

**Valentine Gold Project: Current Use
of Lands and Resources for
Traditional Purposes Indigenous
Communications Plan**



Marathon Gold Corporation
36 Lombard Street
Suite 600
Toronto, ON M5C 2X3

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Abbreviations

CEAA 2012	<i>Canadian Environmental Assessment Act, 2012</i>
EA	Environmental Assessment
EIS	Valentine Gold Project Environmental Impact Statement
HHRA	Human Health Risk Assessment
IAAC	Impact Assessment Agency of Canada
LAA	Local Assessment Area

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1.0 INTRODUCTION

An Environmental Impact Statement (EIS) for the Valentine Gold Project (the Project) was submitted to the Impact Assessment Agency of Canada (IAAC) on September 29, 2020, and to the Environmental Assessment Division of the Newfoundland and Labrador of Environment and Climate Change (NLDECC) on November 30, 2020 by Marathon Gold Corporation (Marathon). The Project has been released from the provincial Environmental Assessment (EA) process and is currently under review by IAAC.

This ***Current Use of Lands and Resources for Traditional Purposes Indigenous Communication Plan*** (the Plan) is one of a number of plans that Marathon Gold (Marathon) has developed for the Project as required by the EA conditions issued to Marathon by the federal Minister of Environment and Climate Change Canada in the Decision Statement related to the traditional use of lands and resources (EA conditions) and EIS Commitments (Appendix A-1 and A-2, respectively). This Plan has been developed in accordance with Marathon's EIS Commitments and EA conditions and will be subject to refinements over the life of the Project based on Marathon's ongoing engagement with Miawpukek First Nation (MFN) and Qalipu Mi'kmaq First Nation (Qalipu).

The purpose of this Plan is to document the processes to be implemented to ensure the sharing of information on preventing (avoiding), reducing, and/or mitigating adverse environmental effects of Project on the current use of lands and resources for traditional purposes by Indigenous persons during all phases of the Project. This Plan has been developed and will be carried out in accordance with agreements between Marathon and the Indigenous groups, relevant EA Conditions and any regulatory and Project requirements for the construction, operation or rehabilitation and closure of the mine.

1.1 PROJECT OVERVIEW

Marathon proposes to develop the Valentine Gold Project (the Project), an open pit gold mine to be located in the west-central region of the Island of Newfoundland, near Valentine Lake. The Project will use standard surface mining techniques to mine gold ore from the Leprechaun and Marathon open pits. Ore material will initially be mined and processed at a nominal rate of 6,850 tonnes per day (tpd), increasing to 10,960 tpd in Year 4. Current estimates are for a total Project mine excavation of 453 million tonnes of combined ore and waste material. The total ore to be mined from the open pits is estimated to be approximately 41 million tonnes. Ore will be processed through the mill, where it will be crushed, milled and put through flotation and cyanidation processes to recover the gold. Separate stockpiles will be established for high-grade ore for priority processing and low-grade ore for processing later in the mine life. Tailings will be treated in the process plant area to remove the cyanide and subsequently deposited in an engineered tailings management facility in Years 1 to 9, then pumped to the exhausted Leprechaun open pit in Years 10 through 12. Gold will be formed into doré bars, which will be shipped from the site to refiners in secured trucks.

The construction of the Project is expected to take place over a period of approximately 24 months, followed by an estimated mine operation life of 13 years. The Project will operate 24 hours a day, seven

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days a week on a 12-hour shift basis. Upon cessation of mining, the operation will be closed, and the site components will be rehabilitated and monitored in accordance with applicable regulations at the time of closure.

1.2 GOALS AND OBJECTIVES

The purpose of this Plan is to document the processes to be implemented to ensure the sharing of information on preventing (avoiding), reducing, and/or mitigating adverse environmental effects of Project on the current use of lands and resources for traditional purposes by Indigenous persons during all phases of the Project. This Plan has been developed and will be carried out in accordance with agreements between Marathon and Indigenous groups, relevant EA Conditions and any regulatory and Project requirements for the construction, operation or rehabilitation and closure of the mine.

1.3 ROLES AND RESPONSIBILITIES

The Plan will be carried out in a cooperative manner by Marathon and Indigenous Groups as defined in the table below.

Role	Responsibility
Manager of Stakeholder Relations (Marathon) Stakeholder and Indigenous Relations Coordinator (Marathon)	<ul style="list-style-type: none"> • Responsible for coordinating communications with Indigenous communities • Responsible for ensuring required engagement with Indigenous communities occurs within identified timelines and for identified EA conditions and EIS commitments as well as any other monitoring plans relevant to the current use of lands and resources for traditional purposes • Responsible for ensuring the obligations in any agreements with Indigenous groups are carried out • Responsible for ensuring appropriate personnel (contractors and staff) are aware of the Plan and follow the procedures contained herein • Provide interpretation or guidance in the event of uncertainty around the requirements of the Plan • Responsible for communications to senior mine management and coordinating communications with potentially affected members of Indigenous groups • Maintaining records relevant to the implementation of Plan • Providing assistance in the fulfillment of reporting requirements as required by the EA Conditions

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Indigenous Groups - Miawpukek First Nation (MFN) and Qalipu Mi'kmaq First Nation(Qalipu)	<ul style="list-style-type: none"> Responsible for participating and providing input and feedback throughout all phases of the Project in accordance with this Plan Responsible for carrying out obligations in any agreements concluded with Marathon
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1.4 RELATED DOCUMENTS

This Plan is linked to other follow-up/monitoring programs, required either by provincial or federal regulators, that are related to the current use of lands and resources for traditional purposes by Indigenous groups:

- Accidents and Malfunctions Prevention and Response Plan* – federal EA Condition 10.3 requires the development of an Accidents and Malfunctions Prevention and Response Plan, which must include a communications component requiring that Indigenous groups be notified/engaged in the event of various potential accidents or malfunctions that may occur at the site or during transportation.
- Fish and Fish Habitat Follow-up Monitoring Program* – federal EA Condition 3.17 requires Marathon to develop a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures pertaining to fish and fish habitat.
- Avifauna Follow-up Monitoring Program* – federal EA Condition 4.8 requires Marathon to develop a follow-up program to verify the accuracy of the environmental assessment pertaining migratory birds, including their use of surface water facilities, and to determine the effectiveness of mitigation measures to avoid harm to migratory birds, their eggs and nests.
- Health and Socio-Economic Conditions of Indigenous Peoples* – federal EA Condition 6.1 requires Marathon to develop a number of follow-up monitoring programs to verify the accuracy of the environmental assessment as it pertains to the adverse environmental effects of Project-related changes to quality of air, water and country foods on the health of

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Indigenous groups related to the current use of lands and resources for traditional purposes. Four documents relate to this Condition:

- Country Foods Follow-up Monitoring Program
- Air Quality Follow-up Monitoring Program
- Surface Water Follow-up Monitoring Program
- Groundwater Follow-up Monitoring Program
- *Construction Environmental Protection Plan (EPP)* – Section 6.6 of the Construction EPP relates to the procedures to be followed in relation to the accidental discoveries of Historic Resources¹
- *Caribou Protection and Environmental Effects Monitoring Plan*²

2.0 BASELINE INFORMATION: CURRENT USE OF LANDS AND RESOURCES FOR TRADITIONAL PURPOSES

As part of the planning and development of the Project, Marathon has engaged two Indigenous groups identified in the federal Environmental Impact Statement Guidelines:

- Miawpukek First Nation (MFN)
- Qalipu Mi'kmaq First Nation (Qalipu)

Additional information on these Indigenous groups and engagement related to the environmental assessment process since 2019 is provided in the *Environmental Impact Statement for the Valentine Project* (EIS) (Chapter 3 and Chapter 17).

In addition to information contained in the EIS, there are several key sources of information for the Project with respect to understanding the potential effects of the Project upon the current use of lands and resources for traditional purposes:

- Traditional Knowledge Studies/Traditional Land Use Studies
(TKS/TLUS) provide an important source of information for the environmental assessment and are relevant to Project execution (including construction). Each group has completed a TKS/TLU study, funded by Marathon, and the information contained in the studies has assisted and will continue to assist Marathon in verifying the predicted potential effects of the Project on traditional activities and interests of each Indigenous group and determining the effectiveness of mitigation measures. It is possible that over time this information may be updated as new information is provided by Indigenous communities.
- Indigenous Agreements

¹ See also federal EA Condition 8 “Physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance “ which requires notification of Indigenous groups in the event of accidental discoveries and consultation with Indigenous groups and relevant authorities on compliance with 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.

² See also federal EA Condition 9.1 Species at Risk.

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Marathon has concluded a Socio-Economic Agreement (SEA) with Qalipu and a Memorandum of Understanding (MOU) with MFN. Marathon is also currently negotiating an SEA with MFN. These agreements contain provisions respecting environmental stewardship, and Indigenous engagement and communication and are to be read in conjunction with this Plan.

- Ongoing Engagement

Marathon has committed to ongoing engagement with Indigenous groups through the life of the Project and to the involvement of each Indigenous group in monitoring and other environmental work which will enable Marathon to enhance its understanding of the current use of lands and resources in the vicinity of the Project and any associated traditional knowledge. Marathon’s approach to engagement under this Communication Protocol is based on its Indigenous Relations Policy and consists of the following key components:

- Open, honest, transparent, respectful dialogue with people and communities over the life of the Project
- Timely, ongoing transmission of relevant Project–related information
- Respect for input of Indigenous groups, and communities and other stakeholders
- Inclusive, culturally sensitive and appropriate methods of engagement
- Acknowledgement of, and responsiveness to, identified issues and concerns
- Integration of feedback from Indigenous groups, communities and stakeholders into and the development and implementation of mitigation

Marathon’s ongoing engagement with Indigenous groups is designed to provide Project related information, including information resulting from monitoring, on a regular and timely basis so that concerns related to potential adverse Project effects on Indigenous use of land and resources may be identified, and input from Indigenous groups can be integrated as appropriate into the design and implementation of mitigation.

Marathon will continue to engage with both Miawpukek and Qalipu and will consider any new or additional information provided by either Indigenous group as it becomes available. The results of ongoing engagement will be used to ensure that any adverse effects of the Project upon traditional land and resource use patterns and updated traditional knowledge information will be taken into account, including in the implementation of additional or modified mitigation measures developed and implemented for any of the follow- up programs referred to in federal EA Condition 7.1.4.

3.0 INDIGENOUS COMMUNICATIONS PLAN

3.1 OVERVIEW

Federal EA Conditions 7.1 and 7.2 require the development/implementation of an Indigenous communication plan with two components: communication of information relating to Project activities that may affect the current use of lands and resources for traditional purposes; and communication of the results of the follow-up programs referenced in federal EA Condition 7.1.4.

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Communications with respect to the potential impacts of the Project upon the current use of lands and resources for traditional purposes must include the following elements:

- a. the identification, timing and location of Project activities that may affect the quality of Indigenous land and resource use, including hunting, trapping, fishing and gathering;
- b. procedures for Indigenous communities to express views and concerns about adverse Project-related effects on the current use of lands and resources for traditional purposes, including access; and
- c. Procedures for the Proponent to document and respond to Indigenous concerns in a timely manner and to demonstrate how issues have been addressed.

Communications with respect to follow-up programs must include the following elements:

- a. the results of the follow-up programs referred to in federal EA Conditions 3.17 (fish and fish habitat), 3.18 (acid rock drainage and metal leaching), 4.8 (migratory birds and surface water facilities), 4.9 (mitigation measures respecting migratory birds, eggs and nests) and 6.1 (health and socio-economic conditions); and
- b. any additional or modified mitigation measures developed in relation to any of these programs.

3.2 COMMUNICATION PROTOCOL: POTENTIAL EFFECTS UPON THE CURRENT USE OF LANDS AND RESOURCES FOR TRADITIONAL PURPOSES

This communication plan is intended to establish a process for dialogue on potential adverse effects of routine Project activities upon the current use of lands and resources for traditional purposes by Qalipu and MFN. It is to be read in conjunction with the communications plan contained in the Accidents and Malfunctions Prevention and Response Plan, which addresses communication with Indigenous groups in the case of an unplanned event or accident which results in adverse environmental effects.

Marathon will follow the communication protocol below in advance of conducting routine Project activities related to the Project (either on-site, or in the surrounding area) that may have adverse effects on current use of lands and resources for traditional purposes by MFN or Qalipu. For purposes of this protocol, “*Designated Project Area*” means the geographic area occupied by the Designated Project, as defined by “mine site” in Figure 4 of the federal EA Report.

The communication protocol pertaining to federal EA Conditions 7.1.1. – 7.1.3 consists of the following steps:

1. Qalipu and MFN will provide Marathon’s Manager of Stakeholder Relations with the name(s) and contact information of the individual(s) who have been designated to receive notification under this communication protocol (Indigenous Representatives³).

³ The SEA concluded with Qalipu provides for the establishment of a joint Environmental Stewardship Committee and a similar structure is under negotiation with MFN. The possibility exists that the Indigenous members of the Environmental Stewardship Committee could function as the Indigenous Representatives for purposes of this Communications Plan.

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2. Fourteen (14) days prior to the start of construction and on a quarterly basis thereafter, Marathon will provide a notice in writing (e-mail or correspondence) to the Indigenous Representatives which notice shall contain:
 - a. a Project schedule listing all activities to be conducted in the Designated Project Area for the next three months;
 - b. the identification of those Project activities referenced in a. above that may affect access to or the quality of the experience of Indigenous uses of lands and resources for traditional purposes including hunting, trapping, fishing and/or gathering and the location, timing, duration and frequency of these Project activities;
 - c. a preliminary identification of any potential effects of the activities referenced in b. above on current use of lands and resources for traditional purposes by Indigenous groups, as identified in the EIS, TKS/TLUS reports or any additional or updated information provided by either Indigenous group and associated mitigation measures; and,
 - d. a preliminary assessment of the nature or magnitude of the effects referenced in c. above and any deviation from EIS predictions.

3. The Indigenous Representatives shall review the information contained in the notice provided by Marathon and where the Indigenous Representative has concerns or issues respecting the potential effects of the activity upon the current use of lands and resources for traditional purposes, including access, or the efficacy of proposed mitigation measures resulting from:
 - a. new or additional information respecting land use that was not contained in the EIS or any TK/TLU Study; or
 - b. a deviation in the nature or magnitude of the effect upon the use of land and resources for traditional purposes from that predicted in the EIS which requires additional or modified mitigation measures,

the Indigenous Representative shall respond in writing to Marathon within 10 days of the receipt of notice or with Marathon's consent, such other time as the Indigenous representative may reasonably require, providing the new or additional information or describing the deviation in nature and magnitude of the effect predicted in the EIS.

4. Marathon shall document these concerns and respond in a timely manner either in writing or by a meeting with Indigenous Representatives⁴ to demonstrate how issues and concerns have been addressed.

5. In the event that a material change occurs in the quarterly Project schedule provided under paragraph (2) or where the nature or magnitude of the predicted effect of a scheduled Project activity deviates from EIS predictions during that quarter, Marathon shall immediately:

⁴ See footnote 3.

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- a. notify the Indigenous Representative in writing, providing a description of the material change
 - b. provide an opportunity for the Indigenous Representative to submit comments or identify issues and concerns
 - c. respond in writing or meet with the Indigenous Representatives to demonstrate how issues and concerns have been addressed.
6. In the event of a conflict between this Communication Protocol and the terms of any agreement entered into between Marathon and either MFN or Qalipu, the latter agreement shall prevail.

3.3 COMMUNICATION PROTOCOL: FOLLOW-UP PROGRAMS

Marathon will follow the communication protocol set out below to implement federal EA Condition 7.1.4.

The communication protocol will consist of the following activities:

1. Marathon will regularly engage with Indigenous groups, in accordance with the EA conditions, EIS commitments, the terms of any agreement concluded between Marathon and the particular Indigenous group, including the terms of any SEA, and with the requirements of any Project-specific authorizations.
2. Engagement will include:
 - a. Regular updates on upcoming and ongoing Project activities through e-mail, correspondence, quarterly newsletters, and periodic meetings (either virtual or in-person);
 - b. The transmission of the Annual Report prepared pursuant to federal EA Condition 2.10 setting out the results of the specific follow-up programs referenced in federal EA Condition 7.1.4 and any modified or additional mitigation measures which have been implemented by Marathon;
 - c. Periodic opportunities for Indigenous groups to raise questions, concerns, or observations about the efficacy of the specified follow-up programs or the potential effects of the Project upon the current use of lands and resources for traditional purposes. These opportunities shall include meetings of any joint environmental committees established under a Socio-Economic Agreement or similar agreement to discuss environmental matters. In addition, Marathon will hold an annual meeting with each Indigenous group to discuss the Annual Report, the efficacy of programs referenced in EA Condition 7.1.4, and the need for any additional or modified mitigation measures;
 - d. Opportunities for Indigenous groups to provide traditional knowledge for consideration during all project phases, including during meetings or through Indigenous involvement in monitoring, reporting and analysis;

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- e. Where potential/actual effects on the current use of lands and resources for traditional purposes or upon Indigenous interests are identified under section 3.2 of this Plan, Marathon will notify each Indigenous Representative and will provide opportunities to discuss the extent of the effects and potential mitigation measures, including those developed under other monitoring programs or follow-up plans; and
 - f. Discussion of opportunities for Indigenous 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 measures are required.
3. Marathon will maintain a tracking document specific to each Indigenous group that will record and document the results of the specific follow-up program, Indigenous issues and concerns, and Marathon's response to address identified issues, including any modified or additional mitigation measures.
 4. MFN and Qalipu will identify representatives for purposes of engagement under this Part 3 who shall be the Indigenous Representatives for purposes of this Plan.

4.0 REPORTING AND DOCUMENTATION

4.1 REPORTING

Marathon has several external reporting requirements or mechanisms, and documentation associated with these reporting requirements will be shared with Indigenous communities as required or as appropriate.

These reporting mechanisms include:

- Periodic Project updates (e.g., quarterly Project newsletter summarizing Project status);
- Mandatory reports to agencies/Indigenous communities and others on specific incidents/occurrences at the Project (e.g., inadvertent discoveries of historic resources as per Section 6.6 of the Construction EPP; with respect to accidents and malfunctions, as per the *Accidents and Malfunctions Response Plan*), in accordance with the reporting thresholds or triggers as defined in relevant plan;
- The annual report/schedules submitted to IAAC on federal EA condition implementation;
- Compliance or other reporting required for a specific authorization – this may relate to current/ongoing site monitoring (e.g., management of historic tailings) or 'new' reporting (e.g., for provincial/federal authorizations); and
- Reporting requirements set out in any agreement concluded with an Indigenous group.

4.2 DOCUMENTATION

Marathon will continue to maintain its engagement record management system, including the documentation of engagement activities with Indigenous groups.

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Record management will include:

- Regular updating of the electronic communication log that documents all engagement activities with Indigenous groups;
- The entry into the electronic communication log of all records of communications or correspondence with Indigenous groups; and
- Agendas/notes of meetings or teleconferences that may occur.

5.0 REVISIONS

This Plan will be reviewed on an annual basis, at a minimum, in consultation with Indigenous groups.

6.0 REFERENCES

Impact Assessment Agency of Canada (IAAC). 2022. Decision Statement Issued under Section 54 of the *Canadian Environmental Assessment Act, 2012*. August 24, 2022. Accessible at <https://iaac-aeic.gc.ca/050/documents/p80169/144901E.pdf>

Marathon (Marathon Gold Corporation). 2020. Valentine Gold Project Environmental Impact Statement. September 2020.

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APPENDIX A: EA CONDITIONS/EIS COMMITMENTS RELATED TO TRADITIONAL USE OF LANDS AND RESOURCES

A-1: Federal EA Conditions Related to Traditional Use of Lands and Resources

2 General Conditions

2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document 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.

2.2 The Proponent shall ensure that its actions in meeting the conditions set out in this document are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.

Consultation

2.3 The Proponent shall, where consultation is a requirement of a condition set out in this document:

- 2.3.1 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;
- 2.3.2 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;
- 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
- 2.3.4 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.

2.4 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each Indigenous group with respect to the manner to satisfy the consultation requirements referred to in condition 2.3, including

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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.

- 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, asset out in condition 2.8.
- 3.18 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.
- 4.8 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 surface water facilities. As a part of the implementation of the follow-up program, the Proponent shall:
- 4.8.1 develop water quality objectives for the protection of migratory birds for surface water facilities in consultation with relevant authorities;
 - 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
 - 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.
- 6.1 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

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related to current use of lands and resources for 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:

- 6.1.1 identify the fish species used by Indigenous groups for fish tissue sampling and the surface water locations used by Indigenous groups where water quality testing and fish tissue sampling will occur;
 - 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;
 - 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 *Air Pollution Control Regulations*; and
 - 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.
- 7.1 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 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:
- 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;
 - 7.1.2 procedures, including timing and methods, for sharing information on the following:
 - 7.1.3 the location and timing of Designated Project activities identified pursuant to condition 7.1.1; and
 - 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.
- 7.2 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

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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.

- 8.1 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:
 - 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;
 - 8.1.2 delineate an area of at least 30 metres around the discovery as a no-work zone;
 - 8.1.3 inform the Agency and Indigenous groups within 24 hours of the discovery, and allow Indigenous groups to monitor archaeological works;
 - 8.1.4 have a qualified individual, whose expertise pertains to the requirements of Newfoundland and Labrador's *Historic Resources Act*, conduct an assessment of the discovery at the location of the discovery; and
 - 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.

- 10.3 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:
 - 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
 - 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:
 - 10.3.2.1 measures to conduct water and fish tissue monitoring following an accidental release from the tailings management facility into water; and
 - 10.3.2.2 measures to advise the public if results of the monitoring referred to in

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10.3.2.1 demonstrate that fish and/or water is not suitable for human consumption.

- 10.4 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.
- 10.5 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:
 - 10.5.1 implement the communication plan referred to in condition 10.6;
 - 10.5.2 notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislative and regulatory requirements;
 - 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:
 - 10.5.3.1 the date and time when and location where the accident or malfunction occurred within the Designated Project area;
 - 10.5.3.2 a summary description of the accident or malfunction; and
 - 10.5.3.3 a list of any substance potentially released into the environment as a result of the accident or malfunction;
 - 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:
 - 10.5.4.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
 - 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;
 - 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;

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- 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
- 10.5.4.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 10.3.
- 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:
 - 10.5.5.1 a description of the changes made to avoid a subsequent occurrence of the accident or malfunction;
 - 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
 - 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.
- 10.6 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:
 - 10.6.1 the types of accidents and malfunctions requiring the Proponent to notify the Indigenous groups;
 - 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
 - 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.

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A-2: EIS Commitments

See Table 23.4 of the Valentine Gold Project EIS