and comments have been received from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the follow-up program. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating the results of those consultations where appropriate per conditions 2.3 and 2.4. Marathon will continue to engage with each Indigenous group over the life of the follow-up program.</p>	Prior to construction	Ongoing over the life of the Project

#### 4 Migratory Birds

Condition Number	Condition	Commencement	Estimated Completion
4.1	<p>The Proponent shall carry out the Designated Project, including vegetation clearing and blasting, 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 Guidelines to reduce risk to migratory birds.</p> <p><b>Activities Planned to Fulfil Condition:</b>            Marathon will carry out the Project, including vegetation clearing and blasting, in such a way that it protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. Work will be undertaken in compliance with the <i>Migratory Birds Convention Act, 1994</i>, the Migratory Birds Regulations, and the <i>Species at Risk Act</i>. Environment and Climate Change Canada’s Guidelines to reduce risk to migratory birds have been taken into account in developing the mitigation measures, which will be incorporated into the migratory birds follow-up program, and specified in the Construction EPP which forms part of the contract documents and work packages.</p>	From start of construction	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
4.2	<p>The Proponent shall conduct vegetation clearing outside of the applicable regional nesting periods for the Designated Project area, unless not technically feasible. If not technically feasible, the Proponent shall develop and implement additional mitigation measures, in consultation with Environment and Climate Change Canada, including the use of non-intrusive monitoring methods and setbacks. The Proponent shall submit these measures to the Agency prior to their implementation.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon will endeavour to conduct vegetation clearing outside of the regional nesting period (April 15 to August 15), where technically feasible. If it is not technically feasible for these activities to avoid this period, Marathon will develop and implement additional mitigation measures in consultation with Environment and Climate Change Canada, including monitoring and setbacks to avoid adverse effects on migratory birds, and their nests and eggs. Any such mitigation measures will be submitted to the Agency prior to their implementation.</p>	Ongoing over the life of the Project	Ongoing over the life of the Project
4.3	<p>The Proponent shall delineate, prior to the start of tree clearing, the areas in the Designated Project area where tree clearing, including along roads, will take place and shall not undertake any tree clearing outside these areas, unless required for health and safety reasons.</p> <p><b>Activities Planned to Fulfil Condition:</b> Prior to the start of tree clearing in an area (including along roads), the area to be cleared will be delineated, and no tree clearing will be permitted outside of the demarcated area (unless required for health and safety reasons). This measure is included in the Construction EPP, which forms part of the contract documents and work packages.</p>	Prior to tree clearing	Following all tree clearing
4.4 (and sub-condition 4.4.1)	<p>The Proponent shall, during construction, operation and decommissioning, use and maintain noise-dampening technologies on all vehicles and heavy equipment used in the Designated Project area. In doing so the Proponent shall:</p> <ul style="list-style-type: none"> <li>4.4.1 - keep the technologies in good working order through the implementation of a regular inspection program.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b> Noise-dampening technologies will be used and maintained on vehicles and heavy equipment during construction, operation and decommissioning. Equipment will be regularly inspected to ensure proper working order of noise dampening technology, and contractors will be required to report on regular maintenance of equipment, including noise dampening technology, to Marathon as part of regular monthly compliance reporting. These requirements are being incorporated into the contract documents and the Construction EPP, which forms part of the contract documents and work packages.</p>	From start of construction	Ongoing over the life of the Project
4.5	The Proponent shall establish speed limits in accordance with provincial regulations on temporary and permanent roads located within the Designated Project area and require that all persons abide by these speed limits.	Prior to construction	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
	<p><b>Activities Planned to Fulfil Condition:</b>            Speed limits will be set in accordance with provincial regulations and industry standards (e.g., for haul roads). Additional speed restrictions (determined in consultation with the NL Department of Fisheries, Forestry and Agriculture [NLDFFA] – Wildlife Division) will be posted and communicated during the caribou migration periods. Project vehicles will be required to comply with posted speed limits in all areas, and compliance will be monitored throughout all Project phases.</p>		
4.6	<p>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 including migratory birds that are listed species at risk, while meeting health and safety requirements.</p> <p><b>Activities Planned to Fulfil Condition:</b>            Project lighting will be limited to that which is necessary for safe and efficient activities, with consideration for lighting design guidelines such as the Commission Internationale de L'Éclairage, International Dark Sky Association, and Illuminating Engineering Society. To avoid adverse effects on migratory birds, only the amount of lighting required for safe construction and operation activities will be installed, and exterior lights will be low intensity and shielded from above, providing downward illumination where practicable. Lighting will be designed to avoid excessive use of mobile flood lighting units, and these will be turned off when not required. Full cut-off luminaires will be used wherever practicable to reduce glare, light trespass and sky glow from Project lighting and, to the extent feasible without affecting safe mine operations, exterior lighting will be reduced and/or have limited time of operation during sensitive wildlife periods.</p>	From start of construction	Ongoing over the life of the Project
4.7 (and all sub-conditions 4.7.1 to 4.7.2)	<p>The Proponent shall implement, during all phases of the Designated Project, measures to prevent the killing or harming of migratory birds including migratory birds that are listed species at risk, due to their use of the tailings management facility, including by:</p> <ul style="list-style-type: none"> <li>• 4.7.1 - maintaining embankments of the tailings management facility and the sedimentation ponds free of vegetation during operation; and</li> <li>• 4.7.2 - installing and operating, during operations, a cyanide destruction circuit to minimize cyanide concentrations in mine effluent.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b>            Marathon will implement measures to prevent the killing or harming of migratory birds due to their use of the tailings management facility. Embankments of the tailings management facility and sedimentation ponds will be maintained free of vegetation during operations to reduce the attractiveness of the facilities to birds, and a cyanide destruction circuit will be installed and operated to minimize cyanide concentrations in mine effluent. Cyanide detoxification within the mill is part of the Project design, which will result in the degradation of cyanide and precipitation of metals prior to discharge to the tailings management facility.</p>	From start of construction	Ongoing over the life of the Project
4.8 (and all sub-conditions 4.8.1 to 4.8.3)	The Proponent shall develop, prior to construction and in consultation with relevant authorities and Indigenous Groups, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the use by migratory birds, including migratory birds that are listed species at risk, of	Prior to construction	Ongoing throughout the duration of the follow-up program

Condition Number	Condition	Commencement	Estimated Completion
	<p>surface water facilities. As a part of the implementation of the follow-up program, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 4.8.1 - develop water quality objectives for the protection of migratory birds for surface water facilities in consultation with relevant authorities;</li> <li>• 4.8.2 - monitor the use by migratory birds of open aquatic areas, including the tailings management facility during all phases of the Designated Project until such time that water quality in these structures meet legislative requirements and water quality objectives developed pursuant to condition 4.8.1; and</li> <li>• 4.8.3 - if results of the monitoring pursuant to condition 4.8.2 indicate that migratory birds use these open aquatic areas, develop and implement mitigation measures including but not limited to deterrent measures and/or exclusionary measures.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b>            The follow-up program to verify the accuracy of the environmental assessment as it pertains to use by migratory birds of surface water facilities is being developed in consultation with Indigenous groups and Environment and Climate Change Canada – Canadian Wildlife Services. Information related to the migratory birds follow-up program was provided to Qalipu and Miawpukek for review on July 7 and comments have been received from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the follow-up program. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating results of consultation where appropriate as per conditions 2.3 and 2.4. Marathon will continue to engage with each Indigenous group over the life of the follow-up program.</p> <p>The follow-up program will be implemented and reported on during all Project phases, in accordance with the applicable EA conditions from Section 2 (General Conditions).</p>		until completion of the program
4.9 (and all sub-conditions 4.9.1 to 4.9.2)	<p>The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests. The follow-up program shall include the mitigation measures used to comply with conditions 4.1 to 4.6. As part of the development of the follow-up program, the Proponent shall identify performance indicators that shall be used by the Proponent to evaluate the effectiveness of mitigation measures. 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:</p> <ul style="list-style-type: none"> <li>• 4.9.1 - have a qualified individual conduct surveys within the Designated Project area, every year for three years, from the beginning of construction, to confirm the presence of migratory birds, including migratory birds that are listed as species at risk; and</li> </ul>	Prior to construction	Ongoing throughout the duration of the follow-up program until completion of the program

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> <li>4.9.2 - after three years, determine, in consultation with Environment and Climate Change Canada, the frequency of additional surveys based on the results of the surveys conducted pursuant to 4.9.1.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b>            The follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of all mitigation measures to avoid harm to migratory birds and their eggs and nests is being developed in consultation with Indigenous groups and Environment and Climate Change Canada – Canadian Wildlife Services. As noted in the commentary on condition 4.8, information related to the migratory birds follow-up program was provided to Miawpukek and Qalipu on July 7, 2022, and comments have been received from each group. Marathon is currently considering these comments and has offered to meet with each group to discuss the follow-up program. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating results of consultation where appropriate as per conditions 2.3 and 2.4. Marathon will continue to engage with each Indigenous group over the life of the follow-up program.</p> <p>Marathon is developing performance indicators that will be used to evaluate the effectiveness of mitigation measures. The follow-up program will be implemented and reported on during all Project phases, in accordance with the applicable EA conditions from Section 2 (General Conditions). A qualified individual will conduct surveys within the Designated Project area every year for three years, from the beginning of construction, to confirm the presence of migratory birds and, after three years, at a frequency to be determined in consultation with Environment and Climate Change Canada based on the results of the surveys conducted pursuant to 4.9.1.</p>		

## 5 Greenhouse Gas Emissions

Condition Number	Condition	Commencement	Estimated Completion
5.1	<p>The Proponent shall develop the Designated Project area and optimize activities associated with the operation of the Designated Project so as to minimize transportation and distances required to travel within the Designated Project area.</p> <p><b>Activities Planned to Fulfil Condition:</b>            The Project design has been and will continue to be developed and subsequently constructed and operated to optimize transportation and distances required to travel, especially as it pertains to the movement of mine haulage trucks. Logistics and transportation planning and management for construction and operations will utilize busing for personnel and efficient load planning and management for materials transport to and from the site along the site access road. Transportation of materials to and from the site will employ a laydown and marshalling yard in Millertown and warehousing/laydown on site to maximize load efficiency in both directions.</p>	September 2020	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
5.2	<p>The Proponent shall ensure all equipment and vehicles associated with the Designated Project, including those equipment and vehicles operated by third-party contractors, are serviced and maintained in accordance with the manufacturer’s maintenance guidelines.</p> <p><b>Activities Planned to Fulfil Condition:</b> Equipment and vehicles, including those operated by contractors and sub-contractors, will be regularly serviced and maintained in accordance with the manufacturer’s maintenance guidelines. Contractors will be required to report on regular maintenance of equipment to Marathon as part of regular monthly compliance reporting. These requirements are being incorporated into the contract documents and the Construction EPP, which forms part of the contract documents and work packages.</p>	From start of construction	Ongoing over the life of the Project
5.3 (and all sub-conditions 5.3.1 to 5.3.2)	<p>The Proponent shall develop, prior to construction and in consultation with relevant authorities, measures to reduce the fuel consumption of equipment and vehicles associated with the Designated Project, including those operated by the Proponent and other third-party contractors. The Proponent shall apply the measures during all phases of the Designated Project. The measures shall include:</p> <ul style="list-style-type: none"> <li>• 5.3.1 – the development of no-idling and cold start policies for equipment and vehicles operating in the Designated Project area; and</li> <li>• 5.3.2 – procedures to ensure that any person complies with the policies developed pursuant to condition 5.3.1, unless there are technical constraints related to the operation of the equipment and vehicles or constraints related to health or safety.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b> No-idling and cold start policies are being developed in consultation with relevant authorities and will be implemented for mobile equipment and vehicles operating in the Project area. Monitoring will be conducted throughout all Project phases to verify conformance with these policies, including by contractors, subject to technical constraints related to the operation of the equipment and vehicles, or constraints related to health or safety.</p>	Prior to construction	Ongoing over the life of the Project

## 6 Health and Socio-Economic Conditions of Indigenous Peoples

Condition Number	Condition	Commencement	Estimated Completion
6.1 (and all sub-conditions 6.1.1 to 6.1.4)	<p>The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Health Canada and any other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects of changes to the quality of air, water and country foods on the health of Indigenous Peoples, taking into account available traditional knowledge provided by Indigenous groups related to current use of lands and resources for</p>	Prior to construction	Ongoing throughout the duration of the follow-up program until completion of the program

Condition Number	Condition	Commencement	Estimated Completion
	<p>traditional purposes. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 6.1.1 – identify the fish species used by Indigenous groups for fish tissue sampling and the surface waters locations used by Indigenous groups where water quality testing and fish tissue sampling will occur;</li> <li>• 6.1.2 – monitor methylmercury, chromium and arsenic in surface water and fish tissue of species identified in 6.1.1 in locations determined pursuant to condition 6.1.1;</li> <li>• 6.1.3 – monitor ambient air concentrations of contaminants of concern, as described in section 5.9 of the EIS, taking into account the standards and criteria set out in the Canadian Council of Ministers of the Environment’s Canadian Ambient Air Quality Standards and Newfoundland and Labrador’s <i>Air Pollution Control Regulations</i>; and</li> <li>• 6.1.4 – identify additional country foods beyond fish that are being harvested within areas where Designated Project-related contamination of these country foods may occur, as indicated by available traditional knowledge and monitor for contaminants of concern in these country foods at locations identified in consultation with Indigenous groups.</li> </ul>		
	<p><b>Activities Planned to Fulfil Condition:</b></p> <p>The follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects of Project-related changes to the quality of air, water and country foods on the health of Indigenous Peoples is being developed in consultation with Indigenous groups, Department of Fisheries and Oceans Canada, Environment and Climate Change Canada, and other relevant authorities. Information related to the proposed follow-up program was provided to Miwapukek and Qalipu (see commentary on condition 2.4 ) and Marathon has received comments from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the follow-up program. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating results of consultation where appropriate as per conditions 2.3 and 2.4.</p> <p>The follow-up program will be implemented and reported on during all Project phases, in accordance with the applicable EA conditions from Section 2 (General Conditions) and Marathon will continue to engage with each Indigenous group over the life of the follow-up program.</p>		

## 7 Current Use of Lands and Resources for Traditional Purposes

Condition Number	Condition	Commencement	Estimated Completion
	The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a communication plan to share information with Indigenous groups on the	June 2022	Upon rehabilitation and closure

Condition Number	Condition	Commencement	Estimated Completion
7.1 (and all sub-conditions 7.1.1 to 7.1.4)	<p>adverse environmental effects of Designated Project activities as they relate to the current use of lands and resources for traditional purposes. The Proponent shall implement and maintain the communication plan during all phases of the Designated Project. The communication plan shall include:</p> <ul style="list-style-type: none"> <li>• 7.1.1 – identification of Designated Project activities that may affect the quality of experience of Indigenous uses of lands and resources for traditional purposes, including hunting, trapping, fishing and/or gathering;</li> <li>• 7.1.2 – procedures, including timing and methods, for sharing information on the following:</li> <li>• 7.1.3 – the location and timing of Designated Project activities identified pursuant to condition 7.1.1; and</li> <li>• 7.1.4 – the results of the follow-up programs referred to in conditions 3.17, 3.18, 4.8, 4.9 and 6.1, and the modified or additional mitigation measures developed and implemented by the Proponent pursuant to condition 2.6 for each follow-up program.</li> </ul>		
<p><b>Activities Planned to Fulfil Condition:</b></p> <p>Marathon has engaged and will continue to engage with both Miawpukek and Qalipu respecting the potential adverse effects of the Project upon the current use of lands and resources for traditional purposes, including the funding of traditional knowledge/traditional land use studies by each Indigenous group. Marathon’s proposed plan for communicating with Indigenous groups regarding adverse effects related to the current use of lands and resources for traditional purposes was shared with Miawpukek and Qalipu on July 8, 2022, and comments have been received from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the information and any issues of concern. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating results of consultation where appropriate as per conditions 2.3 and 2.4.</p> <p>The communication plan, which is being developed in consultation with each Indigenous group, is intended to formalize a process to inform Indigenous groups about Project-related activities that may affect opportunities for, or the quality of experience related to, the harvesting of plants, fish and game, including access, and will implement this plan during all Project phases. The plan builds upon existing Indigenous engagement strategies and includes the following components:</p> <ul style="list-style-type: none"> <li>• Purpose and scope of communication plan</li> <li>• Roles and responsibilities of each party to the communication plan</li> <li>• Procedures for information-sharing in relation to the matters identified in conditions 7.1.1., 7.1.3 and 7.1.4, including the method, timing and frequency of communications</li> <li>• Identification of recipients of shared information and contact information</li> <li>• Procedures to enable Indigenous persons to express concerns and identify issues relating to the current use of land and resources for traditional purposes, including the form, method and timelines for the transmission of such information by Indigenous groups to Marathon</li> </ul>			

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> <li>• Procedures to prescribe the communication of Marathon’s response to Indigenous concerns, including through the implementation of additional or modified mitigation measures and the form, method and timelines for the transmission of such information by Marathon to the Indigenous groups</li> <li>• Use of the Project website, social media and print media</li> <li>• Documentation and maintenance of records</li> <li>• Periodic consolidation and reporting of communications to Indigenous groups, including through annual community meetings to provide Project update and report on compliance with conditions</li> <li>• Procedures for updating the Indigenous communication plan as required</li> </ul>		
7.2	<p>The Proponent shall develop, as part of the communication plan referred to in condition 7.1 and in consultation with Indigenous groups, procedures for Indigenous groups to communicate to the Proponent their concerns or views about adverse environmental effects caused by the Designated Project related to the current use of lands and resources for traditional purposes, including issues of access, and procedures for the Proponent to document and respond in a timely manner to the concerns received and demonstrate how issues have been addressed, including through the implementation of additional or modified mitigation measures. The Proponent shall implement these procedures during all phases of the Designated Project.</p> <p><b>Activities Planned to Fulfil Condition:</b>  As noted in the commentary to condition 7.1, the communication plan is being developed in consultation with Indigenous groups pursuant to condition 7.1 and describes the methods by which Indigenous groups can provide feedback to Marathon respecting the effects of the Project upon the current use of land and resources for traditional purposes as well as the process by which Marathon will share information and respond to this feedback. All feedback received from Indigenous groups and Marathon’s response to feedback will be documented and recorded and this record will be shared with Indigenous groups in accordance with the terms of the communication plan.</p> <p>If and when feedback is received from Indigenous groups, Marathon will respond in a timely manner to demonstrate how issues have been addressed and as part of this response will provide its rationale for its determination as to whether any modified or additional mitigation measure are required. Additional or modified mitigation measures that Marathon determines are required to address the concerns of Indigenous groups will be implemented. All feedback received during the reporting year and how Marathon has addressed feedback will be provided to Agency as part of the annual report referred to in condition 2.10, including information relating to any additional or modified mitigation measures that Marathon has implemented or plans to implement, or a rationale as to why no additional or modified mitigation measure is required to address the feedback.</p>	June 2022	Upon rehabilitation and closure
7.3	<p>The Proponent shall develop, prior to construction and in consultation with Indigenous groups, cultural awareness training for all employees and contractors associated with the Designated Project. The Proponent shall implement the training prior to the start of construction and during all phases of the Designated Project.</p>	From start of construction	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
	<p><b>Activities Planned to Fulfil Condition:</b>            Marathon has committed to providing mandatory cultural awareness and cultural sensitivity to all employees and contractors as part of the Benefits Agreement concluded with the Province of Newfoundland and Labrador. Pursuant to this commitment, Marathon has engaged in discussions with both Qalipu and Miawpukek respecting cultural awareness resources and has included a commitment to work with each group to develop and deliver appropriate training programs for employees and contractors as part of the Socio-Economic Agreement (SEA) concluded with Qalipu in 2021 and during ongoing SEA negotiations with Miawpukek.</p>		

## 8 Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance

Condition Number	Condition	Commencement	Estimated Completion
8.1 (and all sub-conditions 8.1.1 to 8.1.5)	<p>For 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 any phase of the Designated Project, the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 8.1.1 - immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;</li> <li>• 8.1.2 - delineate an area of at least 30 meters around the discovery as a no-work zone;</li> <li>• 8.1.3 - inform the Agency and Indigenous groups within 24 hours of the discovery, and allow Indigenous groups to monitor archaeological works;</li> <li>• 8.1.4 - have a qualified individual, whose expertise pertains to the requirements of Newfoundland and Labrador's <i>Historic Resources Act</i>, conduct an assessment of the discovery at the location of the discovery; and</li> <li>• 8.1.5 - consult with Indigenous groups and relevant authorities on the manner by which to comply with all applicable legislative or legal requirements and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b>            Should any previously unidentified structure, site or thing of historical, archaeological, paleontological or architectural significance be discovered within the Project area by Marathon or be brought to Marathon's attention by an Indigenous group or another party during any Project phase, Marathon will immediately halt work at the location of the discovery and will follow the steps as specified in sub-conditions 8.1.1 to 8.1.5.</p>	From start of construction	Ongoing over the life of the Project

Condition Number	Condition	Commencement	Estimated Completion
8.2	The Proponent shall require all employees and contractors associated with the Designated Project to undertake, before they conduct any construction activity within the Designated Project area, an awareness training program about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance referred to in condition 8.1. The proponent shall develop the awareness training program in consultation with Indigenous groups.	From start of construction	Ongoing over the life of the Project
	<p><b>Activities Planned to Fulfil Condition:</b></p> <p>All employees and contractors are required to undertake an environmental orientation prior to conducting any work at site. The orientation includes awareness training about the procedures related to the discovery and protection of structures, sites or things of historical, archaeological, paleontological or architectural significance. As a result of its continuing engagement with Qalipu and Miawpukek (including during ongoing SEA negotiations with Miawpukek), Marathon is aware of the importance of protecting structures, sites and things of historical, archaeological, paleontological and architectural significance, and will work with each group in the development of the awareness training program.</p>		

## 9 Species at Risk

Condition Number	Condition	Commencement	Estimated Completion
9.1	The Proponent shall identify, prior to construction and in consultation with relevant authorities, time periods during which Designated Project activities that may adversely impact woodland caribou ( <i>Rangifer tarandus</i> caribou) must be carried out in order to protect the species.	Prior to construction	Prior to construction
	<p><b>Activities Planned to Fulfil Condition:</b></p> <p>Marathon has been conducting baseline caribou monitoring since 2019, including collaring and tracking, camera traps, and post-calving surveys, and visual observations. This data, along with historical data provided by the NLDFFA – Wildlife Division, has been used to assess caribou activity in proximity to the site and the resulting information respecting caribou activity has been used to determine time periods during which Project Activities may adversely impact caribou and the mitigations that will be employed to protect caribou during these periods. Where possible, Project activities that may adversely impact caribou will be completed outside these time periods, however, where specific activities must be carried out during these time periods, mitigations will be implemented to reduce potential effects including the reduction of certain Project activities during these time periods as described in the Caribou Protection and Environmental Effects Monitoring Plan (CPEEMP). The CPEEMP was developed in consultation with the NLDFFA – Wildlife Division, Indigenous groups and the NL Outfitters Association.</p>		

Condition Number	Condition	Commencement	Estimated Completion
9.2	<p>The proponent shall conduct the activities that may adversely impact woodland caribou (<i>Rangifer tarandus</i> caribou) during the time periods identified pursuant to condition 9.1, unless not technically feasible.</p> <p><b>Activities Planned to Fulfil Condition:</b> Marathon shall conduct activities during the time periods identified in condition 9.1, unless not technically feasible. As the time periods during which Project activities that may adversely impact caribou vary seasonally and annually, Marathon will consult with relevant authorities where activities that must be carried out during the time periods identified in condition 9.1 may require modification.</p>	Prior to construction	Ongoing over the life of the Project
9.3	<p>The Proponent shall, during all phases of the Designated Project in consultation with Environment and Climate Change Canada and other relevant authorities, mitigate adverse environmental effects on woodland caribou (<i>Rangifer tarandus</i> caribou) and its habitat, including by carrying out Designated project activities during time periods referred to in condition 9.2 for woodland caribou (<i>Rangifer tarandus</i> caribou). In doing so, the Proponent shall give preference to avoiding the destruction or alteration of habitat over minimizing the destruction or alteration of habitat, to minimizing the destruction or alteration of habitat over restoring altered or destroyed habitat on-site, and to restoring altered or destroyed habitat on-site over offsetting.</p> <p><b>Activities Planned to Fulfil Condition:</b> The mitigations developed during the EA process and CPEEMP, and which will be employed during all phases of the Project to reduce adverse effects on caribou, are based on the mitigation hierarchy of 1) avoid; 2) minimize; 3) restore; and 4) offset. The same mitigation hierarchy will also be employed where/if adaptive management measures are required based on follow-up monitoring results, in consultation with Environment and Climate Change Canada, the NLDFFA – Wildlife Division, and other relevant authorities.</p>	Prior to construction	Ongoing over the life of the Project
9.4	<p>The Proponent shall, during all phases of the Designated Project in consultation with Environment and Climate Change Canada and other relevant authorities, mitigate adverse environmental effects on American marten (<i>Martes americana</i>) and its habitat. In doing so, the Proponent shall give preference to avoiding the destruction or alteration of habitat over minimizing the destruction or alteration of habitat, to minimizing the destruction or alteration of habitat over restoring altered or destroyed habitat on-site, and to restoring altered or destroyed habitat on-site over offsetting.</p> <p><b>Activities Planned to Fulfil Condition:</b> The mitigations developed during the EA process, and which will be employed during all phases of the Project to reduce adverse effects on American marten, are based on the mitigation hierarchy of 1) avoid; 2) minimize; 3) restore; and 4) offset. The same mitigation hierarchy will also be employed where/if adaptive management measures are required based on follow-up monitoring results, in consultation with Environment and Climate Change Canada, the NLDFFA – Wildlife Division, and other relevant authorities.</p>	Prior to construction	Ongoing over the life of the Project

## 10 Accidents and Malfunctions

Condition Number	Condition	Commencement	Estimated Completion
10.1 (and sub-condition 10.1.1)	<p>The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effects from accidents and malfunctions that occur. In doing so the Proponent shall:</p> <ul style="list-style-type: none"> <li>• 10.1.1 - design, construct and operate the tailings management facility dams taking into account the Canadian Dam Association's <i>Dam Safety Guidelines</i> and the Mining Association of Canada's <i>Guide to the Management of Tailings Facilities</i>.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b> Proper design, construction and operation of Project components are the key factors in preventing accidents and malfunctions. The planning and design for the tailings management facility has been completed by an expert 3rd party and independently peer-reviewed, and an Independent Tailings Review Board was established in 2021. Marathon is committed to following the Canadian Dam Association's <i>Dam Safety Guidelines</i> and the Mining Association of Canada's <i>Guide to the Management of Tailings Facilities</i> over the life of the Project, including closure and post-closure phases.</p>	Prior to construction	Ongoing over the life of the Project
10.2	<p>The Proponent shall consult with Indigenous groups and relevant authorities, prior to construction, on the measures to be implemented to prevent accidents and malfunctions referred to in condition 10.1 and provide these measures to the Agency prior to implementing them.</p> <p><b>Activities Planned to Fulfil Condition:</b> The measures to be implemented to prevent accidents and malfunctions referred to in condition 10.1 are being incorporated into the accidents and malfunctions prevention and response plan (see condition 10.3 below). Marathon is consulting with Indigenous groups and relevant authorities on the measures to prevent accidents and malfunctions, and Marathon will provide these measures to the Agency prior to implementing them.</p>	Prior to construction	Prior to construction
10.3 (and all sub-conditions 10.3.1 to 10.3.2)	<p>The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, an accidents and malfunctions response plan in relation to the Designated Project. The accidents and malfunctions plan shall include:</p> <ul style="list-style-type: none"> <li>• 10.3.1 - a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including spills, fires, explosions and accidental releases from the tailings management facility; and</li> <li>• 10.3.2 - the measures to be implemented in response to each type of accident and malfunction referred to in condition 10.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction, including: <ul style="list-style-type: none"> <li>• 10.3.2.1 - measures to conduct water and fish tissue monitoring following an accidental release from the tailings management facility into water; and</li> </ul> </li> </ul>	Prior to construction	Prior to construction

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> <li>10.3.2.2 - measures to advise the public if results of the monitoring referred to in 10.3.2.1 demonstrate that fish and/or water is not suitable for human consumption.</li> </ul> <p><b>Activities Planned to Fulfil Condition:</b> Marathon is developing an Accidents and Malfunctions Prevention and Response Plan, to be finalized prior to construction and in consultation with Indigenous groups and relevant authorities, which will address all pertinent information per conditions 10.1, 10.3, 10.5 and 10.6. Information regarding planning for prevention of and response to accidents and malfunctions was provided to Miawpukek and Qalipu for review on July 8, 2022, and comments have been received from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the information and any issues of concern. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating results of consultation where appropriate as per conditions 2.3 and 2.4.</p>		
10.4	<p>The Proponent shall maintain up-to-date the accidents and malfunctions response plan referred to in condition 10.3 during all phases of the Designated Project. The Proponent shall submit any updated accidents and malfunctions response plan to the Agency, Indigenous groups and relevant authorities involved in its implementation within 30 days of the plan being updated.</p> <p><b>Activities Planned to Fulfil Condition:</b> The Accidents and Malfunctions Prevention and Response Plan will be maintained and updated as required during all Project phases. The plan will be updated if procedures are identified that require amendments or changes based on regulatory changes, procedural changes, or personnel changes that necessitate updates. Marathon will submit any updated accidents and malfunctions plan to the Agency, Indigenous groups and relevant authorities involved in its implementation within 30 days of the plan being updated.</p>	From start of construction, as applicable	Ongoing over the life of the Project, as applicable
10.5 (and all sub-conditions 10.5.1 to 10.5.5)	<p>In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or a malfunction referred to in condition 10.3.1, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any measure referred to in condition 10.3.2, and shall:</p> <ul style="list-style-type: none"> <li>10.5.1 - implement the communication plan referred to in condition 10.6;</li> <li>10.5.2 - notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislative and regulatory requirements;</li> <li>10.5.3 - notify, as soon as possible and pursuant to the communication plan referred to in condition 10.6, Indigenous groups of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying Indigenous groups and the Agency, the Proponent shall specify: <ul style="list-style-type: none"> <li>10.5.3.1 - the date and time when and location where the accident or malfunction occurred within the Designated Project area;</li> <li>10.5.3.2 - a summary description of the accident or malfunction; and</li> </ul> </li> </ul>	From start of construction, as applicable	Ongoing over the life of the Project, as applicable

Condition Number	Condition	Commencement	Estimated Completion
	<ul style="list-style-type: none"> <li>• 10.5.3.3 - a list of any substance potentially released into the environment as a result of the accident or malfunction;</li> <li>• 10.5.4 - submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:               <ul style="list-style-type: none"> <li>• 10.5.4.1 - a detailed description of the accident or malfunction and of its adverse environmental effects;</li> <li>• 10.5.4.2 - a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;</li> <li>• 10.5.4.3 - any view from Indigenous groups and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects;</li> <li>• 10.5.4.4 - a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and</li> <li>• 10.5.4.5 - details concerning the implementation of the accident or malfunction response plan referred to in condition 10.3.</li> </ul> </li> <li>• 10.5.5 - submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes:               <ul style="list-style-type: none"> <li>• 10.5.5.1 - a description of the changes made to avoid a subsequent occurrence of the accident or malfunction;</li> <li>• 10.5.5.2 - the modified or additional measure(s) implemented by the Proponent 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 10.5.3; and</li> <li>• 10.5.5.3 - all additional views from Indigenous groups and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 10.5.3.3 were received by the Proponent.</li> </ul> </li> </ul>		
	<p><b>Activities Planned to Fulfil Condition:</b>            Marathon is developing an Accidents and Malfunctions Prevention and Response Plan, to be finalized prior to construction, to address all pertinent information required by conditions 10.1, 10.3, 10.5 and 10.6. The plan will provide guidance to all personnel on the collection and communication of critical information necessary to respond to the accident or malfunction, notification of and communication with Indigenous groups as required by the communication plan referenced in condition 10.6, the Agency and any other relevant authorities, and reporting requirements, including the report referenced in condition 10.5.5. As noted in the commentary on condition 10.3, both Miawpukek and Qalipu are being consulted in development of the plan. Marathon will incorporate the results of consultation where appropriate per conditions 2.3 and 2.4.</p>		

Condition Number	Condition	Commencement	Estimated Completion
10.6 (and all sub-conditions 10.6.1 to 10.6.3)	<p>The Proponent shall develop, in consultation with Indigenous groups, a communication plan for Designated Project accidents and malfunctions. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up to date during all phases of the Designated Project. The plan shall include:</p> <ul style="list-style-type: none"> <li>• 10.6.1 - the types of accidents and malfunctions requiring the Proponent to notify the Indigenous groups;</li> <li>• 10.6.2 - the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunity for the Indigenous groups to assist in the response to the accident or malfunction; and</li> <li>• 10.6.3 - the names and contact information of the Proponent and Indigenous group representatives for the purposes of notifying pursuant to condition 10.6.2 and communicating about accidents and malfunctions.</li> </ul>	June 2022	Upon rehabilitation and closure
<p><b>Activities Planned to Fulfil Condition:</b></p> <p>Marathon is developing a communication plan for accidents and malfunctions, as a component of the accidents and malfunctions prevention and response plan. Information regarding planning for prevention of and response to accidents and malfunctions, including the communication plan component, was provided to Miawpukek and Qalipu for review on July 8, 2022, and comments have been received from each group. Marathon is currently reviewing these comments and has offered to meet with each group to discuss the information and any issues of concern. Miawpukek and Qalipu will be advised as to how their comments have been taken into account, including incorporating results of consultation where appropriate as per conditions 2.3 and 2.4.</p> <p>The communication plan will be implemented and updated throughout the phases of the Project, including the following components:</p> <ul style="list-style-type: none"> <li>• A process, including criteria, for the identification of the types of accidents and malfunctions which will be the subject of notification to Indigenous groups</li> <li>• Reporting process, including method, format, content and timing of Marathon’s notification to Indigenous groups</li> <li>• Identification and contact information of the Marathon and Indigenous group representatives for purposes of notification and communication</li> <li>• Procedures for updating the plan</li> </ul>			

## 11 Schedules

Condition Number	Condition	Commencement	Estimated Completion
11.1	<p>The Proponent shall submit to the Agency and Indigenous groups a schedule for all conditions set out in this Decision Statement no later than 30 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.</p> <p><b>Activities Planned to Fulfil Condition:</b> This report presenting the schedule for all conditions is being submitted to the Agency and Indigenous groups no later than 30 days in advance of the planned construction start date. It details all activities planned to fulfill each condition, with commencement and estimated completion months and years for each activity.</p>	August 2022	August 2022
11.2	<p>The Proponent shall submit to the Agency and Indigenous groups a schedule outlining all activities required to carry out all phases of the Designated Project no later than 30 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.</p> <p><b>Activities Planned to Fulfil Condition:</b> A schedule outlining all activities required to carry out all phases of the Designated Project has been prepared and is being submitted to the Agency and Indigenous groups no later than 30 days in advance of the planned construction start date. The level of detail and timing for the implementation of specific activities are provided to the extent possible.</p>	August 2022	August 2022
11.3	<p>The Proponent shall submit to the Agency and Indigenous groups in writing an update to schedules referred to in conditions 11.1 and 11.2 every year no later than March 31, until completion of all activities referred to in each schedule.</p> <p><b>Activities Planned to Fulfil Condition:</b> An update to the schedules referred to in conditions 11.1 and 11.2 will be submitted to the Agency every year no later than March 31, until all activities referred to in each schedule are complete.</p>	Every year no later than March 31	Upon completion of all activities referred to in each schedule

## 12 Recordkeeping

Condition Number	Condition	Commencement	Estimated Completion
12.1	The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall retain the records and make them available to the Agency 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 provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.	Ongoing	25 years following end of operation or until end of decommissioning
	<p><b>Activities Planned to Fulfil Condition:</b> Records relevant to the implementation of the conditions will be maintained and retained for 25 years following the end of operation, or until the end of decommissioning of the Project, as required. Records will be provided to the Agency upon request.</p>		
12.2	The Proponent shall retain all records referred to in condition 12.1 at a facility in Canada and shall provide the address of the facility to the Agency. 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.	Ongoing	25 years following end of operation or until end of decommissioning
	<p><b>Activities Planned to Fulfil Condition:</b> All records referred to in condition 12.1 will be retained in Canada at Marathon’s corporate office: 36 Lombard Street Suite 600 Toronto, ON M5C 2X3</p> <p>Marathon will notify the Agency if there is a change to the physical location of the facility retaining the records at least 30 days prior to any change, and the new address will be provided to the Agency.</p>		
12.3	The Proponent shall notify the Agency of any change to the contact information of the Proponent.	Ongoing, as applicable	Ongoing, as applicable
	<p><b>Activities Planned to Fulfil Condition:</b> The Agency will be notified if there is a change to the contact information of the Proponent. No changes are anticipated at this time.</p>		