



UPPER BEAVER PROJECT

Upper Beaver Gold Project Impact Statement

Section 16: Environmental Approvals



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There are no figures for this section.

Acronyms and Abbreviations

Agnico Eagle	Agnico Eagle Mines Limited
DFO	Fisheries and Oceans Canada
Class EA	Class Environmental Assessment
ECCC	Environment and Climate Change Canada
HADD	Harmful Alteration, Disruption or Destruction of Fish Habitat or Death of Fish by means other than fishing
IAAC	Impact Assessment Agency of Canada
MDMER	Metal and Diamond Mining Effluent Regulations
MECP	Ministry of the Environment, Conservation and Parks
MEM	Ministry of Energy and Mines
MNR	Ministry of Natural Resources
PA	Project Area
Project	Upper Beaver Gold Project
SAR	Species at Risk
TC	Transport Canada
TSF	tailings storage facility

16.0 Environmental Approvals

16.1 Approval Framework for Mining Projects

Mining in Canada is approved through a complex process involving federal and provincial government agencies, departments and ministries. The Province of Ontario has regulatory authority over mineral development in the province, while both the federal and provincial governments have jurisdiction over regulatory aspects that govern the mining industry. Municipal approvals will apply as the Upper Beaver Gold Project (Project) is located within municipal boundaries. Municipal approvals for the Project are anticipated to include land use planning approvals under the *Planning Act* (e.g., zoning by-law amendment) and building permits under the Ontario *Building Code Act*. Additional approvals or agreements may be required to address compliance with applicable municipal by-laws. Municipal approvals are summarized in this section rather than in the federal and provincial approvals tables because they are administered through separate municipal planning, building permit and by-law compliance processes, and will be advanced with the applicable municipality as Project design and permitting requirements are refined.

Designated projects that undergo a federal Impact Assessment under the *Impact Assessment Act* are not exempt from the requirements of other federal and provincial regulatory processes. Authorizations under other applicable federal regulatory instruments are also required. Provincial regulatory requirements must also be met in order for the Project to proceed.

Project-related activities cannot proceed until the applicable regulatory processes related to the activity are completed and necessary environmental approval(s) are issued. While the majority of the approvals required are obtained prior to or near the beginning of the construction phase, there may be environmental approvals may also be obtained later in the mine life for the operations, decommissioning and closure phases. Amendments to issued approvals may be sought to allow for adaptive management over the life of the mine.

16.2 Federal Environmental Approvals

The Impact Assessment Agency of Canada (IAAC) has indicated that the information, studies, and public and federal Crown-Indigenous consultation requirements for separate regulatory processes may be completed concurrently with those required for the Impact Assessment. The information and studies that inform the Impact Statement may also be used for other applicable federal regulatory processes (IAAC 2024), although more detailed and specific information is commonly needed than that required for the impact assessment process. Agnico Eagle Mines Limited (Agnico Eagle) has requested that the federal environmental approvals processes progress concurrently with the Impact Assessment process.

The *Fisheries Act* and *Canadian Navigable Waters Act* are the primary federal legislation associated with the environmental approval of the Project in addition to the *Impact Assessment Act*:

- The management of fisheries resources in Canada is under the *Fisheries Act* administered primarily by Fisheries and Oceans Canada (DFO). The Metal and Diamond Mining Effluent Regulations (MDMER), developed under Section 36 of the *Fisheries Act* and administered by Environment and Climate Change Canada (ECCC), regulate the deposition of deleterious material into natural waters frequented by fish.

- The *Canadian Navigable Waters Act* regulates works in both scheduled and non-scheduled navigable waterways that may interfere with the public right to navigation and is administered by Transport Canada (TC).

Table 16.2-1 summarizes the federal environmental approvals that are anticipated to be required for the construction, operations and closure phases of the Project as it is currently proposed.

As detailed in other sections of this Impact Statement, the Project is anticipated to have direct and indirect effects on fish and fish habitat related to Project components and activities, including effects related to the construction of Project facilities, blasting, watercourse diversions, water crossings and dykes. Residual effects to fish and fish habitat that cannot be mitigated will require offsetting by additional measures.

While there are no watercourses or waterbodies listed on the Schedule to the *Canadian Navigable Waters Act* that may be affected by the Project, work is proposed in the Misema River system, including Ava Lake and York Lake which have been assessed as navigable water by TC.

Preliminary information regarding the federal approvals processes associated with this legislation was provided to the relevant regulatory authorities during Impact Statement preparation. Updated documentation related to these federal approval processes, as indicated below, has been appended to the Impact Statement to support coordination of federal authorizations through the impact assessment process:

- Draft alternative assessment for mineral waste disposal in the prescribed format in support of listing(s) on Schedule 2 of the *Fisheries Act*, MDMER (Appendix C)
- Draft fish habitat offset and compensation plan in support of issuance of an Authorization for Harmful Alteration, Disruption or Destruction of Fish Habitat or Death of Fish by means other than fishing (HADD) under the *Fisheries Act* (Appendix J)
- Supporting documentation for an assessment of watercourse and waterbody navigability by TC and potential future approvals, related to the *Canadian Navigable Waters Act* (Appendix P).

Approval applications, where needed, will be submitted by Agnico Eagle to the relevant regulatory authorities under separate cover from the Impact Statement.

A permit under subsection 73(1) of the federal *Species at Risk Act* is not anticipated to be required for Species at Risk (SAR) or their critical habitat, because the Project is not on federal lands and there are no prohibition orders in place for on non-federal lands near the Project.

The manufacturing and transportation of explosives required for the Project will be carried out by a qualified specialized contractor. Explosives will be stored on-site under the care and control of the mine operator. Off-site manufacturing and transportation activities are not part of the designated Project. The specialized contractor will obtain approvals required under the *Explosives Act* from Natural Resources Canada for manufacturing and transportation activities, and the mine operator will obtain required authorizations for on-site storage and use.

Shipment of dangerous goods, including certain chemicals and reagents required to process ore, will be completed according to applicable regulatory requirements. *Transportation of Dangerous Goods Act* approvals will be obtained by specialist contractors from TC on an as-needed basis.

Table 16.2-1: Federal Environmental Approvals

Approval	Description	Project Phase
Paragraphs 34 and 35 Authorization <i>Fisheries Act</i> DFO	Authorization(s) will be required for Project-related facilities and activities that could result in the HADD, for the construction and operation of the following facilities: • Tailings storage facility (TSF) • Overburden stockpile • Contact water ponds • Process plant and laydown area • Temporary freshwater diversions (Ava Lake to Misema River) • Water intake and discharge structure(s) • Roads, pipelines and other infrastructure. There will also be indirect effects to local watercourses that support fisheries that will require authorization due to: • Localized lowering of the groundwater table by mine dewatering • Diversion of natural runoff and surface flow away from Project facilities • Collection and treatment of precipitation and runoff from within the Project site for discharge to the Misema River. A combined Offsetting Plan for the Paragraph 35(2)(b) Authorization and a Fish Habitat Compensation Plan for the Schedule 2 MDMER listing has been prepared in draft to address the overall fisheries compensation and offset requirements for the Project (Appendix J).	• All Project phases • Authorization required prior to impact occurring
Amendment to Schedule 2 of the MDMER <i>Fisheries Act</i> ECCC	An amendment to Schedule 2 of the MDMER will be required for fish-frequented watercourses and waterbodies overprinted by the following facilities: • TSF • Contact water ponds. A combined Offsetting Plan for the Paragraph 35(2)(b) Authorization and a Fish Habitat Compensation Plan for the Schedule 2 MDMER listing has been prepared in draft to address the overall fisheries compensation and offset requirements for the Project (Appendix J). An alternative assessment in the prescribed format as per the ECCC (2016) guidelines for the assessment of alternatives for mine waste disposal was prepared to support the amendment to Schedule 2. A draft alternatives assessment was provided for regulatory review during Impact Statement preparation. The document was updated to reflect comments received from ECCC, and is provided in Appendix C.	• All Project phases • Amendment required prior to deposition in waters frequented by fish

Approval	Description	Project Phase
Works in Navigable Waters <i>Canadian Navigable Waters Act</i> TC	There are no waterbodies or watercourses that will be affected by the Project that are on the Schedule to the <i>Canadian Navigable Waters Act</i>. An assessment was completed by TC and it was determined that Beaverhouse Lake, Ava Lake, York Lake and Victoria Creek are navigable. The final design of a water intake in Ava Lake, effluent discharge on Beaverhouse Lake and watercourse crossing on Victoria Creek is not anticipated to substantially interfere with navigation but may not meet the requirements of the Minor Works Order for water intakes, outfalls and watercourse crossing. Agnico Eagle may follow the public notice and resolution process or submit an application for approval through the Navigation Protection Program. The construction of a diversion system (dykes and channel) between Ava and York Lake is anticipated to interfere with navigation and will require a Major Works approval. Agnico Eagle will submit an application for approval through the Navigation Protection Program. The dewatering of York Lake will require an Order in Council exemption under 23(1) of the <i>Canadian Navigable Waters Act</i>. A draft application was provided for regulatory review during the preparation of the Impact Statement. The application was updated to reflect comments received from TC, and is provided in Appendix P.	• Applies to all Project phases • Approval required prior to impact occurring

16.3 Provincial Environmental Approvals

The Project must also meet provincial regulatory requirements applicable to the construction, operations and closure phases. There is a robust provincial environmental assessment process in Ontario under the provincial *Environmental Assessment Act*; however, it generally applies to projects undertaken by provincial ministries and agencies, municipalities and public bodies, rather than private sector projects. Certain activities and facilities associated with mining projects may be subject to the Ontario Environmental Assessment Act, including through the provincial class environmental assessment process.

Completion of a focussed provincial Class Environmental Assessment for Resource Stewardship and Facility Development Project will be required to inform issuance of approvals related to provincial Crown resources by the MNR. Based on discussions with MNR, it is expected that the same body of knowledge will be used to meet the needs of both the federal (impact) and provincial (environmental) assessment needs in accordance with the existing Canada-Ontario Agreement on Environmental Assessment Cooperation (IAAC 2004).

The Project includes the construction of a nominal 115 kV transmission line and substation to connect the Project to the existing regional Hydro One Networks (HONI) transmission line near Highway 66 (Figure 1-2). The Class Environmental Assessment for Transmission Facilities (Class EA; HONI 2024) identifies that based on past experience, certain categories of projects can proceed, subject to the Class EA Screening Process, because they have been determined to not have significant environmental effects. Although the proposed transmission line (115 kV less than 50 km length) and associated substation meets this requirement, Agnico Eagle has voluntarily followed the Full Class EA Process. A Notice of Completion and draft Environmental Study Report (ESR) was made available for public comment in August 2026. Once public comments had been successfully addressed, the final ESR and Statement of Completion were filed with MECP in December 2026.

There are three primary provincial ministries that regulate mining in Ontario. The Ministry of Energy and Mines (MEM) provides an overarching approval for mining projects, including through a regulated Closure Plan process. Approvals will also need to be obtained for Project facilities and activities according to the requirements of the Ministry of the Environment, Conservation and Parks (MECP) and the Ministry of Natural Resources (MNR). The MECP issues environmental approvals and permits including related to water quality and quantity, air quality and noise, and SAR. The MNR is responsible for the protection and wise use of provincial Crown resources including merchantable timber. The Ministry of Citizenship and Multiculturalism, and other provincial ministries will provide regulatory guidance, but environmental approvals are not expected to be required from these ministries for the Project.

Provincial approvals expected to be required for each phase of the Project are summarized in Table 16.3-1.

Table 16.3-1: Provincial Environmental Approvals

Approval	Description	Project Phase and Notes
Closure Plan <i>Mining Act, Build More Mines Act</i> MEM	The professionally-certified Closure Plan will regulate mine-related facilities and activities on the Project mining leases. Financial assurance for the reclamation costs for the Project will be provided by Agnico Eagle and held by the province.	• All Project phases • Required prior to issuance of other provincial approvals and prior to Project-related construction activities • Amended periodically over the mine life to reflect mine changes and to update the financial assurance for reclamation activities • Annual report on related activities is required
Environmental Compliance Approval – Air and Noise <i>Environmental Protection Act</i> MECP	Approval is required for air emissions and noise from the Project, such as from the mine and process plant.	• All Project phases with non-exempt emissions • Approval required prior to emissions • Environmental monitoring and annual reporting on compliance with permit conditions is required
Environmental Compliance Approval – Domestic Sewage <i>Environmental Protection Act</i> MECP	Approval from the province may be required for the construction and operation of a domestic sewage treatment plant for the Project.	• All Project phases • Approval required prior to discharge to the environment • Environmental monitoring and annual reporting on compliance with permit conditions is required
Environmental Compliance Approval – Industrial Sewage Works <i>Environmental Protection Act</i> MECP	The integrated water management and treatment system will require approval from the province.	• All Project phases • Approval required prior to discharge to the environment • Environmental monitoring and annual reporting on compliance with permit conditions is required
Registration <i>Species Conservation Act</i> MECP	Routine Project activities may be authorized through registration under the <i>Species Conservation Act</i> , subject to the implementation of mitigation and conservation measures.	• All Project phases • Registration required prior to the activity occurring • Biological monitoring and annual reporting on compliance with registration is required

Approval	Description	Project Phase and Notes
Permit to Take Water <i>Ontario Water Resources Act</i> MECP	Approval is required to withdraw 50,000 L or more per day from a groundwater or surface water source. The Project fresh water supply is expected to require water takings greater than this threshold. By-pass pumping may also be required during construction of in-water works. Dewatering activities are also considered water takings, and approvals will be required for dewatering the open pits, underground mine workings and construction excavations.	• All Project phases • Permit(s) required before withdrawing more 50,000 L per day • Annual reporting of water taking is required
Forestry Resource Licence <i>Crown Forest Sustainability Act</i> MNR	The cutting of merchantable timber reserved to the provincial Crown for site development will require a Provincial licence and an agreement with the Sustainable Forest Licence holder.	• Construction phase • Licence required prior to initiating the cutting requested where applicable
Scientific Collection Permit <i>Fish and Wildlife Conservation Act</i> MNR	A permit will be required to relocate fish from watercourses and waterbodies that will be affected by the Project prior to in-water construction. Permits may also be required periodically over the life of the mine for the destruction of beaver dams and field investigations.	• Construction and operation phases • Permit required prior to initiating the work requested
Work Permits (or Letter of Authority) <i>Lakes and Rivers Improvement Act, Public Lands Act</i> MNR	Required for work on provincial Crown land including within any setback and / or below the high-water mark of watercourses and waterbodies. Construction of a dyke below the high-water level of a lake or river requires approval for the location of the dyke, and its plans and specifications.	• Construction phase • Permit required prior to construction of the works requested
Land Use Permit <i>Public Lands Act</i> MNR	Required for land tenure for facilities located on provincial Crown land not governed by the <i>Mining Act</i> . This could potentially include the small footprints of the water intake and effluent discharge pipelines if located on Crown land.	• Construction phase

16.4 References

Environment and Climate Change Canada (ECCC). 2016. Guidelines for the Assessment of Alternatives for Mine Waste Disposal. Accessed from:

<https://www.canada.ca/en/environment-climate-change/services/managing-pollution/sources-industry/mining-effluent/metal-diamond-mining-effluent/tailings-impoundment-areas/guidelines-alternatives-mine-waste-disposal.html>.

Impact Assessment Agency of Canada (IAAC). 2004. Canada-Ontario Agreement on Environmental Assessment Cooperation or as superseded. Accessed from:

<https://www.canada.ca/en/impact-assessment-agency/corporate/acts-regulations/legislation-regulations/canada-ontario-agreement-environmental-assessment-cooperation-2004.html>.

Impact Assessment Agency of Canada (IAAC). 2024. Coordination of Federal Authorizations through the Impact Assessment Process. Accessed from:

<https://www.canada.ca/en/impact-assessment-agency/services/policy-guidance/practitioners-guide-impact-assessment-act/coordination-federal-authorizations-impact-assessment-process.html/>.