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COR/2022/00235

Reg. # 2158

Sharlene Baird, Environment Superintendent
TACORA Resources Inc.
1 Wabush Mines Road
P.O. Box 3000
Wabush, NL A0R 1B0

Dear Ms. Baird:

Re: Scully Mine Tailings Impoundment Area Expansion Project

The Scully Mine Tailings Impoundment Area Expansion Project, EA Reg. #2158 (the Project) has been reviewed by an interdepartmental environmental assessment screening committee and an opportunity to comment has been provided to the public as required by Part X of the Newfoundland and Labrador **Environmental Protection Act**, SNL 2002, cE-14.2. Please be advised that the Project is **released** from further environmental assessment subject to the following conditions:

- You are required to uphold all commitments made in your environmental assessment submission to mitigate the effects of the Project on the environment.
- The Pollution Prevention and the Environmental Assessment Divisions of my Department require you to develop a Dust Mitigation and Monitoring Plan (DMMP) for the Project. The DMMP shall propose monitoring of total suspended particulate and fine particulate levels at sensitive receptors including nearby communities, in addition to the existing air quality monitoring stations in and around the towns of Labrador City and Wabush. The DMMP shall identify, in consultation with the public and Indigenous Governments and Organizations, potential receptors of dust from the Project, including human, plant and animal receptors, and implement and monitor measures to mitigate the effects of dust. The DMMP shall be approved by me prior to Project commencement. For further information, please contact the Pollution Prevention Division at (709) 729-6771 or email at dpittman@gov.nl.ca, and the Environmental Assessment Division at (709) 729-2822 or email EAProjectComments@gov.nl.ca.



- The Environmental Assessment Division of my Department requires you to submit an EEMP that identifies the potential effects of the Project on traditional, cultural, spiritual, and recreational activities in the Project area, proposed mitigations, and monitoring that will be conducted to confirm the efficacy of the mitigations or propose adaptive management. The EEMP shall demonstrate the participation of Indigenous peoples and the public in identifying potentially affected activities, mitigations and follow up monitoring and adaptive management. The EEMP for Traditional, Cultural, Spiritual and Recreational Activities shall be approved by me prior to Project commencement. For further information, please contact the Environmental Assessment Division at (709) 729-2822 or email EAProjectComments@gov.nl.ca.
- The Environmental Assessment Division of my Department requires you to establish a Stakeholder Consultation Committee to provide, at minimum, a quarterly report to the my Department that identifies committee membership; location, time and date of meetings; meeting attendance; opportunities for stakeholders to action agenda items; items discussed; proposals for complaints resolution; status of complaints resolution; and the next scheduled meeting. The Stakeholder Consultation Committee must be chaired by Tacora, and the opportunity to participate on the Committee must be extended to the Towns of Labrador City and Wabush, the public, and to Indigenous Governments and Organizations. The Environmental Assessment Division of my Department must approve any proposed changes in meeting frequency. For further information, please contact the Environmental Assessment Division at (709) 729-2822 or email EAProjectComments@gov.nl.ca.
- The Water Resources Management Division of my Department requires you to complete a hydrogeological assessment of the Project area. An initial report with currently available data must be submitted and approved by the Water Resources Management Division prior to commencing any work related to the Project, with follow up reports to be submitted annually until the groundwater assessment is complete. For further information, please contact the Water Resources Management Division at (709) 729 -2539 or email WRMD_EA@gov.nl.ca.
- The Water Resources Management Division of my Department requires you to maintain a 100-metre buffer around the Wahnahnish Lake Protected Public Water Supply Area boundary, in accordance with Newfoundland and Labrador Regulation 4/13, under the **Water Resources Act**. The boundary is shown on the Water Resources Management portal at <https://www.gov.nl.ca/ecc/waterres/portal/>. Project activities shall not occur within the 100-metre buffer. For further information, please



contact the Water Resources Management Division at (709) 729-2539 or email WRMD_EA@gov.nl.ca.

- The Wildlife Division of the Department of Fisheries, Forestry and Agriculture (FFA) requires the following buffers around waterbodies:
 - For slopes less than 30 percent, a minimum 30-metre naturally vegetated riparian buffer zone shall be established around all waterbodies (including wetlands) from the high water mark, that are identified on either the 1:50,000 scale National Topographic System maps, or the topographic mapping layer shown in the Provincial Land Use Atlas. No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities shall take place in this zone.
 - For slopes greater than 30 percent, a naturally vegetated riparian buffer zone shall be calculated using the following formula: 30 metres + 1.5 metres x slope (per cent). No land use activities involving grubbing, ground or soil disturbance, or timber harvesting activities shall take place in this zone. For further information, please contact FFA at (709) 637-2353 or email robbyndillman@gov.nl.ca.
- The Wildlife Division of FFA requires you to provide information on proposed detector locations and installation periods for the bat-monitoring program, for its review and determination of ideal locations and time periods for deployment.
- The Wildlife Division notes your commitment in the registration document to conduct surveys and compile survey reports for rare flora and fauna and other vegetation including wetlands, fish and fish habitat, avifauna including bats and raptors, and amphibians. The Wildlife Division requires you to provide the reports of all surveys and studies indicated in the Registration document, for its review, and requests that the digital location data collected for all species be made available to the Wildlife Division for inclusion in the Atlantic Canada Conservation Data Center database and for research and management purposes. Authorities will review the survey reports for adequacy of information, and mitigation measures may be required in collaboration with the authorities. For further information, please contact FFA at (709) 637-2353 or email robbyndillman@gov.nl.ca.



- You are required to advise the Environmental Assessment Division when the conditions of release have been met, by emailing a written description, documents, and images (where applicable) to demonstrate that the conditions have been fulfilled to EAProjectComments@gov.nl.ca.
- You are required to update the Environmental Assessment Division on the status of your Project, including a copy of all permits, licences, certificates, approvals and other authorizations required for your Project, one year from the date of this release letter and to provide additional updates if required. Please email your Project updates to EAProjectComments@gov.nl.ca.

Federal and provincial government departments and agencies that reviewed your project during the environmental assessment provide the following advice:

The Climate Change Branch (CCB) of my Department advises you to consider the impact of climate change on your Project. The CCB suggests that you consider provincial climate change projections for Wabush (nearest regional site) in the planning of this undertaking and notes that the clearing of trees and brush can contribute to climate change and requires permitting through FFA. The CCB advises that any heavy-duty equipment used in the construction of the Project should be operated in a manner to maximize fuel efficiency, thereby reducing greenhouse gas emissions that could contribute to climate change. For further information, please contact the CCB at (709) 729-1485.

The Pollution Prevention Division (PPD) of my Department advises that all waters discharged from the proposed site during construction and operation, are subject to compliance with the Environmental Control Water and Sewage Regulations. Your existing mine currently operates under a Certificate of Approval from the Pollution Prevention Division and monitoring effluent discharge and water quality is required as a condition of this approval. All waste management and any additional surface water, groundwater and effluent discharge monitoring requirements identified for the construction and operation of the Project will be incorporated into the Certificate of Approval, and a new or amended Certificate of Approval will be required. For further information, please contact the Pollution Prevention Division at (709) 729-5782.

The Water Resources Management Division of my Department advises that approval is required for the construction of dams/dykes, a water use licence is required for the use of water from any water source including all non-domestic uses, and permits are required for development within shore water zones and infilling within 15 metres of bodies of water. For



further information, please contact the Water Resources Management Division at (709) 729-1671.

The Government Service Centre (GSC) of the Department of Digital Government and Service NL advises that any spill or leak of gasoline or associated product is to be reported immediately to Digital Government and Service NL by calling the Environmental Emergencies Telephone Line at 772-2083 or 1-800-563-9089. For further information, please contact the Government Service Centre at (709) 637-2229.

The Occupational Health and Safety Division (OHS) of the Department of Digital Government and Service NL advises you to ensure that the activities associated with the development are conducted in compliance with the **Occupational Health and Safety Act** and its regulations. This includes the responsibility for ensuring that contractors hired to perform work also comply with this legislation. OHS reminds you to consider procedures associated with the protection of workers related to COVID-19. For further information, please contact the OHS at (709) 729-6690.

The Department of Industry, Energy and Technology (IET) advises that you must comply with the **Mining Act**, and in particular, you are required to submit a development plan and a rehabilitation and closure plan, and provide financial assurance for approval by IET. For further information, please contact the Engineering Analysis Section at (709) 729-6164. IET reminds you that a surface lease is required for the area of the proposed tailings impoundment expansion. For further information, please contact the Mineral Rights Section of IET at (709) 729-6437.

The Department of Municipal and Provincial Affairs advises you to obtain a demolition permit and a development permit from the Town of Wabush. For more information, please contact Municipal and Provincial Affairs at (709) 729-3090.

Environment and Climate Change Canada (ECCC) provides guidance on migratory birds and species at risk, caribou, wetlands, cumulative effects, erosion and drainage control, air quality, monitoring and adaptive management, effects of the environment on the Project, environmental code of practice for metal mines, accidents and malfunctions, blasting operations, national pollutant release inventory, acid rock drainage, seepage control, infilling, and water treatment. ECCC–Canadian Wildlife Service requests information on the following:



- The bat monitoring program, including proposed methodology, location and timing to be submitted for review prior to implementation; and,
- Survey results for avifauna, species at risk, species of conservation concern, bats, and wetland classification. For further information, please contact ECCC at (709) 772-2126.

Fisheries and Oceans Canada advises that the modernized **Fisheries Act** includes fish and fish habitat protection provisions, which came into effect on August 28, 2019. If you are conducting work in or near water you should refer to the Projects Near Water website to get information about how to comply with the **Fisheries Act** and as well as information on the Project review process. The "Projects Near Water" website is located at <http://www.dfo-mpo.gc.ca/pnw-ppe/index-eng.html>. For further information, please contact the Fisheries Protection Program at (709) 772-4140.

Transport Canada advises that infilling or dewatering of any navigable waterway is prohibited under the **Canadian Navigable Waters Act** and requires an Exemption under the **Act**. You are to submit an Application for Approval detailing the work, its effects, and the nature of the water bodies that may be involved. For further information, please contact the Navigation Protection Program at (506) 851-3113.

Although the undertaking as proposed is released from further environmental assessment, it is still subject to other legislative requirements. A summary of the comments received from government agencies during the review is attached to provide an indication of likely applicable permits, approvals and legislative requirements. You must comply with all relevant legislation and obtain all necessary permits and approvals. You are required to inform this Department of any significant changes to the undertaking.

Please be advised that the Dust Management Plan and Environmental Effects Monitoring Plans are subject to Cost Recovery as per fee policy at <https://www.gov.nl.ca/ecc/env-assessment/fees/>.

Please note that in accordance with Section 17 of the Environmental Assessment Regulations, the Minister's decision is valid for a period of three years from the date of this letter. If you have not commenced your Project within this three-year period, you may apply to extend the three-year period for a maximum of three one-year periods. Failure to apply for an extension will result in the expiry of the Minister's decision, and your Project will have to



be registered again for environmental assessment, should you wish to proceed. For further information, please email EAProjectComments@gov.nl.ca.

If you have any questions, please contact Joanne Sweeney, Director, Environmental Assessment Division, at (709) 729-0673 or joannesweeney@gov.nl.ca.

Sincerely,

A handwritten signature in blue ink, appearing to be "Bernard Davis", written over a horizontal line.

HON. BERNARD DAVIS, MHA
District of Virginia Waters – Pleasantville
Minister

Enclosures

Cc: Jordon Brown, MHA, Labrador West