

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

The Canadian Environmental Assessment Agency is contemplating the following potential conditions in relation to the Akasaba West Copper-Gold Mine Project (the Designated Project) located in Quebec 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.
- 1.3 *Construction* means the phase of the Designated Project during which site preparation, building or installation of any components of the Designated Project is undertaken by the Proponent.
- 1.4 *Contact water* means water which has come into contact with any mine site components.
- 1.5 *Days* means calendar days.
- 1.6 *Decommissioning* means the phase of the Designated Project during which the Proponent has commenced removal from service of any components of the Designated Project, and that continues until the site is restored.
- 1.7 *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*.
- 1.8 *Designated Project* means the Akasaba West Copper-Gold Mine 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 80090).
- 1.9 *Effluent* means “effluent” as defined in subsection 1(1) of the *Metal Mining Effluent Regulations*.
- 1.10 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.11 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.

- 1.12 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *First Nations* means the following Aboriginal Peoples: the Nation Anishnabe du Lac Simon and the Nation Anicinapek de Kitcisakik.
- 1.14 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.16 *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*.
- 1.17 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.18 *Heritage value* means the aesthetic, historic, scientific, cultural, social, or spiritual importance or significance for past, present, or future generations.
- 1.19 *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*.
- 1.20 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.21 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.22 *Operation* means the phase of the Designated Project during which the commercial production takes place, including periods during which commercial production temporarily ceases.
- 1.23 *Progressive reclamation* means reclamation which is carried out 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.
- 1.24 *Proponent* means Agnico Eagle Mines Limited and its successors or assigns.
- 1.25 *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.
- 1.26 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.27 *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.

- 1.28 *Reporting year* means April 1 of a calendar year through March 31 of the subsequent calendar year.
- 1.29 *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 directly associated with an important aspect of the history or culture of the people of Canada, including First Nations.
- 1.30 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.31 *Wetland* means “wetland” as defined in the *Federal Policy on Wetland Conservation*.
- 1.32 *Wetlands functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g. groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

Potential Conditions

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

2 General conditions

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge available at the time the Proponent takes action, including community and Indigenous traditional knowledge, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, and have applied the best available economically and technically feasible technologies.
- 2.2 The Proponent shall, 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 sufficient information on the scope and the subject matter of the consultation and at least 30 days to permit the party or parties being consulted to prepare their views and information;
 - 2.2.3 provide a full and impartial consideration of any 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 their views and information have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with First Nations is a requirement of a condition set out in this document, communicate with each First Nation with respect to the manner by which to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information, 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, the period of time to advise First Nations of how their views and information were considered by the Proponent and the means by which First Nations will be advised.
- 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, the following information in consultation with First Nations and relevant authorities:
 - 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 follow-up results;
 - 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 shows that the levels of environmental change referred to in condition 2.4.3 are reached or exceeded.
- 2.5 The Proponent shall submit the information referred to in condition 2.4 to the Agency prior to the implementation of each follow-up program. The Proponent shall update that information in consultation with First Nations and relevant authorities during the implementation of each follow-up program, and shall provide the updated information to the Agency, First Nations, and relevant authorities within 30 days of the information being updated.
- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
 - 2.6.1 conduct the follow-up program according to the information determined pursuant to condition 2.4;
 - 2.6.2 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);
 - 2.6.3 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.6.2; and
 - 2.6.4 if modified or additional mitigation measures are required pursuant to condition 2.6.3, develop and implement the modified or additional mitigation measures in a timely manner and monitor them pursuant to condition 2.6.2.

- 2.7 Where consultation with First Nations is a requirement of a follow-up program, the Proponent shall discuss with each First Nation opportunities for the participation of that First Nation 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 2.6.
- 2.8 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:
- 2.8.1 the activities undertaken in the reporting year to comply with each of the conditions set out in this document;
 - 2.8.2 how the Proponent complied with condition 2.1;
 - 2.8.3 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;
 - 2.8.4 the information referred to in conditions 2.4 and 2.5 for each follow-up program;
 - 2.8.5 the results of the follow-up program requirements identified in conditions 3.10, 3.11, 3.12, 4.3, 5.4, 5.5, 6.7 and 6.10; and
 - 2.8.6 any modified or additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.6.
- 2.9 The Proponent shall submit to the Agency the annual report referred to in condition 2.8, including an executive summary in both official languages, no later than June 30 following the reporting year to which the annual report applies.
- 2.10 The Proponent shall publish on an electronic medium which is widely publicly available the annual reports and the executive summaries referred to in conditions 2.8 and 2.9, the communication plan referred to in condition 5.1, the reports related to accidents and malfunctions referred to in conditions 8.4.3 and 8.4.4, the communication plan referred to in condition 8.5, the schedules referred to in conditions 9.1 and 9.2, 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 and make them publicly available for 15 years following publication. The Proponent shall notify the Agency, First Nations and relevant authorities of the availability of these documents within 48 hours of their publication.
- 2.11 The Proponent shall notify the Agency and First Nations in writing no later than 30 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.
- 2.12 The Proponent shall consult with First Nations prior to initiating any changes 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).
- 2.13 In notifying the Agency pursuant to condition 2.12, the Proponent shall provide the Agency with a description of the potential adverse environmental effects of the change(s) to the Designated

Project, the mitigation measures and follow-up requirements proposed to be implemented by the Proponent and the results of the consultation with First Nations.

3 Fish and fish habitat

- 3.1 The Proponent shall implement measures to control erosion and sedimentation in the Designated Project area, including at the waste rock and overburden piles, the ore storage area, the water management infrastructures, along the access road and at the locations of the culvert and associated physical works and of the final effluent discharge in water body 3, to avoid the deposit of deleterious substances in water frequented by fish. The Proponent has a qualified individual as it pertains to sedimentation and erosion control designs the measures. The Proponent shall implement and maintain the measures under the supervision of the qualified individual during all phases of the Designated Project. In doing so, the Proponent shall:
 - 3.1.1 maintain a 60-metres buffer of undisturbed vegetation on both sides of any water body, except at the location of the culvert and associated physical works for the crossing of watercourse 3; and
 - 3.1.2 vegetate the slopes of waste rock and overburden piles at the end of the heap-up to stabilize them.
- 3.2 The Proponent shall install the culvert and associated physical works for the crossing of watercourse 3 in accordance with Fisheries and Oceans Canada's *Guidelines for Watercourse Crossings in Quebec* to ensure the free passage of fish at the watercourse crossing.
- 3.3 The Proponent shall not conduct any in-water construction activities outside of the timing windows for carrying out work in fish habitat defined for the region of the Designated Project for brook trout (*Salvelinus fontinalis*) in Fisheries and Oceans Canada's *Timing Windows for Carrying out Work in Fish Habitat According to Quebec Administrative Regions*, unless otherwise authorised by Fisheries and Oceans Canada.
- 3.4 During the installation of the culvert and associated physical works for the crossing of watercourse 3, the Proponent shall use machinery required for this installation in accordance with Fisheries and Oceans Canada's *Measures to avoid causing harm to fish and fish habitat including aquatic species at risk*.
- 3.5 The Proponent shall not deposit any debris in watercourses that may cause adverse environmental effects on fish and fish habitat during all phases of the Designated Project.
- 3.6 The Proponent shall comply with the requirements of the *Metal Mining Effluent Regulations* and the pollution prevention dispositions of the *Fisheries Act* as it pertains to the deposit of effluent from the Designated Project in water frequented by fish. In doing so, the Proponent shall:
 - 3.6.1 use emulsion explosives with low dissolution capacity or any other type of explosives with equivalent or lesser dissolution capacity for nitrate and ammonia in pit water;
 - 3.6.2 collect and direct contact water to a storage basin and treat it if required to meet the requirements of the *Metal Mining Effluent Regulations* and of subsection 36(3) of the

Fisheries Act before it is deposited in water frequented by fish at the location of the final effluent discharge; and

- 3.6.3 collect and direct groundwater from dewatering wells located around the perimeter of the pit to a polishing basin and treat them if required to meet the requirements of the *Metal Mining Effluent Regulations* and of subsection 36(3) of the *Fisheries Act* before they are deposited in water frequented by fish at the location of the final effluent discharge.
- 3.7 The Proponent shall restore the bed and banks of watercourses affected by the Designated Project at their initial state in accordance with Fisheries and Oceans Canada's *Measures to avoid causing harm to fish and fish habitat including aquatic species at risk*, as soon as construction activities end.
- 3.8 The Proponent shall restore, in consultation with relevant authorities, the storage and polishing basins at the end of operation and in accordance with the requirements of the *Metal Mining Effluent Regulations* and the pollution prevention dispositions of the *Fisheries Act*.
- 3.9 The Proponent shall implement measures during the decommissioning of the Designated Project to avoid acid mine drainage from potentially acid-generating waste rock stockpiles into the aquatic environment. The Proponent shall maintain these measures throughout decommissioning.
- 3.10 The Proponent shall develop, in consultation with relevant authorities and prior to operation, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the geochemical characterization of mined materials and the adverse effects associated with the management of mined materials on surface and groundwater water quality. The Proponent shall implement the follow-up program throughout operation.
- 3.11 The Proponent shall develop, prior to construction and in consultation with First Nations 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 acid drainage from potentially acid-generating waste rock stockpiles into the aquatic environment. The Proponent shall implement the follow-up program throughout decommissioning and for a minimum of 15 years after decommissioning ends.
- 3.12 The Proponent shall develop, prior to construction and in consultation with First Nations 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 adverse environmental effects on fish and fish habitat caused by change in water quality. The Proponent shall implement the follow-up program during all phases of the Designated Project, including the requirements of the *Metal Mining Effluent Regulations*.

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 develop, taking into account Environment and Climate Change Canada's *Avoidance Guidelines*, a migratory birds management plan which

includes mitigation measures. The Proponent's actions when implementing the migratory birds management plan shall be in compliance with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.

- 4.2 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects of water table drawdown on wetlands that support migratory birds. The Proponent shall implement the follow-up program during construction, operation and until the pit is fully flooded. If the results of the follow-up program demonstrate that water table drawdown cause the loss of wetland functions that support migratory birds, the Proponent shall implement modified or additional mitigation measures as per condition 2.6.
- 4.3 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to determine the effectiveness of the mitigation measures implemented by the Proponent in the Designated Project area to avoid harm to migratory birds, their eggs and nests, including the mitigation measures used to comply with condition 4.1. The Proponent shall implement the follow-up program during all phases of the Designated Project.

5 Human health

- 5.1 The Proponent shall develop, prior to construction, a communication plan to share information about the Designated Project with First Nations. The Proponent shall develop and implement the plan in consultation with First Nations and shall maintain it up to date during all phases of the Designated Project. The communication plan shall include the types of activities (including blasting) requiring notifications to First Nations, as well as the timing of these notifications, which shall include the location and scheduling of each activity.
- 5.2 The Proponent shall develop, prior to construction and in consultation with First Nations, 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 all phases of the Designated Project.
- 5.3 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, measures to attenuate emissions of dust generated by the Designated Project that take into account the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and the Quebec's *Règlement sur l'assainissement de l'atmosphère*. In doing so, the Proponent shall:
 - 5.3.1 use dust suppressants for all activities that may generate dust;
 - 5.3.2 undertake crushing activities in a location that is covered and closed; and
 - 5.3.3 establish a speed limit of 40 kilometres/hour on all roads located within the property limits of the Designated Project and require that any person abide by this speed limit.

- 5.4 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the accuracy of the mitigation measures as it pertains to the adverse effects on the health of First Nations as a result of changes to air quality. The follow-up program shall include:
- 5.4.1 monitoring, during construction and operation, air quality for total suspended particulates, metals (including lead, arsenic, nickel, mercury, cadmium, chromium, copper, zinc and selenium) and dustfall at sites located upwind and downwind of the active mine area and at a control site not expected to be influenced by activities of the Designated Project and not influenced by predominant winds, using as benchmarks the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and the Quebec's *Règlement sur l'assainissement de l'atmosphère*;
 - 5.4.2 notifying the Agency in writing within 24 hours of any exceedance(s) observed by the Proponent of the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and the Quebec's *Règlement sur l'assainissement de l'atmosphère*; and
 - 5.4.3 implementing modified or additional mitigation measures pursuant to condition 2.6 which shall include, at a minimum, decreasing the frequency or intensity of mining activities if the results of the follow-up program demonstrate exceedance(s) of the standards and criteria set out in the Canadian Council of Ministers of the Environment's *Canadian Ambient Air Quality Standards* and the Quebec's *Règlement sur l'assainissement de l'atmosphère*.
- 5.5 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the adverse effects on human health of the contamination of the vegetation that may be consumed for medicinal or food purposes by First Nations. As part of the follow-up program, the Proponent shall monitor concentrations of arsenic, chromium, copper, mercury, nickel, lead, cadmium, selenium and zinc in vegetation, including blueberry (*Vaccinium spp.*), Labrador tea (*Rhododendron groenlandicum*) and birch (*Betula papyrifera*), located in areas adjacent to the Designated Project and within the direction axis of dominant winds. The Proponent shall undertake the monitoring during operation and decommissioning. If the results of the follow-up program demonstrate that concentrations of metals in vegetation are higher than those identified by the Proponent in the *État de référence des concentrations en métaux dans les végétaux* (April 2017) submitted in response to information requirement ACEE3-9, the Proponent shall:
- 5.5.1 undertake a human health risk assessment for the consumption of vegetation exposed to these metals in consultation with First Nations and relevant authorities and shall develop and implement modified or additional mitigation measures pursuant to condition 2.6; and
 - 5.5.2 determine, in consultation with First Nations and relevant authorities, if additional monitoring must be implemented after the end of decommissioning.

- 5.6 The Proponent shall develop, in consultation with First Nations, a communication plan to share the results of the follow-up programs referred to in conditions 5.4 and 5.5 and the modified or additional mitigation measures developed and implemented by the Proponent pursuant to condition 2.6. The Proponent shall develop the communication plan prior to construction and shall implement and maintain it up to date during the period of time that the follow-up programs referred to in conditions 5.4 and 5.5 are implemented.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall implement measures to mitigate the frequency and intensity of noise from activities associated with the Designated Project.
- 6.2 The Proponent shall maintain tree buffers around the pit, the waste rock and overburden piles, the ore storage area, the water management infrastructures and along the access road.
- 6.3 The Proponent shall control lighting required for the activities associated with the Designated Project during all phases of the Designated Project, including its direction, timing, intensity and glare, while meeting operational health and safety requirements.
- 6.4 The Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, a communication protocol to notify employees and contractors associated with the Designated Project, including ore transport truck drivers, of the presence of caribou in the Designated Project area and on the ore transport road. The Proponent shall include in the communication protocol the mitigation measures to be implemented by the Proponent if the presence of caribou is confirmed. If the Proponent observes or is made aware of the presence of caribou in the Designated Project area or on the ore transport road, the Proponent shall immediately implement these measures to mitigate the adverse environmental effects of the Designated Project on caribou caused by sensory disturbances and collisions with vehicles, including by modifying the frequency, schedule and procedures of mining and ore transport activities.
- 6.5 The Proponent shall notify Quebec's Ministère des Forêts, de la Faune et des Parcs of any collision between a vehicle associated with the Designated Project and a caribou as soon as reasonably practicable, and shall notify First Nations in writing. The Proponent shall develop and implement, in a timely manner, additional mitigation measures to avoid subsequent collisions.
- 6.6 The Proponent shall undertake, in consultation with First Nations and relevant authorities, progressive reclamation of the Designated Project area, except the waste rock piles and the pit. The Proponent shall use native resinous species, including black spruce (*picea*) and tamarack (*Larix laricina*), when undertaking the progressive reclamation. The Proponent shall complete the progressive reclamation by the end of operation.
- 6.7 The Proponent shall develop, prior to construction and in consultation with First Nations, Environment and Climate Change Canada and other relevant authorities, a follow-up program to determine the effectiveness of the reclamation activities referred to in condition 6.6, including the establishment of native resinous species and the presence of deciduous species. The Proponent shall undertake the monitoring for at least 15 years following the end of decommissioning. The Proponent shall provide the results of the follow-up program to First

Nations, Environment and Climate Change Canada and other relevant authorities annually no later than June 30 following the first reporting year during which construction begins.

- 6.8 The Proponent shall, in consultation with First Nations, Environment and Climate Change Canada and other relevant authorities, mitigate the adverse environmental effects on the woodland caribou herd of Val d'Or (*Rangifer tarandus caribou*) and its critical habitat. In doing so, the Proponent shall give preference to avoiding the destruction or alteration of critical habitat over minimizing the destruction or alteration of critical habitat, to minimizing the destruction or alteration of critical habitat over restoring altered or destroyed critical habitat on-site, and to restoring altered or destroyed critical habitat on-site over offsetting.
- 6.9 For any offsetting required pursuant to condition 6.8, the Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, and to the satisfaction of Environment and Climate Change Canada, an offsetting plan for the woodland caribou herd of Val d'Or (*Rangifer tarandus caribou*). The Proponent shall implement the offsetting plan from the beginning of construction. The offsetting plan shall include:
- 6.9.1 mapping of the critical habitat of the Val d'Or herd of woodland caribou (*Rangifer tarandus caribou*) altered or destroyed by the Designated Project;
 - 6.9.2 an offsetting ratio for habitat and sensory losses based on an assessment of options, including revegetation and road closures, that consider the types of offset, location, technical and economic feasibility and probability of success;
 - 6.9.3 mapping of areas to be prioritized for offsetting;
 - 6.9.4 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 measure will be implemented by the Proponent;
 - 6.9.5 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
 - 6.9.6 a description of the follow-up program the Proponent shall implement to determine the effectiveness of the mitigation measures included in the offsetting plan. The Proponent shall apply conditions 2.4 to 2.7 when implementing the follow-up program.
- 6.10 The Proponent shall implement the follow-up program developed pursuant to condition 6.9.6 during the entire implementation period of the offsetting plan referred to in condition 9.6 and for a minimum of 15 years following the end of the implementation of the plan. As part of the follow-up program, the Proponent shall determine the effectiveness of the compensation measures according to the performance indicators referred to in condition 6.9.5. The Proponent shall submit the results of the follow-up program to First Nations, Environment and Climate change Canada and other relevant authorities no later than June 30 following the end of each reporting year during which activities associated with the offsetting plan take place. If the Proponent determines that modified or additional mitigation measures are required pursuant to condition 2.6, the Proponent shall develop these measures in consultation with First Nations, Environment and Climate change Canada and other relevant authorities and shall implement them in a timely manner and monitor them.

- 6.11 The Proponent shall submit to First Nations, Environment and Climate change Canada and other relevant authorities, no later than June 30 following the end of each reporting year during which activities associated with the offsetting plan referred to in condition 9.6 take place, the following information:
- 6.11.1 a description of the activities that the Proponent undertook as part of the implementation of the plan during the reporting year; and
 - 6.11.2 a schedule of the activities that the Proponent plans to undertake as part of the implementation of the plan during the following reporting year.
- 6.12 The Proponent shall provide First Nations with the schedules referred to in conditions 9.1 and 9.2 and updates or revisions to the initial schedules pursuant to condition 9.3 and 9.4 at the same time these documents are provided to the Agency.

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

- 7.1 The Proponent shall, for any previously unidentified structures, sites, or things of historical, archaeological, paleontological, or architectural significance discovered in the Designated Project area by the Proponent or brought to the attention of the Proponent by a First Nation or another party during construction:
- 7.1.1 immediately halt work at the location of the discovery;
 - 7.1.2 delineate an area of at least 30 metres around the discovery as a no-work zone. The no-work requirement shall not apply to action(s) required to be undertaken to protect the integrity of the discovery;
 - 7.1.3 have a qualified individual, as it pertains to the requirements of Quebec's *Loi sur le patrimoine culturel*, conduct an assessment at the location of the discovery;
 - 7.1.4 inform First Nations within 24 hours of the discovery, and allow First Nations to monitor archaeological works;
 - 7.1.5 comply, following consultation with First Nations and relevant authorities, with all legislative or legal requirements respecting the discovery, recording, transfer and safekeeping of structures, sites, or things of historical, archaeological, paleontological, or architectural significance.

8 Accidents and malfunctions

- 8.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects.
- 8.2 The Proponent shall, prior to construction, consult with First Nations and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.
- 8.3 The Proponent shall, prior to construction and in consultation with First Nations and relevant authorities, develop an accident and malfunction response plan in relation to the Designated

Project. The accident and malfunction response plan shall include the types of accidents and malfunctions that may cause adverse environmental effects.

- 8.4 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall implement the accident and malfunction response plan referred to in condition 8.3 and shall:
 - 8.4.1 notify, as soon as possible, First Nations 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 First Nations and the Agency, the Proponent shall specify:
 - 8.4.1.1 the date the accident or malfunction occurred;
 - 8.4.1.2 a description of the accident or malfunction;
 - 8.4.1.3 a list of any substances potentially released in the environment as a result of the accident or malfunction.
 - 8.4.2 implement immediate measures to mitigate any adverse environmental effects associated with the accident or malfunction;
 - 8.4.3 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:
 - 8.4.3.1 a description of the accident or malfunction and of its adverse environmental effects;
 - 8.4.3.2 the measures that were taken by the Proponent to mitigate the adverse environmental effects of the accident or malfunction;
 - 8.4.3.3 any views from First Nations and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects, or measures taken by the Proponent to mitigate adverse environmental effects;
 - 8.4.3.4 a description of any residual adverse environmental effects and any modified or additional measures required by the Proponent to mitigate residual adverse environmental effects;
 - 8.4.3.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 8.3; and
 - 8.4.4 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction took place, on the changes made to avoid a subsequent occurrence of the accident or malfunction and on the implementation of any modified or additional measure(s) to mitigate and monitor residual adverse environmental effects, taking into account the information in the written report submitted pursuant to condition 8.4.3. The report shall include all additional views from First Nations and advice from relevant authorities received since the views and advice referred to in condition 8.4.3.3 have been received by the Proponent.
- 8.5 The Proponent shall develop a communication plan in consultation with First Nations. 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:

- 8.5.1 the types of accidents and malfunctions requiring the Proponent to notify the respective First Nations;
- 8.5.2 the manner by which First Nations shall be notified by the Proponent of an accident or malfunction and of any opportunities for the First Nations to assist in the response to the accident or malfunction; and
- 8.5.3 the contact information of the representatives of the Proponent that the First Nations may contact and of the representatives of the respective First Nations to which the Proponent provides notification.

9 Schedules

- 9.1 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 by the Proponent 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.
- 9.2 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.
- 9.3 The Proponent shall submit to the Agency in writing an update to the schedules referred to in condition 9.1 and 9.2 every year no later than June 30, until completion of all activities referred to in each schedule.
- 9.4 The Proponent shall provide to the Agency revised schedule(s) if any change(s) are made to the initial schedules referred to in condition 9.1 and 9.2 or to any subsequent update(s) referred to in condition 9.3, upon revision of the schedule(s).

10 Record keeping

- 10.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 10.2 The Proponent shall retain all records referred to in condition 10.1 at a facility in Canada. The records shall be retained and made available during construction and operation of the Designated Project and during 25 years following the completion of decommissioning. 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 the address of the new location.