

# **SECTION 4**

## **NEW GOLD RAINY RIVER MINE**

### **COMMITMENT REGISTRY**

#### **PROVINCIAL COMMITMENTS**



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Condition/ Tracking #	Description	Status 2019	Date Completed
3.1	Where a document, plan or report is required to be submitted to the Ministry, the Proponent shall provide two copies of the final document, plan or report to the Director: a copy for filing in the specific public record file maintained for the Undertaking, and a copy for use by Ministry staff.	To date, New Gold has provided two copies of reports and documentation to the Ministry and has submitted required information in the requested format by the Ministry.	Ongoing
3.2	The Proponent shall provide additional copies of the documents required for the public record file to the following for access by the public: a) Regional Director, b) District Manager and c) New Gold Inc. office in Emo, Ontario.	The conditions of this commitment have been met. All copies have been submitted by March 31st, 2020.	Ongoing
3.3	The EAB file number EA 05-09-02 and EAIMS file number 13102 shall be quoted on all documents submitted by the Proponent pursuant to condition 3.1 of this Notice of Approval.	The EAB file number EA 05-09-02 and EAIMS file number 13102 is found on the Annual Compliance Report.	Ongoing Annually
3.4	Without detracting from the foregoing Public Record conditions, the proponent may also provide these documents through other means, as considered appropriate by the Proponent.	The 2019 Annual Compliance Report was made available on the company's website on April 30, 2020. A hard copy can be viewed at the New Gold office in Emo. Additional reports, supporting documentation and environmental information can be made available by request, from the New Gold Environmental Department.	Ongoing
4.1	The Proponent shall post the Errata document dated December 15, 2014 on the Proponent's project website. The Proponent shall update the Summary of the Environmental Assessment Report to reflect the addition of the Errata and to itemize what sections of the Environmental Assessment Report have been impacted by it and shall post the updated Summary on the website. The Proponent shall update the Table of Contents of the Environmental Assessment Report to reflect that the Errata is included as part of Volume 2 of the Environmental Assessment Report and shall post the updated Table of Contents on the website.	The EA with the addition of the Errata document was posted on November 12, 2015. Following the commissioning of the Rainy River Mine the company's website was updated. There was a delay in the re-posting of this document which was rectified on March 23, 2018.	November 12, 2015

Condition/ Tracking #	Description	Status 2019	Date Completed
5.1	The Proponent shall prepare and submit to the Director, for the public record, an Environmental Assessment Compliance Monitoring Program (CMP).	This condition was completed on February 9, 2015.	February 9, 2015
5.2	The CMP shall be submitted 30 days before the Start of Construction or such other date as agreed to in writing by the Director.	This condition was completed on February 9, 2015.	February 9, 2015
5.3	The CMP shall describe how the Proponent will monitor its fulfilment of: 1) the provisions of the Environmental Assessment pertaining to mitigation measures, public consultation, and additional studies and work to be carried out; 2) all other commitments made by the Proponent during the Environmental Assessment process including the Commitments Registry as contained in the Errata dated December 15, 2014; and 3) the conditions included in this Notice of Approval.	This condition was completed on February 9, 2015.	February 9, 2015
5.4	The CMP must contain an implementation schedule for construction, operations and closure, as well as monitoring during construction, operations and closure.	A Compliance Monitoring Plan for the Rainy River Project was submitted to MOECC on February 9, 2015. No revisions have been submitted to date. Through the submission of the Annual Compliance Report to the MOECC and CEAA New Gold provides the results of onsite monitoring as outlines in the Plan.	February 9, 2015
5.5	When the Proponent submits the CMP to the Director, the Proponent shall append a statement indicating that the CMP is intended to fulfil condition 5 of this Notice of Approval.	This commitment is complete.	February 9, 2015
5.6	The Director may require the Proponent to amend the CMP at any time. Should an amendment be required, the Director will notify the Proponent, in writing, of the required amendment and the date by which the Proponent must complete the amendment and submit it to the Director.	During 2019 there were no requests for New Gold to amend the Compliance Monitoring Plan	Ongoing
5.7	The Proponent shall carry out the CMP, as it may be amended by the Director.	During 2019 there were no requests made for New Gold to amend the Compliance Monitoring Plan.	Ongoing



Condition/ Tracking #	Description	Status 2019	Date Completed
5.8	The Proponent shall make the documentation pertaining to the CMP available to the Ministry or designate upon request, in a timely manner, when so requested by the Ministry during an on-site inspection, audit, response to a pollution incident report or when information concerning compliance is requested by the Ministry.	There were no requests made in 2019.	Ongoing
6.1	The Proponent shall prepare an annual Compliance Report which describes its compliance with the conditions of approval set out in this Notice of Approval, and which describes the results of the Proponent's Environmental Assessment CMP required by Condition 5 of this Notice of Approval.	This table forms part of the 2019 Annual Compliance Report and describes compliance with the conditions of the approval.	Ongoing
6.2	The first annual Compliance Report shall be submitted to the Director, for the public record, within one year from the Start of Construction and shall cover all activities of the previous 12 month period.	The First Annual Compliance Report covered the period from the start of construction to December 31, 2015 and was submitted on March 31, 2016. The 2016 Compliance Report was submitted on March 31, 2017 and the 2017 Compliance Report was submitted on March 31, 2018. The 2018 Compliance Report was submitted March 31 <sup>st</sup> , 2019.	Complete March 31, 2019
6.3	Subsequent Compliance Reports shall be submitted to the Director, for the public record, on or before the anniversary of the Start of Construction each year thereafter. Each Compliance Report shall cover all activities of the previous 12 month period.	In 2015 a decision was made between MECP and New Gold Representative Kyle Stanfield that the Annual Compliance Reports would cover the period from January to December and that the report would be submitted March of the following year. In 2015 the report covered the period from the start of construction (February) to December 2015 and was submitted March 31, 2016; In 2016 the report covered January to December 2016 and the report was submitted March 31, 2017. The 2017 report covers the period from January to December 2017 and was submitted on March 31, 2018. Subsequent reports cover January to December of the reporting year.	Completed annually on March 31.
6.4	Once all conditions in this Notice of Approval have been satisfied, or have been incorporated into any other provincial approval, the Proponent shall indicate in its annual Compliance Report that the Compliance Report is its final Compliance Report, and that all conditions in this Notice of Approval	The terms of this condition are understood and not applicable to the 2019 report.	

Condition/ Tracking #	Description	Status 2019	Date Completed
	have been satisfied. The Director may also vary the time at which the Proponent is to provide its final Compliance Report, and state this in writing to the Proponent.		
6.5	The Proponent shall retain either on site or in another location approved by the Director, a copy of each of the annual Compliance Reports and any associated documentation of compliance monitoring activities.	Copies of the Annual Compliance Monitoring Report are available at the New Gold Rainy River Office located in Emo, Ontario as well as available at the mine site from the Environmental Department. Any associated compliance monitoring documentation that is not available in the report can be requested from the New Gold Environmental Department.	Ongoing
6.6	The Proponent shall make the Compliance Reports, and associated documentation, available to the Ministry or designate in a timely manner when requested to do so by the Ministry.	To date, New Gold has been compliant with this condition and is willing to share associated documentation as requested by the Ministry.	Ongoing
7.1	The Proponent shall prepare and implement a Complaint Protocol that sets out how it will deal with and respond to inquiries and complaints received during the design, construction and operation of the Undertaking.	A complaint protocol was implemented on February 2, 2015 at the start of construction. New Gold amended the complaint protocol on June 4, 2018 and received acceptance of the updated protocol from MECP on August 9, 2018.	Ongoing
7.2	The Proponent shall submit the Complaint Protocol to the Director, for the public record, 30 days before the Start of Construction or such other date as agreed to in writing by the Director.	A Complaint Protocol was submitted on February 2, 2015. New Gold amended the complaint protocol on June 4, 2018 and received acceptance of the updated protocol from MECP on August 9, 2018.	February 2, 2015
7.3	The Director may require the Proponent to amend the Complaint Protocol at any time. If an amendment is required, the Director will notify the Proponent in writing of the required amendment and the date by which the Proponent must complete the amendment and submit it to the Director.	During 2019 there were no requests made to New Gold to amend the Complaint Protocol.	Ongoing
7.4	The Proponent shall carry out the Complaint Protocol, as it may be amended by the Director.	Completed to date.  There were 7 complaints reported in 2019. Three complaints were related to traffic; two were related to safety; the other two were related to land use and property damage.	Ongoing

Condition/ Tracking #	Description	Status 2019	Date Completed
8.1	<p>The Proponent shall prepare and implement a Community Communications Plan that sets forth:</p> <p>a) How the Proponent plans to disseminate information to interested persons;</p> <p>b) How interested persons will be notified and kept informed about Site operations; and</p> <p>c) The procedures for keeping interested persons apprised of information about documents related to the Undertaking, and when and how the updated information and/or documents will be made available.</p>	The Community Communications Plan was completed February 9, 2015. New Gold amended the Community Communications Plan on June 4, 2018 and received acceptance of the updated protocol from MECP on August 9, 2018.	Ongoing
8.2	The Proponent shall submit a Community Communications Plan to the Director 30 days before the Start of Construction or such other date as agreed to in writing by the Director.	The Community Communications Plan was submitted on February 9, 2015. New Gold amended the Community Communications Plan on June 4, 2018 and received acceptance of the updated protocol from MECP on August 9, 2018.	February 9, 2015
8.3	The Proponent shall implement the Community Communications Plan during construction, operations and closure of the Undertaking.	Completed to date	Ongoing
9.1	<p>The Proponent shall prepare and implement an Aboriginal Consultation Plan that sets forth:</p> <p>a) How, during the detailed design and implementation of the Undertaking, the Proponent will consult with the Aboriginal communities that were notified of the Undertaking during the Environmental Assessment process;</p> <p>b) How the Proponent will fulfill all commitments made to Aboriginal communities during the Environmental Assessment process, including ongoing consultation during the design and implementation of the Undertaking;</p> <p>c) A Notification Protocol for how the Proponent will inform Aboriginal communities if archaeological resources or Aboriginal remains are encountered during construction;</p> <p>d) How the Proponent will issue notices and updates on key steps in the design and implementation of the Undertaking.</p>	<p>Completed.</p> <p>A draft plan was submitted on January 21, 2015. Following up on the communication on February 13, 2015, New Gold RRM noted that the MOECC had no additional comments on the Aboriginal Consultation Plan stipulated in Condition 9 of the Provincial EA decision for the RRM. A copy of the plan was provided.</p> <p>The Aboriginal Consultation Plan was completed February 9, 2015. New Gold amended the Indigenous Consultation Plan on June 4, 2018 and received acceptance of the updated protocol from MECP on August 9, 2018.</p>	January 21, 2015

Condition/ Tracking #	Description	Status 2019	Date Completed
9.2	The Proponent shall submit the Aboriginal Consultation Plan to the Director and the Aboriginal communities that were notified of the Undertaking during the Environmental Assessment process 30 days before the Start of Construction or by such other date as agreed to in writing by the Director.	A draft plan was submitted on January 21, 2015. Following up on the communication on February 13, 2015, New Gold RRP noted that the MOECC had no additional comments on the Aboriginal Consultation Plan stipulated in Condition 9 of the Provincial EA decision for the RRP. A copy of the plan was provided. The Aboriginal Consultation Plan was completed February 9, 2015. New Gold amended the Indigenous Consultation Plan on June 4, 2018 and received acceptance of the updated protocol from MECP on August 9, 2018.	February 9, 2015
9.3	The Proponent shall implement the Aboriginal Consultation Plan during construction, operations and closure of the Undertaking.	Completed to date.	Ongoing
9.4	The Proponent shall continue to consult with the following Aboriginal communities: Rainy River First Nations, Naicatchewenin First Nation, Big Grassy River First Nation, Nootkamegwanning (Whitefish Bay) First Nation, Anishinaabeg of Naongashiing (Big Island) First Nation, Ojibways of Onigaming First Nation, and the Sunset Country Métis community (represented by Métis Nation of Ontario Region 1 Consultation Committee), to inform them of when impacting activities will occur. Before impacting activities occur, the Proponent shall provide interested Aboriginal communities with reasonable opportunity to carry out specific cultural practices, as those communities consider appropriate.	Completed to date.	Ongoing
10.1	The Proponent shall complete stage 2 archaeological assessment studies for the project, as necessary. The stage 2 archaeological assessments must be submitted to the Ministry of Tourism, Culture and Sport (MTCS) for review and accepted into MTCS's report register prior to the start of in-ground work.	During 2019, no new areas were identified, within or surrounding the RRM ESA boundary, that require a Stage 1 and 2 archaeological assessment.	February 3, 2015



Condition/ Tracking #	Description	Status 2019	Date Completed
10.2	If during construction any archaeological resources are discovered, all construction activities within 100 metres of the archaeological resources will cease immediately and a licensed archaeologist will be retained to carry out the necessary fieldwork in compliance with Section 48(1) of the Ontario Heritage Act.	No archaeological resources were discovered within and around construction areas during 2019.	Ongoing
10.3	Archaeological resources that require removal will be transferred to a public institution selected through consultation with local First Nations and Métis represented by the Métis Nation of Ontario Region 1 Consultation Committee, in consultation with MTCS. An MTCS collection transfer form will be completed by the surrendering licensee and the institution accepting the materials. Collection shall be curated to current standards.	Preliminary reports for the two sites subject to a Stage 4 archaeological Field Study was completed during 2019. Cataloguing and analyses of any significant findings is scheduled for completion in 2020. Final report preparation and submission to the MTCS will take place in early 2020. At that time consultation with local First Nations and Metis Nation of Ontario Region 1 will occur.	Ongoing
11.1	Prior to the construction of the proposed demolition landfill (or any other landfill) within the Site's property boundary, the Proponent shall obtain any necessary Environmental Assessment Act approvals and Environmental Protection Act approvals. In addition, prior to construction of the proposed demolition landfill (or any other landfill), the Proponent shall provide appropriate financial assurance to the Ministry's satisfaction, unless by then the appropriate cost has already been accounted for and provided to the MNDM as part of Closure Plan requirements under the Mining Act	Permitting for a demolition landfill is discussed under section 5.8 of the 2015 Closure Plan and 9.5 of the Closure Plan Amendment. Appropriate financial assurance has been accounted for provided to ENDM as part of the Closure Plan Amendment.	
12.1	As a minimum, the Proponent shall meet all requirements and commitments related to mine water discharges to the Pinewood River as agreed to by the Ministry during the EA process, or as revised through approvals by the Ministry. These requirements and commitments are found throughout the EA and include, but are not limited to, those set out in the July 17, 2014 memo by the Ministry's surface water specialist regarding	New Gold RRM has implemented water sampling programs that meets the requirements of the MECP Environmental Compliance Approvals and the Federal Metal and Diamond Mining Effluent Regulation. During 2019, effluent was discharged directly to the Pinewood River from the Water Discharge Pipeline at the Pinewood Pump house, from Sediment Pond 2 just upstream of the Loslo Confluence, and from Sediment Pond 1 via the West Creek Diversion. All discharged water met Provincial and Federal discharge criteria. During the	Ongoing

Condition/ Tracking #	Description	Status 2019	Date Completed
	<p>the “Rainy River Gold Project: Effluent Criteria Discussion and Water Taking Thresholds” which appears in Section 4 of the Ministry Review of the EA.</p> <p>Further, as part of its application for the Environmental Compliance Approval(s) (ECA) required for the Undertaking, the proponent shall identify, through memo or other means acceptable to the ECA Director, how the proponent’s proposed water management process will satisfy the technical requirements and other surface water quality commitments stated in the EA.</p>	<p>Environmental Compliance Approval(s) application process (2015) a Water Management Plan was submitted to MECP, and an updated Water Management Plan draft was submitted to the MECP in March 2018.</p>	
12.2	<p>The Proponent shall meet all requirements and commitments related to the establishment of a minimum water taking threshold from the Pinewood River as agreed to by the Ministry during the EA process, or as revised through approvals by the Ministry. These requirements and commitments are found throughout the EA and include, but are not limited to, those set out in the July 17, 2014 memo by the Ministry’s surface water specialist regarding the “Rainy River Gold Project: Effluent Criteria Discussion and Water Taking Thresholds” which appears in Section 4 of the Ministry Review of the EA.</p> <p>Further, as part of its application for the Permit(s) to Take Water (PTTW) required for the Undertaking, the proponent shall identify, through memo or other means acceptable to the PTTW Director, how the proponent’s proposed water management process will satisfy the water taking commitments stated in the EA.</p>	<p>New Gold met all requirements and commitments related to the establishment of a minimum water taking threshold from the Pinewood River. Condition 3.3, sub-sections A and B, of the six (6) Permits to Take Water (PTTW) issued to New Gold restricted the total site water taking to a percentage of the Pinewood River daily flow rate. The total site water taking is restricted to not more than 20% of the daily flow rate in the Pinewood River during the period of March 1 to July 31, and to an amount of not more than 15% during the period of August 1 to November 30. Condition 3.3 sub-sections C and D of PTTW 8776-9W2QN3 for taking of water from the Pinewood River further restricts the direct taking of water from the Pinewood with a minimum water taking threshold. During the period of March 1 to July 31, the calculated flow of the Pinewood River must remain above 10,000m<sup>3</sup> after pumping, and above 5,000m<sup>3</sup> during the period of August 1 to November 30. No direct water taking from the Pinewood River is permitted under Condition 3.3 subsection E of PTTW 8776-9W2QN3. There were no exceedance of the minimum direct water taking threshold, or maximum water taking limits by source for any of the six PTTWs for 2018. PTTW 8776-9W2QN3 expired on November 30, 2018.</p>	
13.1	<p>The Proponent shall fulfill all requirements and commitments related to tailings management, including maintaining a sufficient water cover over deposited tailings and fulfilling monitoring requirements detailed in provincial regulatory documents, including the</p>	<p>The draft Closure Plan Amendment submitted to the Ministry of Northern Development and Mines (October 2017) outlines commitments related to tailings management during operations, mine closure and reclamation. These commitments include maintaining a sufficient water cover. In Q4 of 2017 the plant began pumping tailings into Cell 1 (Starter</p>	

Condition/ Tracking #	Description	Status 2019	Date Completed
	Closure Plan and any other permits and approvals associated with the Undertaking. In addition, the Proponent shall consider deterrent systems to ward off bird and animal life from accessing the TMA.	Cell) of the Tailings Management Area (TMA). The tailings are sampled within the mill before being routed to the TMA. The TMA is monitored for bird activity. New Gold has onsite deterrents for birds in the form of bangers and handheld noise making devices. The Environmental Department is currently reviewing larger, self-sufficient deterrent systems to ward off birds and animals. Permanent fencing started installation in 2018 and completed in 2019.	
13.2	<p>The Proponent shall assess and utilize provincial, national and international industry best practices for tailings management and water management containment facilities as they relate to climate change and the increasing frequency of severe weather abnormalities. The management of tailings, based on this assessment, shall be done in a manner adequate to ensure the appropriate management of any contaminants that may be present during and beyond the operating life of the Undertaking.</p> <p>The Proponent shall, as part of the Compliance Reports required under Condition 6, or otherwise specified in writing by the Director, provide details to the Ministry on how actions required by this condition have been considered in the project design, operations and the Closure Plan.</p>	<p>Section 5.6.1 of the Rainy River Mine Comprehensive Closure Plan Amendment (October 2017) outlines the Geotechnical Design Criteria for the TMA dams. It indicates that;</p> <ul style="list-style-type: none"> <li>- the dams have been designed to meet the most severe flood and earthquake criteria, being the probable maximum flood and maximum credible earthquake in accordance with the Ontario Lakes and Rivers Improvement Act requirements.</li> <li>- The designs are supported by geotechnical investigations of sub surface conditions conducted in 2010 by Klohn Crippen Berger and in 2011 and 2014 by AMEC.</li> <li>- Emergency spillways will be provided for each state of the TMA dam construction and Water Management Pond (WMP) to safely pass the probably maximum flood. Adequate freeboard will be maintained in the TMA and WMP to contain the environmental design flood corresponding to a 100-year 24-hour storm event. All spillways will be rock armored to withstand erosion impacts from these flow rates.</li> </ul>	

Condition/ Tracking #	Description	Status 2019	Date Completed
14.1	<p>The Proponent shall assess and utilize best practices to protect the biodiversity of existing species within the area of the Undertaking. Building on the baseline studies completed during the Environmental Assessment process, including aquatic resources, terrestrial and species at risk baselines, and further studies as deemed necessary, the Proponent shall establish a pre-construction biodiversity baseline and report on biodiversity levels within the area of the Undertaking.</p> <p>The Proponent shall as part of the Compliance Reports required under Condition 6, or otherwise specified in writing by the Director, provide details to the Ministry on how the requirements set out in this condition are being met.</p>	<p>Version 5 of the Terrestrial Systems Monitoring Plan was submitted to the MNRF on February 3, 2016 and accepted by the MNRF in May 2016.</p> <p>New Gold is currently completing monitoring as part of the Terrestrial Systems and Habitat Monitoring Plan.</p> <p>During 2019 the following monitoring programs were implemented as per the relevant conditions; Species at Risk monitoring, wildlife observation monitoring, fish tissue sampling to assess metal accumulation in organ and muscle tissue and barn swallow monitoring. The Biodiversity Monitoring Plan for the Pinewood River was implemented as per ECA No. 5781-9VJQ2J Condition 10(5) and ECA No. 5178-9TUPD9 Condition 8(7). These annual monitoring programs build from the baseline data collected during the EA process.</p>	February 3, 2016
14.2	<p>In addition to fulfilling all commitments with regard to rehabilitating wildlife habitat and terrestrial systems, the Proponent shall consult with MNRF on the development of a monitoring plan for terrestrial systems and habitat. The Proponent shall prepare the monitoring plan before the start of construction and shall provide a draft plan to MNRF for review before the plan is finalized. The Proponent shall carry out the plan during construction, operation and closure of the Undertaking. The purpose of the monitoring plan is to verify the accuracy of the predictions the Proponent made during the EA about the Undertaking's impacts on wildlife and habitat and to monitor the effectiveness of rehabilitation efforts for wildlife habitat and terrestrial environments.</p> <p>The Proponent shall report on biodiversity baseline and results required in Condition 14.1 through the Terrestrial Systems and Habitat Monitoring Plan.</p>	<p>Version 5 of the Terrestrial Systems Monitoring Plan was accepted by the MNRF in May of 2016.</p>	May 6, 2016

Condition/ Tracking #	Description	Status 2019	Date Completed
15.1 A	<p>Conditions Specific to Vegetation Clearing Activities Occurring Before May 1, 2015:</p> <p>a) The Proponent shall prepare and implement a Vegetation Clearing Plan that sets forth how the Proponent will conduct vegetation clearing activities that are intended to occur on the Site before May 1, 2015 ("Vegetation Clearing Activities"). As itemized below, this Vegetation Clearing Plan shall address issues related to those Vegetation Clearing Activities, including: compliance monitoring; compliance reporting; a complaint protocol; a community communication plan; consultation with Aboriginal communities; and terrestrial systems and habitat monitoring plans.</p>	A vegetation clearing plan was prepared and implemented prior to the commencement of construction. The plan consists of clearing areas that coincide with the progression of construction and approvals from the Ministry of Natural Resources and Forestry.	February 21, 2015
15.1 B	<p>Conditions Specific to Vegetation Clearing Activities Occurring Before May 1, 2015:</p> <p>b) Unless otherwise stated in Condition 15 or stipulated per another timeline as may be identified in writing by the Director, the Proponent shall submit all elements of the Vegetation Clearing Plan to the Director, for the public record, 15 days before the Proponent's intended start of Vegetation Clearing Activities.</p>	<p>Prior to the start of construction, a Vegetation Clearing Plan was provide to appropriate government agencies, and clearing permits were obtained from the MNRF.</p> <p>Consultation on the Vegetation Clearing Plan commenced in late 2014 and early 2015.</p>	February 21, 2015
15.1 C	<p>Conditions Specific to Vegetation Clearing Activities Occurring Before May 1, 2015:</p> <p>c) The Proponent shall post the Vegetation Clearing Plan on its project website by no later than 15 days prior to the intended start of Vegetation Clearing Activities.</p>	The Vegetation Clearing Plan was originally posted on the New Gold Rainy River Project website on February 21, 2015. In the fall of 2017, the company website underwent some layout changes when the project transitioned to a mine. At that time the Clearing Plan was unintentionally removed from the website. The plan was reposted on March 23, 2018.	February 21, 2015



Condition/ Tracking #	Description	Status 2019	Date Completed
15.2 A	Compliance Monitoring for Vegetation Clearing Activities: In relation to any vegetation clearing that occurs on the site before May 1, 2015, the Proponent shall monitor its fulfilment of: 1) the provisions of the Environmental Assessment pertaining to mitigation measures and public consultation regarding such Vegetation Clearing Activities; 2) all other commitments made by the Proponent during the Environmental Assessment process including the Commitments Registry as contained in the Errata dated December 15, 2014, in relation to such Vegetation Clearing Activities; and 3) the conditions included in section 15 of this Notice of Approval.	All clearing that has occurred on site has been completed in accordance with licenses obtained from the MNRF (when applicable). Clearing was ongoing during 2019 excluding the period of the breeding bird window.	
15.2 B	The Proponent shall prepare an implementation schedule for all the vegetation clearing activities that are intended to occur on the Site before May 1, 2015.	This condition is complete	February 21, 2015
15.3 A	Compliance Reporting for Vegetation Clearing Activities: In relation to vegetation clearing activities that occur on the Site before May 1, 2015, the Proponent shall prepare a Vegetation Clearing Compliance Report which describes and provides evidence of the Proponent's compliance with Condition 15 of this Notice of Approval.	Completed February 9, 2015.  New Gold RRM submitted the updated RRM Vegetation Clearing Plan for Initial Clearing Prior to May 1, 2015, as required by the conditions of the Provincial EA Approval Notice.	February 9, 2015
15.3 B	Compliance Reporting for Vegetation Clearing Activities: The Proponent shall submit the Vegetation Clearing Compliance report to the Director within 30 days of completing the Vegetation Clearing Activities	Completed May 31, 2015.	May 31, 2015
15.4 A	Complaint Protocol for Vegetation Clearing Activities: The Proponent shall prepare and implement a Vegetation Clearing Complaint Protocol that sets out how the Proponent will address inquiries and complaints received during any Vegetation Clearing Activities.	An External Feedback Protocol was completed February 2, 2015. In addition, New Gold implemented a complaints protocol in February 2015 for any site activity or concern. No complaints were received related to Vegetation Clearing Activities in 2019..	

Condition/ Tracking #	Description	Status 2019	Date Completed
15.5 A	By no later than 15 days prior to the start of Vegetation Clearing Activities, the Proponent shall provide notification to those interested persons to whom Condition 8 of this Notice of Approval applies. The notification shall include a link to the location where copies of the Vegetation Clearing Plan can be seen by members of the public, as required by Condition 15.1 (c).	Completed.  The Vegetation Plan was posted to the New Gold website (accessible to the public) on February 12, 2015. Revision 2 was posted on February 24, 2015.  Aboriginal communities were notified on January 19, 2015.	February 12, 2015 (V2); February 24, 2015 (V3)
15.6 A	Consultation with Aboriginal Communities for Vegetation Clearing Activities: By no later than 15 days prior to the intended start of Vegetation Clearing Activities, the Proponent shall notify and then follow up with the Aboriginal communities identified in Condition 9.1 of this Notice of Approval. This notification shall append the implementation schedule required under Condition 15.2(b), above. The notification shall also include a link to the location where copies of the Vegetation Clearing Plan can be seen by members of the public, as required by Condition 15.1 (c).	Completed February 13, 2015. An additional notification was provided on March 20, 2015 for new areas not included in the initial notification.	February 13 <sup>th</sup> 2015
15.6 B	Consultation with Aboriginal Communities for Vegetation Clearing Activities: By no later than 15 days prior to the intended start of Vegetation Clearing Activities, the Proponent shall consult the Aboriginal communities identified in condition 9.4 of this Notice of Approval, to ascertain whether they wish to carry out specific cultural practices prior to Vegetation Clearing Activities occurring. The Proponent shall provide reasonable time for interested Aboriginal communities to carry out such cultural practices prior to the start of Vegetation Clearing Activities, in coordination with the interested communities.	An Aboriginal Blessing Ceremony was carried out on February 6, 2015 attended by several of the 16 Aboriginal communities. The event was a follow-up to the RRM updated vegetation clearing schedule sent to Aboriginal communities in January 2015.	January 2015 & February 6, 2015

Condition/ Tracking #	Description	Status 2019	Date Completed
15.6 C	Consultation with Aboriginal Communities for Vegetation Clearing Activities: By no later than 7 days prior to the intended start of Vegetation Clearing Activities, the Proponent shall submit to the Director copies of: the notification letters that it sent in fulfilment of conditions 15.6 (a) and (b); any records confirming the Aboriginal communities' receipt of those notification letters; records of any concerns heard from the Aboriginal communities in response to those letters; and records of efforts the Proponent has made, or has committed to make, to address those concerns.	Completed February 16, 2015.	February 16, 2015
15.7 A	Terrestrial Systems and Habitat Monitoring for Vegetation Clearing Activities: The Proponent shall fulfill all its EA commitments with regard to land clearing and to rehabilitating wildlife habitat and terrestrial systems, in relation to any associated impacts from Vegetation Clearing Activities.	Land clearing is contained within the footprint of the project only in areas where development is required. When licenses are required, they are obtained from MNRF. Grubbing is not conducted unless necessary and buffers are implemented around sensitive areas. Reclamation earthworks of the former Tait Quarry commenced in 2017 with seeding and planting occurring in 2018. The quarry which operated from 2015 to 2017 to supply material for the Highway 600 realignment underwent extensive tree clearing, blasting and rock extraction. Based on decisions made with MNRF during the Environmental Assessment process, the quarry will be reclaimed to suitable whip-poor-will habitat. A memorandum outlining the reclamation strategy can be found in the supporting documentation. Work commenced in 2019 on setting up vegetation plots to mimic stockpile closure on a small scale. This will include multiple tree and shrub species planted with assorted grasses and fertilizers. A portion of the EMRS is planned to begin closure activities in 2020. As the mine advances into operations, the opportunity to reclaim more land will be possible.	
15.8	When the Proponent submits its Vegetation Clearing Plan materials to the Director, the Proponent shall append a statement indicating that its submission is intended to fulfill Condition 15 of this Notice of Approval.	Complete	February 21, 2015

Condition/ Tracking #	Description	Status 2019	Date Completed
15.9	The Director may require the Proponent to amend aspects of the Vegetation Clearing Plan at any time. Should an amendment be required, the Director will notify the Proponent, in writing, of the required amendment and of the date by which the Proponent must complete the amendment and submit it to the Director.	Not requested in 2019.	
15.10	The Proponent shall carry out the Vegetation Clearing Plan, as it may be amended by the Director.	Completed.	
15.11	The Proponent shall make documentation pertaining to the Vegetation Clearing Plan available to the Ministry or designate upon request, in a timely manner, when so requested by the Ministry.	No requests were made during 2019.	
15.12	In addition to fulfilling the Vegetation Clearing Plan conditions above, the Proponent shall also mention its Vegetation Clearing Activities, as relevant, in other materials it produces to fulfill the other conditions required by this Notice of Approval.	Complete. The Vegetation Clearing Plan was posted on New Gold's website February 12, 2015 and with a subsequent revision (Revision 3) posted on February 24, 2015. The clearing plan was unintentionally removed from the company website during maintenance that was conducted in the winter of 2017. The plan was uploaded back to the New Gold Rainy River Mine page on March 25, 2018.	February 12, 2015 and February 24, 2015.
16.1 A	The Proponent shall ensure that the need for the Undertaking is capable of adapting to climate change during the construction, operation and closure phases of the Undertaking, and to that end the Proponent shall:  a) Plan its construction practices, operational procedures and the design of the Undertaking to respond to storms, flooding, (including the consideration of the 500-year flood level), drought or other severe weather events resulting from climate change.	In 2019, Sedimentation Pond 3 was completed on the south east end of the WMRS. In addition, a fresh water non-contact diversion ditch was constructed to divert clean water from the Marr Creek to the West Diversion Creek. This allows to limit the volume of water entering the site and requiring storage, pumping and treatment.	

Condition/ Tracking #	Description	Status 2019	Date Completed
16.1 B	The Proponent shall ensure that the need for the Undertaking is capable of adapting to climate change during the construction, operation and closure phases of the Undertaking, and to that end the Proponent shall: b) Design the post-closure aspects of the site to ensure resilience to climate change impacts, such as maintaining an appropriate site water balance and sufficient water cover over the TMA. The Proponent shall also undertake an updated review of climate change scenarios at a point approximately two years prior to implementing final closure of the TMA to confirm, or modify, anticipated future hydrological conditions related to climate change scenarios.	The 2019 Closure Plan Amendment submitted to the agencies outlined the post-closure strategy of the TMA consistent with the EA commitment, outlined in 16.1 (b).	
16.1 C	The Proponent shall ensure that the need for the Undertaking is capable of adapting to climate change during the construction, operation and closure phases of the Undertaking, and to that end the Proponent shall: c) The Proponent shall, as part of the Compliance Reports required under condition 6, or otherwise specified in writing by the Director, provide details to the Ministry on how climate change has been incorporated into the project design.	New Gold has submitted an ECA amendment to include a review on climate change and the site water balance. The new permit was issued in February 2020.	
16.1 D	The Proponent shall ensure that the need for the Undertaking is capable of adapting to climate change during the construction, operation and closure phases of the Undertaking, and to that end the Proponent shall: d) The Proponent shall also include these considerations, as appropriate, in the Closure Plan or future Closure Plan amendments submitted to MNM.	The Closure Plan for the Rainy River Mine discusses operational flexibility in regard to water demands. Through the design of the project water diversion structures and ditching around the East Mine Rock Stockpile were designed to handle extreme flooding events (1 in 100-year event). The TMA dams have been designed to meet the most severe flood and earthquake criteria, being the probable maximum flood and maximum credible earthquake in accordance with the Ontario Lakes and Rivers Improvement Act requirements. In 2019, a diversion ditch for the Marr Creek was constructed. Fresh non-contact water from the Marr Creek is now diverted to the West Creek Diversion Channel. Plans are in place to construct a similar diversion ditch for the Loslo creek.	



Condition/ Tracking #	Description	Status 2019	Date Completed
17.1	The Proponent shall obtain other necessary permits and approvals including, but not limited to, those that are committed to in the Environmental Assessment.	To date New Gold has met the requirements of this condition. A copy of the Environmental Permits and Approvals obtained to date and specifically in 2019 by New Gold have been included in the Annual Compliance Report in Table 2 Section 1.7 Regulatory Update.	
18.1 A	In carrying out the Undertaking, the Proponent shall require that its contractors, subcontractors and employees: a) Fulfil the commitments made by the Proponent in the Environmental Assessment process, including those made in the Environmental Assessment and in the Proponent's responses to comments received during the formal Environmental Assessment comment periods.	<p>All employees and contractors go through a standard site orientation, which includes Environmental, Community, Health and Safety (and other pertinent site aspects).</p> <ul style="list-style-type: none"> <li>• Contractors are required to attend an environmental kick off meeting prior to start of work. Purpose of the meeting is to review commitments and permit requirements applicable to the Scope of Work. There are also statements in contracts that require the contractor to adhere to all applicable permits and site environmental procedures.</li> <li>• Financial / other materials may include specific clauses with contracts on standards, requirements etc., depending on the nature of the contract.</li> <li>• Environmental Conditions set out in Permits also include reference to specific contract drawings that are to be adhered to by the construction contractors</li> <li>• NG RRM Environmental Department monitors Contractors to ensure construction works and mining operations are carried out in accordance with Environmental Commitments</li> <li>• Side wide bulletins are issued via email, radio communication and posting in work places. When required the bulletins discuss Environmental Commitments and approvals.</li> </ul>	Ongoing
18.1 B	In carrying out the Undertaking, the Proponent shall require that its contractors, subcontractors and employees: b) Meet applicable regulatory standards regarding the construction, operation and maintenance of the Undertaking, including these conditions of approval.	As outlined in the response to condition 18.1(a) New Gold has taken several steps to ensure that all onsite personnel are familiar with the Environmental Conditions and Approvals for the project. To ensure that these conditions are implemented and met, as well as other permit approvals, New Gold Environmental Department has implemented a number of strategies including; Site Inspections and Audits or work tasks; incorporating Regulatory requirements in contract tenders, orientation training, operating procedures, site wide communication bulletins; installing signage around the mine site; participating in meetings amongst different departments and contractors to communicate environmental requirements; include environmental	

Condition/ Tracking #	Description	Status 2019	Date Completed
		conditions and approvals in construction execution plans.	
18.1 C	In carrying out the Undertaking, the Proponent shall require that its contractors, subcontractors and employees: c) Obtain any necessary approvals, permits or licenses	New Gold Environmental Department is responsible for obtaining all environmental related permits, approvals and licenses for the project. In order to ensure that permits are obtained for all work fronts the department reviews contract scopes of work and participates in meetings held with mine staff and contractors. During 2019 New Gold also retained environmental consulting expertise in areas related to fisheries, wildlife and species at risk, Air Quality Monitoring, mine reclamation and water quality who assist in ensuring appropriate approvals are obtained. Since the start of construction in 2015 it is site practice that all new construction and operation activities or deviations from original designs are communicated to the Environmental Department who screen for required permits or amendments to existing permits.	
19.1	Prior to implementing any proposed changes to the Undertaking, the Proponent shall determine what Environmental Assessment Act requirements are applicable to the proposed changes and shall fulfill those Environmental Assessment Act requirements.	During 2019, design modifications and changes to support the project were communicated effectively both during discussions and with focused memos on methods and potential impacts with MECP and other relevant agencies to obtain input and ensure work was being conducted in accordance with current permits and approvals. In 2019, the following amendments, applications and memos were submitted to MECP Permit to take Water Construction Minor Takings Renewal (March 2019), Permit to take Water for Pinewood River (March 2019), Fugitive Dust Best Management Practices Plan Update (April 2019), Dust Suppression Approval Request (November 2019), Site Wide Water Balance Report (May 2019), Declaration of Compliance - Air and Noise 2018 Operating Year (March 2019), Fish Tissue Quality Monitoring Report (March 2019), 2018 Annual Compliance Report (March 2019), 2018 Annual Permit to Take Water (PTTW) Surface water Taking Report (March 2019), Annual Sewage Works Report – 2018 (March 2019), Annual Surface Water Report- 2019 (March 2019), Annual Water Report – 2018 (March 2019), Annual Mercury Monitoring Report- 2018 (March 2019) Annual Pinewood River Biological Monitoring Report – 2018 (March 2019), ECA Supplementary Update Submission (January 2019), Addendum to	

Condition/ Tracking #	Description	Status 2019	Date Completed
		ECA Amendment – Domestic Sewage Update (January 2019) ECA Update Submission (March 2019), ECA Update Submission Amendment – Additional Holding Tank (March 2019), Request for Outstanding Supporting Documentation for ECA (June, July and August submissions), Clarifications of Construction Activities (January 2019), Approval to Operate 24 hours/Day Aggregate Crushing Plant (February 2019), Pinewood River Hydrometric Curve Update (April 2019), Species at Risk Report (May, June, July, August, September, October, November and December reports), Permission to Reinstate Splash Pad Discharge Points (May 2019), TMA Cell2/Cell3 Overflow Spillway Updated As-Built- Drawings (May 2019), Late Winter Snow Survey and Sample Results Summary (June 2019), Notice of Modification – Water Evaporation System (June 2019), Spill Contingency Plan (June 2019) 2019 Abatement Plan (July 2019) 2019 Abatement Plan Report (December 2019), Acoustic Audit Report (July 2019), Follow-Up Actions – July 2019 MECP Inspection (October 2019), Water Discharge Pond Unplanned Discharge (November 2019), Clark Creek Pond Exceedance (September 2019).	
20.1	30 days prior to construction, or as per another timeline as may be identified in writing by the Director, the Proponent shall provide notification of the Proponent's intention to proceed with construction. If significant changes to the existing environment or regulatory changes have occurred that could affect the implementation of the Undertaking or result in any new potential adverse environmental effects from the undertaking, the Proponent shall include a description of those changes in its notice. The Proponent shall provide the notice to the Director and Regional Director of the Ministry, the MNRF, the MNDM, and any other relevant agencies that the Proponent or the Director determine may have an interest in any changes provided in the notice.	Notification was submitted on January 29, 2015. During the fall of 2017 the mine entered its operations phase. This commitment can now be closed.	January 29, 2015.

