

## 15.0 OTHER APPROVALS REQUIRED

### 15.1 Federal Government Environmental Approvals Process

Environmental approvals related to the *Fisheries Act*, *Navigable Waters Protection Act* and *Explosives Act* could be required for the Rainy River Project (RRP). Fisheries and Oceans Canada (DFO), Environment Canada (EC), Transport Canada (TC) and Natural Resources Canada (NRCan) are the agencies primarily involved with approvals under the above statutes.

These Federal departments have a broad range of responsibilities. The *Fisheries Act* gives the DFO responsibility for the management of fisheries, habitat, and aquaculture, including aquatics Species at Risk (SAR). In regards to the RRP, the DFO has the role to manage the harmful alteration, disruption or destruction of fish habitat. EC is also responsible for the protection of fish and more broadly protection of the environment, and leads approvals related to the deposition of deleterious substances in fish bearing waters (a regulatory amendment to list a waterbody to Schedule 2 of the Metal Mining Effluent Regulations). TC reviews the impacts of infrastructure on waterway navigability to ensure passage is not interfered with. NRCan is responsible for authorizing the manufacturing and storage of explosives through licences and issues permits for the transportation of explosives.

It is expected that the overprinting of waters frequented by fish by tailings and mine rock stockpiles may be necessary and will require a listing under Schedule 2 of the Federal Metal Mining Effluent Regulation, pursuant to the *Fisheries Act*. This process requires a stand alone alternatives assessment for mineral waste disposal which is attached to this final Environmental Assessment (EA) Report (Appendix P).

Based on discussions with DFO, it is our understanding that the impacts and offset measures associated with *Fisheries Act* Section 35 impacts to fish habitat and fisheries, must be identified and offset in separate documentation, from the impacts and offsets associated with mine waste deposition into natural waters frequented by fish pursuant to the MMER Schedule 2 requirements (Appendix X-1). Two separate No Net Loss Plans (NNLP) have been prepared in draft, issued for discussion with DFO and revised (Appendices X-2 and X-3) and once finalized, will be submitted to DFO to address the overall offset strategy for the RRP.

The NNLP associated with the *Fisheries Act* Section 35, considers effects associated with the:

- Open pit;
- Plant site and ancillary facilities;
- Dams and berms;
- Flow reduction;
- Road crossings, pipeline crossings, intakes and outlets;

- East mine rock stockpile; and
- Mine rock pond.

The MMER Schedule 2 NNLP addresses the:

- Overburden stockpile;
- Tailings management area;
- West mine rock stockpile; and
- Constructed wetland.

Table 15-1 summarizes the types of Federal environmental approvals that could potentially be required for the RRP (including engineering approvals related to explosives manufacturing and/or storage, and infrastructure crossings over navigable waters). Others may arise through consultation with Federal agencies.

A Federal *Species at Risk Act* permit is not anticipated to be required because there are no Schedule 1 aquatic SAR or SAR on Federal lands associated with the RRP.

## 15.2 Provincial Government Environmental Approvals Process

The *Ontario Water Resources Act*, the *Environmental Protection Act*, the *Mining Act*, the *Public Lands Act*, the *Planning Act* and the *Ontario Heritage Act* contain associated regulations, guidelines and policies stipulating that relevant aspects of the natural and/or human use environments are to be protected against undue disturbance from industrial and other sources, except as provided through the granting of permits, approvals and authorizations.

There are five primary Provincial agencies that could be involved with approvals / permits for the RRP: Ministry of Northern Development and Mines (MNDM), Ministry of the Environment (MOE), Ministry of Natural Resources (MNR), Ministry of Transportation (MTO) and the Ontario Energy Board (OEB):

- MNDM has a responsibility to ensure the orderly development of mineral resources in the Province of Ontario, including responsibilities for the disposition of Crown lands for mining, and primary responsibility for mine closure activities;
- MOE grants permits and approvals that address project aspects related to water and air quality (including sound) and waste management;
- The MNR role is to ensure the protection and wise use of Crown resources not otherwise disposed, such as through the *Mining Act* administered by the MNDM, including natural heritage features and SAR;

- MTO provides management of the Provincial highway system, as well as other aspects related to the *Highway Traffic Act* and *Public Transportation and Highway Improvement Act*; and
- The OEB has responsibility for energy-related approvals, including approval to construct transmission lines, and operates as an adjudicative tribunal, carrying out its regulatory function through oral or written public hearings.

Ministry of Tourism, Culture and Sport (MTCS) may also be involved with permitting of project components. No permits are expected to be issued by the MTCS for the RRP. The role of Ministry of Municipal Affairs and Housing (MMAH) for land use planning ensures sound infrastructure planning, economic development and safe communities.

Decisions related to these Provincial permits and approvals are informed in part, by this EA Report which is part of the Provincial EA process.

A large number of Provincial approvals are expected to be required to construct, operate and eventually reclaim the RRP. Key legislation related to the RRP includes the: *Ontario Water Resources Act*, *Environmental Protection Act*, *Endangered Species Act*, *Mining Act*, *Lakes and Rivers Improvement Act*, *Public Lands Act* and *Planning Act*.

Table 15-2 provides a listing of the Provincial approvals anticipated to be required or likely to be required for the construction and operation of the RRP.

### 15.3 Municipal Government Approvals Process

The Township Official Plan is a policy document, adopted by Township Council under the provisions of the Provincial *Planning Act*. It applies to all land except Provincial Crown Land within the Township. The document formally lays out the planning goals and objectives over a 20 year time horizon. In 2011 the Township of Chapple initiated a legislated review of the Official Plan and Zoning By law, and released a final draft version of the revised plan in December 2012 (Township of Chapple 1997, 1998, 2012c). The Official Plan was adopted by Township Council on March 12, 2013 following this comprehensive review process (Township of Chapple 2013). Approval of this Official Plan by the MMAH was received September 13, 2013.

The Plan establishes a Mine Site designation for the Township, acknowledging that mine sites are regulated under the *Mining Act* and that other Federal and Provincial legislation applies. It also indicates that the Zoning By-law shall be amended to show the boundaries of the mine following completion of an EA. In regards to road network, the Official Plan acknowledges a conceptual preferred re-alignment of a portion of Highway 600.

Section 3 of the Official Plan (Township of Chapple 2013) states that the Zoning By-law shall be amended to show the boundaries of the mine on EA approval. RRR has initiated discussions with the Township of Chapple related to the anticipated zoning amendments required for RRP development.

**Table 15-1: Anticipated Federal Environmental Approvals**

Permit / License	Responsible Agency	Description
Harmful Alteration, Disruption or Destruction of Fish Habitat <i>Fisheries Act</i>	Fisheries and Oceans Canada	Depending on the sensitivity of fish and fish habitat, authorization may potentially be required for the: <ul style="list-style-type: none"> <li>• Establishment of the mine rock stockpile(s) and tailings management area;</li> <li>• Re-alignment of Highway 600 and mine access, creek crossings;</li> <li>• In water structures such as for fresh water taking;</li> <li>• Watercourse diversions / re-routing; and/or</li> <li>• Mine dewatering groundwater effects that would cause disruption to watercourses supporting fisheries.</li> </ul>
Review of Works in Navigable Waters <i>Navigable Waters Protection Act</i>	Transport Canada	For alteration of navigable waters, such as through establishment of crossing(s) over Pinewood River (if determined to be a Navigable Water); or others.
Schedule 2 Listing Metal Mining Effluent Regulation <i>Fisheries Act</i>	Environment Canada	It is expected that the overprinting of waters frequented by fish by tailings and mine rock stockpiles (or other deleterious material) may be necessary and will also require a listing under Schedule 2 of the Federal Metal Mining Effluent Regulation, pursuant to the <i>Fisheries Act</i> .
Manufacturing, storage and transportation of explosives Explosives Regulations, <i>Explosives Act</i>	Natural Resources Canada	<ul style="list-style-type: none"> <li>• Any explosives magazines, manufacturing facilities and transportation of explosives require a Federal permit, pursuant to Sections 6 and 7 of the <i>Explosives Act</i>.</li> <li>• Facilities and equipment owned by the licensed explosives contracted will be permitted through the contractor.</li> </ul>

**Table 15-2: Anticipated Provincial Environmental Approvals**

Permit / Licence / Assessment	Agency Responsible	Description
Permits to Take Water <i>Ontario Water Resources Act</i>	MOE	Taking of water of greater than 50,000 L/d, such as for: <ul style="list-style-type: none"> <li>• Initial water taking from the Pinewood River for fresh water;</li> <li>• Water taking from the West Creek pond for potable water and other miscellaneous uses;</li> <li>• Potable water well(s); and</li> <li>• Dewatering of the open pit and underground mine.</li> </ul>
Environmental Compliance Approvals <i>Environmental Protection Act</i>	MOE	For the construction and operation of treatment facilities and associated releases to the environment, including: <ul style="list-style-type: none"> <li>• Domestic sewage treatment plant (such as a membrane bioreactor);</li> <li>• Industrial sewage treatment facility (including the minewater pond, tailings management area, water management pond, water discharge pond and constructed wetland);</li> <li>• Onsite demolition landfill potentially including leachate management; and</li> <li>• Management of air emissions during the construction and operation phases.</li> </ul>
Environmental Screening or Individual EA <i>Environmental Assessment Act</i>	MOE	There may be additional EA requirements for the demolition landfill under O.Reg. 101/07 later in mine life.
Work Permit / Approval <i>Public Lands Act / Lakes and Rivers Improvement Act</i>	MNR	Various permits for work / construction on Crown land, including below the high water mark of local watercourses and construction of dams and dykes.
Forest Resource Licence (Cutting Permit) <i>Crown Forest Sustainability Act</i>	MNR	Clearing of Crown merchantable timber (if any).
Land Use Permit <i>Public Lands Act</i>	MNR	Tenure for permanent facilities on Crown land (if any).
SAR Net Benefit Permit <i>Endangered Species Act</i>	MNR	Management of activities related to SAR.
Leave to Construct <i>Ontario Energy Board Act</i>	OEB	Approval to construct a transmission line.
Work Permit / Various Approvals <i>Public Transportation and Highway Improvement Act; Highway Traffic Act</i>	MTO	For planning, design, construction of the re-alignment for a portion of Highway 600.
Closure Plan <i>Mining Act</i>	MNDM	For mine construction / production including that related to the eventual RRP decommissioning at mine closure.