

## **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 Frontier Oils Sands Mine Project (the Designated Project) located in Alberta for recommendation to the Minister of Environment (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 as described in the environmental assessment of the Designated Project (Canadian Impact Assessment Registry Reference Number 65505), unless the Proponent has agreed to use a different baseline following consultation with Indigenous groups.
- 1.3 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation, building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.4 *Contact water* means water that has come into contact with any mine site components.
- 1.5 *Days* means calendar days.
- 1.6 *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases commercial production and commences removal from service of any components of the Designated Project, and that continues until the Proponent completes the reclamation of the site of the Designated Project.
- 1.7 *Deleterious substance* means "deleterious substance" as defined in subsection 34(1) of the *Fisheries Act*.
- 1.8 *Designated Project* means the Frontier Oil Sands Mine Project as described in Volume 1 of the project update prepared by Teck Resources Limited (Canadian Impact Assessment Registry Reference Number 65505, document number 163).

- 1.9 *Designated Project area* means the geographic area occupied by the Designated Project (Figure 1 of Joint Review Panel Report).
- 1.10 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.11 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.12 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.14 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *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*.
- 1.16 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.17 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.18 *Indigenous groups* means the following Aboriginal Peoples: Athabasca Chipewyan First Nation, Fort Chipewyan Metis ML 125, Fort McKay First Nation, Fort McKay Metis ML 63, Fort McMurray First Nation 468, Fort McMurray Metis ML 1935, and Mikisew Cree First Nation.
- 1.19 *Indigenous groups (issue-specific)* means the following Aboriginal Peoples: Deninu K'ue First Nation, Kát'odeeche First Nation, Lakeland Metis ML 1909, Métis Nation of Alberta Region 1, Northwest Territory Métis Nation, and Smith's Landing First Nation.
- 1.20 *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*.
- 1.21 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.22 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.23 *Offsetting plan* means “offsetting plan” as defined in section 1 of the Applications for Authorization under Paragraph 35(2)(b) of the *Fisheries Act Regulations*.
- 1.24 *Operation* means the phase of the Designated Project starting when commercial production begins and continuing until the start of decommissioning. This phase includes periods when commercial production may temporarily cease.

- 1.25 *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.
- 1.26 *Proponent* means Teck Resources Ltd. and its successors or assigns.
- 1.27 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, may be relied on by the Proponent to provide advice within his or her area of expertise. Knowledge relevant to a particular matter may include community and Indigenous traditional knowledge.
- 1.28 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.29 *Relevant authorities* means federal and/or provincial authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.30 *Reporting year* means January 1 of a calendar year through December 31 of the same calendar year.
- 1.31 *Structure, site or thing of historical, archeological, 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.
- 1.32 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.33 *Wetland* means land saturated with water long enough to promote formation of water altered soils, growth of water-tolerant vegetation and various kinds of biological activity that is adapted to the wet environment.
- 1.34 *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 available at the time the Proponent takes action, including community and Indigenous traditional knowledge, 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 shall carry out the Designated Project as defined in condition 1.8 of this document.
- 2.3 The Proponent shall, when mitigation is a requirement of a condition set out in this document, give preference to avoiding the adverse environmental effect of the Designated Project over minimizing the adverse environmental effect of the Designated Project. If unable to avoid the adverse environmental effect, the proponent shall give preference to minimizing the adverse environmental effect of the Designated Project over compensating for the adverse environmental effect of the Designated Project. If unable to minimize the adverse environmental effect, the Proponent shall compensate for the adverse environmental effect of the Designated Project.
- 2.4 The Proponent shall, where participation is a requirement of a condition set out in this document, determine, in consultation with relevant authorities, Indigenous groups, and other proponents as appropriate, the actions and resources needed to carry out its participation.

### ***Consultation***

- 2.5 The Proponent shall, where consultation is a requirement of a condition set out in this document:
  - 2.5.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
  - 2.5.2 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 or parties being consulted, not to be less than 15 days, to prepare their views and information;
  - 2.5.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
  - 2.5.4 advise the party or parties being consulted on how the views and information received have been considered by the Proponent including a rationale for why the views have, or have not, been integrated. The Proponent shall advise the party or parties in a time period that does not exceed the period of time taken in 2.5.2.
- 2.6 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each Indigenous group with respect to the manner to satisfy the consultation requirements referred to in condition 2.5, 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 Indigenous groups of how their views and information were considered by the Proponent.

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

- 2.7 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 or parties being consulted during the development, the following information:
- 2.7.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 2.7.2 the scope, content and frequency of reporting of the results of the follow-up program;
  - 2.7.3 the levels of environmental change relative to baseline conditions 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
  - 2.7.4 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.7.3 have been reached or exceeded.
- 2.8 The Proponent shall update the information referred to in condition 2.7 during the implementation of each follow-up program in consultation with the party or parties being consulted during the development of each follow-up program so that it remains current.
- 2.9 The Proponent shall provide the follow-up programs to the Agency and to the party or parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update(s) made pursuant to condition 2.8 to the Agency and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.10 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.10.1 implement the follow-up program throughout all phases of the Designated Project, unless otherwise required through the condition;
  - 2.10.2 implement the follow-up program according to the information determined pursuant to condition 2.7;
  - 2.10.3 undertake 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(s);
  - 2.10.4 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.10.3; and

- 2.10.5 if modified or additional mitigation measures are required pursuant to condition 2.10.4, develop and implement these mitigation measures in a timely manner and monitor them pursuant to condition 2.10.3.
- 2.11 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group:
- 2.11.1 opportunities for their participation in the implementation of the follow-up program, including the analysis of the follow-up results;
  - 2.11.2 whether modified or additional mitigation measures are required, as set out in condition 2.10; and
  - 2.11.3 opportunities to incorporate monitoring being conducted under Indigenous community-based monitoring programs into the development of the follow-up programs.

***Annual reporting***

- 2.12 The Proponent shall, commencing in the reporting year during which the Proponent begins the implementation of the conditions set out in this document, and every following year during which the Proponent is required to meet a condition set out in this document, prepare an annual report that includes:
- 2.12.1 the activities undertaken by the Proponent in the reporting year to comply with each of the conditions set out in this document;
  - 2.12.2 how the Proponent complied with condition 2.1;
  - 2.12.3 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;
  - 2.12.4 the information referred to in conditions 2.7 and 2.8 for each follow-up program;
  - 2.12.5 the results of the follow-up program;
  - 2.12.6 any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.10; and
  - 2.12.7 any change(s) to the Designated Project in the reporting year for which the Proponent determined that condition 2.18 did not apply.
- 2.13 The Proponent shall submit to the Agency the annual report referred to in condition 2.12, including an executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.

***Information sharing***

- 2.14 The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.12 and 2.13, the reports related to accidents and malfunctions referred to in conditions 13.6.2 and 13.6.3, the schedules referred to in conditions 14.1, and 14.2, and any update(s) or revision(s) 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 25 years following the end of operation, or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency, Indigenous groups, Indigenous groups (issue-specific), the Clearwater River Band, and Original (First) Fort McMurray 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 the commencement of construction, unless otherwise required through the condition.

### ***Change of Proponent***

- 2.16 The Proponent shall notify the Agency and Indigenous groups 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 The Proponent shall consult with Indigenous groups and relevant authorities prior to notifying the Agency of any changes to the Designated Project, as described in condition 2.18.
- 2.18 The Proponent shall notify the Agency in writing of any potential changes to the Designated Project that would result in a change to the Designated Project description included in the decision statement or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent to ensure that the changes do not result in adverse environmental effects greater than those predicted in the environmental assessment report. The Proponent shall also describe the results of the consultation with Indigenous groups and relevant authorities.

## **3 Greenhouse gas emissions**

- 3.1 The Proponent shall implement, throughout all phases of the Designated Project, mitigation measures to limit greenhouse gas emissions to 4 082 000 tonnes of equivalent carbon dioxide per calendar year and shall implement a greenhouse gas management plan to achieve continual improvements pursuant to condition 3.3.
- 3.2 The Proponent shall quantify and report annually to Environment and Climate Change Canada greenhouse gas emissions directly attributable to the Designated Project, including both intensity and total emissions. Total emissions shall be reported in a manner that is consistent with the Greenhouse Gas Reporting Program under the *Canadian Environmental Protection Act, 1999*. Electricity generation on site, imports and exports shall be reported to Environment and Climate Change Canada according to the methodology used in the Greenhouse Gas Reporting Program. Bitumen production shall be reported to Environment and Climate Change Canada according to the methodology referred to in Alberta Energy Regulator-ST39.

- 3.3 The Proponent shall develop and implement, throughout all phases of the Designated Project, a greenhouse gas management plan to achieve continual improvements in energy efficiency and greenhouse gas emissions. As part of the plan, the Proponent shall:
- 3.3.1 establish a greenhouse gas emissions and energy use baseline, for each phase of the Designated Project, representing the energy input and greenhouse gas emissions associated with the Designated Project;
  - 3.3.2 set five year targets for greenhouse gas emissions and energy use reductions that are measureable and economically and technically feasible;
  - 3.3.3 implement measures to achieve the targets; and
  - 3.3.4 provide a rationale for the measures implemented as part of the plan.
- 3.4 The Proponent shall develop, prior to construction and implement throughout all phases of the Designated Project, a follow-up program to determine the effectiveness of the greenhouse gas management plan. As part of the follow-up program the Proponent shall:
- 3.4.1 monitor the energy use and greenhouse gas emissions of the Designated Project;
  - 3.4.2 implement additional measures if the targets of the greenhouse gas management plan are not being met;
  - 3.4.3 report yearly on the energy use and greenhouse gas emissions of the Designated Project as part of the annual report pursuant to condition 2.12, including the frequency and methodology used for the monitoring; and
  - 3.4.4 report additionally every five years, as part of the annual report pursuant to condition 2.12, on the areas for energy use and greenhouse gas emissions performance improvements including the feasibility of using commercially available and economically feasible emerging technologies and practices, which have the potential to reduce greenhouse gas emissions directly attributable to the Designated Project.

#### **4 Groundwater**

- 4.1 The Proponent shall consult with Indigenous groups and relevant authorities on the development of a tailings and seepage management plan and shall control and monitor seepage from the external tailings areas throughout operation and decommissioning in a manner consistent with the plan.
- 4.2 The Proponent shall, prior to construction and in consultation with Indigenous groups, conduct a survey of springs on the west bank of the Athabasca River down gradient of the Designated Project to establish baseline groundwater level and baseline groundwater chemistry in springs that might be in use by Indigenous peoples. The Proponent shall maintain baseline groundwater levels and chemistry at the springs through all phases of the Designated Project.
- 4.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures. As part of the follow-up program the Proponent shall:



- 4.3.1 conduct groundwater monitoring in the Quaternary, Cretaceous and Devonian aquifers to verify groundwater drawdown effects at receptor sites outside the Designated Project area including on the surface water levels in the Lake Claire watershed, and on groundwater springs on the west bank of the Athabasca River. The Proponent shall begin monitoring prior to construction and continue through all phases of the Designated Project; and
- 4.3.2 conduct updates to groundwater flow and transport models, including seepage models, as new information becomes available through monitoring.

## 5 Surface water

- 5.1 The Proponent shall design the fresh water storage pond to have enough water for the Designated Project to operate for a minimum of 90 days without using the Athabasca River raw water intake system.
- 5.2 The Proponent shall not divert water from the Athabasca River for filling the fish habitat compensation lake unless authorized by the Alberta Energy Regulator.
- 5.3 The Proponent shall only divert water from the Athabasca River for end-pit lake filling when Athabasca River flow at the Fort McMurray station is above 600 m<sup>3</sup>/s until such time that the *Lower Athabasca Region: Surface Water Quantity Management Framework for the Lower Athabasca River* is updated to include withdrawal restrictions for end-pit lake filling, at which time the Proponent shall adhere to these restrictions.
- 5.4 The Proponent shall develop, prior to construction, a water management plan, in consultation with Indigenous groups and relevant authorities. Flows shall be measured directly upstream of the raw water intake. The Proponent shall implement the plan throughout all phases of the Designated Project. The plan shall include measures and operational procedures with the objectives of maximizing water reuse and minimizing water withdrawals from the Athabasca River, including:
  - 5.4.1 avoiding or minimizing water withdrawals when flows are below 500 m<sup>3</sup>/s;
  - 5.4.2 filling the fresh water storage pond when flows are above 700 m<sup>3</sup>/s; and
  - 5.4.3 using the fresh water storage pond during periods when flows are below 500 m<sup>3</sup>/s.
- 5.5 The Proponent shall monitor flows in Redclay Creek and Unnamed Creek 17 for at least ten years prior to construction in the Buckton Creek watershed and ensure the north-flow splitter is designed to partition flow based on the flow data gathered through the ten years of monitoring.
- 5.6 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures for surface water quantity. As part of the follow-up program the Proponent shall:
  - 5.6.1 monitor the navigability of the Athabasca River near the Project bridge and at an additional location downstream;

- 5.6.2 monitor water levels and outflows in Ronald Lake for at least ten years prior to construction in the Buckton Creek watershed and continue through all Phases of the Designated Project to ensure effects to water quantity do not exceed the predictions made in the environmental assessment;
  - 5.6.3 monitor the quantity of water released daily from the Designated Project during construction, operation and the first 10 years of decommissioning; and
  - 5.6.4 evaluate the effectiveness of the water management plan pursuant to condition 5.4, including monitoring water withdrawals in relation to Indigenous base flow of 500 m<sup>3</sup>/s.
- 5.7 The Proponent shall, prior to construction and in consultation with Indigenous groups, update the mine water balance based on an updated climate assessment.
- 5.8 The Proponent shall ensure discharges from the Designated Project into receiving waters meet or surpass regulatory requirements. Water that does not meet the limits shall be diverted to the closed-circuit drainage system for water reuse during operations, or treated prior to release.
- 5.9 The Proponent shall consult with Indigenous groups on the water discharge criteria prior to discharging into waters that may reach the Ronald Lake watershed or Lake Claire.
- 5.10 The Proponent shall implement measures to control erosion and sedimentation within the Designated Project area to avoid the deposit of deleterious substances in water frequented by fish. The Proponent shall submit these measures to the Agency prior to implementing them.
- 5.11 The Proponent shall not discharge untreated froth tailings into the tailings ponds unless authorized by the Alberta Energy Regulator.
- 5.12 The Proponent shall not place treated or untreated tailings in any end-pit lake or the Buckton Creek watershed.
- 5.13 The Proponent shall remove all vegetation and organic soils from the footprint of the fish habitat compensation lake and the off-stream storage ponds during their construction to reduce the potential for mercury methylation.
- 5.14 The Proponent shall, prior to filling the fish habitat compensation lake and the off-stream storage ponds, monitor concentrations of mercury, methylmercury and any parameters known to influence their concentration from surface water sources that would be used for filling. The Proponent shall not use waters with elevated mercury concentrations, as determined in consultation with relevant authorities and in consideration of the *Canadian Water Quality Guidelines for the Protection of Aquatic Life*, to fill the fish habitat compensation lake and off-stream storage ponds.
- 5.15 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures for surface water quality. The Proponent shall implement the follow-up program throughout all phases of the Designated Project. As part of the follow-up program the Proponent shall:

- 5.15.1 monitor water quality in Ronald Lake and Buckton Creek. Should observations exceed established levels of environmental change, pursuant to condition 2.7.3, the Proponent shall implement additional mitigation measures and extend monitoring to sites further downstream including Lake Claire;
  - 5.15.2 monitor surface water, snow and sediment quality, including monitoring of polycyclic aromatic compounds and metals, in the aquatics and groundwater local study area (Figure 2 of Joint Review Panel Report) to verify predictions of the effects of aerial emissions directly attributable to the Designated Project on water quality;
  - 5.15.3 monitor water quality in all pit lakes. The Proponent shall incorporate pit lake performance criteria and targets and other pit lake related research gathered through regional initiatives, to inform the development of the follow-up program; and
  - 5.15.4 monitor mercury and methylmercury concentrations in water and in fish tissues in the fish habitat compensation lake.
- 5.16 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a north pit development plan five years prior to construction in the Buckton Creek Watershed area. The plan shall include:
- 5.16.1 an assessment based on the most recent designs of the Designated Project that demonstrates that Buckton Creek peak, average, and low flows will remain within 5% of baseline conditions at the 27th Baseline, Wood Buffalo National Park boundary after decommissioning;
  - 5.16.2 an evaluation of the accuracy of the environmental assessment for effects to water quantity, water quality, and the Ronald Lake bison herd based on the monitoring and follow-up requirements pursuant to conditions 5.6, 5.15 and 10.2;
  - 5.16.3 an analysis of performance of components of the Designated Project in the Ronald Lake watershed with the potential to affect water quality or quantity, including dams, dykes, ponds, ditches, spillways and outfalls; and
  - 5.16.4 a management plan for the unmined portions of the Ronald Lake watershed contained within the Proponent's lease area to ensure effects to water quantity and water quality in the Ronald Lake watershed, Frog Creek, and the southern end of Lake Claire do not exceed the predictions made in the environmental assessment during construction and operation of the North Pit. The plan shall include:
    - 5.16.4.1 physical, biological and cultural baseline conditions for the Ronald Lake watershed and the southern end of Lake Claire;
    - 5.16.4.2 mitigation measures or Project design features for protection of the unmined portions;
    - 5.16.4.3 monitoring and associated adaptive management of this area pursuant to conditions 5.6.2 and 5.15.1; and
    - 5.16.4.4 a detailed implementation schedule.
- 5.17 The Proponent shall participate in any regional initiatives for the research and monitoring of the Peace Athabasca Delta and the Wood Buffalo National Park related to the effects of the Designated Project on water quality, at the request of a relevant authority, should there be such initiatives during any phase of the Designated Project.

- 5.18 The Proponent shall participate during operations, at the request of a relevant authority, in a regional acid deposition monitoring program for effects on terrestrial and aquatic ecosystems.

## **6 Fish and fish habitat**

- 6.1 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with Indigenous groups, any offsetting plan(s) related to any residual harm to fish and fish habitat associated with the carrying out of the Designated Project. The Proponent shall implement the plan at the beginning of construction. The Proponent shall submit any approved offsetting plan(s) to the Agency prior to implementation. The plan shall consider:
- 6.1.1 designs for fish passage between the offsetting lake and the Athabasca River;
  - 6.1.2 the target fish species for the lake;
  - 6.1.3 design of aquatic and terrestrial habitat features;
  - 6.1.4 the potential to include other components of cultural significance;
  - 6.1.5 complementary measures such as research opportunities as described in Fisheries and Oceans Canada *Fisheries Productivity Investment Policy* or any subsequent updates to the Policy; and
  - 6.1.6 habitat availability and effects to fish and fish habitat associated with the raw water intake and associated infrastructure, and the Athabasca River bridge.
- 6.2 The Proponent shall, for any fish habitat offsetting measure(s) proposed in any offsetting plan(s) referred to in condition 6.1 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with Indigenous groups and relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency prior to implementing them.
- 6.3 The Proponent shall, in consultation with Indigenous groups and Fisheries and Oceans Canada, evaluate fish habitat mitigation and compensation measures in lieu of, completely or partially, the currently proposed fish habitat compensation lake. If alternative measures are found acceptable, they shall be incorporated into the offsetting plan(s) required in condition 6.1.
- 6.4 The Proponent shall, in consultation with Environment and Climate Change Canada, conduct modelling of potential effects of methylmercury to fish and fish habitat in the offsetting lakes and downstream environments, including where people fish for consumption in the aquatics and groundwater local study area (Figure 2 of the Joint Review Panel Report). The Proponent shall determine, in consultation with Indigenous groups, Fisheries and Oceans Canada, and Environment and Climate Change Canada, whether additional mitigation measures are required and if so, implement them. The Proponent shall submit these measures to the Agency prior to implementing them.
- 6.5 The Proponent shall construct and operate the raw water intake to avoid fish entry and mitigate the incidental capture, death or injury of fish through entrainment and impingement, including through the ability to shut off the raw water intake, if required.

- 6.6 The Proponent shall design prior to construction and implement throughout all phases of the Designated Project, in consultation with Fisheries and Oceans Canada and other relevant authorities, fish habitat on the closure and reclaimed landscape. In doing so, the Proponent shall ensure end-pit lakes support local natural aquatic species and communities and Indigenous use.
- 6.7 The Proponent shall develop, prior to construction, in consultation with Indigenous groups, Fisheries and Oceans Canada and other relevant authorities, a follow-up program for fish and fish habitat to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures including offsetting. The Proponent shall implement the follow-up program throughout all phases of the Designated Project. As part of the follow-up program the Proponent shall:
- 6.7.1 monitor velocity and flow across fish exclusion screens of the raw water intake throughout construction and operation;
  - 6.7.2 validate the habitat suitability index models used to predict the effects to fish and fish habitat; and
  - 6.7.3 monitor mitigation and offsetting measures, and fish and fish habitat of the closure and reclamation landscape.
- 6.8 The Proponent shall participate, during all phases of the Designated Project, in regional cumulative effects assessment initiatives being led by Fisheries and Oceans Canada, at the request of Fisheries and Oceans Canada.
- 6.9 The Proponent shall participate, at the request of Fisheries and Oceans Canada, in the Fisheries Sustainable Habitat Committee in order to validate habitat suitability index models.

## **7 Migratory birds**

- 7.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's Avoidance Guidelines and the risk of incidental take. The Proponent's actions when carrying out the Designated Project shall be in compliance with the *Migratory Birds Convention Act, 1994*, the Migratory Birds Regulations and with the *Species at Risk Act*.
- 7.2 The Proponent shall control lighting required for the construction, operation and decommissioning of the Designated Project, including direction, timing and intensity, to avoid adverse effects on migratory birds, while meeting health and safety requirements.
- 7.3 The Proponent shall identify, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada, other relevant authorities, and other proponents as necessary, measures to offset effects of the Designated Project on the habitat of migratory birds which are listed species at risk that use old-growth forest and wetlands. For any feasible offsetting measures identified, the Proponent shall implement the measures from the beginning of construction and maintain these measures until reclamation of the Designated Project area is completed. As part of the offsetting, the Proponent shall:

- 7.3.1 take into account offsetting standards created by Indigenous groups and Environment and Climate Change Canada's *Operational Framework for the Use of Conservation Allowances*;
  - 7.3.2 ensure the offsetting measures identified and implemented are in addition to existing conservation measures in the region; and
  - 7.3.3 demonstrate how old-growth and wetland ecosystems and species, location, type of offsetting measure, timing, and probability of success of the offsetting measures were considered.
- 7.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a plan that mitigates effects of the Designated Project on migratory birds. The plan shall be implemented throughout all phases of the Designated Project and shall include:
- 7.4.1 measures to mitigate effects to migratory birds from physical activities associated with the Designated Project including site clearing;
  - 7.4.2 measures to mitigate exposure of migratory birds to contact water and contaminants in contact water in the Designated Project Area. The Proponent shall include a description of the types of technology to be used, the locations where the measures will be used on a map at an appropriate scale, and a schedule of implementation for each measure including initial start-up and annual deployment. Measures shall include:
    - 7.4.2.1 measures to reduce attractiveness of wastewater ponds and tailings areas through design and construction, taking into consideration eliminating or greatly reducing gently sloping sand beaches and shallow waters, reducing the spatial area of ponds, and covering ponds or portions of ponds;
    - 7.4.2.2 measures to prevent the establishment of emergent and floating vegetation from wastewater ponds and tailings areas;
    - 7.4.2.3 measures to reduce nesting habitat around ponds;
    - 7.4.2.4 measures to reduce floating bitumen on the ponds; and
    - 7.4.2.5 measures to deter bird landings on wastewater ponds and tailings areas. The Proponent shall evaluate whether the use of innovative technologies such as unmanned aerial vehicles can be used as deterrent measures, and if so, include them in the plan.
- 7.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a migratory bird follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program throughout all phases of the Designated Project. As part of the follow-up program the Proponent shall:
- 7.5.1 monitor the effectiveness over time of the offsetting measures pursuant to condition 7.3 by documenting and reporting on the occurrences of listed migratory bird species at risk, and the old-growth forest and wetland habitat conditions within the offset areas;

- 7.5.2 monitor the number, species, and timing of migratory bird exposure with contact water and other components of the Designated Project including the number of mortalities, in a manner that is consistent with the Oil Sands Bird Contact Monitoring Program;
  - 7.5.3 conduct pre-construction surveys for stopover aquatic habitat used by migratory birds in the Designated Project area to verify the accuracy of the assessment on the Designated Project impacts to migratory birds; and
  - 7.5.4 monitor the occurrence, movements and habitat use of waterfowl, including whooping cranes (*Grus Americana*) in the Designated Project area and areas adjacent to the Designated Project area where the Proponent has permission to access and monitor.
- 7.6 The Proponent shall update and obtain feedback from Indigenous groups on studies conducted by the Proponent through the Oil Sands Bird Technical Team, for those studies that relate to concerns expressed by Indigenous groups.
- 7.7 The Proponent shall conduct or participate in research, during construction or operation, in consultation with Indigenous groups, to verify any residual effects on migratory birds, including but not limited to the long-term effects from contact with industrial wastewater. The Proponent may carry out this research through collaboration with other oil sands mine operators as part of regional monitoring efforts.

## **8 Species at Risk**

- 8.1 The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement measures to mitigate effects to listed species at risk including little brown myotis (*Myotis lucifugus*), northern myotis (*Myotis septentrionalis*), western toad (*Anaxyrus boreas*), northern goshawk (*Accipiter gentilis*), short-eared owl (*Asio flammeus*) and rusty blackbird (*Euphagus carolinus*) during all phases of the Designated Project. The Proponent shall ensure measures are consistent with applicable species recovery strategies and action plans.
- 8.2 The Proponent shall conduct pre-construction surveys for western toad (*Anaxyrus boreas*) prior to carrying out any disturbance associated with the Designated Project.

## **9 Health of Indigenous peoples**

- 9.1 The Proponent shall implement measures throughout all phases of the Project to control air emissions directly attributable to the Designated Project, including:
- 9.1.1 ensuring all diesel engines found on mine mobile equipment are compliant with Tier IV emissions standards, and are maintained to remain Tier IV compliant;
  - 9.1.2 ensuring all diesel engines on new mine mobile equipment purchased during any phase of the Designated Project are compliant with the Off-Road Compression Ignition Engine Emission Regulations, or any of its amendments, under the *Canadian Environmental Protection Act, 1999*;
  - 9.1.3 using low-sulphur natural gas and diesel in mine equipment;

- 9.1.4 ensuring emission control technologies are not removed from mine mobile equipment, unless removal is necessary for repair and maintenance activities; and
  - 9.1.5 implementing measures to reduce PM<sub>2.5</sub> and secondary organic aerosols precursor emissions.
- 9.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a dust management plan to limit the type and volume of dust, including from tailings area emissions, released from the Designated Project. The Proponent shall implement the plan throughout all phases of the Designated Project.
- 9.3 The Proponent shall provide training to its employees on minimizing mine mobile equipment idling and the importance of avoiding tampering with emissions control systems.
- 9.4 The Proponent shall ensure each cogeneration unit does not exceed emissions of 18.4 kg/hr NO<sub>x</sub>.
- 9.5 The Proponent shall implement measures to control noise, including by:
- 9.5.1 using proven best management practices for noise control and mitigation with an emphasis on reducing low frequency and impulse noise; and
  - 9.5.2 consulting with Indigenous groups when developing flight patterns for Project-related air transport.
- 9.6 The Proponent shall develop, prior to construction, and implement, throughout construction and operation, a protocol for receiving complaints related to the exposure to noise, odour and light from the Designated Project. The Proponent shall develop this protocol in consultation with Indigenous groups. The Proponent shall respond in a timely manner to any complaint(s) received, including by implementing corrective actions to reduce exposure to noise, odour and light.
- 9.7 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the effects to health of Indigenous peoples as a result of changes to air quality caused by the Designated Project. The Proponent shall implement the follow-up program throughout all phases of the Designated Project. As part of the follow-up program the Proponent shall:
- 9.7.1 monitor air emissions from the Designated Project;
  - 9.7.2 monitor ambient air quality at a location identified in consultation with Indigenous groups;
  - 9.7.3 compare ambient air quality monitoring results to modelled predictions made in the environmental assessment and to *Canadian Ambient Air Quality Standards*; and
  - 9.7.4 implement adaptive management pursuant to condition 2.10 if emissions directly attributable to the Designated Project result in exceedances of levels of environmental change pursuant to condition 2.7.3.
- 9.8 The Proponent shall participate during any phase of the Designated Project, at the request of a relevant authority, in a community health baseline study for the oil sands region.



## **10 Current use of lands and resources for traditional purposes**

- 10.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada, Parks Canada and other relevant authorities, a plan to mitigate effects from the Designated Project on the Ronald Lake herd of wood bison (*Bison bison athabascae*), including effects from direct and indirect habitat loss, habitat fragmentation, disease risk and mortality. The Proponent shall implement the plan throughout all phases of the Designated Project. As part of the plan, the Proponent shall:
- 10.1.1 retain, prior to construction, the services of an independent expert(s), who is a qualified individual as it pertains to the health and biology of bison populations in the region, to advise the Proponent on the potential effectiveness of mitigation measures to prevent range shifts of the Ronald Lake bison herd and subsequent contact with the diseased Delta bison herd as a result of the Designated Project;
  - 10.1.2 engage with, and participate in a study conducted by the Ronald Lake Bison Herd Technical Team, or future equivalent body, to evaluate the landscape features, habitats, and movement corridors between the Ronald Lake bison herd and Delta bison herd;
  - 10.1.3 determine, prior to construction, measures to prevent Ronald Lake bison herd range shifts and contact with the diseased Delta bison herd as a result of the Designated Project, taking into account the recommendations of the independent expert in condition 10.1.1 and the results of the study pursuant to condition 10.1.2, and implement these measures; and
  - 10.1.4 report on the recommendations received pursuant to condition 10.1.1, the measures implemented pursuant to condition 10.1.3 including a justification if the recommendations pursuant to condition 10.1.1 were not implemented, and the results of the consultation activities with Indigenous groups and relevant authorities.
- 10.2 The Proponent shall develop, prior to construction, and implement a follow-up program, throughout all phases of the Designated Project, in consultation with Indigenous groups and relevant authorities, to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures for the Ronald Lake herd of wood bison (*Bison bison athabascae*). As part of the follow-up program the Proponent shall:
- 10.2.1 engage with the Ronald Lake Bison Herd Technical Team, or future equivalent body, to identify research and monitoring opportunities pertaining to the health and viability of the Ronald Lake bison herd, including disease status, distribution, habitat use, and movements and participate in these opportunities, prior to construction and during all phases of the Project; and
  - 10.2.2 review and consider annually the effectiveness of mitigation measures pursuant to condition 10.1 including any applicable knowledge from research and monitoring pursuant to condition 10.2.1 .
- 10.3 The Proponent shall identify in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, areas to restore linear features within the ranges of the Red Earth and Richardson boreal woodland caribou (*Rangifer tarandus*) herds to offset effects of the Designated Project on caribou habitat. For any feasible areas identified, the

Proponent shall implement restoration and shall consider any offsetting standards created by Indigenous groups and Environment and Climate Change Canada's *Operational Framework for the Use of Conservation Allowances*.

- 10.4 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the effects of changes caused by the Designated Project on boreal woodland caribou (*Rangifer tarandus*). The Proponent shall implement the follow-up program from during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
  - 10.4.1 monitor incidental caribou predation by grey wolf (*Canis lupus*) within the terrestrial local study area (Figure 6 of Joint Review Panel Report) throughout all phases of the Designated project; and
  - 10.4.2 monitor caribou movements within the terrestrial local study area (Figure 6 of Joint Review Panel Report) and movements across the Athabasca River directly adjoining the terrestrial local study area.
- 10.5 The Proponent shall conduct progressive reclamation of areas disturbed by the Designated Project. In doing so the Proponent shall identify, in consultation with Indigenous groups and relevant authorities, plant species native to the Designated Project area to use for revegetation as part of progressive reclamation, including species suitable to create habitat for wood bison, woodland caribou, whooping crane and other species of interest to Indigenous groups. Land shall be reclaimed to a self-sustaining ecosystem that supports equivalent land use capacity, including the use of lands and resources by Indigenous people for traditional purposes.
- 10.6 The Proponent shall implement measures to control non-native invasive species and noxious weeds throughout all phases of the Designated Project within the Designated Project area.
- 10.7 The Proponent shall mitigate visual effects of the Designated Project by establishing and maintaining a vegetated buffer of 15 metres along project transportation corridors, unless not feasible for safety reasons, and between the Designated Project area and the Athabasca River of 30 metres.
- 10.8 The Proponent shall prohibit employees and contractors associated with the Designated Project from fishing and hunting in the Project area while at the Project area, unless an employee or contractor is provided access by the Proponent for exercising Indigenous rights, to the extent that such access is safe.
- 10.9 The Proponent shall provide access to Indigenous groups to and through non-active portions of the Project area, to the extent that such access is safe.
- 10.10 The Proponent shall provide maps, at the request of Indigenous groups, of landforms, including lakes, on the reclaimed landscapes during all phases of the Designated Project, as progressive reclamation is undertaken. Maps shall also include hazard identification and areas to be avoided due to hazards.

10.11 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures, including the mitigation measures used to comply with condition 10.5 and 10.10, as it pertains to the effects of changes caused by the Designated Project on current use of lands and resources for traditional purposes. As part of the follow-up program, the Proponent shall:

10.11.1 monitor the reestablishment of native vegetation, including species identified pursuant to condition 10.5, wildlife habitat, and wetland functions, and monitor the settlement of revegetated upland areas, from operation through decommissioning.

## **11 Physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance**

11.1 For any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project area by the Proponent or brought to the attention of the Proponent by an Indigenous group or another party during any phase of the Designated Project, the Proponent shall:

11.1.1 immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;

11.1.2 delineate an area of at least 30 metres around the discovery as a no-work zone;

11.1.3 have a qualified individual, whose expertise pertains to the requirements of Alberta's Historical Resources Act, conduct an assessment at the location of the discovery;

11.1.4 inform the Agency and Indigenous groups within 24 hours of the discovery, and allow Indigenous groups to monitor archaeological works; and

11.1.5 consult with Indigenous groups and relevant authorities on the matter by which to comply with all applicable legislative or legal requirements and associated regulations and protocols, including Indigenous cultural protocols, respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.

11.2 The Proponent shall provide training to employees and contractors, who may encounter structures, sites or things of historical, archaeological, paleontological or architectural significance on how to identify them and the protocol pursuant to condition 11.1.

## **12 Environmental Monitoring Committee(s)**

12.1 The Proponent shall participate, during all phases of the Designated Project and at the request of relevant federal authorities, in any Project environmental monitoring committee(s), established in relation to the Designated Project. The Proponent shall undertake an impartial consideration of reports, written recommendations and requests for Proponent action from such committee(s). The Proponent shall report to the Agency as part of the annual report pursuant to condition 2.12, or more frequently if required, on the Proponent's actions with respect to these committee(s) and the associated outcomes of the Proponent's actions. Where the Proponent did not agree with

a committee recommendation or request for Proponent action, the Proponent shall also include this, with justification, in its report to the Agency.

- 12.2 The Proponent shall allow access to the Designated Project area, to the extent that such access is safe, to any community monitor(s) established as part of an environmental monitoring committee(s) pursuant to condition 12.1. The Proponent shall communicate with community monitors regarding coordination of monitoring activities.
- 12.3 As part of its participation pursuant to condition 12.1, the Proponent shall provide results of any follow-up programs set out in this document to the committee(s) if requested.

### **13 Accidents and malfunctions**

- 13.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects.
- 13.2 The Proponent shall implement, in consultation with Alberta Agriculture and Forestry, the following measures to reduce the risks and environmental effects associated with grass and forest fires. In doing so, the Proponent shall take into account the *FireSmart Guidebook for the Oil and Gas Industry* as well as the *Canadian Association of Petroleum Producers' Emergency Preparedness Guide for Hazards Associated with Wildfires*:
  - 13.2.1 train staff as provincial Type 2 wildland firefighters, including Incident Command System training for crew members and leaders;
  - 13.2.2 equip firefighting staff for suppression of grass and forest fires with equipment compatible with provincial standards; and
  - 13.2.3 implement a grass fuel management plan for Industrial Zone 3.
- 13.3 The Proponent shall design, construct and operate the tailings pond dams taking into account the *Canadian Dam Safety Guidelines*.
- 13.4 The Proponent shall, prior to construction, consult with Indigenous groups and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.
- 13.5 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, develop an accident and malfunction response plan in relation to the Designated Project. The accident and malfunction plan shall include:
  - 13.5.1 the types of accidents and malfunctions, including unplanned releases of water or contaminants to the environment, that may cause adverse environmental effects; and
  - 13.5.2 the measures to be implemented in response to each type of accidents and malfunctions referred to in condition 13.5.1 to mitigate any adverse environmental effect(s) caused by the accident or malfunction.
- 13.6 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall immediately implement the measures appropriate to the accident or malfunction referred to in condition 13.5.2 and shall:

- 13.6.1 notify, as soon as possible, Indigenous groups, Indigenous groups (issue-specific), the Clearwater River Band, Original (First) Fort McMurray First Nation, and relevant authorities of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to Indigenous groups and the Agency, the Proponent shall specify:
  - 13.6.1.1 the date the accident or malfunction occurred;
  - 13.6.1.2 a summary description of the accident or malfunction; and
  - 13.6.1.3 a list of any substances potentially released into the environment as a result of the accident or malfunction.
- 13.6.2 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:
  - 13.6.2.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
  - 13.6.2.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
  - 13.6.2.3 any view(s) from Indigenous groups, Indigenous groups (issue-specific), the Clearwater River Band, and Original (First) Fort McMurray First Nation and 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 these adverse environmental effects;
  - 13.6.2.4 a description of any residual adverse environmental effects and any modified or additional measures required by the Proponent to mitigate residual adverse environmental effects; and
  - 13.6.2.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 13.5.
- 13.6.3 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 13.6.2. The report shall include all additional views from Indigenous groups and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 13.6.2.3 were received by the Proponent.
- 13.7 The Proponent shall develop a communication plan in consultation with Indigenous groups, Indigenous groups (issue-specific), the Clearwater River Band, and Original (First) Fort McMurray First Nation. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up to date throughout all phases of the Designated Project. The plan shall include:
  - 13.7.1 the types of accidents and malfunctions requiring notification by the Proponent;
  - 13.7.2 the manner by which groups shall be notified by the Proponent of an accident or malfunction and of any opportunities to assist in the response to the accident or malfunction; and

- 13.7.3 the contact information of the representatives of the Proponent that groups may contact and of the representatives of the respective groups to which the Proponent provides notification.

## **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 June 30, until completion of all activities referred to in each schedule.
- 14.4 The Proponent shall provide to the Agency revised schedules if any change is made to the initial schedules referred to in conditions 14.1 and 14.2 or to any subsequent update(s) referred to in condition 14.3, upon revision of the schedules.
- 14.5 The Proponent shall provide Indigenous groups with the schedules referred to in conditions 14.1 and 14.2 and the updates or revisions to the initial schedules pursuant to condition 14.3 and 14.4 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 retain the records and make them available to the Agency throughout construction and operation and for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. 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.