



Impact Assessment Agency of Canada



DRAFT ANALYSIS OF MARATHON GOLD'S PROPOSED CHANGE TO THE
VALENTINE GOLD PROJECT (COMMUNICATIONS TOWER)

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1. Introduction

The Valentine Gold Project ([the Project](#)) is an open pit gold mine located at Valentine Lake, approximately 55 kilometres southwest of Millertown in Newfoundland and Labrador, proposed by Marathon Gold Corporation (the Proponent). The Project was subject to an environmental assessment under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012). On August 24, 2022, the Minister of Environment and Climate Change Canada determined that the Project could proceed subject to conditions prescribed in the issued [Decision Statement](#). The Decision Statement contains legally binding conditions, which include mitigation measures and follow-up program requirements that the Proponent must comply with throughout the life of the Project. Condition 2.16¹ of the Decision Statement requires the Proponent to notify the Impact Assessment Agency of Canada (the Agency) in advance of carrying out any proposed change to the Project.

On August 28, 2019, the *Impact Assessment Act* (IAA) came into force, repealing CEAA 2012. Section 184 of the IAA provides that Decision Statements issued under CEAA 2012 are deemed to be Decision Statements under the IAA and, therefore, subject to the provisions of the IAA. Section 68 of the IAA provides the Minister with the legislative authority to amend a Decision Statement to add new conditions, remove or modify existing conditions. The Minister must be of the opinion that adding, removing or modifying a condition does not increase the extent to which the effects of the Project, as assessed during the environmental assessment, are adverse. The decision included in the Decision statement cannot be changed.

On January 13, 2023, the Proponent informed the Agency of a proposed change to the Project consisting of construction, operation and eventual decommissioning of a communications tower on the mine site (Canadian Impact Assessment Registry Reference Number 80169, [Document Number 78](#)). The Agency conducted an analysis of the proposed change and its potential adverse environmental effects to assess:

- whether the change constitutes a new or different designated project that may require a new impact assessment; and
- whether any changes (including addition or removal) may be required to the key mitigation measures and follow-up requirements included as conditions in the Decision Statement.

The Agency's draft analysis is presented in this report.

¹ 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 of carrying out those proposed activities.



2. Proposed Change to the Project

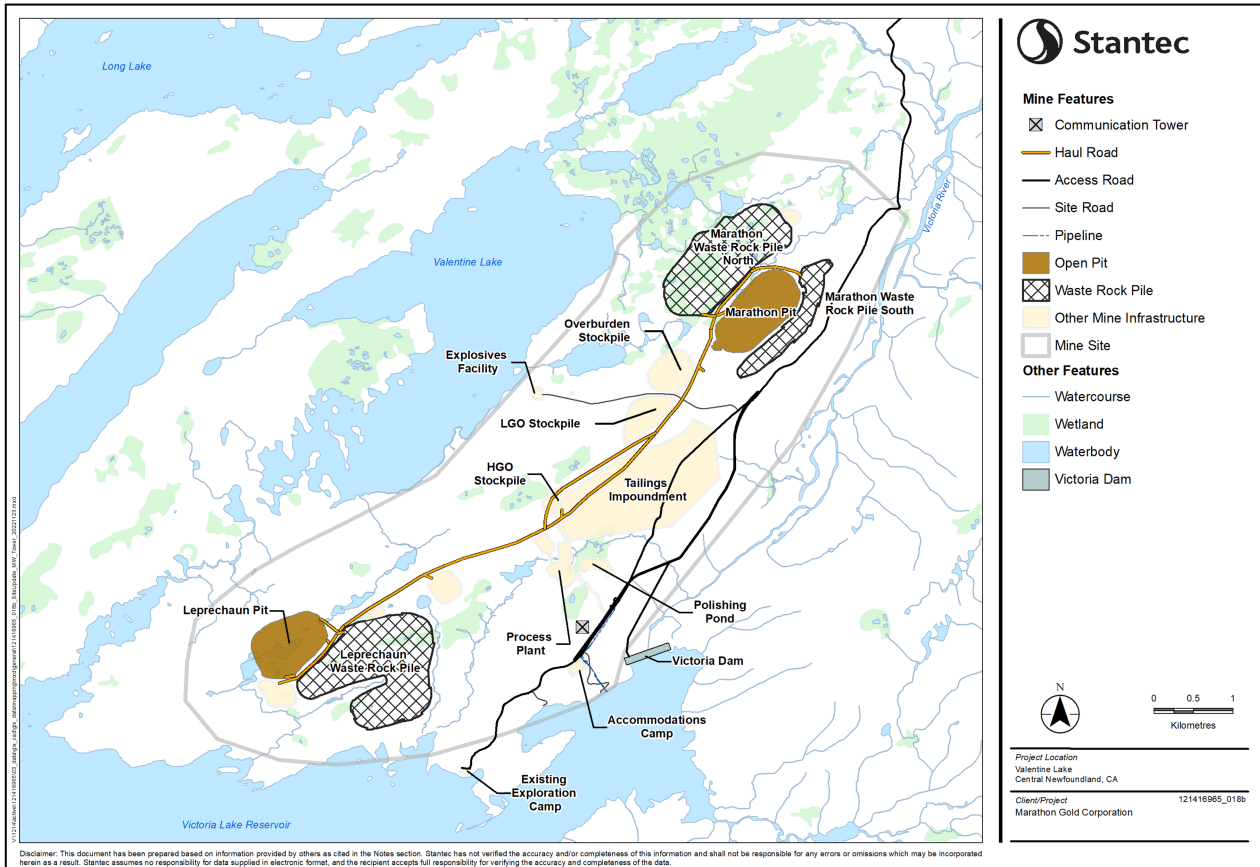
The Proponent originally planned that high-speed internet would be provided to the mine site via fibre optic wired connection, to be installed on the transmission line being constructed and operated by Newfoundland and Labrador Hydro (NL Hydro) and located adjacent to the main access road. However, during detailed engineering, and in consultation with fibre optic providers, it was determined that this planned connection could not be completed in a timely and economic manner. As a result, the Proponent is planning to instead rely on a point-to-point wireless connection for Project communications.

The proposed change to the Project involves the construction of a 138 metre communications tower, along with an approximately 200 metre access road, north of the accommodations camp site (see Figure 1) within the Project Area assessed in the Environmental Impact Statement (EIS). The access road to the tower is proposed for the purposes of tower construction and maintenance and will stem from the existing access road to the exploration camp.

The communications tower will be constructed of steel lattice and consist of one center base anchor and six guyed anchors. Anchor point locations will be excavated to required depth using a hydraulic hammer. Pre-assembled sections of the tower will be trucked to site and installed using a crane for the first 30 metres and a certified gin-pole and winch for the remaining portions of the tower. Due to the tower's 138 metre height, an aeronautical assessment application is required to be submitted to Transport Canada to identify specific requirements for lighting or painting on the tower. Lighting requirements would likely be a combination of fixed and flashing red lights.



FIGURE 1 Location of communications tower



SOURCE: Marathon Gold - Valentine Gold Project: Description of Project Change – Addition of a Communications Tower

2.1 Agency’s Analysis of the Change

The *Physical Activities Regulations* (the *Regulations*) under the IAA identify the physical activities that constitute designated projects that may require an impact assessment. On its own, the proposed change to the Project is not a physical activity described in the *Regulations*. Consequently, the Agency is of the view that the change does not constitute a new or different designated project that may require a new impact assessment. Additionally, the Agency is of the view that the building of the communications tower is a necessarily incidental component of the Project, given the Proponent’s assertion that mine site communications are a critical component of the mines operations and the communications tower will be built, maintained and used only by the Proponent.



3. Engagement

3.1 Proponent's Engagement

The Proponent has engaged with potentially affected Indigenous groups. On December 2, 2022 the Proponent provided Miawpukek First Nation and Qalipu First Nation with a draft copy of its Description of Project Change for review and feedback. Both Nations provided responses to the Proponent; Qalipu First Nation indicated no serious concerns with the proposed change, and Miawpukek First Nation submitted comments related to:

- potential effects on caribou movement
- enjoyment of the land
- bird and bat collisions
- electromagnetic radiation effects on terrestrial habitat
- novel breeding habitat for Peregrine falcon

These comments as well as the Proponent's responses are provided in Appendix A of the Proponent's Description of a Project Change, available on the Canadian Impact Assessment Registry (Canadian Impact Assessment Registry Reference Number 80169, [Document Number 78](#)).

To support ongoing engagement efforts, the Proponent has developed a Current Use of Lands and Resources for Traditional Purposes Indigenous Communications Plan (the Plan). The Proponent stated that it has concluded a Socio-Economic Agreement (SEA) with Qalipu First Nation and is currently negotiating an SEA with Miawpukek First Nation. The Plan and SEAs provide an agreed-upon forum for the discussion of issues associated with the Project and its potential impacts upon Indigenous land and resource use and other issues.

3.2 Agency's Engagement

In developing its analysis, the Agency engaged with the Province of Newfoundland and Labrador and Environment and Climate Change Canada (ECCC) on issues related to their respective mandates.. A summary of the provincial, federal and Indigenous views expressed is provided below in Section 4.1.2.

The Agency is holding a comment period on this draft analysis report to validate its views on the Proponent's proposed change to the project with Indigenous groups, government authorities and the public, and to provide an opportunity for any further comments before providing advice to the Minister of Environment and Climate Change on potential amendment(s) to the Decision Statement.



4. Potential Adverse Environmental Effects from the Proposed Change to the Project

4.1 Assessment of Potential Adverse Environmental Effects

The following is an analysis of whether the addition of a communications tower and access road would increase the extent to which the effects of the Project, as assessed during the environmental assessment, are adverse. The Agency has also considered whether modifications are required to the mitigation measures and follow-up requirements included as conditions in the Decision Statement.

4.1.1 Proponent's Assessment

The Proponent is of the view that the construction, operation and maintenance, and decommissioning of the communications tower and access road would not result in changes to the characterization of residual adverse effects or overall conclusions described in the EIS. The Proponent has proposed some expansion of existing mitigation and monitoring plans to address potential effects on birds and bats from the change to the Project. The Proponent's assessment is summarized in Table 1.

Valued Component	Effects Assessment
Atmospheric Environment	Potential adverse effects on the atmospheric environment include minor and temporary increases in dust, greenhouse gases and noise emissions. Standard construction mitigations will be applied and no change in residual effects is predicted. Lighting of the tower during operations is anticipated to be required by Transport Canada.
Groundwater Resources, Surface Water Resources	No interactions with surface water or groundwater resources are anticipated as a result of construction, operation and decommissioning of the communications tower.
Fish and Fish Habitat	No interactions with fish and fish habitat are anticipated as a result of construction, operation and decommissioning of the communications tower.



Terrestrial Habitat (Vegetation, Wetlands, Terrain and Soils)	<p>Potential adverse effects on terrestrial habitat for migratory birds and species at risk (including caribou and bats) would not be greater than already assessed. The Proponent's conservative estimate of altered or lost habitat included all habitat within the mine site, including the footprint of the communications tower and access road.</p>
Terrestrial Wildlife (including Species at Risk)	<p>Potential adverse effects on terrestrial wildlife (including species at risk) would not be greater than already assessed. The communications tower infrastructure is not expected to result in any additional effects to caribou seasonal movement as the primary source of disturbance will be associated with mining activities and associated infrastructure.</p>
Avifauna and bats	<p>Potential adverse effects on avifauna and bats include mortality risk as a result of collisions with the communications tower. The Proponent proposed expansion of its existing mitigation measures to reduce bird and bat collisions with the communications tower:</p> <ul style="list-style-type: none"> • Lighting will be limited to Transport Canada's requirements; • When possible, flashing lights will be used as opposed to fixed lighting, while adhering to Transport Canada's requirements; • The minimum number of guy wires necessary will be used; and • Guy wires will have visual markers or bird diverter devices, to reduce bird mortality. <p>The Proponent also committed to expanding existing post construction mortality searches to include the communications tower site.</p> <p>The Proponent further noted that the communications tower is not located in immediate proximity to large waterbodies or known key productive waterfowl habitat, and concluded that with mitigations in place, a measurable change in the abundance of avifauna and bats in the local assessment area is not anticipated.</p>
Socio-Economic (Infrastructure and Services, Community Health, Economy and Employment, and Land and Resource Use) and Indigenous groups	<p>Potential adverse effects would not be greater than those assessed. Potential adverse effects on land and resource use could result from visibility of the communications tower on the landscape. The Proponent's EIS assessed this potential effect, noting that the viewscape will be altered, potentially resulting in an indirect effect for cultural and spiritual sites as well as areas used for resource and recreational use. The Proponent identified that low-level land-use by Indigenous groups within the local assessment area would occur over the long-term life of the Project.</p>
Historic Resources	<p>No interactions with historic resources are anticipated as there are no known archaeological sites within the Project area.</p>



Dam Infrastructure	No interactions with dam infrastructure are anticipated as a result of construction, operation and decommissioning of the communications tower.
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TABLE 1 Summary of the Proponent's environmental effects assessment on valued components

The Proponent is of the view that given the conservative approach to the effects assessment employed in the EIS, the change to the Project does not result in changes to the characterization of residual adverse effects or overall conclusions described in the EIS.

4.1.2 Views Expressed

The Government of Newfoundland and Labrador reviewed the Proponent's submission and determined that no new environmental assessment would be required for the change to the Project. It requested that the Proponent incorporate its proposed mitigation and follow-up into the relevant environmental protection and monitoring plans, and advised that the updated avifauna and bat follow-up program be provided to the Department of Fisheries, Forestry and Agriculture - Wildlife Division for review.

ECCC agreed with the Proponent that, given the conservative approach to estimating habitat loss in the EIS, the addition of the tower and access road in the existing disturbed area will not result in a greater extent of adverse effects on migratory birds and species at risk from habitat loss. It noted that the construction, operation and maintenance and decommissioning of the tower has the potential to harm, injure or kill migratory birds and species at risk, including bats, through increased risk of collision/electrocution with the tower and/or guy wires. It noted that the Proponent's adapted mitigation measures and follow-up are sufficiently captured by existing conditions in the Decision Statement (e.g., 4.1, 4.6 and 4.9) and no additional changes would be required. ECCC also provided advice on best management practices for the Proponent's consideration when meeting the requirements of condition 4.1, and requested the Proponent provide its updated follow-up plan to ECCC prior to its implementation to ensure all appropriate mitigation measures are included.

In Table A.1 of its Description of a Project Change (Canadian Impact Assessment Registry Reference Number 80169, [Document Number 78](#)), the Proponent documented the comments it received from Miawpukek First Nation as part of the engagement described in section 3.1 of this document. In these comments, Miawpukek First Nation has expressed concern about potential deflection of caribou due to the presence of the tower, habitat loss and alteration of habitat due the effect of electromagnetic radiation on terrestrial fauna. The Proponent noted that the tower will be located within the Project Area already assessed in the EIS (3.2 km from the primary migration route) and would not result in a greater extent of adverse effects since the primary source of disturbance will be mining activities and associated infrastructure. The Proponent acknowledged that the effects of electromagnetic radiation from communications towers are not well understood, and can be difficult to separate from other confounding variables. However, it noted that the tower is located within the mine site and the EIS assumed that habitat in this area would be lost or altered. As a result, the Proponent stated the addition of the tower would not change the characterization of predicted residual effects on wildlife.



In the comments provided to the Proponent, Miawpukek First Nation has expressed concern about bird and bat collisions with the tower, noting that bird diverter devices have been shown to reduce mortality for some species, and that these devices may also reduce impacts to bat by enhancing echolocation detectability of the guy wires. It also recommended flashing lights on the tower to mitigate nocturnal collisions. The Proponent noted that relatively fewer birds and bats would use the Project Area as a migratory pathway compared to coastal areas, reducing the potential for effects. In Table A.1 of the Proponent's Description of a Project Change (Canadian Impact Assessment Registry Reference Number 80169, [Document Number 78](#)), the Proponent proposed to implement the additional mitigation measures recommended by Miawpukek First Nation to the extent possible, within Transport Canada safety requirements, and proposed to expand post construction mortality searches to include the tower site.

In the comments provided to the Proponent, Miawpukek First Nation has raised concern about novel breeding habitat for the Peregrine falcon and requested that all raptor nesting should be monitored, reported and responded to by the Proponent. The Proponent noted that the same mitigation would be followed as was specified for an osprey nest.

In the comments provided to the Proponent, Miawpukek First Nation has also raised concern about alteration of the enjoyment of the land due to visual and audio disturbances from the tower. The Proponent acknowledged that the tower will be taller than the tallest structure assessed in the EIS. It will also need to comply with Transport Canada requirements for lighting and painting. The Proponent noted the tower will be dismantled and removed at the end of the mine life, removing the visual disturbance. It also noted that the EIS indicated low levels of current use and predicted residual effects to be low, therefore the addition of the tower would not result in a greater extent of adverse effects.

4.1.3 Agency's Analysis and Conclusions

The Agency has taken into account the information from the Proponent, including views expressed to the proponent by Miawpukek First Nation, and comments from ECCC and is of the view that the extent of adverse environmental effects is not greater than those considered in the initial environmental assessment, and no modifications to the mitigation measures and follow-up requirements included as conditions in the Decision Statement are necessary.

The Agency notes that the Government of Newfoundland and Labrador (the province) is the leading expert authority on Newfoundland and Labrador's non-migratory birds (such as Peregrine falcon) and terrestrial species at risk, including bats and caribou. Additionally, it is noted that species at risk potentially affected by the Project are located entirely on provincial lands. Therefore, the Agency looks to the province to determine the potential effects and any required mitigation measures for terrestrial species. The Agency notes that the province does not require an environmental assessment of the proposed change to the Project and that Department of Fisheries, Forestry and Agriculture - Wildlife Division will continue to be involved in the design of follow-up monitoring.

The Agency agrees with the Proponent and ECCC that the environmental assessment of the Project included the communications tower and access road area when estimating loss of habitat for migratory birds and



terrestrial species at risk. As such, the Agency is of the view that the potential adverse effect of habitat would not be greater in extent than indicated in the environmental assessment report for the Project. Therefore, no additional changes would be required to key mitigation and the existing conditions in the Decision Statement.

The Agency agrees with ECCC that there may be a potential increased risk of migratory bird and bat mortality due to potential collisions with the tower and associated guy wires, and that the Proponent has committed to additional mitigation to address this. The Agency is of the view that the extent of potential adverse effects would not be greater than previously assessed, and related conditions in the Decision Statement adequately capture the Proponent's mitigation approach. Condition 4.1 requires the Proponent to carry out the Project in a manner that avoids harming or killing migratory birds, conditions 4.2 and 4.3 outline required mitigation for tree clearing, and condition 4.6 pertains to project lighting. Additionally, the proposed expansion of follow-up and monitoring is captured by existing condition 4.9, which requires the Proponent to design follow-up to determine the effectiveness of mitigations implemented. The condition also requires this follow-up to be developed in consultation with ECCC.

The Agency acknowledges that the addition of a communications tower has the potential to be a visual disturbance to people on the land. The Proponent noted that one of their stockpiles, though not as tall as the tower, was previously discussed as a visual disturbance in the EIS. The Agency notes that the environmental assessment of the Project determined low levels of use in the Project area. Additionally, the tower will be removed at the end of the Project and therefore this particular visual disturbance is a reversible effect. The Agency is of the view that the extent of adverse environmental effects is not greater than those considered in the initial environmental assessment, and no additional changes are required to key mitigation and associated conditions in the Decision Statement.

With respect to historic and cultural resources, although there are no known archaeological sites in the Project area, the potential exists for accidental discoveries. The Agency notes that there are already existing conditions (8.1 and 8.2) with requirements for unanticipated archaeological site discoveries.

The Agency does, however, recommend that the definition of the Designated Project as described in the Decision Statement be amended to include the communications tower and access road, so that the existing conditions noted above apply to these additional Project components. This will also allow the Agency to verify and enforce the Proponent's compliance with the Decision Statement as it relates to the communications tower and access road.

5. Conclusion

Based on the information provided by the Proponent and the views provided by Miawpukek First Nation and ECCC, the Agency is of the view that the extent of adverse environmental effects due to the proposed change to the Project is not greater than that considered in the initial environmental assessment. Existing conditions (4.1, 4.2, 4.3, 4.6 and 4.9, in particular) are inclusive of the Proponent's proposed measures and thus, changes to mitigation measures and follow-up requirements included as conditions in the Decision Statement would not be required. The Decision Statement will be amended to incorporate the proposed change to the



Project as described in the Description of the Designated Project and the definition of the Designated Project (condition 1.8) in order for the existing conditions to be applicable to the additional Project components.

Original Version	Proposed Amendment
1.8 Designated Project means the Valentine Gold Project as described in section 2 of the environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80169)	1.8 Designated Project means the Valentine Gold Project as described in section 2 of the environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80169, <u>Document Number 75</u>), <u>and section 2 of the Agency's analysis report <i>Marathon Gold's Proposed Change to the Valentine Gold Project (communications tower)</i> (Canadian Impact Assessment Registry Reference Number 80169).</u>

TABLE 2 Proposed amendment to Decision Statement