

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

To

Galaxy Lithium (Canada) Inc.  
c/o Denis Couture, Executive Director - Galaxy

800 – 2000 Mansfield St.  
Montreal, Quebec  
H3A 2Z5

for the

**Galaxy Lithium Project (formerly known as James Bay Lithium Mine Project)**

**Description of the Designated Project**

Galaxy Lithium (Canada) Inc. is proposing the construction, operation and decommissioning of an open-pit lithium mine located approximately 100 kilometres east of James Bay, near the Cree community of Eastmain, in Quebec. As proposed, the Galaxy Lithium Project would have an estimated mine life of 15 to 20 years and produce on average 5,480 tonnes of ore per day. The project would include an open-pit mine and concentrator facility, tailings, waste rock, ore and overburden storage areas, as well as related infrastructure.

**Conduct of the environmental assessment**

The Canadian Environmental Assessment Agency (the Agency) conducted an environmental assessment of the Designated Project in accordance with the requirements of the *Canadian Environmental Assessment Act, 2012*. The Agency commenced the environmental assessment on December 14, 2017 and submitted its report to me in my capacity as Minister of Environment and Climate Change.

**Decision on environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012***

In accordance with paragraph 52(1)(a) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(1) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

## **Decision on environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012***

The carrying out of the Designated Project may require the following federal authorities to exercise a power or perform a duty or function conferred on them under an Act of Parliament other than the *Canadian Environmental Assessment Act, 2012*:

- The Minister of Fisheries and Oceans may issue authorization(s) under paragraph 35(2)(b) of the *Fisheries Act*;
- The Minister of Transport may approve works in and about navigable waters under subsection 6(1) of the *Navigation Protection Act* and may permit ancillary works under subsection 9(1) of the *Navigation Protection Act*; and
- The Minister of Natural Resources may issue a licence under subsection 7(1) of the *Explosives Act*.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(2) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

### **Decision Statement under the *Impact Assessment Act***

A Decision Statement issued by me under subsection 54(1) of the *Canadian Environmental Assessment Act, 2012* and amended pursuant to section 308 of the *Budget Implementation Act, 2024*, is deemed, as of the day on which the amended Decision Statement is posted on the Canadian Impact Assessment Registry, to be a decision statement issued under subsection 65(1) of the *Impact Assessment Act*.

### **Consultation with Indigenous groups**

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

#### **1 Definitions**

- 1.1 *Agency* means the Impact Assessment Agency of Canada.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.

- 1.3 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation, building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.4 *Cree Nation Government* means "Cree Nation Government" as defined in section 2 of the *Act Respecting the Cree Nation Government*.
- 1.5 *Days* means calendar days.
- 1.6 *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases commercial production and commences removal from service of any components of the Designated Project, and that continues until the Proponent completes the reclamation of the site of the Designated Project.
- 1.7 *Deleterious substance* means "deleterious substance" as defined in subsection 34(1) of the *Fisheries Act*.
- 1.8 *Designated Project* means the Galaxy Lithium Project as described in section 2 of the Environmental Assessment Report prepared by the Canadian Environmental Assessment Agency (Canadian Impact Assessment Registry, Reference Number 80141, Document Number 74), section 2 of the Analysis Report prepared by the Canadian Impact Assessment Agency (Canadian Impact Assessment Registry, Reference Number 80141, Document Number 87) and the water source for the concrete plant as described in Rio Tinto's *Proposed Changes to the Galaxy Lithium (Canada) Inc. Lithium Mine Project, Notice to the Impact Assessment Agency* (Canadian Impact Assessment Registry, Reference Number 80141, Document Number 91).
- 1.9 *Designated Project area* means the geographic area occupied by the Designated Project.
- 1.10 *Effluent* means "effluent" as defined in section 1(1) of the *Metal and Diamond Mining Effluent Regulations*.
- 1.11 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.12 *Environmental assessment* means "environmental assessment" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *Environmental effects* means "environmental effects" as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.14 *Environmental impact statement* means the July 2021 document entitled From Galaxy Lithium (Canada) to Impact Assessment Agency of Canada re: Revised Environmental Impact Statement (Canadian Impact Assessment Registry, Reference Number 80141, Document Number 33).
- 1.15 *First Nations* means the following Indigenous groups: the Cree Nation of Eastmain, the Cree of the First Nation of Waskaganish and the Cree First Nation of Waswanipi.
- 1.16 *Fish* means "fish" as defined in subsection 2(1) of the *Fisheries Act*.

- 1.17 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.18 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.19 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.20 *Health Canada* means the Department of Health as established under subsection 2(1) of the *Department of Health Act*.
- 1.21 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.22 *Land users* means members of the First Nations identified in condition 1.15 using lands and resources for traditional purposes.
- 1.23 *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.
- 1.24 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.25 *Ministère de la Culture et des Communications* means the Québec's Ministère de la Culture et des Communications, as designated in the *Act respecting the Ministère de la Culture et des Communications*.
- 1.26 *Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs* means the Québec's Ministère du Développement durable, de l'Environnement et des Parcs, as designated in the *Loi sur le ministère du Développement durable, de l'Environnement et des Parcs* and by Order 1280-2018 dated October 18, 2018.
- 1.27 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.28 *Monitoring* means observation of the environmental effects of the Designated Project, performed in the context of a follow-up program set out in these conditions in order to verify the accuracy of the environmental assessment and/or determine the effectiveness of any mitigation measure.
- 1.29 *Natural Resources Canada* means the Department of Natural Resources as established under subsection 3(1) of the *Department of Natural Resources Act*.
- 1.30 *Offsetting plan* means “offsetting plan” as described in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations* “and “compensation plan” as described in subsection 27.1 of the *Metal and Diamond Mining Effluent Regulations*.

- 1.31 *Operation* means the phase of the Designated Project starting when commercial production begins and continuing until the start of decommissioning. This phase includes periods when commercial production may temporarily cease.
- 1.32 *Participate* means to directly or indirectly assist or support initiatives through the provision of resources, including knowledge, time, data, access and other means that are economically and technically feasible and within the care and control of the Proponent.
- 1.33 *Piezometric monitoring* means monitoring of the groundwater table surface level.
- 1.34 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.35 *Proponent* means Galaxy Lithium (Canada) Inc. and its successors or assigns.
- 1.36 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, provides the Proponent with advice within their area of expertise. Knowledge relevant to a particular matter may include community and Indigenous knowledge.
- 1.37 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.38 *Relevant authorities* means federal, provincial and/or municipal authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this Decision Statement.
- 1.39 *Reporting year* means January 1 to December 31 of the same calendar year.
- 1.40 *Structure, site or thing of historical, archeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous groups.
- 1.41 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) and “Canadian fisheries waters” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.42 *Wetland* means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation and various kinds of biological activity which are adapted to a wet environment and as further defined in the Canadian Wetland Classification System.
- 1.43 *Wetland functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g. groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

## **Conditions**

These conditions are established for the sole purpose of the Decision Statement issued under the Canadian Environmental Assessment Act, 2012. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this Decision Statement shall be construed as affecting what may be required of the Proponent to comply with all applicable constitutional, legislative and regulatory requirements. In this Decision Statement, a reference to a statute will include every amendment to it, every regulation made under it, every amendment made to a regulation made under it and any law enacted in substitution for, or in replacement of, it.

### **2 General conditions**

- 2.1 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.
- 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.

### ***Consultation***

- 2.3 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
  - 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 reasonable 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 as soon as feasible 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 First Nations is a requirement of a condition set out in this Decision Statement, communicate with First Nations with respect to the manner to satisfy the consultation requirements referred to in condition 2.3, including
  - 2.4.1 methods of notification;
  - 2.4.2 the type of information and the period of time to be provided when seeking input;

- 2.4.3 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
- 2.4.4 the period of time and the means to advise First Nations of how their views and information were considered by the Proponent.

***Follow-up and adaptive management***

- 2.5 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:
  - 2.5.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 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;
  - 2.5.3 the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;
  - 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 causing the environmental change to be stopped;
  - 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 in order to return environmental changes to levels below those referred to in condition 2.5.4; and
  - 2.5.6 the specific and measureable 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.
- 2.6 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 being consulted during the development of each follow-up program.
- 2.7 The Proponent shall provide the follow-up programs referred to in conditions 3.17, 3.18, 3.19, 3.20, 3.21, 4.8, 5.6, 5.7, 6.5, 7.13, 7.14, 7.15, 7.16, 8.17 and 8.18, including the information determined for each follow-up program pursuant to condition 2.5, to the Agency, the Cree Nation Government, and to the parties being 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, the Cree Nation Government and to the parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.

- 2.8 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
- 2.8.1 implement the follow-up program according to the information determined pursuant to condition 2.5;
  - 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;
  - 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;
  - 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) as soon as feasible and monitor them pursuant to condition 2.8.2. The Proponent shall notify the Agency and the Cree Nation Government prior to implementing any modified or additional mitigation measure, or within 24 hours of any modified or additional mitigation measure being implemented when urgent or immediate intervention is required. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency and the Cree Nation Government pursuant to condition 2.5, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
  - 2.8.5 report all results of the follow-up program to the Agency and the Cree Nation Government 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 being consulted during the development of the follow-up program.
- 2.9 Where consultation with First Nations 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.

***Annual reporting***

- 2.10 The Proponent shall prepare an annual report for each reporting year that sets out:
- 2.10.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;
  - 2.10.2 how the Proponent complied with condition 2.1;
  - 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;
  - 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;



- 2.10.5 the summary of available results of the follow-up program requirements identified in conditions 3.17, 3.18, 3.19, 3.20, 3.21, 4.8, 5.6, 5.7, 6.5, 7.13, 7.14, 7.15, 7.16, 8.17 and 8.18;
  - 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
  - 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.
- 2.11 The Proponent shall submit the annual report referred to in condition 2.10 to the Agency and the Cree Nation Government, 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.
- 2.12 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 *Canadian Environmental Assessment Act, 2012*.

### ***Information sharing***

- 2.13 The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.10 and 2.11, the action plan referred to in condition 5.1, the communication plan referred to in condition 8.1, the accident and malfunction response plan referred to in condition 12.3, the reports related to accidents and malfunctions referred to in conditions 12.5.3 and 12.5.4, the communication plan for accident and malfunction referred to in condition 12.6, the schedules referred to in conditions 13.1 and 13.2, and any update or revision to the above documents, upon submission of these documents to the parties consulted for 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, the Cree Nation Government and First Nations of the availability of these documents within 48 hours of their publication.
- 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 plan to the Agency and the Cree Nation Government prior to construction, unless otherwise required through the condition.

### ***Change of Proponent***

- 2.15 The Proponent shall notify the Agency, the Cree Nation Government and First Nations 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.

### ***Change to the Designated Project***

- 2.16 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. As part of the notification, the Proponent shall provide:
- 2.16.1 a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the proposed change(s);

- 2.16.2 any modified or additional measure to mitigate any environmental effect that may result from the proposed change(s) and any modified or additional follow-up requirement; and
  - 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 proposed change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment.
- 2.17 The Proponent shall submit to the Agency and the Cree Nation Government 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 First Nations 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.

### **3 Fish and Fish Habitat**

- 3.1 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with First Nations, an offsetting plan to mitigate residual adverse effects on fish and fish habitat pertaining to the harmful alteration, destruction or disturbance of fish habitat, and the death of fish associated with carrying out the Designated Project. The Proponent shall implement the offsetting plan and submit the offsetting plan approved by Fisheries and Oceans Canada to the Agency and the Cree Nation Government before implementing it.
- 3.2 For any fish habitat offset measure proposed in any compensation plan referred to in condition 3.1 that could result in adverse environmental effects that were not taken into account in the environmental assessment, the Proponent shall develop and implement, after consulting First Nations and relevant authorities, measures to mitigate these effects. The Proponent shall present these measures to the Agency and the Cree Nation Government before implementing them.
- 3.3 The Proponent shall manage mine effluents before their release into the environment, taking into account the *Metal and Diamond Mining Effluent Regulations* and the pollution prevention provisions of the *Fisheries Act*. For this purpose, the Proponent shall:
- 3.3.1 install the water treatment plant as soon as water treatment is necessary and ensure it is operational as long as water treatment is necessary;
  - 3.3.2 install ditches surrounding the mine infrastructures (notably the waste rock and tailings stockpiles, the overburden stockpile, the industrial sector and the hauling roads) to collect the drainage, dewatering and runoff water from the site and route it to the north water management pond, and treat the water before its release into the environment;
  - 3.3.3 construct ditches in a manner that prevents any overflow of drainage, dewatering and runoff water;
  - 3.3.4 construct the ore stockpile, its peripheral ditch, and the industrial water pond by using an impermeable lining to recover the runoff water and limit infiltration, and maintain the lining during all the phases of the Designated Project. The Proponent shall consult relevant authorities when deciding on the type of lining used;

- 3.3.5 use the water collected pursuant to condition 3.3.4 to supply the mill and treat all non-reusable water collected pursuant to condition 3.3.4 before its release into the environment;
  - 3.3.6 construct the north water management pond with an impermeable lining or in a manner that the percolation flow does not allow water in the management pond to reach the groundwater table;
  - 3.3.7 install a pond with an impermeable lining to collect water coming from the concrete plant;
  - 3.3.8 treat any water coming from the concrete plant, the waste rock extraction area and the explosives plant area before its release into the environment; and
  - 3.3.9 recover the sludge from the water treatment plant and dispose of it in the waste rock and tailings storage areas.
- 3.4 The Proponent shall develop, prior to construction, and implement during all the phases of the Designated Project, measures to mitigate the Designated Project's effects on surface and groundwater water levels. In doing so, the Proponent shall:
- 3.4.1 operate the water treatment plant in a manner that replicates the natural flow variations of watercourse CE2, taking into account the storage capacity of the north water management pond;
  - 3.4.2 install a network of wells on the periphery of mine infrastructures to measure the level of the groundwater table; and
  - 3.4.3 perform the development work likely to affect the hydraulicity of the watercourse outside of the snowmelt period, from April 15 to June 15.
- 3.5 The Proponent shall not use materials that are, or may be, acid-generating or metal-leaching in the construction of roads. If non-acid generating or non-metal leaching materials are not available, the Proponent shall implement all measures to mitigate effects on groundwater quality by the construction of the hauling roads presented in the Alphard Group technical opinion included in Appendix A of the technical note on complementary information concerning haul roads (Canadian Impact Assessment Registry, reference number 80141, document number 51) and supplemented or modified in the Englobe second opinion document included in the document titled *Compte-rendu de la réunion multipartite avec le comité conjoint d'évaluation (Agence d'évaluation d'impact du Canada et Gouvernement de la Nation Crie) concernant la conception des routes de halages* (Canadian Impact Assessment Registry, reference number 80141, document number 58) during all phases of the Designated Project. In particular, the proponent shall:
- 3.5.1 identify, prior to construction, all roads that will be constructed with waste rock, including the hauling roads, access roads, temporary roads and circulation road, and identify the roads that will be constructed with a geomembrane;
  - 3.5.2 install a geomembrane for all haul roads constructed with waste rock, except for the hauling roads constructed on stockpiles or in the ditch;
  - 3.5.3 carry out, before undertaking work related to the hauling roads, piezometric monitoring at the wells identified on Map 2 of the document titled *From Galaxy Lithium (Canada) Inc. to the Impact Assessment Agency of Canada regarding the James Bay Lithium Mine*

*Project - Response to the Information Request* (Canadian Impact Assessment Registry, reference number 80141, document number 45), in order to validate the direction of groundwater flow;

- 3.5.4 include the following elements in the engineering details for the road design:
  - 3.5.4.1 drainage under the geomembrane on both sides of the ditches;
  - 3.5.4.2 protection of the geomembrane from the roadbed;
  - 3.5.4.3 drainage of ditches; and
  - 3.5.4.4 cleaning and maintenance of ditches.
- 3.5.5 construct the drainage sand layer with a steep drainage slope of a minimum of 4%;
- 3.5.6 develop and implement measures to control leaching of the drainage sand layer if leaching is observed;
- 3.5.7 develop and implement a quality control plan for the construction of hauling roads, including control points during the installation of the geomembrane and validating the properties of the material used;
- 3.5.8 install a drainage sand layer, the geomembrane and the waste rock once the first layer of soil has been consolidated and postpone work if land surveys show that consolidation is not yet achieved after 120 days;
- 3.5.9 carry out the installation and welding of the geomembrane only when the ambient temperature is above 0 degrees Celsius;
- 3.5.10 keep the geomembrane in good working order and maintain the ditches in such a way as to prevent damage to the geomembrane, including by:
  - 3.5.10.1 evaluating the state of the ditches during snowmelt each spring;
  - 3.5.10.2 identifying the maintenance measures to be implemented;
  - 3.5.10.3 establishing a water balance during snowmelt; and
  - 3.5.10.4 identifying any malfunction with the geomembrane or the ditches and applying maintenance measures.
- 3.6 The Proponent shall maintain, during all the phases of the Designated Project, a buffer zone of undisturbed vegetation on the edge of every waterbody and watercourse, excluding the cleared areas required to build the components of the Designated Project. The Proponent shall perform work or activities within the buffer zone only if necessary for safety reasons or to implement and maintain any element of the Designated Project.
- 3.7 The Proponent shall develop the temporary facilities more than 60 metres from the high water mark of the watercourse and lakes, with the exception of the east waste rock stockpile, which crosses a segment of an intermittent watercourse draining into Lac Kapisikama.
- 3.8 The Proponent shall install any culvert or crossing structure required for the Designated Project so as to maintain the free flow of water and the free passage of fish when the free flow of water and the free passage of fish are required.
- 3.9 The Proponent shall, during all phases of the Designated Project, manage the tailings and materials that are or may be acid-generating or metal-leaching. For this purpose, the Proponent shall:

- 3.9.1 characterize, before construction, the acid rock drainage and metal leaching potential of overburden metals and other mine rocks used in construction;
  - 3.9.2 carry out geochemical analyses of waste rock and tailings during operation, including a mixture representative of waste rock and tailings co-disposition, to verify the magnitude and inception of potential acid rock drainage and metal leaching in the waste rock and tailings;
  - 3.9.3 prepare, taking into account the geochemical analysis referred to in condition 3.9.2, segregation procedures for potentially acid-generating or metal-leaching materials and additional mitigation measures for storage of waste rock, low-grade ore and other ores; and
  - 3.9.4 not use acid-generating, potentially acid-generating or metal leaching materials for construction purposes, except for the exception referred to in condition 3.5.
- 3.10 The Proponent shall develop, prior to construction, and implement measures to manage soil excavated as part of the Designated Project to mitigate the adverse environmental effects on fish and fish habitat, including by applying the principle of non-degradation of soil to all reused soils and by managing soils that present potential for contamination so that they do not constitute a new source of contamination for the environment. In doing so, the Proponent shall:
- 3.10.1 manage soils according to their degree of contamination, based on the results of the characterization conducted in the *Étude spécialisée sur la teneur de fond naturelle dans les sols* (Canadian Impact Assessment Registry, reference number 80141, document number 18) and the *Mise à jour de l'étude spécialisée sur la teneur de fond naturelle dans les sols* (Canadian Impact Assessment Registry, reference number 80141, document number 33);
  - 3.10.2 submit to the Agency, prior to construction, the measures developed by the Proponent for the management of the characterized soils pursuant to condition 3.10.1; and
  - 3.10.3 dispose of all excess or unusable soil and manage any soil that must be stockpiled temporarily so that it does not adversely affect the aquatic environment.
- 3.11 The Proponent shall carry out construction work in water only during the timing windows defined for the region of the Designated Project and according to the species present in Fisheries and Oceans Canada's *Timing Windows for Carrying out Work in Fish Habitat According to Quebec Administrative Regions*, unless authorized to do so by Fisheries and Oceans Canada.
- 3.12 The Proponent shall carry out deforestation of the water crossing areas immediately before the beginning of construction activities in these areas.
- 3.13 The Proponent shall implement, during all phases of the Designated Project, measures to control erosion and sedimentation in the Designated Project area in order to prevent effects on water quality in waters frequented by fish, in accordance with the requirements of the *Fisheries Act*. The Proponent shall take into account flood, heavy precipitation and frost periods when developing and implementing the measures and shall maintain these measures regularly to repair any damaged measure as soon as possible. Among these measures, the Proponent shall:
- 3.13.1 construct permanent retention ponds and temporary sedimentation ponds;

- 3.13.2 develop and implement mitigation measures to prevent particles coming from the erosion of accumulation areas from reaching watercourse CE3;
  - 3.13.3 stabilize and protect the exposed surfaces in a continuous manner as soon as possible to reduce transport of suspended particulate matter and limit leaching of materials to the aquatic environment; and
  - 3.13.4 install sediment barriers, or any other equivalent equipment, over a sufficient distance and at the locations considered necessary, particularly along watercourses and ditches, on the periphery of work areas, at the bottom of embankments and around piles of unconsolidated materials, so as to capture all the runoff water during all phases of the Designated Project.
- 3.14 The Proponent shall install a temporary passage when any machinery and vehicles must cross a watercourse, if a bridge or crossing is not already present, to ensure that any crossing of a watercourse is done at fixed and developed locations.
- 3.15 The Proponent shall take into account Fisheries and Oceans Canada's *Guidelines for the use of explosives in or near Canadian fisheries waters* when undertaking blasting activities.
- 3.16 The Proponent shall operate the explosives plant in a manner that ensures there is no discharge into the environment in order to mitigate the environmental effects on fish and fish habitat, particularly by:
- 3.16.1 recovering the sanitary releases of the explosives plant in a sealed pit in order to have them managed offsite by an accredited firm;
  - 3.16.2 recovering the used oils and other non-recyclable discharge in order to have them managed offsite by an accredited firm; and
  - 3.16.3 washing the trucks containing explosives inside the explosives plant and sending the wash water to the oil separator to be filtered and recycled.
- 3.17 The Proponent shall develop, before construction and in consultation with First Nations, the Cree Nation Government, Environment and Climate Change Canada and the other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures pertaining to the adverse environmental effects on fish from changes to surface water quality caused by the Designated Project. 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:
- 3.17.1 monitor the water quality in watercourses CE1, CE2, CE3, CE4, CE5, and Asiyan Akwakwatipusich Lake, including suspended particulate matter, and concentrations of lithium, fluoride, silver, arsenic, cadmium, chromium, lead, nickel, iron, zinc, mercury and copper; and
  - 3.17.2 carry out the monitoring referred to in condition 3.17.1 by taking water samples around the effluent entry point into the final release point in watercourse CE2 and at least one sampling point in each of watercourses CE1, CE2, CE3, CE4 and CE5 identified in Map 6-8 of the revised Environmental Impact Statement (*Canadian Impact Assessment Registry*, reference number 80141, document number 33). The Proponent shall determine, for

the monitoring in Asiyan Akwakwatipusich Lake, the location of at least one sampling point during the preparation of the follow-up program.

- 3.18 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Nation Government, Environment and Climate Change Canada and the relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures pertaining to the adverse environmental effects on fish and fish habitat from changes to groundwater quality caused by the Designated Project. 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:
- 3.18.1 implement a network of monitoring wells around facilities that may affect groundwater quality, including hauling roads. The monitoring wells must be installed upstream and downstream of each facility that may affect groundwater quality;
  - 3.18.2 monitor, from the beginning of construction and during all the phases of the Designated Project, at a frequency of at least once every three months, the concentrations of substances measured by the Proponent in the context of the environmental assessment and presented in Table 18 of the *Étude spécialisée en hydrologéologie* of the Environmental Impact Statement (Canadian Impact Assessment Registry, reference number 80141, document number 18) in the groundwater monitoring wells determined pursuant condition 3.18.1; and
  - 3.18.3 develop and implement modified or additional mitigation measures if the concentrations measured in accordance with condition 3.18.2 demonstrate concentrations greater than those measured by the proponent as part of the environmental assessment and presented in Table 18 of the *Étude spécialisée sur l'hydrogéologie* (Canadian Impact Assessment Registry, reference number 80141, document number 18).
- 3.19 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures pertaining to the adverse environmental effects on fish and fish habitat from changes to water levels and water discharge rates caused by the Designated Project. The Proponent shall implement the follow-up program from the beginning of construction to at least three years after the end of progressive reclamation activities. As part of the follow-up program, the Proponent shall monitor water discharge flows, including the low water discharge rates, and the water levels in watercourses CE2, CE3 and CE4 at locations identified in consultation with First Nations. The Proponent shall identify its monitoring locations on a map.
- 3.20 The Proponent shall develop, prior to operation and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the physicochemical characterization of the mining materials and the adverse environmental effects associated with management of the mining materials on surface water and groundwater quality. The Proponent shall implement the follow-up program during operation and decommissioning. As part of the follow-up program, the Proponent shall:
- 3.20.1 monitor, during operation and decommissioning, the physicochemical quality of sediment at the sampling points identified pursuant to condition 3.17.2; and

- 3.20.2 carry out a physicochemical characterization of the ore extracted during operation, and the waste rock and tailings, including a mixture representative of waste rock and tailings co-disposition, during operation and decommissioning.
- 3.21 The Proponent shall develop, prior to construction and in consultation with First Nations and the relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to acid rock drainage and metal leaching in the aquatic environment. The Proponent shall implement the follow-up program during operation and decommissioning. As part of the implementation of the follow-up program, the Proponent shall:
- 3.21.1 carry out a geochemical characterization of the waste rock, tailings and ore, including a mixture representative of waste rock and tailings co-disposition; and
- 3.21.2 compare the results of the characterization referred to in condition 3.21.1 to the initial geochemical characterization undertaken by the Proponent as part of the environmental assessment and presented in the revised Environmental Impact Statement (Canadian Impact Assessment Registry, reference number 80141, document number 33) and determine, in consultation with relevant authorities and taking into account the results of the water quality follow-up referred to in conditions 3.17 and 3.18, if modified or additional mitigation measures are necessary. If applicable, the Proponent shall update the progressive reclamation measures referred to in condition 8.16. The Proponent shall submit the results of the follow-up program to Health Canada and the Cree Board of Health and Social Services of James Bay.

#### **4 Migratory Birds**

- 4.1 The Proponent shall carry out the Designated Project, including clearing and blasting, in a manner that protects migratory birds and avoids injuring, killing or harassing migratory birds or destroying, taking, or disturbing their eggs, or damaging, destroying, removing or disturbing their nests. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2 The Proponent shall develop and implement, in consultation with Environment and Climate Change Canada, the Cree Nation Government, the Cree Nation of Eastmain and the tallyman of trapline RE02, mitigation measures to avoid the destruction, disturbance or removal of nests, including by the implementation of setback buffer zones if active migratory bird nests are found during construction. The Proponent shall establish any setback buffer zone by taking into account the intensity, duration, frequency and proximity of the activity associated with the Designated Project that could hinder bird nesting. The Proponent shall present these measures to the Agency and the Cree Nation Government before implementing them.
- 4.3 The Proponent shall limit deforestation, soil stripping and flush cutting in the mine site development area, as identified in Figure 5 of the Environmental Assessment Report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry, reference number 80141).
- 4.4 The Proponent shall control the lighting necessary for Designated Project activities during all phases of the Designated Project, including its orientation, duration of use and intensity, in



order to prevent injuring, killing or harassing migratory birds and birds that are listed species at risk due to sensory disturbances attributable to light, while complying with operational health and safety requirements.

- 4.5 The Proponent shall develop, in consultation with the relevant authorities and taking into account Environment and Climate Change Canada's Beneficial Management Practices, and implement, from the beginning of operation, measures to prevent migratory birds and birds that are listed species at risk from using the water management ponds.
- 4.6 The Proponent shall develop, taking into account Environment and Climate Change Canada's document *Bank Swallow (Riparia riparia): in sandpits and quarries*, and implement measures to avoid use of the borrow pit by bank swallow (*Riparia riparia*).
- 4.7 The Proponent shall offer regular awareness training on the presence of migratory bird nests and the measures to be implemented in the event of discovery of nests for all employees and contractors associated with the Designated Project who may encounter nests. As part of the training, the Proponent shall educate employees and contractors associated with the Designated Project on the need to report any use of water management ponds by avian wildlife to the environmental officer designated by the Proponent. The Proponent shall document the participation of employees and contractors in the training.
- 4.8 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Cree Nation Government, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures pertaining to adverse environmental effects on migratory birds and birds that are listed species at risk, their eggs and their nests caused by the Designated Project. The follow-up program includes the mitigation measures implemented to satisfy conditions 4.1 to 4.7. As part of the development of the follow-up program, the Proponent shall determine the criteria that will be used to determine the effectiveness of mitigation measures. As part of the implementation of the follow-up program, the Proponent shall:
  - 4.8.1 update, prior to construction, the avian wildlife inventories completed by the Proponent and presented in *l'Étude spécialisée sur les faunes terrestre et avienne* of the Environment Impact Statement. The Proponent shall present the update of the inventories to the Agency and the Cree Nation Government prior to construction;
  - 4.8.2 have a qualified individual conduct surveys every five years, from the beginning of construction and during all phases of the Designated Project, to confirm the presence of migratory birds and birds that are listed species at risk, including Canada warbler (*Cardellina canadensis*), olive-sided flycatcher (*Contopus cooperi*), rusty blackbird (*Euphagus carolinus*), common nighthawk (*Chordeiles minor*), short-eared owl (*Asio flammeus*), bank swallow (*Riparia riparia*), red-necked phalarope (*Phalaropus lobatus*), yellow rail (*Coturnicops noveboracensis*) and hudsonian godwit (*Limosa haemastica*). The Proponent shall have the surveys carried out in the Designated Project area and in the safety perimeter and use the avian wildlife inventory sites identified on Map 3 of the *l'Étude spécialisée sur les faunes terrestre et avienne* of the Environment Impact Statement in order to locate the inventory stations.

- 4.8.3 monitor any use of the water management ponds by avian wildlife reported by employees and contractors pursuant to condition 4.7 in order to determine the effectiveness of mitigation measures referred to in condition 4.5;
- 4.8.4 monitor any use of the borrow pits by bank swallow (*Riparia riparia*) in order to determine the effectiveness of mitigation measures referred to in condition 4.6;
- 4.8.5 develop and implement modified or additional mitigation measures if the results of the monitoring conducted under the follow-up program show that modified or additional mitigation measures are required to avoid harming migratory birds, including migratory birds that are listed species at risk, their eggs and their nests; and
- 4.8.6 update the follow-up program in accordance with condition 2.7 if species identified by the Committee on the Status of Endangered Wildlife in Canada and listed in the *Species at Risk Act* change status during the implementation of the Designated Project.

## 5 Listed Species at Risk

- 5.1 The Proponent shall prepare, prior to construction and in consultation with the Cree Nation Government, the Cree Nation of Eastmain, the tallyman of trapline RE02, Environment and Climate Change Canada, and other relevant authorities, and implement during all phases of the Designated Project, an action plan for caribou (*Rangifer tarandus*). As part of the implementation of the plan, the Proponent shall:
  - 5.1.1 develop mitigation measures to be implemented in case of the presence of caribou (*Rangifer tarandus*) in the Designated Project area, on the access roads of the mine site and within a four-kilometre radius of the Designated Project area to mitigate the adverse environmental effects of the Designated Project on caribou (*Rangifer tarandus*) caused by sensory disturbances and collisions with vehicles, particularly by modifying the frequency, schedule and modality of mining and ore transportation activities;
  - 5.1.2 offer regular awareness training to all the employees and contractors associated with the Designated Project who could encounter caribou regarding the precariousness of caribou (*Rangifer tarandus*), how to identify signs of their presence, the measures to be implemented in the event of the presence of caribou (*Rangifer tarandus*) or the sign of their presence pursuant to in condition 5.1.1, and the communication procedure referred to in condition 5.1.3;
  - 5.1.3 implement a communication procedure between the Proponent and the employees and contractors associated with the Designated Project to inform the Proponent of the presence of caribou (*Rangifer tarandus*) and to report any presence of caribou (*Rangifer tarandus*) to the employees and contractors associated with the Designated Project, including the ore transport truck drivers;
  - 5.1.4 notify the employees and the contractors associated with the Designated Project, including the ore transport truck drivers, of any presence of caribou (*Rangifer tarandus*) in the Designated Project area, on the access roads of the mine site and within a 500-metre radius of the Designated Project area;
  - 5.1.5 immediately implement the measures developed in accordance with condition 5.1.1 if the Proponent observes or is informed of the presence of caribou (*Rangifer tarandus*) in the Designated Project area or on the ore transport road;

- 5.1.6 if the Proponent observes or is informed of the presence of caribou (*Rangifer tarandus*) within a four-kilometre radius of the Designated Project area, immediately implement the measures developed pursuant to condition 5.1.1 and determine, in consultation with the Cree Nation Government, the Cree Nation of Eastmain, the tallyman of trapline RE02, Environment and Climate Change Canada and other relevant authorities, if modified or additional mitigation measures are necessary and inform the tallyman of trapline RE02 of the presence of caribou (*Rangifer tarandus*); and
  - 5.1.7 participate in all regional initiatives concerning the contribution of the Designated Project to the environmental effects on caribou (*Rangifer tarandus*).
- 5.2 The Proponent shall educate employees and contractors associated with the Designated Project not to feed animals in the Designated Project area and to dispose of food and waste properly so as not to attract animals near the work areas.
- 5.3 The Proponent shall develop and implement measures to prevent bears from accessing the garbage containers stored in the Designated Project area. The measures shall include installation of bear-resistant lids on waste containers.
- 5.4 The Proponent shall implement measures to mitigate the effects of the Designated Project on little brown myotis (*Myotis lucifugus*) or Northern myotis (*Myotis septentrionalis*). In doing so, the Proponent shall:
  - 5.4.1 have a qualified person conduct a survey, in consultation with land users, to establish the presence of maternity sites and rest areas for little brown myotis (*Myotis lucifugus*) or Northern myotis (*Myotis septentrionalis*) in the Designated Project area before any deforestation or building dismantling activity carried on during the breeding period of little brown myotis (*Myotis lucifugus*) or Northern myotis (*Myotis septentrionalis*);
  - 5.4.2 if maternity sites or rest areas for little brown myotis (*Myotis lucifugus*) or Northern myotis (*Myotis septentrionalis*) are identified in accordance with condition 5.4.1, establish a setback buffer zone with a 100-metre radius around each maternity site or rest area and maintain the zone for the duration of the breeding period; and
  - 5.4.3 for any maternity site or rest area for little brown myotis (*Myotis lucifugus*) or Northern myotis (*Myotis septentrionalis*) located on a building that must be dismantled as part of the Designated Project, dismantle the building outside the chiropteran breeding period and install, prior to dismantling the building, a shelter to offset the loss of the maternity site or the rest area. The Proponent shall maintain the shelter during all phases of the Designated Project.
- 5.5 The Proponent shall develop, prior to construction and in consultation with the Cree Nation Government, the Cree Nation of Eastmain and the tallyman of trapline RE02, a protocol to report the presence or signs of the presence of wolverine (*Gulo gulo*). The Proponent shall implement the protocol during all phases of the Designated Project.
- 5.6 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Cree Nation Government, the Cree Nation of Eastmain and the Cree of the First Nation of Waskaganish, and implement during all the phases of the Designated Project, a follow-up program in order to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures to avoid causing adverse

environmental effects on caribou (*Rangifer tarandus*). The follow-up program shall include the mitigation measures implemented to satisfy conditions 5.1 to 5.3. In doing so, the Proponent shall:

- 5.6.1 monitor the use of the Designated Project area by predators of caribou (*Rangifer tarandus*);
- 5.6.2 determine whether modified or additional mitigation measures are necessary based on the results of the monitoring conducted pursuant to condition 5.6.1.
- 5.7 The Proponent shall develop, prior to construction and in consultation with the Cree Nation Government, First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures to avoid deleterious effects on little brown myotis (*Myotis lucifugus*) and Northern myotis (*Myotis septentrionalis*). The Proponent shall implement the follow-up program during construction and up to five years after closure. As part of the implementation of the follow-up program, the Proponent, through a qualified individual, shall:
  - 5.7.1 conduct inventories of little brown myotis (*Myotis lucifugus*) and Northern myotis (*Myotis septentrionalis*) starting in the first year of operation and up to the fifth year after closure of the mine, at a frequency of one inventory every five years;
  - 5.7.2 monitor the use of any maternity site or rest area identified pursuant to condition 5.4.1 during any deforestation or building dismantling activities during construction;
  - 5.7.3 monitor annually, during construction and operation, the use and integrity of any shelter installed pursuant to condition 5.4.3; and
  - 5.7.4 perform a characterization of the potential habitat of little brown myotis (*Myotis lucifugus*) and Northern myotis (*Myotis septentrionalis*) at the sites where monitoring is performed in accordance with condition 5.7.2 and 5.7.3.

## **6 Wetlands**

- 6.1 The Proponent shall carry out the Designated Project in a manner that avoids adverse environmental effects of the Designated Project on wetlands and wetland functions. The Proponent shall favour, to avoid adverse effects, the maintenance of wetlands and wetland functions over the reduction of adverse effects on wetlands and wetland functions. Where the loss of wetlands and wetland functions cannot be avoided, the Proponent shall favour the mitigation of adverse effects on wetlands and their functions rather than offsetting the wetlands and their functions that are affected.
- 6.2 The Proponent shall develop, prior to construction and in consultation with the Cree Nation of Eastmain, the Cree Nation Government, Environment and Climate Change Canada and other relevant authorities, and implement a wetlands offsetting plan taking into account Environment and Climate Change Canada's *Operational Framework for Use of Conservation Allowances* for adverse environmental effects of the Designated Project on wetlands and wetland functions that cannot be avoided or mitigated pursuant to condition 6.1. The Proponent shall begin implementation of the wetlands offsetting plan in the first year following the start of construction. The offsetting plan shall include:

- 6.2.1 a description of the wetland functions that will be offset and an assessment of the losses of wetlands and wetland functions after offsetting;
- 6.2.2 a description and a justification of the key performance indicators used by the Proponent to assess the effectiveness of offsetting; and
- 6.2.3 a timeline for implementation of the offsetting plan.
- 6.3 The Proponent shall maintain the drainage profiles of any wetland located within 100 metres of any work area in the Designated Project area.
- 6.4 The Proponent shall implement, during all the phases of the Designated Project, measures to avoid the introduction or propagation of invasive alien plant species in the Designated Project area. In doing so, the Proponent shall:
  - 6.4.1 delineate, before construction, the areas containing invasive alien plant species in the Designated Project area;
  - 6.4.2 clean any vehicle and any machinery before it enters the Designated Project area; and
  - 6.4.3 clean any vehicle and any machinery that has circulated in any area containing invasive alien plant species, delineated pursuant to condition 6.4.1, before it leaves this area.
- 6.5 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Nation Government, Environment and Climate Change Canada and other relevant authorities, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment regarding the adverse environmental effects of the Designated Project on wetland functions, including the adverse environmental effects caused by invasive alien plant species, and the effectiveness of the mitigation measures regarding wetlands. As part of the implementation of the follow-up program, the Proponent shall:
  - 6.5.1 monitor the presence of invasive alien plant species in the Designated Project area at a minimum annual monitoring frequency;
  - 6.5.2 monitor the integrity of the residual wetlands and their functions during all the phases of the Designated Project;
  - 6.5.3 monitor the effectiveness of the offsetting plan referred to in condition 6.2, including the establishment and integrity of any wetland created as part of the offsetting, for at least five years after its creation, and determine, in consultation with the parties consulted for the preparation of the follow-up program, if additional monitoring is required; and
  - 6.5.4 determine if modified or additional mitigation measures are necessary according to the results of the monitoring conducted in accordance with conditions 6.5.1, 6.5.2 and 6.5.3.

## **7 Cree Health**

- 7.1 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Nation Government, the tallyman of trapline RE02, the managers of the kilometre 381 roadstop and relevant authorities, a dust management plan that includes measures to mitigate

dust emissions generated by the Designated Project and to prevent the exceedance of the ambient air quality criteria set out in the *National Ambient Air Quality Objectives for Particulate Matter* and the World Health Organization's recommendations for particulate matter (PM<sub>10</sub>). The Proponent shall submit the plan to the Cree Board of Health and Social Services of James Bay and relevant authorities three months before the start of construction. The Proponent shall implement the plan at the start of construction and during all phases of the Designated Project. The Proponent shall take into account current weather conditions that are conducive to dust emissions (including drought or sustained wind conditions) when implementing the measures in the plan. Among these measures, the Proponent shall:

- 7.1.1 use dust suppressants for non-asphalted roads and other similar surfaces that preserve environmental health;
  - 7.1.2 regularly clean and/or wet the roads and the work site areas, in order to reduce fugitive dust emissions likely to come from these surfaces;
  - 7.1.3 use non-friable, non-clay materials with good road abrasion resistance for road surface construction and maintenance;
  - 7.1.4 maintain roads on a regular basis to maintain a good rolling surface and low silt;
  - 7.1.5 enclose the external conveyors in the industrial area, as identified on Figure 5 of the Environmental Assessment Report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry, reference number 80141), in sealed structures; and
  - 7.1.6 mitigate the dispersion of dry and fine materials generated by drilling activities, including during blasting.
- 7.2 The Proponent shall identify, prior to undertaking blasting activities and in consultation with relevant authorities, the conditions during which detonations are likely to generate high gas emissions, including nitrogen dioxide. In doing so, the Proponent shall:
- 7.2.1 take into account weather conditions and the characteristics of the explosive used when identifying these conditions, and implement, in consultation with relevant authorities, additional mitigation measures when carrying out blasting activities under these conditions; and
  - 7.2.2 present to the Agency and the Cree Nation Government, before the start of blasting activities, a description of the conditions referred to in condition 7.2 and the measures referred to in condition 7.2.1 to be implemented if carrying out blasting activities under these conditions.
- 7.3 The Proponent shall prohibit blasting, not handle any granular material and implement measures to avoid raising dust in the stockpiles during operation when there are strong wind conditions as defined in Environment and Climate Change Canada's Weather and meteorology glossary in the direction of sensitive receptors. The proponent shall identify the sensitive receptors prior to construction, including the kilometre 381 roadstop and traditional activity sites to the east and southeast of the Designated Project Area. The proponent shall keep the list of sensitive receptors up to date during all phases of the Designated Project.
- 7.4 The Proponent shall install dust control systems for the drill rigs. The Proponent shall maintain the dust control systems in good working order.

- 7.5 The Proponent shall use electric vehicles for the transport of employees during all phases of the Designated Project unless not technically or economically feasible, and shall prioritize the use of electric equipment during operation, or equipment that meets the United States Environmental Protection Agency (USEPA) Tier 4 emission standards if electric equipment is unavailable or its use is not technically or economically feasible. If the Proponent determines that equipment meeting Tier 4 emission standards is unavailable or its use is not technically or economically feasible, the Proponent shall submit a justification to the Agency and the Cree Nation Government for this determination before using the equipment.
- 7.6 The Proponent shall establish speed limits on all roadways located in the Designated Project area taking into account the recommended speed limits in the document *Best Practices for the Reduction of Air Emissions From Construction and Demolition Activities* prepared for Environment and Climate Change Canada by Cheminfo Services Inc. and by requiring and ensuring that any person obeys these speed limits during all the phases of the Designated Project (including by installing signs indicating the speed limits).
- 7.7 The Proponent shall maintain all vehicles and equipment operated by the Proponent as part of the Designated Project in accordance with the manufacturer's maintenance guidelines to keep them in good working order and ensure that emission and noise control technologies are not removed from the vehicles and equipment, unless their removal is required for repair and maintenance activities, in which case the technologies shall be reinstalled or replaced before the vehicle or equipment is returned to service.
- 7.8 The Proponent shall favour chipping and spreading of ligneous waste and debris in the Designated Project area or any other use of ligneous debris that allows its reclamation, reuse or recycling, unless not possible for safety reasons.
- 7.9 The Proponent shall construct, during operation, a noise barrier using waste rock on the south perimeter of the east stockpile between the mobile equipment circulating at the top of the stockpile and the kilometre 381 roadstop. The Proponent shall maintain the height of the noise barrier depending on the elevation of the pile.
- 7.10 The Proponent shall prepare, prior to construction and in consultation with First Nations, a protocol for managing complaints pertaining to exposure to noise generated by the Designated Project, the shared use of land and resources by First Nations and the employees and contractors associated with the Designated Project, and the quality of the resources used for traditional purposes. The Proponent shall respond to any complaint received within 48 hours after receipt of the complaint and deploy corrective measures in a timely manner. The Proponent shall develop the corrective measures in consultation with First Nations and the Cree Nation Government and implement the protocol during all the phases of the Designated Project. The Proponent shall present to First Nations the results of the implementation of the protocol for complaints pertaining to exposure to noise and the corrective measures implemented in response to these complaints.
- 7.11 The Proponent shall equip motorized equipment with mufflers, except if this is not technically or economically feasible, and maintain the mufflers in good working order.
- 7.12 The Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, a policy prohibiting the operation of engine brakes for all vehicles in the

Designated Project area. The Proponent shall require and ensure that any person complies with this policy, unless there are technical constraints or constraints pertaining to health or safety. The Proponent shall ensure that the policy includes raising awareness about the use of engine brakes outside of the mine site, in areas where Cree camps are located and in areas where traditional activities are practiced more intensely.

- 7.13 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Health Canada, the Cree Nation of Eastmain, the Cree Nation Government, the tallyman of trapline RE02, land users, the Cree Board of Health and Social Services of James Bay, and other relevant authorities, a follow-up program in order to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures pertaining to the adverse environmental effects on human health caused by the changes to air quality resulting from the Designated Project. The Proponent shall implement the follow-up program before the start of construction and up to the end of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 7.13.1 determine, in consultation with relevant authorities and taking into account the guidance on air zone management and the levels of management for the Canadian Ambient Air Quality Standards from the Canadian Council of Ministers of the Environment, the thresholds above which modified or additional mitigation measures are necessary;
  - 7.13.2 monitor the rates of total particulate matter (TPM), fine particulate matter (PM<sub>2.5</sub>), particulate matter (PM<sub>10</sub>), metals (particularly arsenic) and crystalline silica at no less than one location in the Designated Project area and one location determined in consultation with the parties consulted during the development of the follow-up program;
  - 7.13.3 monitor the nitrogen dioxide emissions during blasting activities and during the use of other nitrogen dioxide sources, particularly in the event that equipment compliant with the Tier 4 emission standards is unavailable or its use is not technically or economically feasible, as determined pursuant to condition 7.5; and
  - 7.13.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 7.13.2 and 7.13.3 shows an exceedance of the thresholds established in condition 7.13.1.
- 7.14 The Proponent shall develop, prior to construction and in consultation with Health Canada, the Cree Nation Government, First Nations, the manager of the kilometre 381 roadstop and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures pertaining to the adverse environmental effects on human health caused by noise attributable to the Designated Project. The Proponent shall implement the follow-up program during all the phases of the Designated Project. In doing so, the Proponent shall take into account Health Canada's *Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise*. As part of the implementation of the follow-up program, the Proponent shall:
- 7.14.1 conduct monitoring at the kilometre 381 roadstop for noise levels attributable to the project during construction and operation;



- 7.14.2 compare the noise levels attributable to the Designated Project with the relevant health indicators, particularly percent highly annoyed (%HA) and long-term sleep disturbance; and
- 7.14.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.14.1 show an exceedance of the thresholds established in condition 7.14.2.
- 7.15 The Proponent shall prepare, prior to construction and in consultation with Health Canada, the Cree Nation Government, First Nations, the Société de développement de la Baie-James and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to the water quality of the drinking water supply well at the kilometre 381 roadstop. If the Société de développement de la Baie-James informs the proponent of water contamination in the drinking water supply well attributable to the designated project, the proponent shall implement mitigation measures to correct the quality of the drinking water in the well and shall supply drinking water to the kilometre 381 roadstop until the quality of the water in the drinking water supply well meets the standards applied by the Société de développement de la Baie-James.
- 7.16 The Proponent shall develop, prior to construction, to the satisfaction of Health Canada and the Cree Board of Health and Social Services of James Bay, and in consultation with the Cree Nation Government, First Nations, the tallyman of trapline RE02 and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures pertaining to the adverse environmental effects of the Designated Project on the health of Indigenous peoples resulting from the changes to the concentration of contaminants of potential concern in plants and game animal tissues likely to be consumed by the Cree as traditional foods. As part of the development of the follow-up program, the Proponent shall determine the plants, game animal tissues and their components that will be monitored, the locations where the monitoring will be conducted, the contaminants to monitor, and the timing and frequency of the monitoring activities. The Proponent shall ensure that the follow-up program respects traditional Cree customs and practices. The Proponent shall implement the follow-up program from construction to decommissioning and in collaboration with the Cree Nation of Eastmain. In doing so, the Proponent shall:
- 7.16.1 conduct, prior to construction and during a harvesting period planned by the First Nations in the area of influence of the project, or during a harvesting period planned by the First Nations in the first year following the start of construction at a reference site outside the area of influence of the Designated Project that has similar environmental conditions to the area of influence of the Designated Project, a survey of the levels of contaminants of potential concern in plants;
- 7.16.2 monitor, during all phases of the Designated Project, the contaminants of potential concern in plants in the area of influence of the Designated Project at a sampling frequency of at least once a year;
- 7.16.3 carry out, prior to construction, a survey of the levels of contaminants of potential concern in game animal tissues;
- 7.16.4 monitor the levels of contaminants of potential concern in game animal tissues at minimum every five years from the start of construction; and

- 7.16.5 if the sampling and monitoring results described in conditions 7.16.2 and 7.16.4 exceed the predictions of the environmental assessment, implement any modified or additional mitigation measure in accordance with condition 2.5 according to the results of the follow-up program, and update the assessment of the human health risks established by the Proponent in the assessment of the toxicological risks for human health in Appendix CEEA-44 of the complement to the Environmental Impact Statement (Canadian Impact Assessment Registry, reference number 80141, document number 28), using the sampling and monitoring results. The Proponent shall integrate the current and projected consumption habits of First Nations identified during the environmental assessment in the updated human health risk assessment and any new information on consumption habits provided by the First Nations under the follow-up program.
- 7.17 The Proponent shall develop measures for the reduction of atmospheric emissions, integrate them into the design of the Designated Project, and implement these measures during all phases of Designated Project, in order to avoid or reduce adverse environmental effects caused by these emissions on Cree health. In doing so, the Proponent shall:
- 7.17.1 offer ecodriving training to the truck drivers transporting materials, including ensuring that the truck drivers are trained in efficient acceleration and deceleration;
- 7.17.2 develop, prior to construction and in consultation with relevant authorities, a policy to reduce fuel consumption. The Proponent shall apply the policy during all phases of the Designated Project.
- 7.17.3 monitor the fuel consumption associated with the Designated Project during all the phases of the Designated Project and annually present the results of this monitoring to Environment and Climate Change Canada and the *Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs*;
- 7.17.4 prohibit engine idling for all equipment and vehicles in the Designated Project area. The Proponent shall require and ensure that everyone complies with this policy, unless there are technical constraints pertaining to the operation of equipment and vehicles and constraints pertaining to health or safety; and
- 7.17.5 develop the Designated Project area and optimize the activities related to the implementation of the Designated Project in order to minimize the transport required and the distances to travel in the Designated Project area.

## **8 Current Use of Lands and Resources for Traditional Purposes**

- 8.1 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Nation Government, the Cree Board of Health and Social Services of James Bay, and relevant authorities, a communication plan for the purposes of sharing information with First Nations, the kilometre 381 roadstop staff, land users, employees and contractors associated with the Designated Project, and potentially affected parties on the Designated Project's activities, pertaining to the health of Indigenous peoples and the practice of Indigenous activities. The Proponent shall implement and maintain the communication plan during all the phases of the Designated Project. The plan shall include the procedures, including the schedule and the methods, pertaining to the sharing of information on the following:

- 8.1.1 a schedule of mine construction, operation and closure activities and any update to the schedule of these activities;
  - 8.1.2 the dates and times of all scheduled blasting activities that will be carried out by the Proponent, and any update to the schedule of blasting activities in the open-pit mine;
  - 8.1.3 the results of the follow-up programs referred to in conditions 3.17, 3.18, 3.19, 3.20, 3.21, 4.8, 5.6, 5.7, 6.5, 7.13, 7.14, 7.15, 7.16, 8.17 and 8.18, including the potential risks for health, in plain language, and the modified or additional mitigation measures prepared and implemented by the Proponent in accordance with condition 2.8.4 for each follow-up program. In doing so, the Proponent shall hold presentations and information sessions on the results of the follow-up programs with First Nations at least one per year;
  - 8.1.4 the action plan referred to in condition 5.1;
  - 8.1.5 the details of the protocol for receiving complaints pertaining to noise exposure attributable to the Designated Project referred to in condition 7.10, including the method of submitting a complaint;
  - 8.1.6 the summary reports referred to in condition 8.11.3; and
  - 8.1.7 the information on progressive reclamation referred to in condition 8.16.
- 8.2 The Proponent shall offer the tallymen of traplines RE02, VC33 and VC35, and Eastmain environmental services, the possibility of participating in the environmental monitoring and follow-up activities.
- 8.3 The Proponent shall prepare, in collaboration with the Cree Nation of Eastmain, a schedule of the annual hunting periods for the goose hunt and the moose hunt. The hunting periods will each last two weeks, meaning 14 days. The Proponent shall implement measures to mitigate the effects of the Designated Project on the goose and moose hunts, including:
- 8.3.1 for the duration of each hunting period, the Proponent shall:
    - 8.3.1.1 reduce daily waste rock handling by at least 30%;
    - 8.3.1.2 reduce the transportation of concentrate on the Billy-Diamond Highway from 12 to 8 return truck trips per day; and
    - 8.3.1.3 perform truck transportation between 9:00 a.m. and 7:10 p.m.;
  - 8.3.2 following each hunting period, the Proponent shall:
    - 8.3.2.1 hold a feedback session with the Cree Nation of Eastmain, the Cree Nation Government and the tallyman of trapline RE02 in order to determine if mitigation measures are sufficient; and
    - 8.3.2.2 prepare and implement modified or additional mitigation measures, in consultation with the parties referred to in condition 8.3, if the feedback shows that the measures in place are insufficient.
- 8.4 The Proponent shall implement measures to mitigate the effects of blasting activities on the goose hunt. The Proponent shall implement these measures during the goose hunt period determined pursuant to condition 8.3 and for minimum one additional week, meaning a minimum of 21 days. In doing so, the Proponent shall:

- 8.4.1 reduce the number of blasting operations to one blasting operation per 5 days, meaning a total of four blasting operations in 21 days;
  - 8.4.2 carry out blasting between 1:00 p.m. and 3:00 p.m.; and
  - 8.4.3 carry out blasting on weekdays, on days when the forecast weather conditions are unsuitable for goose hunting, except if this is not technically or economically feasible.
- 8.5 The Proponent shall prohibit, during all the phases of the Designated Project, any person from fishing, hunting, trapping and to be in possession of firearms and hunting, trapping or fishing equipment in the Designated Project area and within the safety perimeter for any purposes not associated with the Designated Project or the implementation of the conditions included in this Decision Statement, except if this person is granted access by the Proponent for traditional purposes or for the exercise of Aboriginal rights, to the extent this access is safe.
- 8.6 The Proponent shall allow Cree workers to have access to traditional foods in the workplace.
- 8.7 The Proponent shall use antishrapnel mats when blasting occurs less than 500 metres from the kilometre 381 roadstop and the Billy-Diamond Highway.
- 8.8 The Proponent shall develop, prior to construction and in consultation with First Nations, a traffic management plan in order to mitigate the effects of the Designated Project on the practice of traditional activities and implement the plan during all the phases of the Designated Project. The plan shall include:
- 8.8.1 a protocol for the use of radio communications systems in the transport trucks associated with the Designated Project by the employees and contractors associated with the Designated Project;
  - 8.8.2 monitoring of accidents involving vehicles associated with the Designated Project on the Billy-Diamond Highway; and
  - 8.8.3 the frequency of passage of heavy trucks and vehicles transporting workers on the different days of the week and at different times of day.
- 8.9 The Proponent shall offer an awareness training program to all employees and contractors associated with the Designated Project on the current use of lands and resources for traditional purposes by First Nations in order to promote a better understanding of different realities, deepen relations with First Nations and foster greater cohesion among workers. The Proponent shall develop the training in consultation with the Cree Nation Government. The training shall include:
- 8.9.1 awareness of Cree culture, Cree language, values, and the practice of traditional activities by land users, particularly near the Billy-Diamond Highway;
  - 8.9.2 a companion system to establish and maintain respectful relationships between Indigenous and non-Indigenous workers;
  - 8.9.3 the road safety rules and speed limits on the Billy-Diamond Highway, and the requirement to obey them; and
  - 8.9.4 the steps to follow to ensure the safety of land users parking on the roadside to perform their harvesting.

- 8.10 The Proponent shall delimit, in consultation with the tallyman of trapline RE02, an exclusion zone for traditional activities for safety reasons.
- 8.11 The Proponent shall prepare, prior to construction, a protocol for receiving complaints pertaining to the adverse environmental effects of the Designated Project on the current use of lands and resources for traditional purposes. The Proponent shall implement the protocol during all phases of the Designated Project. As part of the implementation of the protocol, the Proponent shall:
- 8.11.1 communicate the details of the protocol, including the method for submitting a complaint, to the Cree Nation Government and potentially affected parties;
  - 8.11.2 acknowledge receipt of any complaint attributable to the Designated Project as quickly as possible, within a maximum period of 48 hours after receipt of the complaint;
  - 8.11.3 implement, as soon as technically feasible, any corrective action under the Proponent's control in response to any complaint received, which may include modified or additional mitigation measures; and
  - 8.11.4 present a summary report each quarter to the Agency, the Cree Nation Government and potentially affected parties of the complaints received during the quarter, the processing time of any complaint received, any corrective action in response to a complaint received and the implementation time of any corrective action.
- 8.12 The Proponent shall retain the services of a liaison officer from the Cree Nation of Eastmain during all the phases of the Designated Project to inform the First Nations of jobs and contracts offered by the Proponent, ensure harmonious integration of Cree workers into the mine workforce, raise workers' awareness of Cree culture and traditional stewardship of the land, share First Nations' concerns with the Proponent, including land users, and participate in conflict resolution.
- 8.13 The Proponent shall develop, in consultation with the Cree Nation of Eastmain, Fisheries and Oceans Canada and other relevant authorities, a plan to salvage fish before drying out Lac Kapisikama.
- 8.14 The Proponent shall undertake, in consultation with the tallyman of trapline RE02 and prior to the start of construction, a beaver inventory in watercourse CE2 and undertake an annual beaver inventory during all the phases of the Designated Project. In doing so, the Proponent shall inspect the beaver dams at a frequency determined in consultation with the tallyman of trapline RE02 in order to survey any change in the flow and water level in watercourse CE2, and inform the Cree Nation of Eastmain of these changes.
- 8.15 The Proponent shall develop, in consultation with the First Nations and the tallyman of trapline RE02, a management protocol for black bear (*Ursus americanus*), which shall include measures to mitigate the effects of the Designated Project on traditional activities pertaining to black bear (*Ursus americanus*).
- 8.16 The Proponent shall undertake progressive reclamation of the areas disturbed by the Designated Project, except for the pit. In doing so, the Proponent shall:

- 8.16.1 identify, in consultation with the Cree Nation of Eastmain, the tallymen of traplines RE02, VC33 et VC35, and relevant authorities, the plant species to use for revegetation necessary for progressive reclamation and that support the creation of favourable habitats for migratory birds and species at risk, particularly caribou (*Rangifer tarandus*);
  - 8.16.2 restore the job site areas and the piles by grading the surfaces, covering them with natural soil, scarifying them or seeding them to favour the recovery of vegetation. The Proponent shall stabilize the disturbed areas, the embankment slopes, and unconsolidated deposit stockpiles and other stockpiles, as the work is completed;
  - 8.16.3 characterize the soil quality of each side of the sections of the hauling roads and manage soils according to their degree of contamination;
  - 8.16.4 revegetate the disturbed locations in the Designated Project area during the decommissioning phase, using plant species identified in condition 8.16.1;
  - 8.16.5 stabilize the shores of the watercourses disturbed by the construction work as soon as the work is completed; and
  - 8.16.6 in the decommissioning stage, favour the creation of wetlands in low gradient areas adjacent to the revegetated stockpiles of the watersheds of watercourses CE2 and CE3 with the goal of limiting the increase in peak flows and reducing the intake of suspended particulate matter in these watercourses. The Proponent shall ensure that these wetlands are located so that they receive all of the runoff water coming from the stockpiles without threatening the stability of their slopes.
- 8.17 The Proponent shall develop, prior to construction and in consultation with First Nations, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures pertaining to the adverse environmental effects of the Designated Project on the current use of lands and resources for traditional purposes, including cumulative effects. The Proponent shall implement the follow-up program prior to construction and until one year following progressive reclamation and determine, during each consultation referred to in conditions 8.17.2 and 8.17.3 and in consultation with First Nations and the tallymen of traplines VC33 and VC35, whether monitoring for traplines VC33 and VC35 remains necessary and the frequency at which this monitoring needs to be carried out. As part of the implementation of the follow-up program, the Proponent shall:
- 8.17.1 consult, prior to construction, the users of traplines RE02, VC33 and VC35, and the Cree Trappers Association, on the goose and moose harvest rates, the quality of the harvests, residual effects on navigability, the quality of use of the traplines and their access via the Billy-Diamond Highway during the goose and moose hunt periods, in order to characterize the state of the resources and the harvests of valued species;
  - 8.17.2 consult the users of traplines RE02, VC33 and VC35 on the adverse environmental effects of the Designated Project on trapping activities for traditional purposes, particularly the goose and moose harvest rates on the quality of the harvests, residual effects and navigability, and on access to the camps and traplines via the Billy-Diamond Highway during the goose and moose hunt periods;
  - 8.17.3 consult the users of traplines RE02, VC33, VC35, RE03 and R08 on the adverse environmental effects of blasting and transport truck traffic associated with the Designated Project on the quality of the use of traplines RE02, VC33, VC35, RE03 and

R08, including their access, the goose and moose harvest rates and the quality of the harvests; and

- 8.17.4 determine whether modified or additional mitigation measures are necessary based on the results of the monitoring conducted in accordance with conditions 8.17.2 and 8.17.3.
- 8.18 The Proponent shall develop, prior to construction and in consultation with the Cree Nation of Eastmain, the tallymen of traplines RE02, VC33 and VC35, and relevant authorities, a follow-up program to assess the effectiveness of the progressive reclamation referred to in condition 8.16. The Proponent shall implement the follow-up program for five years following the end of decommissioning. As part of the implementation of the follow-up program, the Proponent shall:
  - 8.18.1 define the key performance indicators it will use to assess the effectiveness of progressive reclamation; and
  - 8.18.2 monitor soil stability, growth and diversification of the plant species used for revegetation.

**9 [Removed, Budget Implementation Act, 2024]**

- 9.1 [Modified and moved to Condition 7.17, *Budget Implementation Act, 2024*]
  - 9.1.1 [Moved to Condition 7.17.1, *Budget Implementation Act, 2024*]
  - 9.1.2 [Modified and moved to Condition 7.17.3, *Budget Implementation Act, 2024*]
- 9.2 [Moved to Condition 7.17.2, *Budget Implementation Act, 2024*]
  - 9.2.1 [Moved to Condition 7.17.4, *Budget Implementation Act, 2024*]
  - 9.2.2 [Moved to Condition 7.17.5, *Budget Implementation Act, 2024*]
  - 9.2.3 [Moved to Condition 7.17.1, *Budget Implementation Act, 2024*]

**10 Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance**

- 10.1 The proponent shall establish, prior to construction and in consultation with First Nations and relevant authorities, an archaeological and cultural resource protection plan for any structure, site or thing of historical, archaeological, paleontological or architectural significance not previously identified and discovered within the Designated Project area. The proponent shall implement the plan during all phases of the Designated Project. As part of the plan, the Proponent shall state:
  - 10.1.1 the manner in which the Proponent will implement a procedure for dealing with accidental discoveries in the event that previously identified structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered by the Proponent or are brought to the attention of the Proponent by another party during all phases of the Designated Project. As part of the procedure for dealing with accidental discoveries, the Proponent shall:

- 10.1.1.1 immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;
  - 10.1.1.2 delineate an area of at least 600 metres around the discovery as a no-work zone until such a time that the Proponent receives advice issued pursuant to section 76 of Quebec's *Cultural Heritage Act* and from the qualified individual pursuant to condition 10.1.1.4;
  - 10.1.1.3 inform the Agency, the tallyman of trapline RE02, the Cree Nation Government, the band council of the Cree Nation of Eastmain, the Aanischaaukamikw Cree Cultural Institute, the Ministère de la Culture et des Communications, and other relevant authorities within 24 hours of the discovery, and allow First Nations to monitor archaeological works taking place at the site of the discovery;
  - 10.1.1.4 have a qualified individual, whose expertise pertains to the requirements of Quebec's *Cultural Heritage Act*, conduct an assessment at the location of the discovery. The terms of reference of this assessment shall be validated by the Cree Nation Government, the band council of the Cree Nation of Eastmain, and the Aanischaaukamikw Cree Cultural Institute; and
  - 10.1.1.5 consult with the Cree Nation of Eastmain, the Aanischaaukamikw Cree Cultural Institute, and relevant authorities on regulations, protocols, and customs related to respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.
- 10.2 The Proponent shall require that all the employees and contractors associated with the Designated Project, prior to conducting any soil disturbance activity in the Designated Project area, take training given by a qualified individual on the identification of archaeological or cultural remains that may be discovered in the Designated Project and the procedure to follow in case of a fortuitous archaeological discovery referred to in condition 10.1. The Proponent shall document the participation of employees and contractors in this training.
- 10.3 The Proponent shall prepare, prior to construction and in consultation with First Nations and the Social and Cultural Development Department of the Cree Nation Government, a glossary of Cree toponyms that identify in Cree language the geographic locations in the Designated Project area. In doing so, the Proponent shall:
- 10.3.1 identify in the glossary the existing Cree toponyms of the geographic locations in the Designated Project area. For any location that does not have an existing Cree toponym and for which First Nations or the Social and Cultural Development Department of the Cree Nation Government considers that a toponym is necessary, the Proponent shall determine a Cree toponym for this location in consultation with the Social and Cultural Development Department of the Cree Nation Government and First Nations, and include it in the glossary;
  - 10.3.2 present to the Agency, the Social and Cultural Development Department of the Cree Nation Government and First Nations, prior to construction, the glossary and a map of the Designated Project area that includes all Cree toponyms identified in the glossary and that shows the general layout of the Designated Project infrastructure; and



10.3.3 include the Cree toponyms identified in the glossary for any map produced by the Proponent as part of the Designated Project.

## **11 Independent Environmental Monitor**

- 11.1 The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a qualified individual in environmental monitoring in Quebec, to independently observe and record on the implementation of follow-up programs set out in this Decision Statement for the duration of each of the programs and present their findings to the Proponent, the Agency, and the Cree Nation Government.
- 11.2 The Proponent shall require the independent environmental monitor to report to the Agency, the Cree Nation Government and the First Nations in writing, prior to or concurrent with reporting to the Proponent on any condition set out in this Decision Statement during construction, operation, and decommissioning.
- 11.3 The Proponent shall require the independent environmental monitor to present to the Agency and the Cree Nation Government, at a frequency determined in consultation with these parties, the information pursuant to condition 11.2.

## **12 Accidents and Malfunctions**

- 12.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effect from accidents and malfunctions that does occur. In doing so, the Proponent shall:
  - 12.1.1 ensure the availability of equipment necessary to respond to any accident or malfunction identified pursuant to condition 12.3.1; and
  - 12.1.2 maintain readily accessible petroleum and hazardous material recovery kits at all times on the job site, as well as absorbent materials in each piece of job site equipment and conduct an annual audit of the contents of the emergency kits.
- 12.2 The Proponent shall consult, prior to construction, First Nations, the Cree Board of Health and Social Services of James Bay, and relevant authorities about the measures to be implemented to prevent accidents and malfunctions.
- 12.3 The Proponent shall develop, prior to construction and in consultation with First Nations, the managers of the kilometre 381 roadstop, the Cree Board of Health and Social Services of James Bay, and relevant authorities, an accident and malfunction response plan in relation to each phase of the Designated Project. The accident and malfunction plan for each phase shall include:
  - 12.3.1 a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project;
  - 12.3.2 the measures, including organizational and management measures, to be implemented in response to each type of accidents and malfunctions referred to in condition 12.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction. These measures include:

- 12.3.2.1 specific intervention procedures, particularly in the event of oil spills or spills of any other dangerous substance; and
    - 12.3.2.2 evacuation and confinement criteria in regards to the different types of accidents and malfunctions.
  - 12.3.3 a map identifying the locations where the mitigation measures referred to in condition 12.3.2 are to be implemented, including information regarding site specifics that should be communicated to external emergency responders who may be on site, such as cellular reception;
  - 12.3.4 identification of resources for the exclusive use of the project in the event of an emergency, distinguishing these resources from those that may also be used by the public, such as the ambulance at the kilometre 381 roadstop; and
  - 12.3.5 for each type of accident and malfunction referred to in condition 12.3.1, the roles and responsibilities of the Proponent and each applicable relevant authority in implementing the measures referred to in condition 12.3.2 (including for mobilizing emergency response equipment).
- 12.4 The Proponent shall maintain the accident and malfunction response plan referred to in condition 12.3 up-to-date during the applicable phase of the Designated Project. The Proponent shall submit any updated accident and malfunction response plan to the Agency, the Cree Nation Government and parties consulted during the development of the plan within 30 days of the plan being updated.
- 12.5 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 12.3.1, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any measure referred to in condition 12.3.2, and shall:
- 12.5.1 implement the communication plan referred to in condition 12.6;
  - 12.5.2 notify, as soon as possible and pursuant to the communication plan referred to in condition 12.6, First Nations, the Cree Nation Government, the Cree Board of Health and Social Services of James Bay, and relevant authorities of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying First Nations, the Cree Nation Government, the Cree Board of Health and Social Services of James Bay and the Agency, the Proponent shall specify:
    - 12.5.2.1 the date and time when and location within the Designated Project area where the accident or malfunction occurred;
    - 12.5.2.2 a summary description of the accident or malfunction;
    - 12.5.2.3 a list of any substance potentially released into the environment as a result of the accident or malfunction;
  - 12.5.3 submit a written report to the Agency, the Cree Nation Government, and the Cree Board of Health and Social Services of James Bay no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:
    - 12.5.3.1 a detailed description of the accident or malfunction and of its adverse environmental effects;

- 12.5.3.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
  - 12.5.3.3 a list of the relevant authorities notified pursuant to condition 12.5.2;
  - 12.5.3.4 any view from First Nations 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;
  - 12.5.3.5 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
  - 12.5.3.6 details concerning the implementation of the accident or malfunction response plan referred to in condition 12.3.
- 12.5.4 submit a written report to the Agency, the Cree Nation Government, and the Cree Board of Health and Social Services of James Bay, no later than 90 days after the accident or malfunction occurs, and taking into account the information submitted pursuant to condition 12.5.3, which shall include a description of the changes made to prevent a recurrence of such accident or malfunction and the implementation of any modified or additional measures to mitigate and monitor residual adverse environmental effects and to carry out any necessary progressive reclamation. The report shall include any additional views of First Nations and advice of relevant authorities received by the Proponent, if any, since the views and advice referred to in condition 12.5.3.3 were received by the Proponent.
- 12.6 The Proponent shall develop, in consultation with First Nations, 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:
- 12.6.1 the types of accidents and malfunctions requiring the Proponent to notify the First Nations;
  - 12.6.2 the manner by which First Nations shall be notified by the Proponent of an accident or malfunction and of any opportunity for the First Nations to assist in the response to the accident or malfunction; and
  - 12.6.3 the contact information that First Nations may use to communicate with the Proponent and the contact information for each Indigenous group that the Proponent shall use to provide notification.

### **13 Schedules**

- 13.1 The Proponent shall submit to the Agency and the Cree Nation Government a schedule for all conditions set out in this Decision Statement no later than 60 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.
- 13.2 The Proponent shall submit to the Agency and the Cree Nation Government a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 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.

- 13.3 The Proponent shall submit to the Agency and the Cree Nation Government in writing an update to schedules referred to in conditions 13.1 and 13.2 every year no later than March 31, until completion of all activities referred to in each schedule.
- 13.4 The Proponent shall submit to the First Nations the schedules referred to in conditions 13.1 and 13.2 and any update or revision made to the schedules pursuant to condition 13.1 at the same time that the Proponent submits these documents to the Agency.

#### **14 Record Keeping**

- 14.1 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 and the Cree Nation Government 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 and the Cree Nation Government upon demand within a timeframe specified by the Agency and the Cree Nation Government.
- 14.2 The Proponent shall retain all records referred to in condition 14.1 at a facility in Canada and shall provide the address of the facility to the Agency and the Cree Nation Government. 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 and the Cree Nation Government the address of the new location.
- 14.3 The Proponent shall notify the Agency and the Cree Nation Government of any change to the contact information of the Proponent in this Decision Statement.

**Issuance**

This Decision Statement is issued in Ottawa, Ontario by:

< Original signed by >

\_\_\_\_\_  
**The Honourable Steven Guilbeault**  
Minister of the Environment

January 13, 2023  
Date \_\_\_\_\_

**Amendment**

This Decision Statement is amended in Ottawa, Ontario by:

< Original signed by >

\_\_\_\_\_  
**The Honourable Steven Guilbeault**  
Minister of the Environment

July 26, 2024  
Date \_\_\_\_\_

**Amendment**

This Decision Statement is amended in Ottawa, Ontario by:

< Original signed by >

\_\_\_\_\_  
**The Honourable Julie Dabrusin**  
Minister of the Environment

June 2, 2025  
Date \_\_\_\_\_