

From: Ben Wither
To: Chace, Julie EAO:EX
Cc: Jay Allen; Cory MacDonald; Vlada Cvijetinovic; Brooke Van Gils; York, Ben A EAO:EX; Lombardi, Christie EAO:EX; Parks, Chris EAO:EX; Arend, Elenore EAO:EX; Rebecca Baldock; Paul Cobban; Twila Griffith
Subject: Notice - Prior to Determination of Administrative Penalty
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Good afternoon Julie.

Newcrest thank you for the opportunity to provide comments on the determination of Administrative Penalty - related to commitment 11 of the EAC certificate #M05-02 – namely the requirement to implement specific mitigation measures to prevent or reduce the potential for adverse impacts to bears at the Red Chris mine site.

Newcrest acknowledge and accept the findings of the Environmental Assessment Office (EAO) Compliance and Enforcement Officers following their inspections of the Project on July 30, 2019, November 2, 2021 and March 22 to 23, 2022 and determined the Project did not comply with the January 9, 2019 Enforcement Order by not having operational electric fencing around camp facilities between April 1 and November 15. Please provide payment details for the penalty.

Newcrest would however like to challenge the proposed additional penalties specifically e) *Whether contravention or failure was deliberate*, and f) *Economic benefit derived by the party from the contravention or failure* – as outlined in the calculator.

- Newcrest believe that its ongoing efforts to operate and maintain the bear mitigation actions, including the fence, counter the finding that Newcrest deliberately contravened the requirement. Newcrest request this penalty be removed.
- Newcrest disagree with the finding that it derived economic benefit from the contravention of the order through “diminished maintenance costs”, with ongoing operational and maintenance cost associated with the camp included maintenance costs for the fence upkeep. Newcrest request this penalty be removed.

Newcrest have provided correspondence on the 27th July and 7th August demonstrating the timely rectification of the noncompliance and its ongoing commitment to mitigating the potential adverse impacts to bears on the project.

Please don't hesitate to contact jay or myself if you require any clarification or further information.

Regards
Ben

Ben Wither
VP HSE and Permitting
Western Canada
Newcrest Mining Limited – Miner of Choice™

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