

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

The Canadian Environmental Assessment Agency is contemplating the following potential conditions in relation to the Blackwater Gold Project (the Designated Project) located in British Columbia 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.

### **1 Definitions**

- 1.1 *Agency* means the Canadian Environmental Assessment Agency.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project as described in the environmental impact statement.
- 1.3 *Blue-listed wetlands* means wetlands considered of special concern by the British Columbia Conservation Data Centre.
- 1.4 *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.
- 1.5 *Contact water* means water which has come into contact with any mine site components.
- 1.6 *Daylight* means from one hour before sunrise to one hour after sunset, as calculated by the National Research Council of Canada for Prince George.
- 1.7 *Days* means calendar days.
- 1.8 *Decommissioning* means the closure 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, with the exception of the water treatment plant(s), transmission line and mine access road which will remain operational through the post-closure phase.
- 1.9 *Deleterious substance* means "deleterious substance" as defined in subsection 34(1) of the *Fisheries Act* or any substances prescribed by regulations under subsection 34(2) of the *Fisheries Act*.
- 1.10 *Designated Project* means the Blackwater Gold Project as described in section 2 of the draft environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80017).

- 1.11 *Designated Project area* means the geographic area occupied by the Designated Project and includes the mine site and linear components.
- 1.12 *Effluent* means “effluent” as defined in subsection 1(1) of the *Metal and Diamond Mining Effluent Regulations*.
- 1.13 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.14 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.15 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.16 *Environmental Impact Statement* means the January 2016 document entitled *Blackwater Gold Project: Environmental Impact Statement* (Canadian Environmental Assessment Registry Reference Number 80017, Document Number 17).
- 1.17 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.18 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.19 *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*.
- 1.20 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.21 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.22 *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*.
- 1.23 *Indigenous groups* means the following Aboriginal Peoples: Lhoosk’uz Dené Nation, Ulkatcho First Nation, Nadleh Whut’en First Nation, Saik’uz First Nation, Stelat’en First Nation, Nazko First Nation, Skin Tyee Nation, T̓silhqot’in Nation, Métis Nation British Columbia, and Nee-Tahi-Buhn Band.
- 1.24 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.25 *Mill effluent* means water used to process ore in the mill and that is disposed of in tailing management facilities.
- 1.26 *Mine site* means the area occupied by the mine site components as identified in Figure 2 of the draft environmental assessment report.

- 1.27 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.28 *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 and “compensation plan” as described in subsection 27.1 of the *Metal and Diamond Mining Effluent Regulations*.
- 1.29 *Operation* means the phase of the Designated Project during which the commercial production takes place, including periods during which commercial production may temporarily cease, and which continues until the start of decommissioning.
- 1.30 *Post-closure* means the phase during which the Proponent has completed the reclamation of the site of the Designated Project and during which the Proponent conducts monitoring of the site of the Designated Project to verify that reclamation activities have been successful until the water treatment plant(s) are decommissioned and reclaimed.
- 1.31 *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.
- 1.32 *Project roads* means roads associated with the Designated Project and include the mine access road, mine site roads, airstrip road and transmission line access roads.
- 1.33 *Proponent* means New Gold Inc. and its successors or assigns.
- 1.34 *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.
- 1.35 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.36 *Red-listed wetlands* means wetlands considered at risk of being extirpated, endangered or threatened by the British Columbia Conservation Data Centre.
- 1.37 *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.
- 1.38 *Reporting year* means January 1 of a calendar year through December 31 of the same calendar year.
- 1.39 *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.

- 1.40 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.41 *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.
- 1.42 *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.

### **Consultation**

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this document:
- 2.2.1 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;
  - 2.2.2 provide all information available and relevant on the scope and the subject matter of the consultation and a period of time agreed upon with the party or parties being consulted, not less than 15 days, to prepare their views and information;
  - 2.2.3 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
  - 2.2.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent.
- 2.3 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 2.2, 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***

- 2.4 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:
  - 2.4.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 2.4.2 the scope, content and frequency of reporting of the results of the follow-up program;
  - 2.4.3 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
  - 2.4.4 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 2.4.3 have been reached or exceeded.
- 2.5 The Proponent shall maintain the information referred to in condition 2.4 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.
- 2.6 The Proponent shall provide the follow-up programs referred to in conditions 3.12, 3.13, 3.14, 4.5, 5.5, 6.11, 6.12, 6.13, 6.15, 8.23, 8.24, and 8.25, and 8.16.6 if required, 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) 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.
- 2.7 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
  - 2.7.1 conduct the follow-up program according to the information determined pursuant to condition 2.4;
  - 2.7.2 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);
  - 2.7.3 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.7.2; and
  - 2.7.4 if modified or additional mitigation measures are required pursuant to condition 2.7.3, develop and implement these mitigation measures in a timely manner and monitor them pursuant to condition 2.7.2.

- 2.8 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for their participation in the implementation of the follow-up program, including the analysis of the follow-up results and whether modified or additional mitigation measures are required, as set out in condition 2.7.

### ***Annual reporting***

- 2.9 The Proponent shall, commencing in the reporting year during which the Proponent begins the implementation of the conditions set out in this document, prepare an annual report that sets out:
- 2.9.1 the activities undertaken by the Proponent in the reporting year to comply with each of the conditions set out in this document;
  - 2.9.2 how the Proponent complied with condition 2.1;
  - 2.9.3 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;
  - 2.9.4 the information referred to in conditions 2.4 and 2.5 for each follow-up program;
  - 2.9.5 the results of the follow-up program requirements identified in conditions 3.12, 3.13, 3.14, 4.5, 5.5, 6.11, 6.12, 6.13, 6.15, 8.23, 8.24, and 8.25, and 8.16.6 if required; and
  - 2.9.6 any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.7.
- 2.10 The Proponent shall submit to the Agency the annual report referred to in condition 2.9, 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***

- 2.11 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 2.9 and 2.10, the offsetting plan(s) referred to in condition 3.9, the compensation plan referred to in condition 8.16, the communication plans referred to in conditions 6.14 and 9.5, the reports related to accidents and malfunctions referred to in conditions 9.4.2 and 9.4.3, the schedules referred to in conditions 10.1, and 10.2, 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 decommissioning of the Designated Project. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents within 48 hours of their publication.
- 2.12 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***

- 2.13 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***

- 2.14 The Proponent shall consult with Indigenous groups and relevant authorities prior to initiating any change(s) to the Designated Project that may result in adverse environmental effects, and shall notify the Agency in writing no later than 60 days prior to initiating the change(s).
- 2.15 In notifying the Agency pursuant to condition 2.14, the Proponent shall provide the Agency with a description of the potential adverse environmental effects of the change(s) to the Designated Project, the proposed mitigation measures and follow-up requirements to be implemented by the Proponent, and the results of the consultation with Indigenous groups and relevant authorities.

### **3 Fish and fish habitat**

- 3.1 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 before implementing them.
- 3.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Fisheries and Oceans Canada, measures to protect fish and fish habitat when undertaking activities in or near water, taking into account Fisheries and Oceans Canada's *Measures to Avoid Causing Harm to Fish and Fish Habitat*. In doing so, the Proponent shall:
  - 3.2.1 Develop, to the satisfaction of Fisheries and Oceans Canada and any other relevant authorities, and in consultation with Indigenous groups, a proposal to salvage and relocate fish prior to conducting any Designated Project activity requiring removal of fish habitat. The Proponent, if authorized under the *Fisheries Act* and its regulations, shall salvage and relocate fish in a manner consistent with their authorization.
- 3.3 The Proponent shall design, install and operate the freshwater intakes for the freshwater supply system to avoid fish entry or reduce the incidental capture, death or injury of fish through entrainment and impingement.
- 3.4 The Proponent shall comply with the *Metal and Diamond Mining Effluent Regulations* and subsection 36(3) of the *Fisheries Act*. In doing so, the Proponent shall:
  - 3.4.1 place all acid-generating and potentially acid-generating material into the tailings storage facility and submerge all such materials placed in the tailings storage facility under water during operation; and
  - 3.4.2 collect and treat seepage from the tailings storage facility and any other contact water, if required to comply with the requirements of the *Metal and Diamond Mining Effluent Regulations* and the *Fisheries Act*, before it is deposited into the receiving environment. When treating contact water and seepage, the Proponent shall take into account the water quality thresholds in the British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life*.
- 3.5 The Proponent shall collect seepage from the pit lake during post-closure before it reaches Creek 661 and direct it into the tailings storage facility.
- 3.6 The Proponent shall manage water levels in the pit lake during post-closure and shall direct water overflow into the water treatment plant(s).

- 3.7 The Proponent shall develop, prior to operation, measures to maintain baseline water flows in Davidson Creek. The Proponent shall maintain baseline water flows in Davidson Creek during operation, decommissioning and post-closure of the Designated Project within 10 percent of baseline monthly rates identified by the Proponent in Tables 16 and 17 in Appendix 5.1.2.6D of the Environmental Impact Statement. In doing so, the Proponent shall maintain water temperature in Davidson Creek, as described by the Proponent in Section 5 of Appendix A (*Blackwater Gold Project – Assessment of Flows from the Water Treatment Plant and North and South Diversions on Davidson Creek Temperatures. Knight Piesold. Memorandum VA16-01038*) of Appendix C-1 of the Environmental Impact Statement Supplemental Report *Assessment of Effects Related to Project Changes (August 2016)*.
- 3.8 The Proponent shall minimize water withdrawn from Tatelkuz Lake during operation by using mine water and water from the northern and southern diversions identified by the Proponent in Figure 3-1 of the Environmental Impact Statement Supplemental Report *Assessment of Effects Related to Project Changes (August 2016)* for the operation of the mill and redirect mill effluent into the tailing management facility.
- 3.9 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and Environment and Climate Change Canada and in consultation with Indigenous groups, and implement any offsetting plan(s) related to any residual adverse effects to fish and fish habitat associated with the carrying out of the Designated Project. The Proponent shall submit any approved offsetting plan(s) to the Agency prior to implementation.
- 3.10 The Proponent shall, for any fish habitat offsetting measure(s) proposed in any offsetting plan(s) referred to in condition 3.9 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with Indigenous groups, Fisheries and Oceans Canada and Environment and Climate Change Canada, measures to mitigate those effects. The Proponent shall submit these measures to the Agency before implementing them.
- 3.11 The Proponent shall, subject to any authorization required under the *Fisheries Act*, connect Lake 01682LNRS to Lake 01538UEUT prior to constructing the site C dam and in a manner that will maintain rainbow trout habitat and populations during all phases of the Designated Project and be consistent with any offsetting plan(s) referred to in condition 3.9.
- 3.12 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to adverse environmental effects of the Designated Project on fish and fish habitat. As part of the follow-up program, the Proponent shall:
- 3.12.1 conduct parasite and pathogen inventories in Lake 01538UEUT and Lake 01682LNRS prior to enlarging Lake 01682LNRS and connecting it to Lake 01538UEUT pursuant to condition 3.11 and compare the results of the parasite and pathogen inventories for the two lakes;
  - 3.12.2 monitor, from the fifth year after the Proponent has started to pump water into Davidson Creek until the freshwater supply system has been decommissioned, rainbow trout (*Oncorhynchus mykiss*) and Kokanee (*Oncorhynchus nerka*) populations in Davidson Creek, including:



- 3.12.2.1 community composition of rainbow trout (*Oncorhynchus mykiss*) and Kokanee (*Oncorhynchus nerka*), their absolute abundance, genetic structure and diversity;
  - 3.12.2.2 absolute abundance of overwintering rainbow trout juveniles; and
  - 3.12.2.3 characteristics of spawner populations through surrogate monitoring metrics including size at 50% maturity, red counts and spawner distribution.
- 3.13 The Proponent shall develop, in consultation with Indigenous groups and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to adverse environmental effects of the Designated Project on fish habitat in Davidson Creek and Creek 661. The Proponent shall develop the follow-up program prior to construction. As part of the follow-up program, the Proponent shall:
  - 3.13.1 monitor water flows in Davidson Creek during the open water season from construction until decommissioning, and temperature continuously from construction until decommissioning;
  - 3.13.2 monitor water quality in Davidson Creek and Creek 661 for contaminants of potential concern during all phases of the Designated Project; and
  - 3.13.3 monitor, in Davidson Creek, during all phases of the Designated Project, groundwater quality and quantity downstream of the tailings storage facility site D, open pit, west waste rock dump, low grade ore stockpile, and process plant to confirm that groundwater quantity and quality parameters are within the range identified by the Proponent in the modelled predictions in Section 5 of *Blackwater Gold Project: Additional Water Quality Model Sensitivity Scenario (July 20, 2017)* and Section 3 of *Blackwater Gold Project: Water Treatment Responses for Comments 1266, 1270, 1271, 1272, and 1273 (February 15, 2017)* for nitrite and contaminants of potential concern, and to verify the effectiveness of water treatment. If the results of monitoring demonstrate that modified or additional mitigation measures are required, develop and implement modified or additional mitigation measures pursuant to condition 2.7 in a timely manner and monitor these measures. The Proponent shall submit these measures to the Agency before implementing them.
- 3.14 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 the effectiveness of the mitigation measures as it pertains to fish habitat in the Tatelkuz Lake littoral zone. As part of the follow-up program, the Proponent shall:
  - 3.14.1 conduct, prior to the commissioning of the freshwater supply system, fish habitat quantity and quality surveys in the Tatelkuz Lake littoral zone; and
  - 3.14.2 monitor the Tatelkuz Lake littoral zone from the commissioning of the freshwater supply system until decommissioning.

#### **4 Migratory birds**

- 4.1 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*.

- 4.2 The Proponent shall develop, prior to construction, and in consultation with relevant authorities, mitigation measures related to sensitive periods and locations for migratory birds. The mitigation measures shall consider critical habitat identified in applicable recovery strategies under the *Species at Risk Act* and suitable habitat identified by the Proponent in the environmental assessment for common nighthawk (*Chordeiles minor*), olive-sided flycatcher (*Contopus cooperi*), yellow rail (*Coturnicops noveboracensis*), barn swallow (*Hirundo rustica*), bank swallow (*Riparia riparia*), and horned grebe (*Podiceps auritus*). The Proponent shall implement the mitigation measures during all phases of the Designated Project.
- 4.3 The Proponent shall deter migratory birds from using or frequenting the tailings storage facility, reclamation wetlands, pit lake, waste rock dump and sediment control ponds until such time that water quality does not exceed the water quality thresholds in British Columbia's *Water Quality Guidelines for the Protection of Wildlife* and applicable thresholds for the Designated Project, established as part of the *Mines Act* and *Environmental Management Act* permitting processes.
- 4.4 The Proponent shall conduct pre-construction surveys for migratory birds and their habitat in the Designated Project area to validate the results of habitat suitability modelling for migratory birds, including migratory birds that are listed species at risk, conducted by the Proponent and presented in the Environmental Impact Statement and in the *Blackwater Gold Project – Waterbird Memo (Response to LDN/UFN #684, 693, 697, and NWFN/StFN #964)*. As part of the pre-construction surveys, the Proponent shall validate the applicability of fisher (*Martes pennant*) habitat suitability modelling to migratory birds, as identified by the Proponent in the *Blackwater Gold Project – Forest Birds (Supplemental Information in Response to 681, 683, 685, 694, 695, 703, 717, 936; and ECCC Annex 1, IR 21, 24, 25)*. Based on the results of the pre-construction surveys the Proponent shall develop and implement mitigation measures for migratory bird habitat.
- 4.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to determine the effectiveness of all mitigation measures to avoid harm to migratory birds, including migratory birds that are listed species at risk, their eggs and nests. The follow-up program shall include the mitigation measures used to comply with condition 4.1 to 4.4. The Proponent shall implement the follow-up program during all phases of the Designated Project.

## **5 Wetlands**

- 5.1 The Proponent shall mitigate the adverse environmental effects of the Designated Project on wetland functions with a preference for avoiding the loss of wetlands over minimizing the adverse effects on wetlands, and for minimizing the adverse effects on wetlands over compensating for lost or adversely affected wetlands, taking into account British Columbia's *Wetland Ways: Interim Guidelines for Wetland Protection and Conservation in British Columbia, Riparian Management Area Guidebook*.

- 5.2 The Proponent shall maintain, during construction and operation, a 30-metre buffer of undisturbed vegetation around wetlands located within the mine site, excluding the vegetation clearing required to construct project components. The Proponent shall not conduct work or activity within the 30-metre buffer, unless required for safety reasons, to control invasive plants, or to install and maintain erosion or sediment run-off control measures.
- 5.3 The Proponent shall, for adverse environmental effects from the Designated Project on wetlands that cannot be avoided or minimized pursuant to condition 5.1, set out mitigation measures in a wetland compensation plan. The Proponent shall develop the wetland compensation plan, prior to construction, in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, and taking into account Canada's *Federal Policy on Wetland Conservation*, Environment and Climate Change Canada's *Operational Framework for Use of Conservation Allowances* and habitat needs for migratory bird that are listed species at risk. When identifying mitigation measures, the Proponent shall select wetland restoration over enhancement and wetland enhancement over wetland creation. The Proponent shall start the implementation of the compensation plan prior to the wetlands being adversely affected.
- 5.4 For any wetland creation required pursuant to condition 5.3, the Proponent shall establish, prior to wetland creation and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, performance standards for wetland functions.
- 5.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, a follow-up program to verify the predictions of the environmental assessment as it pertains to the adverse environmental effects of the Designated Project on wetland functions and to determine the effectiveness of the mitigation measures as it pertain to wetlands. As part of the follow-up program, the Proponent shall:
- 5.5.1 conduct pre-construction surveys within the mine site to confirm the absence of red and blue-listed wetlands. The Proponent shall provide the results of the survey to the Agency prior to the start of construction. If the results of the survey demonstrate the presence of red and blue-listed wetlands within the mine site, the Proponent shall develop, prior to construction, and implement additional mitigation measures;
  - 5.5.2 monitor changes to wetland functions of wetlands located within the mine site and remaining after vegetation clearing required to construct project components during all phases of the Designated Project; and
  - 5.5.3 monitor all compensatory wetland sites annually, to ensure they meet or exceed performance standards for wetland functions established pursuant to condition 5.4 from the start of compensation until wetland functions are attained.

## **6 Health and socio-economic conditions and current use of lands and resources for traditional purposes**

- 6.1 The Proponent shall mitigate, during all phases of the Designated Project, emissions of fugitive dust from the Designated Project, including dust associated with mine vehicles on project roads.

- 6.2 The Proponent shall establish a speed limit of 60 kilometers/hour on project roads and require that any person abide by this speed limit.
- 6.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a protocol for receiving complaints related to the exposure to noise from the Designated Project. The Proponent shall respond to any noise complaint(s) within 48 hours of the complaint being received and shall implement corrective actions to reduce exposure to noise in a timely manner. The Proponent shall implement the protocol during construction, operation and decommissioning.
- 6.4 The Proponent shall limit landing and take-off of flights to daylight hours and shall limit taxiing time of aircraft on the ground to time necessary for take-off and landing manoeuvres, except if not feasible for safety reasons.
- 6.5 The Proponent shall install and maintain signs indicating that consumption of surface water is not advisable in the tailings storage facility, the pit lake and Davidson Creek year-round. The Proponent shall install and maintain the signs around the tailings storage facility and the pit lake throughout decommissioning and post-closure and on both sides of Davidson Creek during post-closure at locations established in consultation with Indigenous groups.
- 6.6 The Proponent shall provide Indigenous holders of provincially-registered traplines, whose traplines overlap with the Designated Project area, with the schedules referred to in condition 10.2 and updates or revisions to the initial schedule pursuant to condition 10.3 and 10.4 at the same time these documents are provided to the Agency.
- 6.7 The Proponent shall develop and implement measures in consultation with Indigenous groups to manage invasive species within the Designated Project area.
- 6.8 The Proponent shall provide tenure holders, including trappers, outfitters and agricultural range tenure holders whose activities overlap with the Designated Project area with the schedules referred to in condition 10.2 and updates or revisions to the initial schedule pursuant to condition 10.3 and 10.4 at the same time these documents are provided to the Agency.
- 6.9 The Proponent shall determine the location of the transmission line towers in consultation with Indigenous groups, to mitigate visual effect of the transmission line where the transmission line crosses trails and sites of importance to Indigenous peoples, unless not technically and economically feasible.
- 6.10 The Proponent shall prohibit employees and contractors associated with the Designated Project from fishing, hunting, trapping and gathering within the Designated Project area, unless an employee or contractor is provided access by the Proponent for traditional purposes or for exercising Aboriginal rights, to the extent that such access is safe.
- 6.11 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 as it pertains to adverse environmental effects of the Designated Project on the health of Indigenous Peoples caused by changes in concentrations of contaminants of potential concern in water, soil, vegetation and wildlife, including fish, and determine the effectiveness of mitigation measures. As part of the development of the follow-up program, the Proponent shall

identify the vegetation and wildlife species that shall be monitored, the locations where the monitoring will be conducted, the contaminants to be monitored and the frequency of the monitoring. The Proponent shall implement the follow-up program during all phases of the Designated Project. In doing so, the Proponent shall:

- 6.11.1 monitor, prior to construction, contaminants of potential concern in soil, vegetation, wildlife and water. The Proponent shall co-locate soil sampling with vegetation samples and water sampling with wildlife samples;
  - 6.11.2 monitor, during all post-construction phases of the Designated Project, contaminants of potential concern in water, soil, vegetation, and wildlife species;
  - 6.11.3 if the sampling and monitoring results referred to in condition 6.11.1 and 6.11.2 exceed the predictions made during the environmental assessment, update the human health risk assessment identified by the Proponent in Appendix 9.2.2A of the Environmental Impact Statement using the results of the sampling and monitoring. The Proponent shall integrate the current and predicted consumption patterns of each Indigenous group identified during the environmental assessment in the updated human health risk assessment and any updated consumption pattern information provided by Indigenous groups as part of the follow-up program.
- 6.12 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 as it pertains to adverse environmental effects of the Designated Project on the health of Indigenous Peoples as a result of changes to air quality and determine the effectiveness of mitigation measures. As part of the implementation of the follow-up program, the Proponent shall monitor NO<sub>2</sub>, SO<sub>2</sub>, PM<sub>2.5</sub>, PM<sub>10</sub>, and CO in air. The Proponent shall implement the follow-up program during all phases of the Designated Project.
- 6.13 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 as it pertains to adverse environmental effects of the Designated Project on the socio-economic conditions of Indigenous Peoples as a result of changes to access, availability and quality of country foods. The Proponent shall apply conditions 2.4 to 2.8 when implementing the follow-up program.
- 6.14 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement, during all phases of the Designated Project, a plan to communicate the results of the follow-up program referred to in conditions 6.11 and 6.12 in plain language to Indigenous groups and relevant authorities. The communication plan shall include procedures to communicate:
- 6.14.1 any update to the human health risk assessment made pursuant to condition 6.11.3 and potential associated health risks in plain language and any modified or additional mitigation measures developed and implemented pursuant to condition 2.7 based on the results of the follow-up program.
- 6.15 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 as it pertains to adverse effects from the Designated Project on moose and determine

the effectiveness of mitigation measures. As part of the implementation of the follow-up program, the Proponent shall conduct winter aerial surveys for moose abundance and distribution every five years starting prior to construction and until the end of operation.

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

- 7.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement an archaeological impact assessment of the footprints of the final transmission line alignment and associated poles, roads and towers to help inform final placement of these features. The Proponent shall take into account British Columbia's *Archaeological Impact Assessment Guidelines* when developing and implementing the archaeological impact assessment. The Proponent shall apply the archaeological and heritage management plan pursuant to condition 7.2 to structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources discovered within the footprint of the final transmission line alignment.
- 7.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement, during construction, operation and decommissioning, an archaeological and heritage management plan for any structures, sites, or things of historical, archaeological, paleontological, or architectural significance or physical or cultural heritage resources within the Designated Project area. The archaeological resources and heritage management plan shall include:
- 7.2.1 procedures to record, analyze and mitigate cultural heritage resources and historic heritage sites, cultural sites previously identified through the Heritage Effects Assessments and, if applicable, the Archaeological Impact Assessment completed for the final transmission line alignment;
  - 7.2.2 a process for reporting information about physical and cultural heritage features and structures, sites or things of historical, archaeological, paleontological or architectural significance to Indigenous groups;
  - 7.2.3 a process for informing workers of sensitive cultural areas;
  - 7.2.4 a chance find procedure to apply in the event that previously unidentified physical or cultural heritage features or structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered by the Proponent. As part of the chance find procedure the Proponent shall:
    - 7.2.4.1 immediately halt work at the location of the discovery, except work required to be undertaken to protect the integrity of the discovery;
    - 7.2.4.2 delineate an area of at least 30 metres around the discovery as a no-work zone;
    - 7.2.4.3 conduct an assessment at the location of the discovery taking into account British Columbia's *Archaeological Impact Assessment Guidelines*;
    - 7.2.4.4 inform the Agency and Indigenous groups within 24 hours of the discovery, and allow Indigenous groups to monitor archaeological works; and

- 7.2.4.5 consult with Indigenous groups and relevant authorities on the manner by which to comply with all applicable legal requirements and associated regulations and protocols respecting the discovery, recording, transferring and safekeeping of previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance.
- 7.3 The Proponent shall provide access, during all phases of the Designated Project, to Indigenous groups to the mine site for cultural purposes, to the extent that such access is safe. The Proponent shall notify Indigenous groups in a timely manner if access to the mine site must be prohibited for safety reasons.

## **8 Wildlife and species at risk**

- 8.1 The Proponent shall control lighting required for all phases of the Designated Project, including direction, timing and intensity, to avoid adverse effects on listed species at risk, while meeting health and safety requirements.
- 8.2 The Proponent shall install and maintain, during all phases of the Designated Project, wildlife crossing signs along project roads.
- 8.3 The Proponent shall not use salt for de-icing or traction control purposes on project roads during all phases of the Designated Project, unless all other methods used for de-icing or traction control purposes do not meet safety requirements.
- 8.4 The Proponent shall, from the start of construction to the end of decommissioning, remove carrion within 24 hours of its discovery by the Proponent from project roads.
- 8.5 The Proponent shall, during all phases of the Designated Project, manage snow bank height along project roads and shall create and maintain escape pathways at periodic distances to allow ungulates to exit the plowed roads in winter.
- 8.6 The Proponent shall identify, prior to construction and in consultation with Indigenous groups and relevant authorities, time periods during which construction activities must be carried out to protect wildlife during sensitive life stages, including for western toad (*Anaxyrus boreas*), wolverine (*Gulo gulo*), American marten (*Martes americana*), fisher (*Pekania pennanti*) and southern mountain caribou (*Rangifer tarandus caribou*). In doing so, the Proponent shall:
  - 8.6.1 apply British Columbia's *Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia* when identifying these time periods;
  - 8.6.2 notify, prior to construction, the Agency of these time periods and of the areas within which each of these time periods shall apply; and
  - 8.6.3 conduct construction activities during these time periods, unless not technically feasible.
- 8.7 If construction during the time periods referred to in condition 8.6 for western toad (*Anaxyrus boreas*), wolverine (*Gulo gulo*), American marten (*Martes americana*) and fisher (*Pekania pennanti*) is not technically feasible, the Proponent shall conduct pre-construction surveys to identify western toad (*Anaxyrus boreas*) breeding habitat and wolverine (*Gulo gulo*), American marten (*Martes americana*) and fisher (*Pekania pennanti*) denning habitat and develop and

implement additional mitigation measures, in consultation with Indigenous groups and relevant authorities. In doing so, the Proponent shall:

- 8.7.1 establish no work buffer zones for habitat identified during pre-clearing surveys. The Proponent shall apply British Columbia's *Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia* when establishing buffer zones for western toad breeding habitat and shall apply British Columbia's *Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia. Interim Guidance, North Area* when establishing buffer zones for wolverine (*Gulo gulo*), American marten (*Martes americana*) and fisher (*Pekania pennanti*) denning habitat.
- 8.8 The Proponent shall salvage and relocate western toad (*Anaxyrus boreas*), prior to clearing activities that cannot be scheduled outside of sensitive periods pursuant to condition 8.6.
- 8.9 The Proponent shall deter western toad (*Anaxyrus boreas*) from frequenting the tailings storage facility, reclamation wetlands, pit lake, and sediment control ponds until such time that water meets British Columbia's *Water Quality Guidelines for the Protection of Wildlife* and from along project roads during construction, operation and decommissioning.
- 8.10 The Proponent shall take into account the *Western Canada White Nose Syndrome Transmission Prevention* when undertaking construction activities in little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*) habitat. The Proponent shall report evidence of white nose syndrome as indicated by white muzzle or dead bats to British Columbia's Ministry of Forests, Lands, and Natural Resource Operations and Rural Development.
- 8.11 The Proponent shall conduct pre-construction surveys to determine the distribution of little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*), and establish, in consultation with Indigenous groups and relevant authorities, buffer zones around active hibernacula and active roosts. The Proponent shall apply British Columbia's *Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia* when identifying active hibernacula and active roosts and when establishing buffer zones.
- 8.12 If the pre-construction surveys referred to in condition 8.11 identify the loss of little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*) roosting habitat, the Proponent shall install, prior to construction, and maintain, during construction and operation, roosting structures to offset any loss of little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*) roosting habitat.
- 8.13 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, conduct pre-construction surveys to identify grizzly bear denning habitat, and shall implement measures to mitigate the loss of grizzly bear denning habitat caused by the Designated Project.
- 8.14 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, conduct pre-construction surveys to identify short-eared owl (*Asio flammeus*) moderate to high-value nesting and foraging habitat, and shall implement measures to mitigate the loss of short-eared owl (*Asio flammeus*) habitat caused by the Designated Project.



- 8.15 The Proponent shall, in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, mitigate adverse environmental effects on the Tweedsmuir herd of southern mountain caribou (*Rangifer tarandus caribou*) and its habitat. In doing so, the Proponent shall give preference to avoiding the destruction or alteration of habitat over minimizing the destruction or alteration of habitat, to minimizing the destruction or alteration of habitat over restoring altered or destroyed habitat on-site, and to restoring altered or destroyed habitat on-site over offsetting.
- 8.16 For any offsetting required pursuant to condition 8.15, the Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and to the satisfaction of Environment and Climate Change Canada, a compensation plan for the Tweedsmuir herd of southern mountain caribou (*Rangifer tarandus caribou*). When developing the compensation plan, the Proponent shall take into account habitat needs for migratory bird that are listed species at risk. The Proponent shall implement the compensation plan from the beginning of construction. The compensation plan shall include:
- 8.16.1 mapping of critical habitat of southern mountain caribou (*Rangifer tarandus caribou*) altered or destroyed by the Designated Project;
  - 8.16.2 an offsetting ratio for direct habitat loss and indirect (e.g. sensory) losses based on an assessment of options, including revegetation and road closures, that consider the types of offset, location, time lags, securement, technical and economic feasibility, and probability of success;
  - 8.16.3 field verified suitability mapping of areas to be prioritized for offsetting;
  - 8.16.4 if residual environmental effects cannot be fully offset with habitat-based measures, a description of non-habitat measures to be implemented by the Proponent and a description of how these measures will be implemented by the Proponent;
  - 8.16.5 a description of performance indicators to be used by the Proponent to evaluate the effectiveness of habitat-based and non-habitat-based compensation measures; and
  - 8.16.6 a description of the follow-up program the Proponent shall implement to determine the effectiveness of the mitigation measures included in the compensation plan. The Proponent shall apply conditions 2.4 to 2.7 when implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall conduct winter aerial surveys for caribou abundance and distribution within the Designated Project area every five years starting prior to construction and until the end of operation.
- 8.17 The Proponent shall, prior to the start of construction, conduct mineral lick surveys within the Designated Project area. If the results of the surveys indicate the presence of mineral licks outside the area disturbed by Designated Project components, the Proponent shall develop and implement, in consultation with Indigenous groups and relevant authorities, additional mitigation measures to maintain the mineral licks in their natural state.
- 8.18 The Proponent shall collect and preserve whitebark pine (*Pinus albicaulis*) cones within the Designated Project Area prior to vegetation clearing.
- 8.19 The Proponent shall, prior to construction, salvage and relocate whitebark pine (*Pinus albicaulis*) to undisturbed areas within the Designated Project area.

- 8.20 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, Environment and Climate Change Canada and other relevant authorities, plant species native to the area of the Designated Project to use for revegetation as part of progressive reclamation, including whitebark pine (*Pinus albicaulis*) and other conifers suitable to create habitat for southern mountain caribou (*Rangifer tarandus caribou*) and other species of interest to Indigenous groups. When conducting progressive reclamation, the Proponent shall use rust-resistant seedlings from cones collected pursuant to condition 8.18 and shall implement measures to support whitebark pine (*Pinus albicaulis*) growth and use by Clark's nutcracker (*Nucifraga columbiana*).
- 8.21 The Proponent shall maintain vegetation under the transmission line right of way to a minimum height of 1 meter from the ground except at the location of the tower bases, guy anchor points and along the transmission line access roads, or where not feasible for safety reasons.
- 8.22 The Proponent shall deposit woody debris on the surface of upland slopes, between rocks and parallel and perpendicular to the slope when undertaking vegetation maintenance under the transmission line pursuant to condition 8.21, to prevent predator access.
- 8.23 The Proponent shall develop, in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to the effects of changes caused by the Project on western toad (*Anaxyrus boreas*). As part of the follow-up program the Proponent shall:
- 8.23.1 conduct western toad surveys annually in breeding habitat identified pursuant to condition 8.7 from the start of construction until the end of decommissioning;
  - 8.23.2 monitor western toad (*Anaxyrus boreas*) in relocation areas for western toad (*Anaxyrus boreas*) salvage conducted pursuant to condition 8.8;
  - 8.23.3 monitor western toad (*Anaxyrus boreas*) mortality along project roads; and
  - 8.23.4 if the results of the monitoring referred to in condition 8.23.3 demonstrate that modified or additional mitigation measures are required, develop and implement modified or additional mitigation measures pursuant to condition 2.7. The Proponent shall submit these measures to the Agency before implementing them.
- 8.24 The Proponent shall develop, in consultation with Indigenous groups, and implement a follow-up program to monitor the little brown myotis (*Myotis lucifugus*) and northern myotis (*Myotis septentrionalis*) usage of buffer zones established pursuant to condition 8.11 and roosting structures installed and maintained by the proponent pursuant to condition 8.12 to determine the effectiveness of the mitigation measures. The Proponent shall implement the follow-up program during construction and operation.
- 8.25 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant authorities, develop a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to effects on whitebark pine (*Pinus albicaulis*). As part of the follow-up program, the Proponent shall:

- 8.25.1 conduct visual monitoring of populations of whitebark pine (*Pinus albicaulis*) and parent plant trees within reclaimed areas every five years;
- 8.25.2 monitor whitebark pine (*Pinus albicaulis*) health, using health indicators, including the presence of blister rust stems, branch cankers, foliar health, evidence of disease, abiotic or animal damage and parasite presence at a minimum every five years;
- 8.25.3 monitor use of the reclaimed areas by Clark's nutcracker (*Nucifraga columbiana*);
- 8.25.4 provide and maintain alternate natural seed sources for Clark's nutcracker (*Nucifraga columbiana*) during decommissioning and post-closure consistent with any applicable recovery strategy; and
- 8.25.5 if the results of the follow-up program demonstrate that modified or additional mitigation measures are required, as determined in condition 2.7, for the establishment of whitebark pine (*Pinus albicaulis*), the Proponent shall implement modified or additional mitigation measures.

## **9 Accidents and malfunctions**

- 9.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects. The measures taken by the Proponent shall include measures to prevent water treatment plant failures or shutdowns.
- 9.2 The Proponent shall, prior to construction, consult with Indigenous groups and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.
- 9.3 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;
  - 9.3.1 the types of accidents and malfunctions that may cause adverse environmental effects; and
  - 9.3.2 the measures to be implemented in response to each type of accident and malfunction referred to in condition 9.3.1 to mitigate any adverse environmental effects caused by the accident or malfunction, including response plans for water treatment plant failure or shutdown.
- 9.4 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 9.3.2 and shall:
  - 9.4.1 notify, as soon as possible, Indigenous groups 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:
    - 9.4.1.1 the date the accident or malfunction occurred;
    - 9.4.1.2 a summary description of the accident or malfunction; and

- 9.4.1.3 a list of any substances potentially released into the environment as a result of the accident or malfunction.
- 9.4.2 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:
  - 9.4.2.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
  - 9.4.2.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
  - 9.4.2.3 any view(s) from Indigenous groups 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;
  - 9.4.2.4 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
  - 9.4.2.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 9.3.
- 9.4.3 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 10.4.2. 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 9.4.2.3 were received by the Proponent.
- 9.5 The Proponent shall develop a communication plan in consultation with Indigenous groups. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up to date during all phases of the Designated Project. The plan shall include:
  - 9.5.1 the types of accidents and malfunctions requiring the Proponent to notify the respective Indigenous groups;
  - 9.5.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups to assist in the response to the accident or malfunction; and
  - 9.5.3 the contact information of the representatives of the Proponent that the Indigenous groups may contact and of the representatives of the respective Indigenous groups to which the Proponent provides notification.

## **10 Schedules**

- 10.1 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.

- 10.2 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.
- 10.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 10.1 and 10.2 every year no later than March 31, until completion of all activities referred to in each schedule.
- 10.4 The Proponent shall provide to the Agency revised schedules if any change is made to the initial schedules referred to in condition 10.1 and 10.2 or to any subsequent update(s) referred to in condition 10.3, upon revision of the schedules.
- 10.5 The Proponent shall provide Indigenous groups with the schedules referred to in conditions 10.1 and 10.2 and the updates or revisions to the initial schedules pursuant to condition 10.3 and 10.4 at the same time the Proponent provides these documents to the Agency.

## **11 Record keeping**

- 11.1 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 decommissioning of the Designated Project. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 11.2 The Proponent shall retain all records referred to in condition 11.1 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.
- 11.3 The Proponent shall notify the Agency of change(s) to the contact information of the Proponent.