

## **Potential conditions under the *Canadian Environmental Assessment Act, 2012***

The Impact Assessment Agency of Canada is contemplating the following potential conditions in relation to the Énergie Saguenay Project (the Designated Project) located in Québec for recommendation to the Minister of Environment and Climate Change (the Minister) for inclusion in a Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. If the Minister decides that the carrying out of the Designated Project is unlikely to cause significant adverse environmental effects as defined under subsections 5(1) and 5(2), or if the Minister decides that the Designated Project is likely to cause significant adverse environmental effects and the Governor in Council decides such effects are justified in the circumstances, the Designated Project would be allowed to proceed, and any conditions established by the Minister under the *Canadian Environmental Assessment Act, 2012* would become legally binding.

Pursuant to section 184 of the *Impact Assessment Act*, a Decision Statement issued by the Minister under subsection 54(1) of the *Canadian Environmental Assessment Act, 2012* is deemed to be a Decision Statement issued under subsection 65(1) of the *Impact Assessment Act*, other than for the purposes of section 70.

### **1 Definitions**

- 1.1 *Agency* means the Impact Assessment Agency of Canada.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.3 *Closure* means the phase of the Designated Project during which the Proponent dismantles the liquefaction and storage facilities associated with the Designated Project and, at the request of the Saguenay Port Authority, any other land or marine infrastructure associated with the Designated Project.
- 1.4 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation (including dredging), building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.5 *Days* means calendar days.
- 1.6 *Deleterious substance* means “deleterious substance” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.7 *Designated Project* means the Énergie Saguenay Project as described in section 2 of the draft Environmental Assessment Report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80115).
- 1.8 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.

- 1.9 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Environmental Assessment Report* means the report prepared by the Impact Assessment Agency of Canada under subsection 25(2) of the *Canadian Environmental Assessment Act, 2012*.
- 1.11 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.12 *Environmental Impact Statement* means the January 2019 document entitled *Projet Énergie Saguenay – Étude d’impact environnemental – version finale* (Canadian Impact Assessment Registry Reference Number 80115, Document Number 18).
- 1.13 *Extended study area* means the area presented on Figure 2 of the draft Environmental Assessment Report and which extends from the site of the Designated Project on the Saguenay River to the Les Escoumins.
- 1.14 *Federal land* mean, within the restricted study area, the portion of land designated in Appendix B of the letters patent of the Saguenay Port Authority and presented on the Proponent’s revised version of Map R-7 (Canadian Impact Assessment Registry Reference Number 80115, Document Number 99).
- 1.15 *First Nations* means, for the purpose of meeting the conditions set out in this document, the following Aboriginal peoples: the Innu First Nations of Essipiunnuat, Pekuakamiulnuatsh and Pessamiulnutsh and the Huron-Wendat Nation.
- 1.16 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.17 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.18 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.19 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.20 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.21 *Higher high water large tide* means the average of the highest high waters, one from each of 19 years of predictions.
- 1.22 *Invasive alien species* means a plant, animal or microorganism that is introduced outside its natural range and whose establishment or spread may pose a threat to the environment, the economy or society.
- 1.23 *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.

- 1.24 *Marine mammal* means a mammal species that is morphologically adapted to the marine environment and includes cetaceans and pinnipeds.
- 1.25 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.26 *Ministère de l’Environnement et de la Lutte contre les changements climatiques* means the Québec’s Ministère du Développement durable, de l’Environnement et des Parcs, as designated in the *Loi sur le ministère du Développement durable, de l’Environnement et des Parcs* and by Order 1280-2018.
- 1.27 *Ministère de la Culture et des Communications* means the Québec’s Ministère de la Culture et des Communications, as designated in the *Loi sur le ministère de la culture et des communications*.
- 1.28 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.29 *Monitoring* means observation of the environmental effects of the Designated Project, performed in the context of a follow-up program set out in this document in order to verify the accuracy of the environmental assessment and/or determine the effectiveness of any mitigation measure.
- 1.30 *Offsetting plan* means “offsetting plan” as described in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations*.
- 1.31 *Operation* means the phase of the Designated Project during which liquefaction, storage and loading of liquefied natural gas takes place, including periods during which such activities may temporarily cease, and which continues until the commencement of closure.
- 1.32 *Parks Canada* means the Parks Canada Agency as established under section 3 of the *Parks Canada Agency Act*.
- 1.33 *Potentially affected party* means a party identified as such by the Proponent pursuant to condition 11.1.
- 1.34 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.35 *Proponent* means GNL Québec Inc. and its successors or assigns.
- 1.36 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, provides the Proponent with advice within their area of expertise. Knowledge relevant to a particular matter may include community and Indigenous knowledge.

- 1.37 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.38 *Relevant authority* means a federal, provincial or municipal authority that is in possession of specialist or expert information or knowledge, or that has a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.39 *Reporting year* means January 1 of a calendar year through December 31 of the same calendar year.
- 1.40 *Restricted study area* means the area presented on Figure 3 of the draft Environmental Assessment Report and which includes the footprint of the Project’s infrastructure in the terrestrial and marine environment and the immediate vicinity.
- 1.41 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous groups.
- 1.42 *Wetland* means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation and various kinds of biological activity which are adapted to a wet environment and as further defined in the Canadian Wetland Classification System.
- 1.43 *Wetland functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g. groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

## **Potential conditions**

These conditions may be established for the sole purpose of the Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this document shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

## **2 General conditions**

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by

standard-setting bodies, are undertaken by qualified individuals and have applied the best available economically and technically feasible technologies.

- 2.2 The Proponent, when carrying out the Designated Project, shall do so as defined in 1.7 of this document.
- 2.3 The Proponent shall ensure that its actions in meeting the conditions set out in this document are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.

### ***Consultation***

- 2.4 The Proponent shall, where consultation is a requirement of a condition set out in this document:
  - 2.4.1 provide a written notice of the opportunity for the party(ies) being consulted to present their views and information on the subject of the consultation;
  - 2.4.2 provide all information available and relevant to the scope and the subject matter of the consultation and a period of time agreed upon with the party(ies) being consulted, not to be less than 15 days, to prepare their views and information;
  - 2.4.3 undertake an impartial consideration of all views and information presented by the party(ies) being consulted on the subject matter of the consultation; and
  - 2.4.4 advise in a timely manner the party(ies) being consulted on how the views and information received have been considered by the Proponent, including a justification for why the views have, or have not, been integrated.
- 2.5 The Proponent shall, where consultation with First Nations and the Wolastoqiyik Wamsipekuk First Nation is a requirement of a condition set out in this document, communicate with each First Nation and with the Wolastoqiyik Wamsipekuk First Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise First Nations and the Wolastoqiyik Wamsipekuk First Nation of how their views and information were considered by the Proponent.

### ***Follow-up and adaptive management***

- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, determine, as part of the development of each follow-up program and in consultation with the party(ies) consulted for the development of the follow-up program, the following information:
  - 2.6.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 2.6.2 the scope, content and frequency of reporting of the results of the follow-up program to the party(ies) consulted for the development of the follow-up program;

- 2.6.3 the frequency at which the follow-up program must be updated, unless otherwise required through the conditions;
  - 2.6.4 the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
  - 2.6.5 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program demonstrates that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.
- 2.7 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party(ies) consulted for the development of each follow-up program.
- 2.8 The Proponent shall provide the follow-up programs referred to in conditions 3.13, 4.10, 4.11, 5.38 to 5.43, 6.7 to 6.9, 7.4, 8.10, 9.1, 10.8, 11.5, 11.6 and 12.10 to 12.12, including the information determined for each follow-up program pursuant to condition 2.6, to the Agency and to the party(ies) consulted for the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.7 to the Agency and to the party(ies) consulted for the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.9 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.9.1 implement the follow-up program according to the information determined pursuant to condition 2.6;
  - 2.9.2 conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;
  - 2.9.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2; and
  - 2.9.4 if modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
  - 2.9.5 report all results of the follow-up program including all data collected, analyses, and monitoring reports to the Agency no later than March 31 following each reporting year during which the follow-up program is implemented and, subject to information

determined pursuant to 2.6.2, to the party(ies) being consulted for the development of the follow-up program.

- 2.10 Where consultation with First Nations and the Wolastoqiyik Wahsipekuk First Nation is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each First Nation and with the Wolastoqiyik Wahsipekuk First Nation and shall determine, in consultation with each First Nation and the Wolastoqiyik Wahsipekuk First Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.

### ***Annual reporting***

- 2.11 The Proponent shall prepare an annual report that sets out, for each reporting year:
- 2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this document;
  - 2.11.2 how the Proponent complied with condition 2.1;
  - 2.11.3 for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
  - 2.11.4 the information referred to in conditions 2.6 and 2.7 for each follow-up program;
  - 2.11.5 the results of the follow-up program requirements identified in conditions 3.13, 4.10, 4.11, 5.38 to 5.43, 6.7 to 6.9, 7.4, 8.10, 9.1, 10.8, 11.5, 11.6 and 12.10 to 12.12;
  - 2.11.6 for any plan that is a requirement of a condition set out in this document, any updates to the plan made; and
  - 2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9.
- 2.12 The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.
- 2.13 The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.11 shall start on the day the Minister of the Environment issues the Decision Statement to the Proponent pursuant to subsection 54 (1) of the *Canadian Environmental Assessment Act, 2012*.

### ***Information sharing***

- 2.14 The Proponent shall publish on the Internet the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the carbon neutrality program referred to in condition 3.1, the greenhouse gas management plan referred to in condition 3.3, the marine mammal management plan referred to in condition 4.6, the reports related to accidents and malfunctions referred to in conditions 13.5.3 and 13.5.4, the schedules referred to in conditions 14.1 and 14.2, and any update or revision to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The

Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party(ies) referred to in each condition, First Nations and the Wolastoqiyik Wahsipekuk First Nation of the availability of these documents within 48 hours of their publication.

- 2.15 When the development of any plan is a requirement of a condition set out in this document, the Proponent shall submit the plan to the Agency prior to construction, unless otherwise required through the condition.

***Change of Proponent***

- 2.16 The Proponent shall notify the Agency, First Nations and the Wolastoqiyik Wahsipekuk First Nation in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

***Change to the Designated Project***

- 2.17 If the Proponent is proposing to carry out the Designated Project in a manner other than described in condition 1.7, the Proponent shall notify the Agency in writing in advance. As part of the notification, the Proponent shall provide:
- 2.17.1 a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the change(s);
  - 2.17.2 any modified or additional measure to mitigate any environmental effect that may result from the change(s) and any modified or additional follow-up requirement; and
  - 2.17.3 an explanation of how, taking into account any modified or additional mitigation measure referred to condition 2.17.2, the environmental effects that may result from the change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment.
- 2.18 The Proponent shall submit to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.17, which may include the results of consultation with First Nations, the Wolastoqiyik Wahsipekuk First Nation and relevant authorities on the proposed change(s) and environmental effects referred to in condition 2.17.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.17.2.

**3 Greenhouse Gas**

- 3.1 The Proponent shall develop, prior to operation and to the satisfaction of Environment and Climate Change Canada, and implement, from the start of operation, a carbon neutrality program to achieve, for each year of operation, a carbon footprint equal to zero net emissions for greenhouse gas emissions generated by the liquefaction process associated with the Designated Project. The Proponent shall ensure that the offset credits required to achieve carbon neutrality are consistent with the offset criteria required by Environment and Climate Change Canada.
- 3.2 The Proponent shall review and update, to the satisfaction of Environment and Climate Change Canada, the carbon neutrality program referred to in condition 3.1 every five years to



validate that the program's objectives are being met and to maximize greenhouse gas emission reductions at source. When updating the carbon neutrality program, the Proponent shall take into account the results of the follow-up program referred to in condition 3.13 and any new technically and economically feasible greenhouse gas emission reduction and energy efficiency technology or practice that the Proponent has implemented or plans to implement. The Proponent shall submit the updated carbon neutral program to the Agency and Environment and Climate Change Canada within 30 days of the program's update.

- 3.3 The Proponent shall develop, prior to construction and to the satisfaction of Environment and Climate Change Canada, and implement, during all phases of the Designated Project, a greenhouse gas management plan to reduce the Designated Project's greenhouse gas emissions from the beginning of the Designated Project and during each phase of the Designated Project. The greenhouse gas management plan shall apply to greenhouse gas emissions other than those covered by the carbon neutrality program implemented pursuant to condition 3.1. The Proponent shall take into account applicable provincial and federal greenhouse gas reduction strategies when developing and implementing the plan. As part of the development of the plan, the Proponent shall:
- 3.3.1 identify the sources of direct and indirect greenhouse gas emissions applicable to each phase of the Designated Project covered by the greenhouse management plan;
  - 3.3.2 for each source of emissions identified pursuant to condition 3.3.1, identify the greenhouse gas emission reduction and energy efficiency technologies and practices applicable to that source (in addition to the measures taken to comply with conditions 3.4 to 3.12), including emerging technologies and practices at a sufficiently advanced stage of technological development to become technically and economically feasible over the life of the Designated Project;
  - 3.3.3 determine how each technically and economically feasible technology or practice identified pursuant to condition 3.3.2 will be implemented by the Proponent over the life of the Designated Project, including consideration of when any equipment associated with the Designated Project that contributes to the emission of greenhouse gases will need to be replaced with equipment of lower greenhouse gas intensity;
  - 3.3.4 establish greenhouse gas emission reduction targets for specific intervals that aim to achieve carbon neutrality for the Designated Project's overall emissions and that take into account how the Proponent plans to implement the technologies and practices in the manner referred to in condition 3.3.3;
  - 3.3.5 identify the barriers, challenges and risks associated with the implementation of the plan and how the Proponent intends to overcome them; and
  - 3.3.6 review the plan, to the satisfaction of Environment and Climate Change Canada, after the fifth year following the start of construction and thereafter according to the schedule determined at each review, but at least every five years, for the life of the Designated Project. The Proponent shall take into account the results of the follow-up program referred to in condition 3.13 when reviewing and, if necessary, updating the plan. If the Proponent updates the plan, the Proponent shall submit any updated plan to the Agency and to Environment and Climate Change Canada within 30 days of the revision of the plan. As part of each review of the plan, the Proponent shall:

- 3.3.6.1 review the technologies and practices referred to in condition 3.3.2 and update the plan if it identifies other emerging technologies and practices that are at a sufficiently advanced stage of technological development to become technically and economically feasible over the life of the Designated Project; and
  - 3.3.6.2 determine whether the reduction targets referred to in condition 3.3.4 need to be revised in light of the information referred to in condition 3.3.6.1 and, if so, revise the targets.
- 3.4 The Proponent shall provide eco-driving training that includes driving techniques to reduce fuel consumption for equivalent service, including acceleration and deceleration, to all truck drivers and machinery operators associated with the Designated Project. The Proponent shall document the participation of drivers and operators in the training.
- 3.5 The Proponent shall operate, during construction, a shuttle service to transport workers to and from Designated Project site. The Proponent shall operate the shuttle service on a schedule divided into three blocks no more than 30 minutes apart.
  - 3.5.1 The Proponent shall implement incentives for workers to use the shuttle service referred to in condition 3.5. As part of the annual report referred to in condition 2.11, the Proponent shall report the proportion of workers who use the shuttle service on a daily basis.
- 3.6 The Proponent shall implement, during all phases of the Designated Project, a policy prohibiting the idling of any motorized equipment or vehicle within the restricted study area, including when it is idle or on standby for a period exceeding five minutes. The Proponent shall require and ensure that all persons comply with this policy, unless there are health or safety constraints.
- 3.7 The Proponent shall maintain, during all phases of the Designated Project, any motorized equipment or vehicle operated by the Proponent as part of the Designated Project in accordance with the manufacturer's specifications to keep all its components in good working order, including to prevent fugitive losses of greenhouse gases.
- 3.8 The Proponent shall implement measures to mitigate air emissions, including greenhouse gas emissions, caused by the Designated Project during all phases of the Designated Project, including by:
  - 3.8.1 selecting and installing flare equipment that is the most energy efficient in terms of pilot gas consumption;
  - 3.8.2 employing, during all phases of the Designated Project, zero-emission equipment and vehicles or, if a particular zero-emission equipment or vehicle is not available or its use by the Proponent is not technically or economically feasible, providing a justification to the Agency for that determination and using low-carbon fuel or diesel equipment or vehicles that meet, as a minimum, the U.S. Environmental Protection Agency's Tier 4 emission standards; and

- 3.8.3 requiring that tankers associated with the Designated Project comply, at a minimum, with the most stringent U.S. Environmental Protection Agency emission standards in effect at the time the tankers begin operating in Canadian waters.
- 3.9 The Proponent shall use, for tankers associated with the Designated Project, liquefied natural gas as the primary fuel and fuel containing less than 0.1% sulphur as an auxiliary fuel and for pilot fuel.
- 3.10 The Proponent shall implement measures as part of the Designated Project to reduce methane losses, including primary measures related to engine design and operation, and secondary measures related to exhaust emissions. In doing so, the Proponent shall capture evaporative gases from the tankers associated with the Designated Project for use in fueling the vessels' main and auxiliary engines and shall equip the vessels with reliquefaction units in the event that the fuel requirement is less than the evaporation rate.
- 3.11 The Proponent shall install and maintain an operational electrical shore power connection during operation so that any tanker associated with the Designated Project that is able to connect to the shore power connection can do so while at the dock.
- 3.12 The Proponent shall use liquefied natural gas to power the generators of the tankers associated with the Designated Project while they are docked in normal operations, unless it is not technically or economically feasible to do so. If the Proponent must use an alternative energy source, the Proponent shall submit a justification to the Agency prior to operation.
- 3.13 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of greenhouse gas emissions from the Designated Project. As part of the development of the follow-up program, the Proponent shall identify, for each phase of the Designated Project, the sources of greenhouse gas emissions, from among those identified pursuant to condition 3.3.1, that will be monitored as part of the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
- 3.13.1 quantify on an annual basis the greenhouse gas emissions of the Designated Project by compiling the direct emissions of the Designated Project and the indirect emissions attributable to the Designated Project separately;
- 3.13.2 quantify the emissions referred to in condition 3.13.1 using the methodology set out in Environment and Climate Change Canada's Canadian Greenhouse Gas Quantification Requirements that are applicable at the time the emissions are quantified or, if the methodology for a given emission source is not specified in the Greenhouse Gas Quantification Requirements, any other methodology that is consistent with the 2006 IPCC Guidelines for National Greenhouse Gas Inventories of the Intergovernmental Panel on Climate Change. The Proponent shall justify the methodology used;
- 3.13.3 report the emissions referred to in condition 3.13.1 to Environment and Climate Change Canada annually and, every five years, also describe the activities undertaken by the Proponent over the previous five years to reduce greenhouse gas emissions. If

the activities undertaken by the Proponent differ from the planned activities, the Proponent shall justify the difference(s); and

- 3.13.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.13.1 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project's greenhouse gas emissions and to meet the targets established pursuant to condition 3.3.4 or subsequently revised pursuant to condition 3.3.6.2. The Proponent shall consider the technically and economically feasible technologies or practices identified pursuant to condition 3.3.2 when determining whether modified or additional mitigation measures are required.

#### **4 St. Lawrence Beluga and Other Marine Mammals**

- 4.1 For any drilling or pile driving activity required as part of the Designated Project, the Proponent shall:
  - 4.1.1 use rotary heads for drilling and vibratory hammering for pile driving; and
  - 4.1.2 start drilling and pile driving by gradually increasing the power of the drilling and pile-driving equipment, over a period of at least 20 minutes, at the beginning of each drilling or driving period.
- 4.2 The Proponent shall develop, prior to construction in the marine environment and in consultation with Fisheries and Oceans Canada, and implement measures so that beluga whales (*Delphinapterus leucas*), harbour seals (*Phoca vitulina*) and fish are not exposed to underwater noise levels that may cause environmental effects on these species during construction in and around the marine environment, including mortality and behavioral effects. In doing so, the Proponent shall:
  - 4.2.1 establish, prior to construction in the marine environment, underwater noise thresholds above which beluga whales (*Delphinapterus leucas*), harbour seals (*Phoca vitulina*) and fish shall not be exposed during construction in and around the marine environment. The Proponent shall take into account, in establishing these thresholds, the work methods used, the expected underwater noise levels for each of the Proponent's planned marine construction activities and the times of the year during which these activities will take place;
  - 4.2.2 provide to the Agency and Fisheries and Oceans Canada, prior to construction in the marine environment, the underwater noise thresholds established pursuant to condition 4.2.1 and the measures that will be implemented by the Proponent to ensure that beluga whales (*Delphinapterus leucas*), harbour seals (*Phoca vitulina*) and fish are not exposed to underwater noise levels in excess of those thresholds; and
  - 4.2.3 implement the measures referred to in 4.2.2 throughout construction in and around the marine environment.
- 4.3 The Proponent shall develop, prior to construction in the marine environment and in consultation with Fisheries and Oceans Canada, First Nations and the Wolastoqiyik Wamsipekuk First Nation, and implement, throughout construction in and around the marine

environment, a monitoring program for beluga whales (*Delphinapterus leucas*) and harbour seals (*Phoca vitulina*). As part of the monitoring program, the Proponent shall:

- 4.3.1 maintain, by means of buoys, protection zones corresponding to the distances from construction activities in and around the marine environment at which the underwater noise exposure levels are below the underwater noise thresholds established for beluga whales (*Delphinapterus leucas*) and harbour seals (*Phoca vitulina*) pursuant to condition 4.2.1 at all times;
  - 4.3.2 require observers, who are qualified individuals for marine mammal watching, to conduct continuous visual surveillance during daylight hours of the protection zones referred to in condition 4.3.1 and to report to the Proponent any presence of a beluga whale (*Delphinapterus leucas*) or harbour seal (*Phoca vitulina*) within the species-specific protection zones;
  - 4.3.3 stop or postpone the start of any marine construction activity if a beluga whale (*Delphinapterus leucas*) or a harbour seal (*Phoca vitulina*) is observed within the species-specific protection zone until the beluga whale or harbour seal has exited the protection zone and has not been observed within the protection zone for a continuous period of at least 30 minutes;
  - 4.3.4 not harass or interfere in any way with any beluga or harbour seal within the species-specific protection zone to cause it to leave the area; and
  - 4.3.5 carry out drilling and vibratory hammering activities only when visibility is such that observers are able to see the marine mammals in their protection zone, including during daylight hours.
- 4.4 The Proponent shall limit the speed of tankers associated with the Designated Project and escort vessels to less than 10 knots over the ground between Les Escoumins and the Designated Project site and to less than 8 knots over the ground between the mouth of the Saguenay River and Grosse Île, while respecting the safety requirements for vessels and their crews and subject to any review of these speed limits carried out pursuant to condition 4.5.
- 4.5 The Proponent shall review annually, in consultation with First Nations, the Wolastoqiyik Wahiasekwik First Nation and relevant authorities and taking into account the most recent scientific data available on the correlation between vessel speed and the risk of collision with marine mammals and the results of the follow-up program referred to in condition 4.10, the speed limits referred to in condition 4.4 to ensure that they remain adequate mitigation measures to mitigate the environmental effects of the Designated Project on marine mammals. Based on the results of its review, the Proponent shall revise the speed limits in consultation with First Nations, the Wolastoqiyik Wahiasekwik First Nation and relevant authorities.
- 4.6 The Proponent shall develop, prior to operation and in consultation with Fisheries and Oceans Canada, Transport Canada and Parks Canada, and implement, from the start of operation, a marine mammal management plan to mitigate the environmental effects of shipping associated with the Designated Project caused by underwater noise and the risk of collisions with marine mammals. The Proponent shall provide the plan to the Agency, Fisheries and Oceans Canada, Transport Canada and Parks Canada prior to operation. The Proponent shall implement the plan, including any updated version of the plan pursuant to

condition 4.8, from the start of operation and throughout operation. As part of the plan, the Proponent shall:

- 4.6.1 identify any complementary underwater noise and collision risk reduction technology and operational practice applicable to the Designated Project, including emerging any technology and operational practice at a sufficiently advanced stage of technological development to become technically and economically feasible over the life of the Designated Project;
  - 4.6.2 determine how and when each technically and economically feasible technology or operational practice identified pursuant to condition 4.6.1 will be implemented by the Proponent over the life of the Designated Project;
  - 4.6.3 establish underwater noise (including noise thresholds in certain frequency bands not to be exceeded for the types of tanker associated with the Designated Project) and collision risk reduction targets for specific intervals that take into account how the Proponent plans to implement the technologies and operational practices in the manner referred to in condition 4.6.2;
  - 4.6.4 identify the barriers, challenges and risks associated with the implementation of the technologies and operational practices and how the Proponent intends to overcome them.
- 4.7 As part of the annual report referred to in condition 2.11, the Proponent shall report on the progress made during the reporting year in implementing the current version of the marine mammal management plan referred to in condition 4.6, including the achievement of the underwater noise and collision risk reduction targets referred to in condition 4.6.3. The Proponent shall also indicate any initiatives taken during the reporting year to obtain or maintain "silent" certification from a recognized classification society for all tankers associated with the Designated Project.
- 4.8 The Proponent shall review, in consultation with Fisheries and Oceans Canada, Transport Canada and Parks Canada, and, if necessary, update the marine mammal management plan referred to in condition 4.6 at a frequency determined during the development of the plan. If the Proponent updates the plan, the Proponent shall submit any revised plan to the Agency, Fisheries and Oceans Canada, Transport Canada and Parks Canada within 30 days of the plan's update.
- 4.9 The Proponent shall develop, prior to operation and in consultation with Fisheries and Oceans Canada, Transport Canada and Parks Canada, and implement a time distribution approach for tankers associated with the Designated Project that mitigates the environmental effects from underwater noise on marine mammals while meeting the safety requirements of the vessels and their crews.
- 4.10 The Proponent shall develop, prior to construction and in consultation with First Nations, the Wolastoqiyik Wamspekwuk First Nation, Fisheries and Oceans Canada, Transport Canada and Parks Canada, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the risk of collision with marine mammals. The Proponent shall implement the follow-up program during operation. As part of the follow-up program, the Proponent shall:

- 4.10.1 consult, during the development of the follow-up program, each First Nation and the Wolastoqiyik Wamspekek First Nation regarding the opportunity and interest of each First Nation and the Wolastoqiyik Wamspekek First Nation to participate in the implementation of the follow-up program (including participation in the observations referred to in condition 4.10.2), and allow for their participation; and
  - 4.10.2 require observers, who are qualified individuals for marine mammal watching and who are positioned on board the tankers associated with the Designated Project, to conduct continuous visual monitoring of marine mammals during daylight hours in the extended study area.
- 4.11 The Proponent shall develop, prior to construction and in consultation with First Nations, the Wolastoqiyik Wamspekek First Nation, Fisheries and Oceans Canada, Transport Canada and Parks Canada, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on fish and marine mammals caused by underwater noise. The Proponent shall implement the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:
- 4.11.1 monitor, in real time during the first 14 days of construction in the marine environment, the underwater noise generated by the construction (including sound pressure levels), and compare the results of the monitoring to the acoustic simulations carried out as part of the environmental assessment and presented in sectoral report 7-12 submitted as part of the Environmental Impact Statement. In so doing, the Proponent shall:
    - 4.11.1.1 develop and implement modified or additional mitigation measures if the results of the monitoring demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of underwater noise during marine construction, including adjusting the protection zones referred to in condition 4.3.1 to reflect actual underwater noise levels; and
    - 4.11.1.2 determine, in consultation with the parties consulted for the development of the follow-up program and based on the results of the monitoring referred to in condition 4.11.1, whether additional monitoring is required beyond the first 14 days of construction. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and shall implement the additional follow-up program requirements;
  - 4.11.2 monitor the underwater noise generated by the tankers and tugs associated with the Designated Project, particularly during transits in the Saguenay River and when they are navigating in the St. Lawrence River estuary and during liquefied natural gas docking and loading operations at the Designated Project site, and the environmental effects of this noise on the beluga whale (*Delphinapterus leucas*), the harbour seal (*Phoca vitulina*), the sei whale (*Balaenoptera borealis*) and the fin whale (*Balaenoptera physalus*). In doing so, the Proponent shall:
    - 4.11.2.1 measure the underwater noise generated by tankers and tugs and the exposure of marine mammals to that noise taking into account their use

- of, and level of fidelity to, different habitats (including feeding and breeding habitats) in the wider study area; and
- 4.11.2.2 develop and implement modified or additional mitigation measures (which shall include changes to navigation arrangements) if the noise levels measured pursuant to condition 4.11.2.1 exceed the acoustic simulations carried out as part of the environmental assessment and presented in sectoral report 7-12 submitted as part of the Environmental Impact Statement.
- 4.12 The Proponent shall participate, at the request of a relevant authority, in any regional initiative related to the monitoring, assessment or management of the cumulative environmental effects of the passage of commercial vessels on the Saguenay River on the beluga whale (*Delphinapterus leucas*) that the carrying out of the Designated Project, in combination with other past or future physical activities, is likely to cause to the environment, in the event that such an initiative is undertaken during the course of construction or operation.
- 4.12.1 The Proponent shall implement any technically and economically feasible mitigation measure or follow-up program identified through any regional initiative referred to in condition 4.12 and that is under its responsibility.

## **5 Fish and Fish Habitat**

- 5.1 The Proponent shall carry out construction work in fish habitat between October 10 and May 31 inclusive, unless authorized by Fisheries and Oceans Canada to carry out work outside this period. When the Proponent carries out construction work in fish habitat between June 1 and October 5 inclusive, the Proponent shall carry out this work only between sunrise and sunset.
- 5.2 During operation, the Proponent shall not direct any lighting equipment associated with marine infrastructures (including loading platforms) directly toward the water, and shall ensure that the level of illumination from such equipment is less than 0.5 lux at a distance of 150 metres offshore.
- 5.3 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with First Nations and the Wolastoqiyik Wamsiëkuk First Nation, an offsetting plan related to the harmful alteration, disruption or destruction of fish habitat and fish mortality associated with the implementation of the Designated Project. The Proponent shall submit the final offsetting plan to the Agency prior to its implementation, and shall implement it.
- 5.3.1 The Proponent shall consult, prior to implementing the offsetting plan referred to in condition 5.3, with each First Nation and the Wolastoqiyik Wamsiëkuk First Nation regarding the opportunity and interest of each First Nation and the Wolastoqiyik Wamsiëkuk First Nation to participate in the implementation of the offsetting plan, and shall allow for their participation.
- 5.4 For any fish habitat compensation measures proposed in the offsetting plan referred to in condition 5.3 that may result in environmental effects that were not considered in the



environmental assessment, the Proponent shall, in consultation with First Nations, the Wolastoqiyik Wamsipekuk First Nation and relevant authorities, develop and implement measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to their implementation.

- 5.5 The Proponent shall develop, prior construction in fish habitat and in consultation with Fisheries and Oceans Canada, and implement measures to mitigate the environmental effects on fish and fish habitat of acoustic disturbances caused by the Designated Project. Among these measures, the Proponent shall:
  - 5.5.1 initiate scare charges prior to the start of any construction activity that may cause acoustic disturbance in fish habitat;
  - 5.5.2 reduce the intensity of construction in fish habitat if the Proponent observes dead or injured fish within the work area; and
  - 5.5.3 not detonate any explosive in or near fish habitat if the explosive produces or is capable of producing an instantaneous pressure change greater than 30 kPa in a fish swim bladder.
- 5.6 The Proponent shall not allow the dumping of excavated material, waste or debris below the natural high water mark of any water body (or, for the Saguenay River, below the higher high water large tide mark), including by installing retention devices, and shall immediately remove any material, waste or debris accidentally deposited in this area.
- 5.7 The Proponent shall stabilize any pile of unconsolidated excavated material stored in the restricted study area to prevent the release of sediments into the aquatic environment.
- 5.8 The Proponent shall maintain, during operation, a vegetated riparian buffer at least 15 metres wide along the natural high water mark of any water body (or, for the Saguenay River, along the higher high water large tide mark) and along any wetland or access road located in the restricted study area, except for the locations of components required for the Designated Project (including erosion and sedimentation control measures). The Proponent shall carry out work or activities within the vegetated riparian buffer only if necessary for safety reasons or to implement and maintain any component of the Designated Project.
  - 5.8.1 The Proponent shall ensure that any employee or contractor associated with the Designated Project who is required to remove a tree greater than 150 millimetres in diameter located within the vegetated riparian buffer referred to in condition 5.8 obtains authorization from the person in charge of the site prior to the removal.
- 5.9 The Proponent shall use water to reduce dust lifting and transport beyond the restricted study area, unless this is not technically or economically feasible. If the Proponent must use a dust suppressant, the dust suppressant must comply with the Bureau de Normalisation du Québec's standard 2410-300 entitled Products Used as Dust Control Agents for Non-Asphalted Roads and Other Similar Surfaces, be applied at the intervals and in the manner recommended by the supplier, and not be released into the environment.
- 5.10 The Proponent shall prohibit fording in the restricted study area and shall limit the circulation of machinery and trucks required for the Designated Project to the right-of-way of access roads and work areas.

- 5.11 The Proponent shall carry out progressive reclamation of any riparian strip disturbed by construction as construction work is completed in order to replicate the natural shoreline of the water body. In doing so, the Proponent shall use plant species native to the Designated Project area for the revegetation required to restore the riparian strips.
- 5.12 The Proponent shall carry out the work required for the Designated Project in the littoral zone from barge(s), unless this is not technically feasible. If the Proponent must carry out work in the littoral zone using machinery operating in the intertidal zone, the Proponent shall use only biodegradable hydraulic oils in the machinery used to carry out this work.
- 5.13 The Proponent shall assign responsibility to a qualified individual to observe in the field any construction activity undertaken by the Proponent in the marine and intertidal environment.
- 5.14 The Proponent shall install a retention basin for each piece of equipment on a barge used to build marine infrastructures.
- 5.15 The Proponent shall delineate, prior to construction, the areas in the aquatic environment in which work required for construction will be undertaken. The Proponent shall not undertake any construction work outside these areas unless required for safety reasons. The Proponent shall require and ensure that any person associated with the Designated Project complies with this prohibition.
- 5.16 The Proponent shall carry out construction work in the aquatic environment in such a way as to allow the normal flow of water and not to prevent or hinder the movement and migration of fish.
- 5.17 The Proponent shall grade the soil during site preparation at the liquefaction plant to allow runoff to reach a temporary sedimentation basin, and shall treat runoff before discharging it into the aquatic environment to reduce suspended solids concentrations.
- 5.18 The Proponent shall develop and implement erosion control mechanisms to avoid the release of suspended solids from the Designated Project into the aquatic environment, particularly during the construction of ditches, drainage work and any other activity required for construction, including by diverting runoff to vegetated areas located at least 30 metres from any water body (including the Saguenay River) or by intercepting it. The Proponent shall take into account periods of high water, heavy rainfall, sustained precipitations and frost when developing and implementing these mechanisms and shall maintain them on a regular basis. The Proponent shall repair any damaged mechanisms as soon as technically feasible.
- 5.19 If the Proponent observes displacements through slippage during excavation and profiling work required for construction, the Proponent shall implement corrective measures to avoid any slippage and limit the input of sediments to the aquatic environment.
- 5.20 The Proponent shall recover the drilling mud produced during the installation of the piles and dispose of it on land in a place designated for this purpose.
- 5.21 The Proponent shall decant any water pumped as part of the Designated Project before discharging it into the aquatic environment.

- 5.22 The Proponent shall circumscribe the areas in which it carries out the concrete work required for construction in such a way as to avoid the discharge of concrete residue into the aquatic environment.
- 5.23 The Proponent shall not allow tankers associated with the Designated Project to be refuelled with hydrocarbons from the loading platforms or any other infrastructure associated with the Designated Project during operation.
- 5.24 The Proponent shall implement, during construction and operation, a drainage system consisting of temporary and permanent stormwater collection, control and treatment structures that respects natural watershed boundaries and limits the increase in peak flooding from pre-existing natural conditions to mitigate environmental effects on fish and fish habitat. In doing so, the Proponent shall:
- 5.24.1 establish control points at all locations where water that has been in contact with the infrastructure associated with the Designated Project is released to the aquatic environment;
  - 5.24.2 ensure that run-off from natural slopes does not enter the contact waters;
  - 5.24.3 arrange the industrial platform of the liquefaction plant in such a way as to allow for the recovery, independently of the external stormwater system, of suspended solids and any contaminant that presents a risk of leakage in liquid form to the aquatic environment; and
  - 5.24.4 provide to the Agency, prior to construction, the location of all temporary and permanent works associated with the drainage system that takes into account the final engineering of the Designated Project. For works required for construction, the Proponent shall indicate the works planned according to the progress of construction.
- 5.25 The Proponent shall maintain the hydraulic connection between Unnamed Lake 2 and Watercourse CE-03 during operation.
- 5.26 The Proponent shall collect the rinsing water from concrete mixers, pumps and any other concreting equipment used in the Designated Project and send it to the treatment system of the Saguenay Port Authority's concrete plant. The Proponent shall carry out the routing of the rinsing water under constant supervision.
- 5.27 The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement measures to mitigate the environmental effects on fish and fish habitat of conducting leak tests on the natural gas tanks. Among these measures, the Proponent shall:
- 5.27.1 withdraw the water to be used for the leak tests at a rate that does not affect the physico-chemical parameters of the water at the water intake; and
  - 5.27.2 discharge the water which has been used for the leak tests into a retention basin of sufficient volume to store the discharged water and designed to adapt the discharge rate, by means of a control device, to the transit capacity of the aquatic environment into which the water is discharged.

- 5.28 The Proponent shall use, in winter, abrasives (sand and gravel) rather than de-icing agents as part of the Designated Project, unless it is not technically or economically feasible to do so. If the Proponent must use de-icing agents, the Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, measures to mitigate the environmental effects on fish and fish habitat caused by the use of de-icing agents.
- 5.29 If the Proponent must store used snow within the restricted study area, the Proponent shall locate the snow storage area at least 30 metres from any water body (including the Saguenay River).
- 5.30 The Proponent shall not discharge any used snow into a water body or within 30 metres of a water body (including the Saguenay River).
- 5.31 The Proponent shall use leakproof containers in retention vessels with a capacity at least 110% greater than the capacity of the stored containers for any hazardous material or deleterious substance stored temporarily or permanently in the restricted study area (including on the self-erecting platforms).
- 5.32 The Proponent shall store and wash any vehicle or equipment used in the Designated Project at least 60 metres from any body of water (including the Saguenay River) and outside any wetland.
- 5.33 The Proponent shall refuel any vehicle or equipment operated by the Proponent as part of the Designated Project outside the restricted study area, unless it is not technically or economically feasible. If the Proponent must refuel within the restricted study area, the Proponent shall refuel at least 60 metres from any body of water (including the Saguenay River) while constantly supervising refuelling and in such a way as to eliminate any dripping onto the ground.
- 5.34 The Proponent shall maintain any vehicle or equipment operated by the Proponent as part of the Designated Project outside the restricted study area and according to the manufacturer's specifications to keep it in good working order. The Proponent shall inspect any vehicle or equipment periodically to prevent leakage of petroleum products, and shall document the results of any inspection.
- 5.35 The Proponent shall carry out any blasting required as part of the Designated Project in a manner that mitigates environmental effects on fish and fish habitat. In doing so, the Proponent shall:
- 5.35.1 use a type of explosive designed for use in wet or damp areas and with a low dissolving capacity to reduce the dissolution of nitrogenous products and any other contaminants present in the explosives into water; and
  - 5.35.2 limit rock fracturing and disruption of the groundwater flow system.
- 5.36 The Proponent shall abide by the principle of non-degradation of soils in any soil movement undertaken as part of the Designated Project. In doing so, the Proponent shall take into account local ambient soil concentrations and shall not increase contaminant concentrations in soils, even if they are below the thresholds included in the Canadian Council of Ministers of

the Environment's Canadian Soil Quality Guidelines, and shall not move soils with concentrations of a substance above background levels closer to an aquatic environment.

- 5.37 The Proponent shall conduct, prior to construction and prior to operation, a characterization of the environmental quality of soils in any section of the restricted study area where the Proponent is of the opinion that activities likely to have contaminated soils have previously occurred. If the results of one or the other characterization demonstrate that soils have been contaminated in a given area, the Proponent shall remediate the soils before undertaking any activity associated with the Designated Project in that area.
- 5.38 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, First Nations and the Wolastoqiyik Wamsipekuk First Nation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to environmental effects on fish and fish habitat of the Designated Project. The Proponent shall implement the follow-up program during construction and for at least five years following the completion of construction. As part of the implementation of the follow-up program, the Proponent shall:
- 5.38.1 monitor visually, on a daily basis during construction, the in-water work areas for the presence of dead or injured fish;
  - 5.38.2 monitor, during construction and for at least five years following the completion of construction, the use of water bodies and the littoral zone of the restricted study area by various fish species;
  - 5.38.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.38.1 or 5.38.2 demonstrate that modified or additional mitigation measures are required to mitigate environmental effects on fish and fish habitat; and
  - 5.38.4 by the end of the fifth year following the completion of construction, determine, in consultation with the parties consulted for the development of the follow-up program and based on the results of the monitoring referred to in condition 5.38.2, whether additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7, and shall implement the additional follow-up program requirements.
- 5.39 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, First Nations and the Wolastoqiyik Wamsipekuk First Nation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on submerged grass beds. The Proponent shall implement the follow-up program from the start of operation and for at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 5.39.1 monitor, at least annually during the period of optimal vegetation growth, changes in the area, density (in terms of number of stems per unit area) and plant composition and diversity of the H1, H2 and H3 submerged grass beds identified in Figure 8 of the

draft Environmental Assessment Report and any other submerged grass bed located in the marine area adjacent to the Designated Project. The Proponent shall divide each submerged grass bed into plots based on the size of the bed and its degree of homogeneity for monitoring and reporting;

- 5.39.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.39.1 demonstrate that modified or additional mitigation measures are required to mitigate environmental effects on submerged grass beds; and
  - 5.39.3 before the end of the fifth year of operation, determine, in consultation with the parties consulted for the development of the follow-up program and based on the results of the monitoring referred to in condition 5.39.1, whether additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7, and shall implement the additional follow-up program requirements.
- 5.40 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, First Nations and the Wolastoqiyik Wamspekwik First Nation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects on benthic wildlife of the Designated Project. The Proponent shall implement the follow-up program from the start of operation and at least annually in years 1, 3 and 5 of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 5.40.1 install georeferenced metal markers every five metres of depth (between 25 and 10 metres) in the marine area adjacent to the Designated Project to identify the inventory stations and transects in which monitoring will take place;
  - 5.40.2 assess, at least in years 1, 3 and 5 of operation, the coverage and use of the environment by benthic fauna (in terms of the diversity of organisms observed and their density) by means of five transects, each consisting of four survey stations, conducted by scuba diving and filmed;
  - 5.40.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.40.2 demonstrate that modified or additional mitigation measures are required to mitigate environmental effects on benthic fauna; and
  - 5.40.4 before the end of the fifth year of operation, determine, in consultation with the parties consulted for the development of the follow-up program and based on the results of the monitoring referred to in condition 5.40.2, whether additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7, and shall implement the additional follow-up program requirements.
- 5.41 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the introduction by the Designated Project of aquatic alien invasive species from

ballast water caused. The Proponent implements the follow-up program during operation. As part of the implementation of the follow-up program, the Proponent shall:

5.41.1 detect, using a detection system and as soon as technically feasible, the presence of aquatic alien invasive species on marine infrastructure associated with the Designated Project; and

5.41.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.41.1 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the introduction by the Designated Project of aquatic alien invasive species.

5.42 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement, from the start of construction, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to environmental effects of changes to surface water quality caused by the Designated Project. As part of the development of the follow-up program, the Proponent shall identify the quality criteria against which the suspended solids and pH measured as part of the follow-up program will be compared and which may require the implementation of modified or additional mitigation measures. As part of the implementation of the follow-up program, the Proponent shall:

5.42.1 monitor water volumes transferred as part of natural gas tank leak testing;

5.42.2 monitor the quality of stormwater discharged from all outfalls, including the outfalls from the retention ponds for Industrial Pad 2, 3 and 4 as shown on Map 2-11 submitted in response to the Second Information Request (Canadian Impact Assessment Registry, Reference Number 80115, Document Number 110). The Proponent includes chloride, calcium, sodium, iron, lead, cadmium, copper, chromium and zinc in the compounds it monitors for surface water quality and shall monitor each compound at least monthly, during the seasons of use of the products that contain each of these compounds; and

5.42.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.42.1 or 5.42.3 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of changes to surface water quality caused by the Designated Project.

5.43 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to environmental effects of changes to groundwater quality caused by the Designated Project. The Proponent shall implement the follow-up program no later than one year after the start of construction and shall continue to implement the follow-up program at least annually during operation and closure. As part of the implementation of the follow-up program, the Proponent shall:

5.43.1 monitor groundwater quality within the restricted study area, including from at least one observation well located between the south of the industrial pad and the southern boundary of the restricted study area and at least one observation well located between the retention pond for Industrial Pad 3 and the eastern boundary of

the restricted study area. The Proponent shall include sodium, calcium and ammonia nitrogen ions in the compounds it monitors for groundwater quality; and

- 5.43.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 5.43.1 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of changes to groundwater quality caused by the Designated Project.

## **6 Birds (including migratory birds and birds that are listed species at risk)**

- 6.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids injuring, killing or disturbing migratory birds, destroying or disturbing their nests and eggs, or taking them. In this regard, the Proponent shall take into consideration Environment and Climate Change Canada's *Guidelines to reduce risk to migratory birds* in order to reduce the risk to migratory birds. The measures that the Proponent implements in carrying out the Designated Project are consistent with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.
- 6.2 The Proponent shall not undertake any activity associated with the Designated Project that could adversely affect the nesting of birds (including migratory birds and birds that are listed species at risk) in order to avoid the destruction of nests, eggs, or young birds. In doing so, the Proponent shall:
- 6.2.1 determine the dates of the nesting periods for any year in which activities associated with the Designated Project that may adversely affect the nesting of birds are carried out and submit those dates, including a justification for those dates, to the Agency prior to carrying out any activity;
- 6.2.2 if it is not technically or economically feasible to carry out any activity that may adversely affect nesting outside of the nesting periods identified pursuant to condition 6.2.1 in a given year, submit a justification to the Agency and develop and implement, in consultation with Environment and Climate Canada, additional mitigation measures to avoid adverse effects on birds during nesting. The Proponent shall submit these measures to the Agency prior to their implementation.
- 6.3 The Proponent shall implement measures during construction and operation to mitigate noise and vibration from the Designated Project, including by:
- 6.3.1 using broadband back-up alarms for vehicles and equipment operated by the Proponent as part of the Designated Project that meet the safety requirements for the use of such vehicles and equipment;
- 6.3.2 establishing speed limits on roadways within the restricted study area that take into account the speed limits recommended in Environment and Climate Change Canada's Best Practices for the Reduction of Air Emissions From Construction and Demolition Activities (including a speed limit of no more than 24 kilometres per hour on unpaved roads), and requiring and ensuring that all persons adhere to these speed limits during all phases of the Designated Project (including by installing signs indicating the speed limits); and



- 6.3.3 using material unloading techniques that minimise the slamming of truck rear panels during unloading.
- 6.4 The Proponent shall carry out any construction activity that may generate noise (including blasting activities, activities requiring the use of heavy equipment, off-road trucks, drills, crushing equipment, generators and compressors and activities generating impulsive sounds) during the day (7:00 a.m. to 7:00 p.m.) from Monday to Friday (excluding statutory holidays).
- 6.5 The Proponent shall implement mitigation measures during construction and operation that meet the Bureau de Normalisation du Québec's standard 4930-100 entitled *Éclairage extérieur – Contrôle de la pollution lumineuse* in relation to the amount of light emitted, its orientation, its spectral composition and the duration of use of the lighting fixtures used for the Designated Project in order to mitigate the environmental effects of the Designated Project caused by the emission of light, while respecting operational health and safety requirements. Among these measures, the Proponent shall:
- 6.5.1 direct lighting to active construction zones during construction and to Designated Project infrastructure during operation and ensures that lighting fixtures do not emit more than 90 degrees;
- 6.5.2 install timers and motion detectors to limit the time and duration of use of lighting, particularly in areas where lighting is not required on a permanent basis; and
- 6.5.3 install outdoor lighting fixtures that minimize sources of ultraviolet, red and white light and have a correlated colour temperature between 1800 and 3000 Kelvin.
- 6.6 The Proponent shall provide awareness training to all employees and contractors associated with the Designated Project on measures to protect wildlife within the restricted study area, including measures to be taken in the event that a migratory bird or bird that is a listed species at risk nest is found. The Proponent shall document the participation of employee and contractor in the training.
- 6.7 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and First Nations, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on birds (including migratory birds and birds that are listed species at risk), their eggs and their nests. The Proponent shall update the follow-up program in accordance with condition 2.7 if any species included in the follow-up program and identified by the Committee on the Status of Endangered Wildlife in Canada and listed under the *Species at Risk Act* changes status during the implementation of the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 6.7.1 monitor, prior to construction, during the first year of operation and every five years thereafter until closure is complete, the presence and use of potential habitat areas within and adjacent to the restricted study area by birds, including evening grosbeak (*Hesperiphona vespertina*), Canada warbler (*Cardellina canadensis*), eastern wood-pewee (*Contopus virens*), rusty blackbird (*Euphagus carolinus*), barn swallow (*Hirundo rustica*), common nighthawk (*Chordeiles minor*), and whip-poor-will (*Antrostomus vociferus*). In doing so, the Proponent shall:

- 6.7.1.1 conduct daytime listening-point surveys for the evening grosbeak (*Hesperiphona vespertina*), Canada warbler (*Cardellina canadensis*), eastern wood-pewee (*Contopus virens*), rusty blackbird (*Euphagus carolinus*) and barn swallow (*Hirundo rustica*); and
- 6.7.1.2 conduct evening surveys during the month of June for the common nighthawk (*Chordeiles minor*) and the whip-poor-will (*Antrostomus vociferus*); and
- 6.7.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.7.1 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on birds, their eggs and nests. The Proponent shall take into account any monitoring result for birds (including migratory birds and birds that are listed species at risk) conducted in the area of the Designated Project by any other party and to which the Proponent has access when determining whether modified or additional mitigation measures are required for the Designated Project.
- 6.8 The Proponent shall develop, prior to operation and in consultation with Environment and Climate Change Canada, and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the use of flares in the Designated Project on birds (including migratory birds and birds that are listed species at risk). As part of the implementation of the follow-up program, the Proponent shall:
  - 6.8.1 monitor the environmental effects of flaring on birds during the spring and fall migration periods during the first year of operation. The Proponent shall conduct this monitoring at least once a week for at least seven weeks during each migration period;
  - 6.8.2 in the event of emergency operation of the flares at night, conduct a site visit to identify the presence of dead birds on the ground and, if applicable, to count and identify them;
  - 6.8.3 report the results of the monitoring referred to in conditions 6.8.1 and 6.8.2 to First Nations at the same time as the Proponent reports the results of the follow-up program pursuant to condition 2.9.5;
  - 6.8.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.8.1 or 6.8.2 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the use of flares on birds; and
  - 6.8.5 prior to the end of the first year of operation, determine, in consultation with the parties consulted in the development of the follow-up program and based on the results of the monitoring referred to in condition 6.8.1, whether additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program in accordance with condition 2.7 and implement the additional follow-up program requirements.
- 6.9 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and First Nations, and implement a follow-up program to verify the

accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of noise from the Designated Project on breeding birds (including migratory birds). As part of the development of the follow-up program, the Proponent shall determine the number and location of sampling stations based on noise propagation patterns. As part of the implementation of the follow-up program, the Proponent shall:

- 6.9.1 monitor, at least twice a year during the bird nesting period, the use of the restricted study area by breeding birds (including migratory birds), on each occasion for a maximum period of five hours beginning half an hour before sunrise and when weather conditions are favourable for forest bird surveys (no or low lower wind and no or low precipitation (less than three millimeters)). The Proponent shall begin monitoring during the nesting period occurring prior to the start of construction and shall continue monitoring during construction and operation; and
- 6.9.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 6.9.1 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of noise from the Designated Project on breeding birds (including migratory birds).

## **7 Terrestrial Wildlife at Risk**

- 7.1 The Proponent shall not undertake any activity associated with the Designated Project that would interfere with the denning and suckling periods of juvenile bats within the restricted study area between June 1 and July 31 inclusive, unless it is not technically or economically feasible to do so. If the Proponent must carry out any activity that could adversely affect the denning and suckling periods of juvenile bats in a given year, the Proponent shall develop, in consultation with Environment and Climate Change Canada, and implement additional mitigation measures to reduce the environmental effects on the bat. The Proponent shall submit these measures to the Agency prior to their implementation.
- 7.2 The Proponent shall carry out vegetation clearing required for the Designated Project outside of the breeding season of the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-coloured bat (*Perimyotis subflavus*).
- 7.3 The Proponent shall have a qualified individual install, prior to construction, and maintain, during all phases of the Designated Project, artificial bat roosts within the restricted study area, at least one kilometre from the areas where construction activities will take place.
- 7.4 The Proponent shall develop, prior to construction and in consultation with First Nations and Environment and Climate Change Canada, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on terrestrial species that are listed species at risk, including the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*), tri-coloured bat (*Perimyotis subflavus*), and herpetofauna. The Proponent shall update the follow-up program during construction and operation in accordance with condition 2.7 if any species included in the follow-up program and identified by the Committee on the Status of Endangered Wildlife in Canada and listed under the *Species at Risk Act* change status during the implementation of the Designated Project. The

Proponent shall implement the follow-up program prior to construction, during construction, for at least the first three years of operation and during closure. As part of the implementation of the follow-up program, the Proponent shall:

- 7.4.1 monitor the use of the restricted study area by northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-coloured bat (*Perimyotis subflavus*) during the breeding season for each species and when weather conditions are favourable for bat observation (no or low lower wind, no or low precipitation (less than three millimeters) and temperature above 10 °C). In doing so, the Proponent shall conduct acoustic and light monitoring at least twice in June and twice in July (at an interval of at least two weeks), after sunset;
  - 7.4.2 monitor the use of the artificial roosts installed pursuant to condition 7.3 by northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-coloured bat (*Perimyotis subflavus*);
  - 7.4.3 monitor turbidity, temperature and dissolved oxygen downstream of the CE-03 reconfiguration site at least four times per year (including twice during spring freshet during a period of normal flow and after a heavy rainfall event and twice during low flow during a period of normal flow and after a heavy rainfall event) for one year prior to construction and up to one year after completion of the reconfiguration works;
  - 7.4.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.4.1, 7.4.2 or 7.4.3 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on terrestrial species that are listed species at risk (including bats and herpetofauna). The Proponent shall take into account any monitoring results in respect of terrestrial species that are listed species at risk conducted in the area of the Designated Project by any other party and to which the Proponent has access when determining whether modified or additional mitigation measures are required for the Designated Project; and
  - 7.4.5 prior to the end of the third year of operation, determine, in consultation with the parties consulted in the development of the follow-up program and based on the results of the monitoring referred to in condition 7.4.1, 7.4.2 or 7.4.3, whether additional monitoring is required for any terrestrial species covered by the follow-up program during operation. If additional monitoring is required, the Proponent shall update the follow-up program in accordance with condition 2.7 and implement the additional follow-up program requirements.
- 7.5 The Proponent shall participate, at the request of a competent authority or the Saguenay Port Authority, in any regional initiative to monitor, assess or manage the contribution of the Designated Project to the cumulative environmental effects on terrestrial wildlife, including birds (including migratory birds) and bats, that are likely to result from the implementation of the Designated Project, in combination with other past or future physical activities, in the event that such an initiative is undertaken during any phase of the Designated Project.
- 7.5.1 The Proponent shall implement any technically and economically feasible mitigation measure or follow-up program identified through any regional initiative referred to in condition 7.4 and that is under its responsibility.

## 8 Vegetation and Wetlands

- 8.1 The Proponent shall minimize the encroachment of any infrastructure associated with the Designated Project on wetlands and terrestrial and riparian vegetation within the restricted study area, to the extent that this is technically feasible.
- 8.2 The Proponent shall delineate on the site, prior to construction, the areas where deforestation will take place in the restricted study area (including proposed earthworks, access, soil stripping and flush-cutting areas) and shall not carry out any deforestation outside these areas, unless required for health and safety reasons.
- 8.3 The Proponent shall prohibit the passage of vehicles or machinery outside any area delineated pursuant to condition 8.2 during construction, and shall ensure that this prohibition is respected.
- 8.4 The Proponent shall carry out progressive reclamation of the restricted study area. In doing so, the Proponent shall uniformly revegetate work areas, disused access roads, constructed embankments, bare surfaces and riparian buffers as construction is completed using deciduous and coniferous species native to the Designated Project area and adapted to the surrounding environment to achieve a vegetation composition and abundance comparable to that of adjacent areas.
- 8.5 The Proponent shall undertake any construction activity associated with the Designated Project within any wetland area identified in Figure 8 of the draft Environmental Assessment Report only when the ground is frozen or during periods of low water flow.
- 8.6 The Proponent shall maintain, during construction, the drainage conditions of any wetland identified in Figure 8 of the Draft Environmental Assessment Report that is adjacent to the work areas and that will not be permanently encroached upon by the Designated Project after construction.
- 8.7 The Proponent will implement measures during construction to limit the introduction or spread of alien invasive plant species within the restricted study area, including wetlands. In doing so, the Proponent shall require that any equipment or vehicle used in the restricted study area (including excavating machinery) be kept free of soil, organic material and visible debris. If cleaning is required, the Proponent shall require that the equipment or vehicle be cleaned in wash areas located in areas not conducive to the germination of alien invasive plant species and located at least 50 metres from any water body or wetland.
- 8.8 If the Proponent is required to implement a wetland compensation plan under the *Act respecting the conservation of wetlands and bodies of water*, the Proponent shall develop the compensation plan in consultation with Environment and Climate Change Canada and First Nations. The Proponent shall submit the plan approved by the Ministère de l'Environnement et de la Lutte contre les changements climatiques to the Agency, Environment and Climate Change Canada and First Nations prior to its implementation. In doing so, the Proponent shall:
  - 8.8.1 consult, as part of the development of the wetland compensation plan, with each First Nations regarding the opportunity and interest of each First Nation to

participate in the implementation of the wetland compensation plan, and shall allow for their participation; and

- 8.8.2 inform Environment and Climate Change Canada and First Nations, pursuant to condition 2.3.4 and prior to the submission of the final compensation plan to the Ministère de l'Environnement et de la Lutte contre les changements climatiques, of how it has taken into account the views and information provided by them in the development of the plan, including the rationale for incorporating or not incorporating their views and information in the compensation plan.
- 8.9 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and First Nations, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures related to the environmental effects of the Designated Project on residual wetlands within the restricted study area and their functions. The Proponent shall implement the follow-up program upon start of construction and for at least the next five years. As part of the implementation of the follow-up program, the Proponent shall:
- 8.9.1 monitor the hydrological conditions and functions of wetlands that are adjacent to temporarily or permanently encroached wetlands within the restricted study area;
  - 8.9.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.9.1 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on wetlands and their functions; and
  - 8.9.3 before the end of the fifth year following the start of construction, determine, in consultation with the parties consulted in the development of the follow-up program and based on the results of the monitoring referred to in condition 8.9.1, whether additional monitoring of wetlands or their functions is required. If additional monitoring is required, the Proponent shall update the follow-up program in accordance with condition 2.7 and implement the additional follow-up program requirements.
- 8.10 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the First Nations, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the progressive reclamation carried out pursuant to 8.4 and any other revegetation and planting activities carried out as part of the Designated Project. The Proponent shall implement the follow-up program for two years following the completion of construction. As part of the implementation of the follow-up program, the Proponent shall:
- 8.10.1 monitor, in areas of new vegetation, the establishment (including recovery and mortality) of plant species used by the Proponent for progressive reclamation and the establishment of plant invasive alien species; and
  - 8.10.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 8.10.1 demonstrate that modified or additional mitigation measures are required.

## **9 Current Use of Land and Resources for Traditional Purposes**

9.1 The Proponent shall develop, prior to construction and in consultation with First Nations and the Wolastoqiyik Wamsipekwik First Nation, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on the current use of lands and resources for traditional purposes, including those caused by marine transportation and how marine transportation affects user perceptions (including perceptions of safety risk). As part of the development of the follow-up program, the Proponent shall identify the traditional activities that will be monitored.

9.1.1 The Proponent shall update, pursuant to condition 2.7 and in consultation with First Nations and the Wolastoqiyik Wamsipekwik First Nation, the follow-up program referred to in condition 9.1 to take into account any additional information on the exercise of First Nations' rights and rights of the Wolastoqiyik Wamsipekwik First Nation, and any new impacts on those rights, that may become available during the life of the Designated Project.

## **10 Physical and Cultural Heritage and Buildings, Sites or Things of Historical, Archaeological, Palaeontological or Architectural Importance**

10.1 The Proponent shall select materials and paint the structures of the Designated Project with colours that harmonize with the natural environment of the adjacent areas and with a low-reflectance matte finish paint.

10.2 The Proponent shall consult with First Nations and the Saguenay Port Authority prior to carrying out any archaeological work undertaken as part of the Designated Project, including work required to comply with conditions 10.3 and 10.4, regarding the long-term conservation of the archaeological data produced and of any artifact discovered on federal lands as part of the implementation of the Designated Project.

10.3 The Proponent shall have a qualified individual, who is a professional archaeologist, carry out, in consultation with First Nations and relevant authorities, an archaeological inventory of the zones with archaeological potential A2, B1, B2 and D1 identified in Figure 12 of the draft Environmental Assessment Report. The Proponent shall have the inventory carried out prior to any ground disturbance in the restricted study area. As part of the conduct of the inventory, the Proponent shall:

10.3.1 consult, prior to the start of the inventory, with each First Nation on the opportunity and interest of each First Nation to participate in the conduct of the inventory (including the conduct of the field inventory and the evaluation of the results of the inventory), and allow their participation;

10.3.2 if structure, site or thing of historical, archaeological, paleontological or architectural significance is discovered during the inventory, inform the Agency, First Nations, the Ministère de la Culture et des Communications and, where the discovery is located on federal lands, the Saguenay Port Authority within 24 hours of the discovery, and comply with all applicable legislative or legal requirements and related regulations

- and protocols respecting the recording, protection, transfer and safeguarding of structures, sites or things of historical, archaeological, paleontological or architectural significance, including regulations and protocols applicable to structures, sites or things of historical, archaeological, paleontological or architectural significance found on federal lands;
- 10.3.3 complete the report on the results of the inventory in consultation with First Nations and submit the final report to the Agency and First Nations within 30 days of the completion of the report; and
  - 10.3.4 implement any measure in relation to the discovery recommended by the qualified individual to ensure the protection and safeguarding of the discovery.
- 10.4 The Proponent shall develop, in consultation with First Nations, relevant authorities and the Saguenay Port Authority, and implement a procedure for dealing with incidental discoveries to be made in the event of the discovery by the Proponent during construction (or reported to it by a First Nation or another party), of any structure, site or thing of historical, archaeological, paleontological or architectural significance not previously recorded by the Proponent. As part of the procedure for dealing with incidental findings, the Proponent shall:
- 10.4.1 immediately stop work at the discovery site;
  - 10.4.2 establish an area of at least 30 metres around the discovery to which access is prohibited except for actions necessary to protect the integrity of the discovery;
  - 10.4.3 give a qualified individual, who is a professional archaeologist, the responsibility to conduct an assessment at the site of the discovery and to implement mitigation measures to ensure the protection and safeguarding of the discovery;
  - 10.4.4 inform the Agency, First Nations, the Ministère de la Culture et des Communications and, where the discovery is located on federal lands, the Saguenay Port Authority of the discovery within 24 hours of the discovery, and allow for the monitoring of the archaeological work associated with the discovery by First Nations; and
  - 10.4.5 comply with all applicable legislative or legal requirements and related regulations and protocols respecting the recording, protection, transfer and safeguarding of structures, sites or things of historical, archaeological, paleontological or architectural significance, including regulations and protocols applicable to structures, sites or things of historical, archaeological, paleontological or architectural significance discovered on federal lands.
- 10.5 The Proponent shall assign responsibility to a qualified individual, who is a professional archaeologist, to observe in the field any land-based excavation activity undertaken by the Proponent on federal lands during construction. If any structure, site or thing of historical, archaeological, paleontological or architectural significance is discovered during excavation, the Proponent shall follow the procedure for dealing with incidental finds set out in condition 10.4.
- 10.6 The Proponent shall retain, prior to construction, the services of a third party qualified individual, who is a professional archaeologist, to independently observe and record the implementation of any archaeological work undertaken as part of the Designated Project, including work required to comply with conditions 10.3 to 10.5.



- 10.7 The Proponent shall develop and implement, in consultation with the Essipiunnuat, Pekuakamiulnuatsh and Pessamiulnutsh Innu First Nations, initiatives related to the development of knowledge on the social and cultural significance of the beluga whale (*Delphinapterus leucas*) to their First Nations.
- 10.8 The Proponent shall develop, prior to operation and in consultation with First Nations, potentially affected parties and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on the visual environment. The Proponent shall implement the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:
- 10.8.1 monitor, at least annually during operation, the integrity of the pavement referred to in condition 10.1, including the paint;
  - 10.8.2 monitor the environmental effects of the Designated Project on the visual environment using photographs taken from vantage points comparable to those used by the Proponent for the visual simulations conducted as part of the environmental assessment and identified on Map 10-4 of the Environmental Impact Statement. The Proponent shall take photographs annually during construction and every two years for the first 10 years following completion of construction and every five years thereafter until 25 years following completion of construction;
  - 10.8.3 assess, before the end of the fifth year after completion of construction and using recognized survey methods, the impacts on First Nations and potentially affected parties of changes to the visual environment caused by the Designated Project; and
  - 10.8.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 10.8.1 and 10.8.2 or the results of the assessment referred to in condition 10.8.3 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on the visual environment.

## **11 Socio-Economic Conditions**

- 11.1 The Proponent shall identify, prior to construction, the parties potentially affected by the Designated Project or by any environmental effects of the Designated Project, which shall include representatives of local and municipal governments, of the Saguenay–St. Lawrence Marine Park, residents and users in the immediate vicinity of the Designated Project, and community, environmental, recreational, tourism, economic and commercial organizations operating on the Saguenay River. For any conditions set out in this document that apply to operation, the potentially affected parties shall also include parties operating along the St. Lawrence Estuary. The Proponent shall provide a list of potentially affected parties applicable to each phase of the Designated Project, including their contact information, to the Agency prior to construction and shall provide an updated list to the Agency upon request during any phase of the Designated Project.
- 11.2 The Proponent shall develop, prior to construction and in consultation with the potentially affected parties, First Nations and the Wolastoqiyik Wahsipekuk First Nation, and implement and maintain, during all phases of the Designated Project, a communication plan to

disseminate information related to the Designated Project. The Proponent shall determine, in developing the communication plan, the manner in which information will be disseminated (including a schedule for dissemination). The Proponent shall disseminate the following information as early as possible as part of the communication plan:

- 11.2.1 during construction and closure, a schedule detailing the dates and times of any activity undertaken by the Proponent, including any activity that may generate nuisances for local communities and recreational and tourism users in the vicinity of the Designated Project (including marine infrastructure preparation and construction activities requiring vibratory hammering, construction of access roads associated with the Designated Project, blasting and drilling activities, and any other activity that may generate road traffic to and from the restricted study area). The Proponent shall specify the activities that will take place in the aquatic environment;
  - 11.2.2 the following schedules related to tankers associated with the Designated Project:
    - 11.2.2.1 the schedule of tanker passages between the mouth of the Saguenay River and the Designated Project site;
    - 11.2.2.2 the schedule for the presence of tankers at the dock; and
    - 11.2.2.3 the schedule of tanker loading operations;
  - 11.2.3 any navigation measure to be respected by recreational and commercial vessels transiting in the vicinity of the Designated Project site or docking at the Marcel-Dionne wharf;
  - 11.2.4 a summary of the results of the monitoring programs referred to in conditions 3.13, 4.10, 4.11, 5.38 to 5.43, 6.7 to 6.9, 7.4, 8.10, 9.1, 10.8, 11.5, 11.6 and 12.10 to 12.12; and
  - 11.2.5 any other information of interest to the First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties identified during the development of the communication plan.
- 11.3 The Proponent shall develop, prior to construction and in consultation with First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties, a protocol for the receipt of complaints regarding environmental effects caused by any component or activity of the Designated Project and associated issues (including changes to air quality and exposure to noise). The Proponent shall implement the protocol from the start of construction and throughout all phases of the Designated Project. As part of the implementation of the protocol, the Proponent shall:
- 11.3.1 communicate the details of the protocol, including how to lodge a complaint and the timeframe within which the Proponent undertakes to respond to the complaint, to members of the community in the manner determined when the protocol was developed;
  - 11.3.2 acknowledge any complaint received as soon as possible, or within 48 hours of receipt of the complaint, and implement, as soon as technically feasible, any corrective measures under the responsibility of the Proponent in response to any complaint received, which may include modified or additional mitigation measures; and

- 11.3.3 record any complaint received (including a description of the reason for the complaint) and how the Proponent has responded to the complaint in accordance with condition 11.3.2, including any modified or additional mitigation measure that the Proponent has implemented or plans to implement, or the reason why no modified or additional mitigation measure(s) are required to respond to the complaint. The Proponent shall also record any feedback received from the party submitting the complaint regarding the Proponent's response to the complaint.
- 11.4 The Proponent shall develop, prior to operation and in consultation with relevant authorities, and implement, during operation, a navigation policy for the Saguenay River applicable to tankers associated with the Designated Project to protect the navigation safety of all users, particularly when tankers pass or cross any other commercial vessel. The Proponent shall submit the policy to the Agency prior to operation.
- 11.5 The Proponent shall develop, prior to operation and in consultation with First Nations and the Wolastoqiyik Wapishkek First Nation, and implement, during operation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on the socio-economic conditions of the First Nations, including marine mammal watching and green sea urchin commercial fishing activities.
- 11.6 The Proponent shall develop, prior to operation and in consultation with First Nations and the Wolastoqiyik Wapishkek First Nation, potentially affected parties and relevant authorities, and implement, during operation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures with respect to the environmental effects of the Designated Project on socio-economic conditions, including marine mammal watching activities in the Saguenay Fjord and the St. Lawrence Estuary. As part of the follow-up program, the Proponent shall:
- 11.6.1 determine, during the development of the follow-up program, the indicators that will be used to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures in relation to socio-economic conditions, including marine mammal watching activities;
- 11.6.2 consult, during the development of the follow-up program, the parties consulted during the development of the follow-up program on the opportunity and interest of those parties to participate in the implementation of the follow-up program (including data collection), and permit the participation of any interested party;
- 11.6.3 monitor annually the environmental effects caused by the Designated Project on socio-economic conditions, including marine mammal watching activities in the Saguenay Fjord and the St. Lawrence Estuary, based on the indicators determined pursuant to condition 11.6.1;
- 11.6.4 develop and implement modified or additional mitigation measures that are the responsibility of the Proponent if the results of the monitoring referred to in condition 11.6.3 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects caused by the Designated Project on socio-economic conditions, including marine mammal watching activities in the Saguenay Fjord and the St. Lawrence Estuary.

## **12 Health**

- 12.1 The Proponent shall identify, prior to construction and in consultation with relevant authorities, receptors likely to be affected by the environmental effects on human health of changes to air quality caused by the Designated Project. The Proponent shall submit the list of receptors to the Agency prior to construction.
- 12.2 The Proponent shall determine, prior to construction, the meteorological conditions that are conducive to the emission of dust from the Designated Project in the restricted study area, including drought conditions and wind conditions. Of these conditions, the Proponent shall identify high wind conditions during which blasting shall not take place. The Proponent shall submit these conditions to the Agency prior to construction.
- 12.3 The Proponent shall implement measures at all phases of the Designated Project to reduce dust emissions from the Designated Project. The Proponent shall take into account the meteorological conditions conducive to dust emissions determined pursuant to condition 12.2 when implementing these measures. Among these measures, the Proponent shall:
  - 12.3.1 develop and optimize construction activities within the restricted study area in such a way as to minimize the time and distance travelled between sites and equipment movements;
  - 12.3.2 pave access roads (including, for temporary access roads, with temporary pavement) and unpaved circulation surfaces constructed as part of the Designated Project within the shortest time frame technically and economically feasible, and repair any damaged paved section as soon as technically feasible;
  - 12.3.3 continuously clean and water as required the surfaces of the restricted study area (including areas where stripping, grading and blasting activities take place) to reduce dust generation and transport outside of the restricted study area;
  - 12.3.4 minimize the drop height of loading and unloading activities of any granular material required by the Designated Project to the lowest technically feasible height;
  - 12.3.5 cover open loads of granular material during transportation;
  - 12.3.6 minimize the area of blasting banks to the smallest technically feasible area;
  - 12.3.7 maintain a blasting mat during any blasting event;
  - 12.3.8 temporarily cease all blasting associated with the Designated Project when high wind conditions, as determined pursuant to condition 12.2, occur. The Proponent shall resume blasting when conditions permit; and
  - 12.3.9 temporarily cease any activity associated with the Designated Project when weather conditions conducive to the emission of dust, as determined pursuant to condition 12.2, which could result in the transport of dust to receptors identified pursuant to condition 12.1, occur. The Proponent shall resume the activity when conditions permit.
- 12.4 The Proponent shall reduce, during construction, the loss of bare soil due to wind or rain, including by:

- 12.4.1 backfilling bare soil as soon as technically feasible, especially during the construction of the vegetated embankment; and
- 12.4.2 covering bare soil with waterproof sheets on a daily basis, as soon as work is completed for the day.
- 12.5 The Proponent shall make truck and bus drivers serving the Designated Project during construction and operation aware of the speed limits applicable inside and outside the restricted study area and the importance of reducing the use of compression brakes and performing regular maintenance on their vehicles, including exhaust and emission control systems.
- 12.6 The Proponent shall give preference, through the tendering process, to contractors and suppliers of transportation services required for the Designated Project to those with superior environmental performance (including for the mitigation of changes to air quality). The Proponent shall determine, prior to construction, the criteria that will be used to evaluate the environmental performance of contractors and suppliers.
- 12.7 The Proponent shall optimize the soundproofing of equipment and noise-emitting components of the liquefaction plant, in particular by:
  - 12.7.1 installing sound insulation or absorption devices around noisy rotating equipment and equipment likely to transmit vibration noise emissions and inside buildings;
  - 12.7.2 using air coolers equipped with noise reduction devices; and
  - 12.7.3 installing compressors that have a maximum sound power of 85 dBA at 1 metre from the compressor.
- 12.8 The Proponent shall install and maintain flares required for the Designated Project horizontally and contained within thermal protection walls.
- 12.9 The Proponent shall install the lighting required to access the top of the reservoirs on the opposite side of the reservoirs from the Saguenay River.
- 12.10 The Proponent shall develop, prior to operation and in consultation with relevant authorities, and implement, during operation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures with respect to the environmental effects of the Designated Project on health, particularly the psychosocial reactions of riverside populations and users of the environment to the perception of nuisance and risk caused by the Designated Project in terms of noise, dust, contaminants, light and landscape changes.
  - 12.10.1 The Proponent shall develop and implement modified or additional mitigation measures if the results of the follow-up program referred to in condition 12.10 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on health, particularly the psychosocial reactions of riverside populations and users of the environment to the perception of nuisance and risk caused by the Designated Project.
- 12.11 The Proponent shall develop, prior to construction and in consultation with the relevant authorities, and implement a follow-up program to verify the accuracy of the environmental

assessment and to determine the effectiveness of the mitigation measures with respect to the environmental effects of the Designated Project on health caused by changes in air quality. The Proponent shall take into account applicable air quality standards and criteria (including those referred to in condition 12.11.3, the Canadian Council of Ministers of the Environment's Guidance Document on Air Zone Management, management levels established under the Canadian Ambient Air Quality Standards and baseline air quality conditions when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:

- 12.11.1 monitor, during construction, the concentrations of nitrogen dioxide (NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>), total particulate matter (TPM), respirable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>);
- 12.11.2 monitor, at least for the first three years of operation, the concentrations of nitrogen dioxide (NO<sub>2</sub>) and sulphur dioxide (SO<sub>2</sub>);
- 12.11.3 compare the results of the monitoring referred to in conditions 12.11.1 and 12.11.2 with the following thresholds:
  - 12.11.3.1 for fine particulate matter (PM<sub>2.5</sub>), nitrogen dioxide (NO<sub>2</sub>) and sulphur dioxide (SO<sub>2</sub>), the Canadian Ambient Air Quality Standards that are applicable at the time monitoring is conducted; and
  - 12.11.3.2 for respirable particulate matter (PM<sub>10</sub>), the World Health Organization's guidelines;
- 12.11.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 12.11.1 or 11.12.2 and the results of the comparisons made pursuant to condition 12.11.3 demonstrate that modified or additional mitigation measures are necessary to mitigate the environmental effects of the Designated Project on health caused by changes in air quality; and
- 12.11.5 before the end of the third year of operation, determine, in consultation with the parties consulted in the development of the follow-up program and based on the results of the monitoring referred to in condition 12.11.2 and the comparisons made pursuant to condition 12.11.3, whether additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program in accordance with condition 2.7 and implement the additional follow-up program requirements.

12.12 The Proponent shall develop, prior to operation and in consultation with relevant authorities, and implement, during operation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to the environmental effects of the Designated Project on health caused by noise, including noise generated by tankers while docked at the Designated Project site.

- 12.12.1 The Proponent shall develop and implement modified or additional mitigation measures if the results of the follow-up program referred to in condition 12.12 demonstrate that noise (including noise generated by tankers while at dockside) exceeds noise levels modelled during the environmental assessment and that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on health caused by noise.

### **13 Accidents and Malfunctions**

13.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in environmental effects as part of the Designated Project (including those related to the maritime transport of liquefied natural gas), and shall mitigate any adverse environmental effects that may occur. The Proponent shall take into account, when developing and implementing these measures, the Canadian Standards Association's CSA Z276-2018 standard for the production, storage and handling of liquefied natural gas (including for the design of full containment tanks for liquefied natural gas) and any other information to which it has access concerning accidents and malfunctions that have occurred in Canada or abroad in connection with activities similar to those associated with the Designated Project. Among these measures, the Proponent shall:

- 13.1.1 maintain within the restricted study area (including areas where petroleum products and hazardous materials are stored or handled, where equipment and vehicles are refueled, and in vehicles) and keep operational at all times, during all phases of the Designated Project, any equipment necessary to respond to accidents or malfunctions (including kits containing absorbent materials and leak-proof containers designed to collect petroleum products and hazardous materials in the event of a leak or spill);
- 13.1.2 maintain an operational a fire protection system during all phases of the Designated Project within the restricted study area (including dockside and at the liquefaction plant) that meets the technical requirements and risks of the Designated Project and is designed by a qualified individual who is an engineer licensed to practise in Québec;
- 13.1.3 install and keep operational at all times, during operation, a gas leak detection, warning and emergency shutdown system at the liquefaction plant and liquefied natural gas loading facilities;
- 13.1.4 develop, prior to operation and in consultation with Saguenay Port Authority, and implement and maintain, during operation, a communication plan to communicate with any company responsible for unloading explosives at the Grand-Anse wharf not to proceed with the loading of liquefied natural gas at the same time as any unloading of explosives;
- 13.1.5 maintain, during all phases of the Designated Project, petroleum product transfer locations, equipment and tanks that comply with the requirements of applicable regulations, standards and codes and good industry practice, including a detection and warning system for leaks or spills of petroleum products;
- 13.1.6 place any diesel tank located within the restricted study area on a concrete slab and provide a containment system (which includes a retention basin and meets current construction standards) under each tank to recover any petroleum product in the event of a tank leak or spill;
- 13.1.7 establish and maintain, during all phases of the Designated Project, dedicated storage areas for the storage of hazardous materials, and handle any hazardous material as part of the Designated Project in a manner that minimizes the risk of leakage or spillage (including by using of compliant, leakproof containers);

- 13.1.8 post and maintain accessible at all times, during all phases of the Designated Project, Material Safety Data Sheets for each hazardous material stored in the restricted study area or handled as part of the Designated Project to ensure proper segregation of hazardous materials during storage and prompt identification of the relevant characteristics of each hazardous material in the event of a leak or spill of hazardous material(s);
  - 13.1.9 establish, in consultation with the Laurentian Pilotage Authority, an approach and berthing manoeuvring area so that any tanker associated with the Designated Project may approach the wharf at reduced speed; and
  - 13.1.10 determine, in consultation with the Laurentian Pilotage Authority, a maximum wind speed for berthing and unberthing that takes into account the sails of the tankers associated with the Designated Project and establish a corresponding maximum wind speed at which loading and unloading of the tankers shall be stopped.
- 13.2 The Proponent shall complete, prior to construction, an enhanced quantitative marine risk analysis that meets the objectives for the enhanced analysis presented by the Proponent in Section 2.1 of the Supplemental Response to Information Requests Applications AEIC-2-2, AEIC-2-3, AEIC-2-62, AEIC-2-63 and AEIC-2-64 (Canadian Impact Assessment Registry, Reference Number 80115, Document Number 113). In doing so, the Proponent shall:
- 13.2.1 provide the analysis to the Agency, Transport Canada and other relevant authorities prior to construction; and
  - 13.2.2 develop and implement, in consultation with Transport Canada and other relevant authorities, any additional measure recommended as part of the analysis to prevent accidents and malfunctions that may result in environmental effects in relation to the Designated Project. Among these measures, the Proponent shall establish safety zones around the loading arms for which the radius, of a minimum of 200 metres, is established taking into account the following factors:
    - 13.2.2.1 existing security zones established around other marine liquefied natural gas handling facilities in Canada and the United States (including the Canaport LNG facility in New Brunswick);
    - 13.2.2.2 the International Organization for Standardization standard ISO 28460 for liquefied natural gas installations and equipment (land-ship interface and port operations); and
    - 13.2.2.3 the geographic location of the Designated Project and anticipated vessel traffic during operation.
- 13.3 The Proponent shall implement, as part of the Designated Project, any measure recommended in the final report of the TERMPOLE review process for the Designated Project to prevent accidents and malfunctions that may result in environmental effects, including measures related to winter navigation and vessel protection in ice conditions on the St. Lawrence and Saguenay Rivers, exclusion zones, vessel traffic management on the Saguenay River, escort towing and personnel training, standby pilotage during loading operations, marine terminal safety and the content of the port information book.



- 13.4 The Proponent shall consult with First Nations, the Wolastoqiyik Wamspekek First Nation and relevant authorities prior to construction on measures to prevent accidents and malfunctions.
- 13.5 The Proponent shall develop, prior to each phase of the Designated Project and in consultation with the First Nations, the Wolastoqiyik Wamspekek First Nation and relevant authorities, an accident and malfunction response plan applicable to this phase of the Designated Project that takes into account the Canadian Standards Association standard CSA Z731-03 on emergency preparedness and response planning and any other information available to the Proponent on emergency preparedness measures applied in Canada or abroad for activities similar to those associated with the Designated Project. The Proponent shall incorporate and reference in each plan the applicable established response plans, procedures and organizations, as appropriate, of the relevant authorities. The Proponent shall implement the applicable plan for each phase of the Designated Project during that phase. Each emergency response plan shall include:
- 13.5.1 a description of the types of accidents and malfunctions that may cause environmental effects during any phase of the Designated Project, including the following potential accidents and malfunctions:
    - 13.5.1.1 when a tanker is at dockside, a spill and/or fire associated with its cargo and/or a fire not associated with its cargo; and
    - 13.5.1.2 during the loading of a tanker, a spill and/or fire associated with its cargo and/or a fire not associated with its cargo;
  - 13.5.2 a mapping of sensitive environmental features and receptors (including drinking water intakes and residences) located in the aquatic and terrestrial environment within the extended study area that could be affected in the event of an accident or malfunction and that must be considered during response to an accident or malfunction. The mapping includes a detailed legend to identify all sensitive features and receptors considered by the Proponent;
  - 13.5.3 measures under the responsibility of the Proponent to be implemented by the Proponent in response to each type of accident and malfunction referred to in condition 13.5.1 to mitigate any adverse environmental effects caused by the accident or malfunction and protect the environment. These measures include measures to alert and notify external parties, refloating measures in the event of a marine accident, and measures to quickly contain and clean up any area affected by a spill of petroleum products or hazardous materials;
  - 13.5.4 the location and availability of the equipment referred to in condition 13.1.1; and
  - 13.5.5 for each type of accident and malfunction referred to in condition 13.5.1, the roles and responsibilities (including the measures to be implemented and equipment to be mobilized) of each relevant authority involved in the response to the accident or malfunction and of any person or party (including employees and contractors associated with the Designated Project) mandated or that may be called upon to respond to an accident or malfunction. In doing so, the Proponent shall provide detailed response scenarios that specify the actions to be taken by each relevant

authority, person and party and the timeframes (on a minute-by-minute basis) within which each action must be taken.

- 13.6 As part of the development of the emergency response plans referred to in condition 13.5, the Proponent shall consult with the City of Saguenay on the response measures identified by the Proponent to ensure a coordinated response to accidents or malfunctions that may occur during the marine transportation of liquefied natural gas and/or at the Designated Project land or sea-based facilities.
- 13.7 The Proponent shall share the emergency response plans referred to in condition 13.5 with all the relevant authorities, persons and parties referred to in condition 13.5.5. In doing so, the Proponent shall inform them of its own legislative and regulatory obligations relating to pollution prevention, including the *Canadian Environmental Protection Act*, the *Environmental Emergency Regulations*, the *Fisheries Act* and the *Migratory Birds Convention Act, 1994*.
- 13.8 The Proponent shall post a copy of the emergency response plans referred to in condition 13.5 in full view of all employees associated with the Designated Project, and shall maintain the plans accessible at all times, during all phases of the Designated Project.
- 13.9 The Proponent shall provide training to all employees associated with the Designated Project (including employees assigned to the wharf) on all measures referred to in condition 13.1 to prevent accidents and malfunctions (including the maintenance and use of equipment referred to in condition 13.1. 1 and procedures for handling and transporting hazardous materials used in the Designated Project) and all measures included in the emergency response plans referred to in condition 13.5 to ensure that each employee knows how to respond to an accident or malfunction and can activate the appropriate emergency response. The Proponent shall document the participation of employees in the training.
- 13.10 The Proponent shall review the emergency response plans referred to in condition 13.5 (including to reflect any changes to processes or substances, upgrades to equipment, or changes to the risk of toxicity) at least annually and keep them up to date (including the mapping referred to in condition 13.5.2) throughout the Designated Project phase applicable to each plan. The Proponent shall submit any updates to the emergency response plans to the Agency and the relevant authorities involved in their implementation within 30 days of the update.
- 13.11 The Proponent shall participate, at the request of the City of Saguenay and throughout the duration of the Designated Project, in any initiative (including any committee) relating to the management of environmental risks to which the implementation of the Designated Project may contribute.
- 13.11.1 The Proponent shall implement any measure to prevent or respond to accidents and malfunctions that may result in environmental effects in connection with the Designated Project that is identified through any initiative referred to in condition 13.11 and that is under its responsibility.
- 13.12 In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or malfunction referred to in condition 13.5.1, the Proponent

shall immediately implement appropriate measures for the accident or malfunction, including any appropriate mitigation measures referred to in condition 13.5.3, and shall:

- 13.12.1 implement the communication plan referred to in condition 13.13;
- 13.12.2 inform the appropriate authorities with emergency response responsibilities (including environmental emergencies) in accordance with applicable regulatory and legislative requirements;
- 13.12.3 inform, as soon as practicable and in accordance with the communication plan referred to in condition 13.13, First Nations, the Wolastoqiyik Wamsipekuk First Nation and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours after the accident or malfunction. In notifying the First Nations, the Wolastoqiyik Wamsipekuk First Nation, potentially affected parties and the Agency, the Proponent shall specify:
  - 13.12.3.1 the date and time when the accident or failure occurred and the location;
  - 13.12.3.2 a summary description of the accident or malfunction; and
  - 13.12.3.3 a list of any substances potentially released to the environment as a result of the accident or malfunction;
- 13.12.4 submit a written report to the Agency no later than 30 days after the accident or malfunction occurred. The written report shall include:
  - 13.12.4.1 a detailed description of the accident or malfunction and its adverse environmental effects;
  - 13.12.4.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
  - 13.12.4.3 any views of First Nations, of the Wolastoqiyik Wamsipekuk First Nation and of potentially affected parties, and any advice from relevant authorities, received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate those adverse environmental effects;
  - 13.12.4.4 a description of any residual adverse environmental effects and any modified or additional measures necessary for the Proponent to mitigate the residual adverse environmental effects; and
  - 13.12.4.5 details of the implementation of the accident and malfunction response plan referred to in condition 13.5;
- 13.12.5 no later than 90 days after the accident or malfunction occurs, and taking into account the information submitted pursuant to condition 13.12.4, submit a written report to the Agency that includes a description of the changes made to prevent the recurrence of such an accident or malfunction and the implementation of any modified or additional measures to mitigate and monitor residual adverse environmental effects and to carry out any necessary progressive reclamation. The report shall include any additional views of First Nations, of the Wolastoqiyik Wamsipekuk First Nation and of potentially affected parties and any additional advice from relevant authorities received by the Proponent since the views and advice referred to in condition 13.12.4.3 were received by the Proponent.

13.13 The Proponent shall develop, in consultation with First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties, a communication plan for accidents and malfunctions related to the Designated Project. The Proponent shall develop the communication plan prior to construction and shall implement and maintain the plan throughout all phases of the Designated Project. The plan shall include:

13.13.1 the types of accidents and malfunctions that require the Proponent to notify First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties;

13.13.2 the manner in which the Proponent shall inform First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and

13.13.3 contact information for the Proponent's representatives with whom First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties may communicate and contact information for First Nations, the Wolastoqiyik Wahsipekuk First Nation and potentially affected parties to be notified by the Proponent.

#### **14 Schedules**

14.1 The Proponent shall submit to the Agency a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the commencement and estimated completion month(s) and year(s) for each of these activities.

14.2 The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.

14.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 14.1 and 14.2 every year no later than March 31.

14.4 The Proponent shall provide First Nations and the Wolastoqiyik Wahsipekuk First Nation with the schedules referred to in conditions 14.1 and 14.2 and any update to the initial schedule made pursuant to condition 14.3 at the same time the Proponent provides these documents to the Agency.

#### **15 Record keeping**

15.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.

15.2 The Proponent shall retain all records referred to in condition 15.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency

at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide to the Agency the address of the new location.

15.3 The Proponent shall notify the Agency of any change to the contact information of the Proponent.