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GMOB Feedback on the Perpetual Care Framework

The Giant Mine Oversight Board (GMOB) has completed its review of the Perpetual Care Preliminary Framework V. 1.0 and the Proposed Perpetual Care Procurement Process document.

Section 4.2 of the Environmental Agreement states:

- (a) As part of the Co-Proponents' Environmental Plans and Programs, in particular as required by section 4.1 (k), the Co-Proponents shall develop a comprehensive Perpetual Care plan that must address improvements in records management, communication with future generations, long-term access to funds for the Project and analysis of different possible future scenarios that might affect the Perpetual Care of the Project.
- (b) The Co-Proponents shall provide the Oversight Body with a first draft Perpetual Care plan no later than five years after the Effective Date of this Agreement.

We are all aware that the project to develop the Perpetual Care plan is far behind schedule. In accordance with the Environmental Agreement, the first draft was to have been delivered to the Board by June 9, 2020. Recognizing that the project was delayed and then proceeded slowly given the challenges inherent in developing such a plan, the Board agreed to receiving a framework document by late fall, 2020. In December 2020 the Board received two documents: the "Perpetual Care Preliminary Framework V. 1.0" and the "Proposed Perpetual Care Procurement Process". I apologize for the delay in our response. The Board's comments and suggestions follow.

Perpetual Care Preliminary Framework V. 1.0

The Board considers the Perpetual Care Preliminary Framework V. 1.0 as a first step toward developing a true framework. The current document consists of an extensive table

of issues and considerations regarding components that may or may not be included in the eventual first draft Perpetual Care plan. It is a point form summary of the findings of the preliminary meetings rather than a "framework" per se. It would be helpful if the next iteration of the framework is presented in a narrative format, rather than a spreadsheet-style listing of issues and considerations. The table could then be attached to the narrative as background. As it stands, the Board is concerned that developing a clear scope of work for the next phase of plan development will be very challenging.

That said, the plan framework appears comprehensive in that it lists the key components of an eventual Perpetual Care plan in detail. The spreadsheet format is helpful in that it clearly identifies the key issues and related considerations. The list of identified components is extensive, the notations and observations are detailed and the development process column poses pertinent questions for future consideration.

Perpetual Care Plan Procurement Process

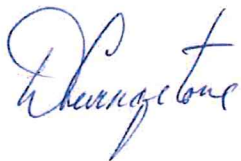
This document outlines the proposed approach to arrive at a first draft Perpetual Care plan, starting with a relatively small contract to develop a scope of work.

Developing the scope of work will take time, resources and considerable expertise covering a broad range of issues. The Board is concerned that the proposed budget may be inadequate and the schedule challenging. Further, the development of the RFP to develop a first draft Perpetual Care plan whether as a single contract or multiple contracts, will have to be clearly defined for both the Task Force, potential bidders and the successful contractor. It may be better to further refine the framework as recommended above before entertaining bids to develop the scope of work.

The Board will continue to engage as this project proceeds and looks forward to receiving a first draft Perpetual Care plan as the Environmental Agreement requires.

Should you have any questions, please contact me directly through the GMOB office.

Sincerely,

A handwritten signature in blue ink that reads "D Livingstone". The signature is written in a cursive style with a large initial "D".

David Livingstone

Chair

cc Parties to the EA