

**Decision Statement**  
**Reissued under Section 54 of the *Canadian Environmental Assessment Act, 2012***

to  
Saskatchewan Power Corporation  
c/o Mark Peters, Director, Supply Development

2025 Victoria Avenue  
Regina, Saskatchewan  
S4P 0S1

for the  
**Tazi Twé Hydroelectric Project**

**Description of the Designated Project**

Saskatchewan Power Corporation (the Proponent) is proposing the construction, operation, decommissioning and abandonment of a 50 megawatt water diversion type electrical generating station at Elizabeth Falls. The proposed project would be located adjacent to the Fond du Lac River between Black Lake and Middle Lake, on Black Lake Denesuline First Nation reserve land Chicken 224 in northern Saskatchewan. The proposed project would involve the construction and operation of a water intake, a power tunnel, a powerhouse, a tail race, a submerged weir, a construction camp, a bridge, and access roads.

**Conduct of the environmental assessment**

The Canadian Environmental Assessment Agency (the Agency) conducted an environmental assessment of the Designated Project in accordance with the requirements of the *Canadian Environmental Assessment Act, 2012*. The Agency commenced the environmental assessment on March 1, 2013 and submitted its report to the Minister of the Environment.

**Decision on environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012***

In accordance with paragraph 52(1)(a) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures considered appropriate, the Minister determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012* on July 31, 2015.

In accordance with subsection 53(1) of the *Canadian Environmental Assessment Act, 2012*, the Minister established the conditions below in relation to the environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

## **Decision on environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012***

Carrying out of the Designated Project may require the following federal authorities to exercise a power or perform a duty or function conferred on them under an Act of Parliament other than the *Canadian Environmental Assessment Act, 2012*:

- The Minister of Fisheries and Oceans may issue an authorization under paragraph 35(2)(b) of the *Fisheries Act*;
- The Minister of Transport may approve works in and about navigable waters under subsection 6(1) of the *Navigation Protection Act* and may permit ancillary works under subsection 9(1) thereof;
- The Minister of Natural Resources may issue a licence under subsection 7(1) of the *Explosives Act*; and
- The Minister of Indian and Northern Affairs may issue a lease and project approval to occupy and use federal lands administered by Aboriginal Affairs and Northern Development Canada.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that were considered appropriate, the Minister determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(2) of the *Canadian Environmental Assessment Act, 2012*, the Minister established the conditions below in relation to the environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

### **Reissuance of the Decision Statement**

In reissuing this decision statement, I am establishing a corrected Condition 3.4 to permit the operation of the bypass conduit during planned and unplanned shutdowns at the flow rate that was considered during the environmental assessment.

### **1 Definitions**

- 1.1 *Aboriginal Affairs and Northern Development Canada* means the Department of Indian Affairs and Northern Development as established under subsection 2(1) of the *Department of Indian Affairs and Northern Development Act*.
- 1.2 *Aboriginal groups* means the Black Lake Denesuline First Nation, Fond du Lac Denesuline First Nation, Hatchet Lake Denesuline First Nation and Métis Local Stony Rapids #80.
- 1.3 *Agency* means the Canadian Environmental Assessment Agency.
- 1.4 *Baseline* means the environmental conditions immediately prior to initiating construction of the Designated Project.

- 1.5 *Construction* means the phase of the Designated Project during which physical activities in connection with site preparation, building or installation of any component of the Designated Project are undertaken by the Proponent prior to operation.
- 1.6 *Days* means calendar days.
- 1.7 *Decommissioning* means the phase of the Designated Project where the Proponent has permanently ceased commercial production and has commenced actions to remove from service any component of the Designated Project, and continues these actions until site restoration activities are complete.
- 1.8 *Designated Project* means the construction, operation, decommissioning and abandonment of the Tazi Twé Hydroelectric Project as described in documents provided by the Proponent to support the environmental assessment under the *Canadian Environmental Assessment Act, 2012* (Canadian Environmental Assessment Registry Reference Number 80031), which includes, among other things, access and construction roads, a bridge over the Fond du Lac River, a submerged weir, a powerhouse and associated infrastructure, settling ponds or water treatment areas, waste rock disposal areas, a construction camp and granular borrow sources.
- 1.9 *Discharge point* means the location through which wastewater is discharged into the Fond du Lac River.
- 1.10 *Environment Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.11 *Fish* means fish as defined in subsection 2(1) of the *Fisheries Act*.
- 1.12 *Fish habitat* means fish habitat as defined in subsection 2(1) of the *Fisheries Act*.
- 1.13 *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*.
- 1.14 *Follow-up program* means follow-up program as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.15 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.16 *Migratory bird* means migratory bird as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.17 *Mitigation measures* means mitigation measures as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.18 *Operation* means the phase of the Designated Project during which the commercial production takes place.

- 1.19 *Progressive reclamation* means a planned approach carried out concurrently with Designated Project activities aimed at progressively returning any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.20 *Project area* means the geographic area occupied by the Designated Project.
- 1.21 *Project footprint* means the land area physically disturbed by activities related to the Designated Project.
- 1.22 *Proponent* means Saskatchewan Power Corporation and its successors or assigns.
- 1.23 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, may be relied on to provide advice within his or her area of expertise.
- 1.24 *Reporting year* means July 1 of a calendar year through June 30 of the subsequent calendar year.
- 1.25 *Species at risk* means species at risk as defined in subsection 2(1) of the *Species at Risk Act*.
- 1.26 *Structure, site or thing that is of historical, archaeological, paleontological or architectural significance* means one that is determined, on the basis of heritage value, to be directly associated with an important aspect or aspects of human history or culture.
- 1.27 *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 and is comprised of five classes: fen, bog, marsh, swamp and shallow open water wetlands (includes open water areas less than two metres deep with wetland characteristics).
- 1.28 *Wetland functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, fish and wildlife habitat, organic carbon storage, water supply and purification (groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as traditional use, tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

## **Conditions**

These conditions are 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 legal requirements of federal, provincial or local governments. Nothing in this Decision Statement shall be construed as reducing, increasing, or otherwise affecting what may be required to comply with all applicable legislative or legal requirements.

### **2 General conditions**

- 2.1 The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this Decision Statement are informed by the best available information and knowledge, including community and Aboriginal traditional knowledge, are based on validated methods and models, are undertaken by qualified individuals and have applied the best available economically and technologically feasible mitigation measures.
- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
  - 2.2.1 provide a written notice of the opportunity for the party or parties being consulted to present their views on the subject of the consultation;
  - 2.2.2 provide sufficient information and a reasonable period of time to permit the party or parties being consulted to prepare their views;
  - 2.2.3 provide a full and impartial consideration of any views presented by the party or parties being consulted; and
  - 2.2.4 advise the party or parties that have provided comments on how the views and information received have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with Aboriginal groups is a requirement of a condition set out in this Decision Statement, and prior to initiating that consultation, communicate with each Aboriginal group to determine the manner by which to satisfy the consultation requirements referred to in condition 2.2.
- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
  - 2.4.1 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);
  - 2.4.2 determine whether additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.4.1; and
  - 2.4.3 if additional mitigation measures are required pursuant to condition 2.4.2, implement and monitor these additional mitigation measures pursuant to condition 2.4.1.

- 2.5 The Proponent shall, from the reporting year where construction starts, submit to the Agency an annual report, including an executive summary of the annual report in both official languages. The annual report shall be submitted by the Proponent no later than October 31 following the reporting year. The Proponent shall document in the annual report:
- 2.5.1 implementation activities undertaken in the reporting year for each of the conditions set out in this Decision Statement;
  - 2.5.2 how it met condition 2.1 in the implementation of the conditions set out in this Decision Statement;
  - 2.5.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent has considered any views and information that the Proponent received during or as a result of the consultation;
  - 2.5.4 the results of the follow-up program requirements identified in conditions 3.14, 5.4, 5.5 and 6.8; and
  - 2.5.5 any additional mitigation measures implemented or proposed by the Proponent, as determined under condition 2.4.
- 2.6 The Proponent shall publish on the Internet, or any similar medium, the annual report and the executive summary referred to in condition 2.5, any plan to offset the loss of fish and fish habitat referred to in condition 3.11, the wetland compensation plan referred to in condition 6.3, and the implementation schedule and any updates or revisions to that schedule referred to in condition 10, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for twenty-five years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first.
- 2.7 The Proponent shall notify the Agency in writing no later than 60 days after the day on which there is a transfer of ownership, care, control or management of the Designated Project in whole or in part.
- 2.8 In the event that another party becomes the Proponent of the Designated Project, it is bound by the conditions set out in this Decision Statement.

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

- 3.1 The Proponent shall design and install a submerged weir to maintain water levels in Black Lake within the historical range and to maintain safe fish passage in the Fond du Lac River in the vicinity of the weir.
- 3.2 The Proponent shall maintain a minimum flow of 40 cubic metres per second at all times in the Fond du Lac River. In addition, the Proponent shall implement a spring spawning trigger flow of 70 cubic metres per second timed to match the natural increase in flow in the Fond du Lac River between Black Lake and Middle Lake during spring fish spawning periods.
- 3.3 The Proponent shall monitor water flows within the Fond du Lac River between Black Lake and Middle Lake in accordance with condition 3.2 until the end of operation.

- 3.4 The Proponent shall, during planned and unplanned shutdowns of the power generation facility that exceed 15 minutes during fish spawning and rearing periods, as well as during winter low flow periods, activate the bypass conduit to maintain flows in the Fond du Lac River downstream of the tailrace outlet.
- 3.5 The Proponent shall comply with subsection 36(3) of the *Fisheries Act* during all phases of the Designated Project.
- 3.6 The Proponent shall apply, for receiving water quality, the Canadian Council of Ministers of the Environment's *Water Quality Guidelines for the protection of aquatic life* and the Saskatchewan's *Surface Water Quality Objectives for the protection of aquatic life* at a location between 100 and 150 metres downstream of any discharge point(s).
- 3.7 The Proponent shall implement mitigation measures including:
  - 3.7.1 collecting and treating wastewater prior to discharge, including by designing and constructing settling ponds or water treatment areas;
  - 3.7.2 undertaking sampling and testing of construction generated waste rock for acid rock drainage potential and metal leaching potential, and uranium mineralization consistent with the *Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials* of the Mine Environment Neutral Drainage Program; and
  - 3.7.3 in a separate settling pond system or water treatment area and prior to discharge, collecting and treating wastewater run-off from waste rock storage piles that have acid rock drainage potential or metal leaching potential or uranium mineralization.
- 3.8 The Proponent shall protect fish and fish habitat during all phases of the Designated Project to avoid causing harm to fish and fish habitat, including when using explosives, or conducting activities in or around water frequented by fish.
- 3.9 The Proponent shall locate and construct in-water works in areas that avoid fish habitat used during sensitive life stages in the Black Lake and in the Fond du Lac River between Black Lake and Middle Lake.
- 3.10 The Proponent shall design, construct and install the water intake structure to minimize entrainment and impingement of deep water fish species.
- 3.11 The Proponent shall, in consultation with Fisheries and Oceans Canada, develop and implement a plan to offset the loss of fish and fish habitat associated with the carrying out of the Designated Project.
- 3.12 For any fish habitat offsets area proposed in any offsetting plan under condition 3.11, and prior to submitting the offsetting plan to Fisheries and Oceans Canada, the Proponent shall determine whether there are adverse effects:
  - 3.12.1 on migratory birds and their habitats;
  - 3.12.2 on terrestrial species, including amphibians and reptiles, and their habitats;
  - 3.12.3 on species at risk and their habitats;

- 3.12.4 on the current use of lands and resources for traditional purposes by Aboriginal peoples;
  - 3.12.5 on physical and cultural heritage and any structure, site or thing that is of historical, archaeological, paleontological or architectural significance to Aboriginal peoples; and
  - 3.12.6 from potential sources of contamination (e.g. acid rock drainage, metal leaching and uranium mineralization).
- 3.13 The Proponent shall, if there are adverse effects on any of the elements set out in condition 3.12, avoid or lessen those adverse effects.
- 3.14 The Proponent shall develop and implement a water quality and quantity, and fish and fish habitat follow-up program. The follow-up program shall include:
- 3.14.1 determining the effectiveness of effluent mitigation measures in managing effluent quality and effects on the receiving environment;
  - 3.14.2 monitoring water quality at discharge point(s) to verify the accuracy of water quality predictions in the environmental assessment;
  - 3.14.3 monitoring water quality in the Fond du Lac River at a location between 100 and 150 metres downstream of any discharge point(s) during construction and in years one, two, three, five, and every five years thereafter, of operation to verify the accuracy of water quality predictions in the environmental assessment;
  - 3.14.4 monitoring the formation of, and effects of ice, including frazil ice, anchor ice and surface ice, in the Fond du Lac River between Black Lake and Middle Lake to verify the accuracy of predictions in the environmental assessment;
  - 3.14.5 monitoring the number and the species of fish injured or killed from entrainment or impingement at the water intake to determine the effectiveness of mitigation measures taken to comply with condition 3.10; and
  - 3.14.6 monitoring of Arctic grayling (*Thymallus arcticus*) populations in the Fond du Lac River between Black Lake and Middle Lake to verify the accuracy of predictions in the environmental assessment and to determine the effectiveness of effluent mitigation measures.

#### **4 Migratory birds and species at risk**

- 4.1 The Proponent shall carry out all phases of 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 Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.

#### **5 Wildlife**

- 5.1 The Proponent shall route and construct the access and construction roads along existing trails in a manner that minimizes new linear disturbance, to the greatest extent possible.



- 5.2 The Proponent shall impose a speed limit to minimize the risk of mortality of ungulates and furbearers on the access and construction roads.
- 5.3 The Proponent shall construct gaps in snow windrows large enough to provide passage for ungulates and furbearers.
- 5.4 The Proponent shall develop and implement a follow-up program to monitor mortality of ungulates and furbearers along the access and construction roads, to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures.
- 5.5 The Proponent shall, following consultation with Aboriginal groups and prior to construction, develop and implement a follow-up program to verify the accuracy of the environmental assessment with respect to impacts of the Designated Project on boreal woodland caribou (*Rangifer tarandus caribou*) and barren-ground caribou (*Rangifer tarandus groenlandicus*). The follow-up program shall include a community-based monitoring component. The follow-up program must be initiated prior to construction and continued for the first five years of operation.

## **6 Wetlands and vegetation**

- 6.1 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 effects on wetlands and for minimizing the effects on wetlands over compensating for lost or affected wetlands.
- 6.2 The Proponent shall, in order to minimize effects on wetland functions for the wetlands adjacent to the project footprint, implement a 50-metre buffer around the wetlands prior to construction.
- 6.3 The Proponent shall, for effects on wetlands that cannot be avoided or minimized, set out mitigation measures in a wetland compensation plan which shall be developed in consultation with Aboriginal Affairs and Northern Development Canada and Aboriginal groups and shall take into consideration Canada's *Federal Policy on Wetland Conservation* and Environment Canada's *Operational Framework for Use of Conservation Allowances*. The mitigation measures to be set out in the wetland compensation plan shall include:
  - 6.3.1 implementing a 2:1 ratio of compensation area to loss of wetland area;
  - 6.3.2 identifying sites to compensate for lost wetlands as close to the Designated Project as possible and reflecting similar wetland types and functions to those wetlands that are lost;
  - 6.3.3 a preference for wetland restoration over wetland enhancement, and wetland enhancement over wetland creation; and
  - 6.3.4 inclusion of traditional use plants in the compensation sites referred to in condition 6.3.2 and providing access to those sites to Aboriginal people for the purposes of gathering traditional use plants.
- 6.4 The Proponent shall implement, to the satisfaction of the Aboriginal Affairs and Northern Development Canada, the wetland compensation plan referred to in condition 6.3 within five years of the date of the start of construction.

- 6.5 The Proponent shall conduct a pre-construction survey for provincially listed plant species under the *Saskatchewan Wildlife Act, 1998* and implement mitigation measures to reduce effects to these species following consultation with the Saskatchewan Ministry of Environment.
- 6.6 The Proponent shall conduct a pre-construction survey for traditional use plants and implement mitigation measures to manage effects on these plants following consultation with Aboriginal groups.
- 6.7 The Proponent shall, as early as practical and throughout all phases of the Designated Project, undertake progressive reclamation, including by:
- 6.7.1 separating and stockpiling removed organic-rich material during construction for use to support revegetation and other reclamation activities;
  - 6.7.2 removing construction materials and infrastructure no longer needed; and
  - 6.7.3 planting native plant species in reclamation areas.
- 6.8 The Proponent shall develop and implement a follow-up program to monitor wetlands and wetland functions, as well as vegetation, to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures. The follow-up program shall include:
- 6.8.1 conducting pre- and post-construction monitoring of the wetlands mentioned in condition 6.2 to detect unanticipated loss of wetland functions;
  - 6.8.2 monitoring the compensatory wetland sites established under condition 6.3 in years one, three, five, ten and twenty following the establishment of the compensatory wetland sites, or until wetland functions are attained by the compensatory wetland habitats, whichever comes first; and
  - 6.8.3 assessing the effectiveness of the progressive reclamation established under condition 6.7, including the establishment of native plant species.

## **7 Current use of lands and resources for traditional purposes and socio-economic conditions**

- 7.1 The Proponent shall develop and implement, in consultation with Aboriginal groups, a communication plan no later than 30 days prior to construction. The communication plan shall include means for Aboriginal groups to:
- 7.1.1 receive the implementation schedule and any updates and revisions to that schedule as stated in condition 10 at the same time as the Proponent provides the schedule to the Agency;
  - 7.1.2 be notified of public safety issues, including those referred to in conditions 7.2 and 7.3; and
  - 7.1.3 obtain the results of the follow-up program for boreal woodland caribou (*Rangifer tarandus caribou*) and barren-ground caribou (*Rangifer tarandus groenlandicus*) required in condition 5.5, the results of the pre-construction survey for traditional use plants

referred to in condition 6.6 and the results of the monitoring of the progressive reclamation under condition 6.8.3.

- 7.2 The Proponent shall install and maintain safety features such as boat barriers, safety booms, warning buoys and signage, in front of the submerged weir and the water intake, as well as at the tailrace channel outlet into the Fond du Lac River to notify land and water users of hazardous areas, including sections of unsafe ice conditions. The safety features shall meet or exceed the Canadian Dam Association's *Dam Safety Guidelines* and *Guidelines for Public Safety Around Dams* during all phases of the Designated Project.
- 7.3 The Proponent shall mark unsafe travel routes in areas on Black Lake and Middle Lake affected by the Designated Project during the ice-covered season during all phases of the Designated Project.
- 7.4 The Proponent shall, in consultation with Aboriginal groups, provide access to Aboriginal groups to the project area during all phases of the Designated Project to carry out traditional practices, to the extent that such access is safe.
- 7.5 The Proponent shall, following consultation with Black Lake Denesuline First Nation prior to construction, choose an access road route to avoid sensory disturbance to any known Aboriginal cultural camps.
- 7.6 The Proponent shall, prior to undertaking construction activities that may affect existing cultural camps, consult with Black Lake Denesuline First Nation on suitable alternate locations for the cultural camps.
- 7.7 The Proponent shall, following consultation with Aboriginal groups and the Northern Hamlet of Stony Rapids, develop and implement a policy prohibiting any hunting, fishing, trapping and harvesting within the project area by the Proponent's employees and contractors hired by the Proponent unless an employee or a contractor is provided access for traditional purposes or for exercising Aboriginal or treaty rights, to the extent that such access is safe.
- 7.8 The Proponent shall, following consultation with Aboriginal groups, establish and maintain alternate portage routes for any existing portage routes impacted by the Designated Project.

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

- 8.1 The Proponent shall, in consultation with Aboriginal groups, for all phases of the Designated Project avoid the historic Denesuline cemetery.
- 8.2 In the event that archaeological remains or artefacts are discovered by the Proponent in the project area, the Proponent shall:
  - 8.2.1 halt work at the location of the discovery;
  - 8.2.2 have a qualified individual conduct an assessment at the location of the discovery;
  - 8.2.3 consult with Aboriginal groups on the discovery; and

- 8.2.4 comply with any legislative or legal requirements respecting the discovery of archaeological remains or artefacts.

## **9 Accidents or malfunctions**

- 9.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and shall implement emergency response procedures and contingencies developed in relation to the Designated Project.
- 9.2 The Proponent shall, prior to construction, consult with Aboriginal groups to identify potential accidents and malfunctions that may result in an adverse environmental effect, and the measures to be applied to prevent such accidents and malfunctions.
- 9.3 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall:
  - 9.3.1 notify relevant federal and provincial authorities, including notifying the Agency in writing of the accident or malfunction as soon as possible in the circumstances;
  - 9.3.2 implement immediate measures to minimize any adverse environmental effects associated with the accident or malfunction;
  - 9.3.3 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction took place. The written report shall include:
    - 9.3.3.1 a description of the accident or malfunction and of its adverse environmental effects;
    - 9.3.3.2 the measures that were taken by the Proponent to mitigate the adverse environmental effects of the accident or malfunction;
    - 9.3.3.3 a description of any residual environmental effects, and any additional measures required to address residual environmental effects; and
    - 9.3.3.4 if an emergency response plan was implemented, details concerning its implementation;
  - 9.3.4 no later than 90 days after the day on which the accident or malfunction took place, submit a written report to the Agency on the changes made to avoid a subsequent occurrence of the accident or malfunction, and on the implementation of any additional measures to mitigate residual environmental effects.
- 9.4 The Proponent shall develop and implement a communication plan in consultation with Aboriginal groups that shall include:
  - 9.4.1 the types of accidents or malfunctions requiring a notification by the Proponent to the respective Aboriginal groups;
  - 9.4.2 the manner by which Aboriginal groups shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Aboriginal groups to assist in the response to the accident or malfunction; and

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

## **10 Implementation schedule**

- 10.1 The Proponent shall submit an implementation schedule for conditions contained in this Decision Statement to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, at least 30 days prior to construction. The implementation schedule shall indicate the commencement and completion dates for each activity relating to conditions set out in this Decision Statement.
- 10.2 The Proponent shall submit an update to this implementation schedule in writing to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, every two years on or before October 31, until completion of the activities.
- 10.3 The Proponent shall provide the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, with a revised implementation schedule if any material change occurs from the initial schedule or any subsequent updates. The Proponent shall provide the revised implementation schedule at least 30 days prior to the implementation of the change.

## **11 Record keeping**

- 11.1 The Proponent shall maintain a written record, or a record in an electronic format compatible with that used by the Agency, and retain and make available that record to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, at a facility close to the Designated Project (local facility). The record shall include information related to the implementation of the conditions set out in this Decision Statement, and the results of all associated monitoring, including:
- 11.1.1 the place, date and time of any sampling, as well as techniques, methods or procedures used;
  - 11.1.2 the dates and the analyses that were performed;
  - 11.1.3 the analytical techniques, methods or procedures used in the analyses;
  - 11.1.4 the names of the persons who collected and analyzed each sample and documentation of any professional certifications relevant to the work performed that they might possess; and
  - 11.1.5 the results of the analyses.
- 11.2 The Proponent shall retain and make available upon demand to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, the information referred to in condition 11.1 at a facility close to the Designated Project (or at a location within Canada and agreed upon by the Agency, should the local facility no longer be maintained).

The information shall be retained and made available throughout construction and operation, and for twenty-five years following the end of operations or until the end of decommissioning of the Designated Project, whichever comes first.

**Issuance**

This Decision Statement is issued in Ottawa, Ontario by:

<Original signed by>

December 17, 2015

\_\_\_\_\_  
**The Honourable Catherine McKenna**  
Minister of the Environment

\_\_\_\_\_  
Date