

Decision Statement
Issued under Section 65 of the *Impact Assessment Act*

to
Ksi Lisims LNG Tolling GP ULC, on behalf of Ksi Lisims LNG Tolling Limited Partnership
c/o Sandra Webster, Vice President

Suite 1600, 925 West Georgia Street
Vancouver, British Columbia
V6C 3L2

for the
Ksi Lisims LNG - Natural Gas Liquefaction and Marine Terminal Project

The Nisga'a Nation, Rockies LNG LP, and Western LNG LLC are proposing the construction, operation and decommissioning of a floating liquefied natural gas (LNG) production, storage and offloading facility and marine terminal. The Ksi Lisims LNG - Natural Gas Liquefaction and Marine Terminal Project (Designated Project) has a processing capacity of up to 22.4 billion cubic metres per year of natural gas for export to international markets. The Designated Project is located at Wil Milit on Pearse Island, in northwestern British Columbia, and is described in further detail in Schedule 1 of this Decision Statement.

Conduct of the Impact Assessment

The Impact Assessment Agency of Canada (the Agency) determined that an impact assessment of the Designated Project was required under the *Impact Assessment Act* on March 27, 2023. On April 6, 2023, the Minister of Environment and Climate Change, under the authority of section 31 of the *Impact Assessment Act*, approved the substitution of the conduct of the impact assessment process to British Columbia.

The British Columbia Environmental Assessment Office conducted an impact assessment of the Designated Project and submitted a report with respect to the impact assessment of the Designated Project (the Assessment Report) to me in my capacity as Minister of Environment and Climate Change on August 7, 2025.

Determination in Relation to the Adverse Effects within Federal Jurisdiction and Direct or Incidental Adverse Effects of the Designated Project

In accordance with paragraph 60(1)(a) of the *Impact Assessment Act*, after taking into account the Assessment Report and the implementation of mitigation measures that I consider appropriate, I have determined that the carrying out of the Designated Project, in whole or in part, is likely to cause adverse effects within federal jurisdiction that are to some extent, significant.

The carrying out of the Designated Project, in whole or in part, is not likely to result in adverse direct or incidental effects as defined under section 2 of the *Impact Assessment Act* that have not already been considered within the evaluation of effects within federal jurisdiction.

In accordance with paragraph 60(1)(b) of the *Impact Assessment Act*, I have determined that these effects are, in light of the extent to which I determined them to be significant and the factors referred to in section 63, justified in the public interest. The reasons for my determination are included in Schedule 2 of this Decision Statement.

In accordance with subsection 64(1) of the *Impact Assessment Act*, I have established the conditions set out in Schedule 3 of this Decision Statement in relation to the adverse effects within federal jurisdiction of the Designated Project, with which the Proponent must comply.

Substantially Begin

The Proponent is required to substantially begin to carry out the Designated Project within 10 years after the day of issuance of the Decision Statement, or within any extension of that period established in accordance with subsection 70(2) of the *Impact Assessment Act*. If the Proponent does not substantially begin to carry out the Designated Project by the end of that period, the Decision Statement will expire.

Issuance

This Decision Statement is issued in Ottawa, Ontario by:

<original signed by>

Date September 15, 2025

The Honourable Julie Dabrusin
Minister of the Environment

Schedule 1 – Description of the Designated Project

Schedule 2 – Reasons for Determination

Schedule 3 – Conditions established under section 64 of the *Impact Assessment Act*

Description of the Designated Project

The Designated Project is the construction, operation and decommissioning of a floating liquefied natural gas (LNG) production, storage and offloading facility and marine terminal located at Wil Milit on Pearse Island (Figure 1), in northwestern British Columbia. Onshore facilities would be located on District Lots 5431 and 7235, which are Category A lands owned in fee simple by Nisga'a Nation as defined by the *Nisga'a Final Agreement*, while the marine components would be located on the adjacent water lot in the Portland Canal (Figure 2). The Designated Project has a processing capacity of up to 22.4 billion cubic metres per year of natural gas for export to international markets.

The terrestrial and marine footprints would be located within the Nass Area. The terrestrial footprint would be up to 43.6 hectares and the marine footprint would be up to 19 hectares. Incidental activities include marine shipping, which would occur between the marine terminal and Canada's 12 nautical mile territorial sea limit (Figure 3), and the transmission line, which would run between the project site and the border of Nisga'a Lands.

The Designated Project includes the following Designated Project components and physical activities.

Construction

Construction would require the following physical activities:

- Site preparation, construction, commissioning and start-up of the marine terminal and supporting infrastructure, including terrestrial blasting and pile driving;
- Connection, start-up and commissioning of the floating LNG facilities (the floating LNG facilities would be constructed elsewhere and transported to the water lot);
- Connection, commissioning and start-up of the temporary floating power barge, if required (the barge would be constructed elsewhere and transported to the water lot);
- Marine transportation of construction materials, equipment, and supplies from Prince Rupert/Port Edward, Gingolx, or along the marine transportation route; and
- Marine transportation of construction personnel from Prince Rupert/Port Edward or Gingolx.

Construction would also require the following temporary physical components:

- Pioneer dock(s);
- Site access roads, including watercourse crossings;
- On-site power generation;
- Utilities including water, power, gas and sewage;
- Water management structures including drainage and discharge systems;
- Construction offices;
- Onsite concrete batching plant(s);

- Fuel storage;
- Surface water stream diversion and pumping equipment, if required;
- Floating worker accommodation facility (or facilities) with total capacity for up to 800 workers (the facility would be constructed elsewhere and transported to the water lot); and
- Offshore anchorage(s) for construction and supply barges.

Operation

Operation would be up to 40 years in duration and include operation of up to two floating natural gas liquefaction production, storage, and offloading facilities (FLNGs) and the following physical components:

Floating LNG facilities

The Designated Project includes up to two FLNGs which would receive up to 2 billion cubic feet per day (56.6 million cubic meters per day) of pipeline grade natural gas and export up to 22.4 billion cubic meters per year of natural gas including a 15% annual tolerance. Each FLNG would include:

- Feed gas pre-treatment;
- Natural gas processing and storage system including liquefaction train(s);
- LNG storage tanks with total storage of up to 490,000 cubic metres combined across all FLNG units;
- FLNG mooring system;
- LNG ship-to-ship off-loading equipment including LNG offloading arms with a capacity of up to 12,000 cubic metres per hour per FLNG;
- Natural gas liquid (NGL) ship-to-ship off-loading using one or more loading hoses with transfer capacity of up to 500 cubic metres per hour per FLNG;
- Boil-off gas management system;
- Flaring systems; and
- Utilities required for FLNG operation including power distribution, refrigerant storage, fire and gas detection equipment, automated control and safety systems, firewater pumps and emergency egress facilities, but does not include the terrestrial closed-loop water cooling system.

Supporting infrastructure

Supporting infrastructure and activities would include:

- Closed-loop water cooling system(s);
- Natural gas receiving station and distribution piping including fiscal metering and pipeline inspection gauge receiver;

- Electrical substation(s) and electricity distribution system;
- Marine water intake for desalination;
- Water desalination, potable water treatment, and wastewater treatment;
- Treated effluent pipeline from desalination, outfall(s) and diffuser in the Portland Canal;
- Water storage and distribution for firefighting;
- Emergency power generation and fuel storage tanks;
- Instrument air and utility nitrogen generating systems;
- Access roads, helipad(s), security fencing and lighting;
- Solid waste management facilities;
- Buildings, including administrative, maintenance, security, and accommodation buildings for up to 400 workers;
- Pipe racks with piping and cabling; and
- Overburden storage.

Marine terminal

The marine terminal will include:

- Up to two pile-supported jetties and platforms, each connecting one FLNG facility to shore;
- Material off-loading facility for mooring and berthing tugboats, and vessels;
- Connections to the natural gas supply pipeline, power supply, water piping, and other utilities; and
- Up to one additional jetty and dock for docking, loading, and unloading of equipment, supplies, and personnel.

Temporary floating power barge(s)

The Designated Project may include temporary floating power barge(s) berthed adjacent to the material off-loading facility (Figure 2). The power barge(s) would include a combined cycle natural gas-fired power plant(s) that use gas-fired and steam turbines to generate power. Upon availability of full power from the electrical grid, the Proponent would discontinue use of the temporary floating power barge as a source of power within 30 days.

Decommissioning

Decommissioning may require undertaking the following physical components and activities:

- Removal of the FLNGs;

- Removal of supporting infrastructure, unless a future use is identified;
- Restoration activities;
- Shipping of materials for re-use elsewhere or recycling or disposal at a dedicated facility; and
- Worker accommodation.

Incidental activities

Marine shipping

The Designated Project would ship LNG and NGL products using dedicated LNG carriers and NGL product vessels, supported by other marine traffic including tugboats and supply barges and ships. There would be berthing and unberthing with tugboat assistance and loading of up to 160 LNG carriers and 12 NGL product vessels per year during operation. LNG carriers and NGL product vessels would transit the marine shipping route (Figure 3) between the marine terminal and Canada's 12 nautical mile territorial sea limit, subject to navigational safety and operational requirements. Tugboats and supply ships and barges would also transit from Prince Rupert, Port Edward and/or Gingolx to the Project site (Figure 3).

Transmission line

The Designated Project would include a transmission line between the Project site and Nisga'a Lands.

Figure 1 Project Overview of the Ksi Lisims LNG Project

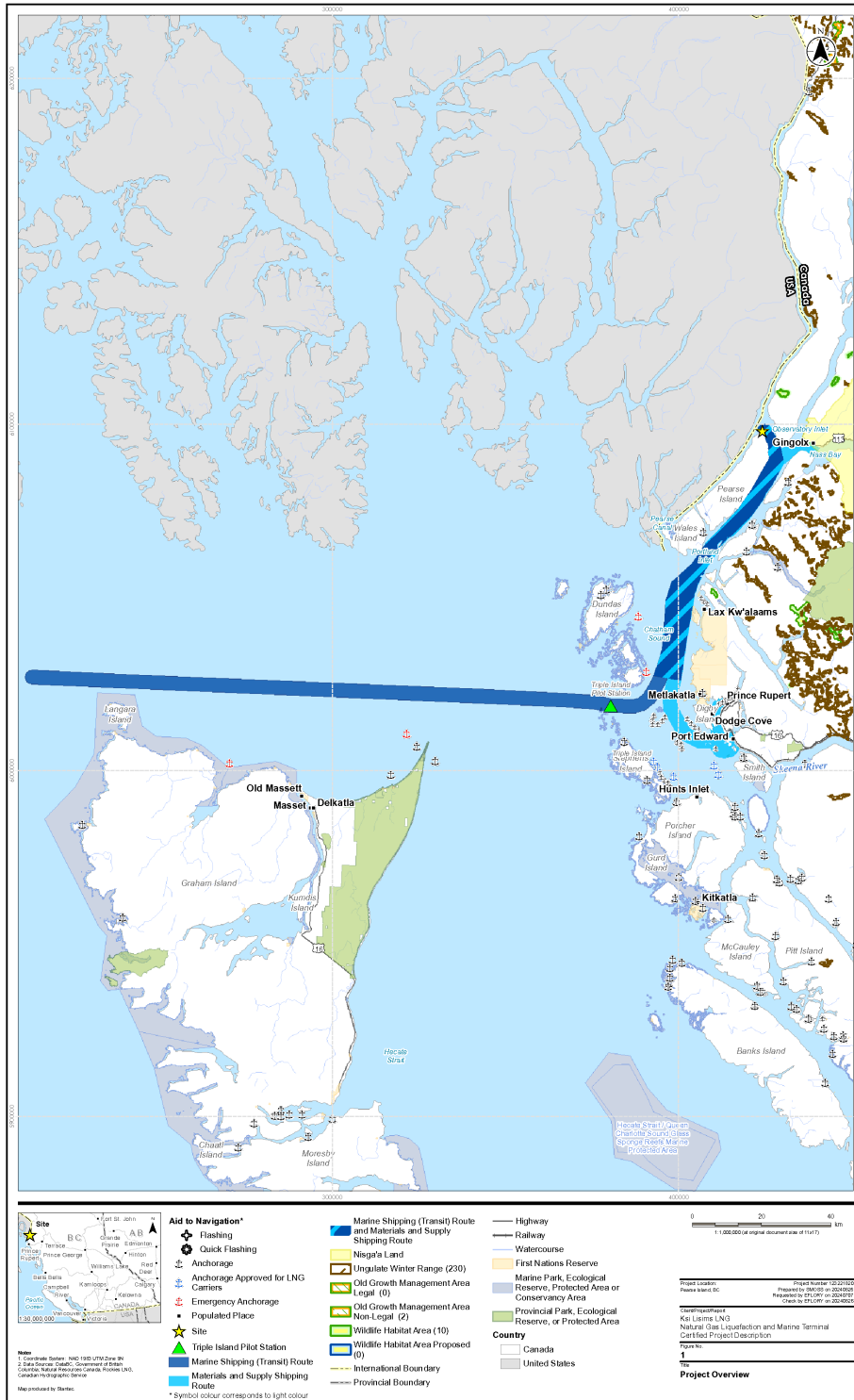


Figure 2 Conceptual Project Layout of Ksi Lisims LNG

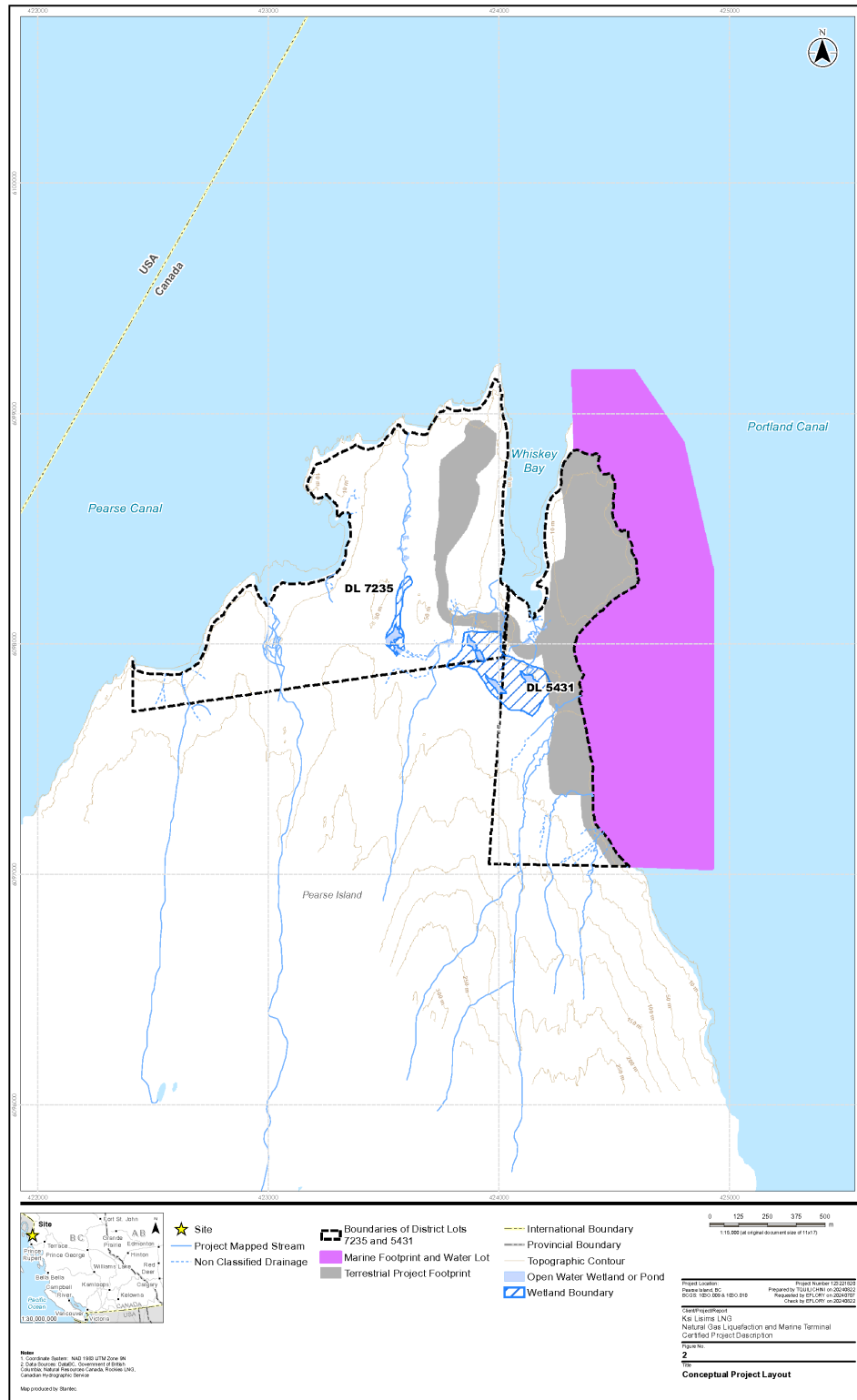


Figure 3 Marine Shipping Route - Project site to Triple Island Pilot Station (page 1 of 2) and Triple Island Pilot Station to the 12 Nautical Mile Territorial Sea Limit (page 2 of 2)





Reasons for Determination

As Minister of the Environment, I have made two determinations pursuant to paragraphs 60(1)(a) and (b) of the *Impact Assessment Act*, in respect of the impact assessment of the Designated Project. I determined, pursuant to paragraph 60(1)(a), that certain adverse effects within federal jurisdiction of the Designated Project, as indicated in the Assessment Report, are likely to be significant to some extent, as outlined in Section 2. Pursuant to paragraph 60(1)(b), I also determined that these effects are justified in the public interest in light of my consideration of the factors referred to in section 63 of the *Impact Assessment Act*, as outlined in Section 3. Below are the reasons for my determinations.

1. SCOPE AND NATURE OF DETERMINATIONS

My determinations under paragraphs 60(1)(a) and (b) of the *Impact Assessment Act* in respect of the Designated Project require consideration of the Assessment Report. They also require consideration of:

- a) whether the adverse effects within federal jurisdiction – and the adverse direct or incidental effects¹ – indicated in the Assessment Report are likely to be, to some extent, significant and, if so, the extent to which those effects are significant, after taking into account the implementation of any mitigation measures; and
- b) whether the likely significant adverse effects are justified in the public interest in light of the extent to which they are significant and the factors set out in section 63 of the *Impact Assessment Act*. The factors are:
 - the impact that the likely effects of the Designated Project may have on any Indigenous group and any adverse impact that those effects may have on the rights of the Indigenous peoples of Canada recognized and affirmed by section 35 of the *Constitution Act, 1982* (rights of Indigenous Peoples);
 - the extent to which the likely effects of the Designated Project contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change; and
 - the extent to which the likely effects of the Designated Project contribute to sustainability.

The substituted assessment process included opportunities for meaningful participation of the public on matters of both federal and provincial jurisdictions. The Assessment Report describes how public input was considered, including in key areas such as effects on fish and marine mammals, cumulative effects from other projects, concerns related to consultation with Indigenous groups, socio-economic effects, greenhouse gas (GHG) emissions and climate change.

¹ The Reasons for Determination refers only to adverse effects within federal jurisdiction attributable to the Designated Project, as federal authorities permits or authorizations that may allow the Designated Project to proceed are not expected to result in any direct or incidental adverse effects that have not already been considered within the evaluation of effects within federal jurisdiction.

I also considered the Crown's collaborative approach to and outcomes of consultation with Indigenous groups as integrated into the substituted assessment process, including consultation on draft potential federal conditions.

2. ADVERSE EFFECTS WITHIN FEDERAL JURISDICTION

The Assessment Report describes the effects of the Designated Project and concludes that the Designated Project would result in adverse effects within federal jurisdiction, as defined in the *Impact Assessment Act*. The Assessment Report also identifies recommended mitigation measures, which I considered appropriate, to eliminate, reduce, control or offset the adverse effects within federal jurisdiction, to the extent possible. British Columbia's (B.C.) recommended mitigation measures and follow-up programs related to adverse effects within federal jurisdiction were included as conditions that I established in Schedule 3 of the Decision Statement.

I have taken into account the Assessment Report and the implementation of mitigation measures in determining the following:

- **Fish and fish habitat:** The effects are significant to a low to moderate extent. The Designated Project could result in adverse effects to fish and fish habitat caused by underwater noise; release of potentially toxic effluent; alteration, disruption, or destruction of fish habitat; and increased risk of vessel strikes with marine mammals. The Designated Project could also affect species at risk, such as the Northern Resident Killer Whale, whose critical habitat along the north coast of Graham Island is adjacent to where marine shipping activities associated with the Designated Project would take place. I considered these effects to be significant to a low to moderate extent because of the uncertainty related to the assessment of effluent and underwater noise, and the fact that the proposed mitigation measures may not fully eliminate or reduce these effects.
- **Aquatic species:** The effects are not significant. The assessment of aquatic species considered adverse effects on marine plants, such as brown algae and green algae, as a result of changes to habitat. Effects include potential alteration, disruption, or destruction of fish habitat made up of marine plants. I considered these effects to be not significant with the implementation of mitigation measures, such as any offsetting plan related to the harmful alteration, disruption, or destruction of fish habitat.
- **Migratory birds:** The effects are not significant. The Designated Project could result in adverse effects to migratory birds caused by direct and indirect loss of wildlife habitat, change to wildlife movement patterns, and increased mortality risk caused by marine shipping activities (direct and cumulative), lighting, site preparation activities, and wildlife-vehicle (including marine vessel) collisions. The Designated Project overlaps with Geographic Location Polygons that may contain terrestrial nesting critical habitat for marbled murrelet, a migratory bird and threatened species under the *Species at Risk Act*. Despite these effects, the sustainability of regional migratory birds' populations is not expected to be adversely affected. With the implementation of mitigation measures such as undertaking a low-level aerial or ground survey to verify biophysical attributes that represent suitable nesting critical habitat for marbled murrelet, I considered the effects on migratory birds to be not significant.

- **Federal lands:** The effects are not significant. Effects from facility operation and marine shipping activities could occur on federal Crown lands and reserve lands subject to the *Indian Act* located near the Designated Project, as well as within the territorial sea of Canada. The effects include increased noise levels, increased concentrations of ambient air pollutants, changes to surface water quality, and adverse effects to wildlife and marine resources and their habitats. With the implementation of mitigation measures relevant to noise, air and surface water quality, wildlife, and marine resources, I considered these effects on federal lands to be not significant.
- Effects on Indigenous Peoples are predicted to occur from construction, facility operation and marine shipping activities, including:
 - **Physical and cultural heritage for Indigenous Peoples:** The effects are not significant. Adverse effects include disrupted or restricted access to sacred and culturally important sites and landscape features and sensory disturbances. I considered these effects to be not significant after the implementation of mitigation measures, such as development of a community feedback protocol that details how a person may provide feedback, how the feedback will be handled and how the Proponent may implement modified or additional mitigation measure(s) and/or follow-up requirement(s) in response to the feedback received.
 - **Current use of lands and resources for traditional purposes by Indigenous Peoples:** The effects are significant to a low extent. The Designated Project is expected to result in adverse effects on fishing and marine harvesting as well as on traditional hunting, trapping and plant gathering. These adverse effects could occur in preferred harvesting locations and affect access to marine and terrestrial harvesting, quantity and quality of resources, and the sensory environment (for example, noise, ambient light and visual quality). With the implementation of mitigation measures, such as implementing procedures for Indigenous groups to communicate information about their fishing activities and how the Designated Project may interfere with these activities, I considered these effects to be significant to a low extent.
 - **Any structure, site or thing that is of historical, archeological, paleontological or architectural significance to Indigenous Peoples:** The effects are not significant because there would not be effects on archaeological and heritage resources after taking into account mitigation measures, such as development of a chance find protocol. Further, there are no existing and reasonably foreseeable projects and activities that have the potential to act cumulatively with the Designated Project in relation to these effects.
 - **The health, social or economic conditions of Indigenous Peoples:** The effects are significant to a low extent. The assessment concluded that the Designated Project is expected to bring positive economic opportunities, but the benefits may be experienced disproportionately. I also recognize that the adverse social impacts from population growth may be experienced more acutely by women or vulnerable subgroups. The consideration of the findings of the Final Report on Missing and Murdered Indigenous Women and Girls (MMIWG) and the “Calls for Justice” also

indicate that the Designated Project may adversely affect the safety and security of Indigenous women, girls and gender-diverse people. Moreover, B.C. identified a provincial conclusion that cumulative effects on community health and wellness from the Designated Project plus effects of other existing and foreseeable natural resource development projects in the region are significant. With the implementation of mitigation measures, such as those that promote safe, respectful, and inclusive conduct in the workplace and community, I considered the adverse effects to health, social or economic conditions of Indigenous Peoples to be significant to a low extent.

- **GHG emissions from marine shipping activities:** The effects are not significant. Designated Project-related marine shipping activities are federal works or undertakings as defined in subsection 3(1) of the *Canadian Environmental Protection Act, 1999*. Annual net GHG emissions from Designated Project-related marine shipping activities are estimated at 1,080 tonnes of carbon dioxide equivalent during construction and 36,416 tonnes of carbon dioxide equivalent during operations. The GHG emissions from Designated Project-related marine shipping are minor relative to the percentage of Canada's annual GHG emissions from the marine shipping sector. I therefore concluded that the adverse effects of GHGs from marine shipping activities are not significant.

The Designated Project is not expected to cause pollution to the marine environment outside Canada or to boundary, international, or interprovincial waters. I considered these effects to be negligible, so they are not included in the definition of adverse effects within federal jurisdiction.

The mitigation measures identified in the Assessment Report include requirements to avoid or lessen potential effects on aquatic and terrestrial wildlife species listed on Schedule 1 of the *Species at Risk Act* and associated critical habitat. These measures also include requirements to monitor and contribute to regional efforts to avoid or lessen effects. The measures relate to adverse effects during construction and operation of the LNG facility itself, and to a lesser extent, adverse effects from Project-related shipping activities. I considered the measures to be consistent with applicable recovery strategies and action plans, including those for the marbled murrelet and Northern Resident Killer Whale, and fulfill my obligations under section 79 of the *Species at Risk Act*. I am satisfied that potential effects to species at risk and their critical habitat can be addressed, to the extent practical, through the conditions I established in Schedule 3 of the Decision Statement, and through the provincial conditions.

I have determined, with the implementation of the mitigation measures, the extent of significance of adverse effects within federal jurisdiction is predicted to range from not significant to moderate as set out above. Significant adverse effects within federal jurisdiction remain likely after the consideration of mitigation measures; therefore, as part of my determinations, I also considered the factors in section 63 of the *Impact Assessment Act* in determining whether these effects are justified in the public interest.

3. PUBLIC INTEREST FACTORS

3.1 Impacts of the Likely Effects of the Designated Project on Indigenous Groups and the Adverse Impacts that those Effects May Have on the Rights of Indigenous Peoples

In considering whether the Designated Project's adverse effects within federal jurisdiction are justified in the public interest, I considered the likely effects on Indigenous groups and the likely adverse impacts on the rights of Indigenous Peoples as summarized below.

For this Designated Project, the Crown, through the Agency and relying on B.C. in the substituted assessment, carried out collaborative consultation with Gitga'at First Nation, Gitxaala Nation, Council of the Haida Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw'alaams Band, Metlakatla First Nation, and Nisga'a Nation.

In considering this factor, I took into account Indigenous knowledge provided in the Assessment Report, including assessments led by Indigenous groups, which informed the assessment of effects to valued components and impacts on the rights of Indigenous Peoples.

The Designated Project's onshore facilities would be located on Category A Land owned in fee simple by the Nisga'a Nation as defined in *the Nisga'a Final Agreement*. Nisga'a Lisims Government conducted an assessment under Chapter 10 of the *Nisga'a Final Agreement* in the Assessment Report and concluded that the Designated Project should proceed. I also note that the Designated Project is proposed by a Nisga'a Nation-led partnership with Rockies LNG LP and Western LNG LLC, and is an opportunity for economic reconciliation and self-determination for the Nisga'a Nation. The Designated Project would create economic opportunities for Nisga'a citizens and members of other Indigenous groups and benefit the regional economy. Nisga'a Nation ownership in the Designated Project would provide a means for development activities to prioritize respect for land-based and marine-based stewardship. Furthermore, positive interactions between Nisga'a and non-Nisga'a individuals could foster cultural awareness and mutual understanding.

I recognize that the Designated Project would benefit some Indigenous groups and have adverse impacts on the same, or other Indigenous groups. Adverse impacts that the Designated Project would have on the rights of Indigenous Peoples include impacts to harvesting, use and integrity of sacred and culturally important sites, Indigenous governance, Indigenous health and well-being, access and travel, and cultural identity. These impacts can be addressed, in part, through the legally binding conditions I established in Schedule 3 of the Decision Statement, and through the provincial conditions.

I understand that Indigenous groups have raised concerns related to regional and cumulative effects outside of the Designated Project. One of the ongoing concerns relates to increased marine shipping activities on the north coast of B.C., including the cumulative effects of marine shipping on at-risk marine mammals and Indigenous marine use. I considered that there are existing federal regulatory and non-regulatory initiatives to address safety in marine transportation and to protect the marine environment from the impacts of marine shipping. Further, I have considered the projected increase in marine traffic resulting from the Designated Project and how Designated Project-related vessels are expected to be able to operate safely and in compliance with Canada's marine safety and security regime. The Government of Canada invests in regulatory tools and non-regulatory initiatives for safer marine traffic; stronger incident prevention, preparedness, and response; better protected coastal ecosystems; and stronger partnerships with Indigenous and coastal communities.

I acknowledge that while existing regional initiatives under the Oceans Protection Plan, such as Proactive Vessel Management, Enhanced Maritime Situational Awareness and Cumulative Effects of Marine Shipping, aim to address concerns such as effects to marine mammals from underwater noise and vessel strikes, navigation safety, and the cumulative effects of marine shipping, these do not constitute mitigation or accommodations for adverse impacts associated with the Designated Project. These existing initiatives are limited in their scope and current outcomes, and have varying associated timelines, funding, and opportunities for the participation of the Proponent; however, they provide a foundation for ongoing and future planning. To align Designated Project-related marine shipping activities with the outcomes of existing and future initiatives, I have established conditions in Schedule 3 of the Decision Statement requiring the Proponent to participate in regional initiatives at the request of relevant authorities where agreed upon by the parties responsible, and include any relevant measures and recommendations from regional initiatives in documents the Proponent provides to Designated Project-related vessels.

Another concern raised by Indigenous groups is related to the cumulative effects on community health and wellness as a result of interactions between effects of the Designated Project and effects of existing and reasonably foreseeable major resource projects and activities in the region, which B.C. concluded to be significant. With the implementation of the conditions I established in Schedule 3 of the Decision Statement, I considered the Designated Project's contribution to these cumulative effects to be limited. However, in response to the broader cumulative effects that may have a disproportionate effect on Indigenous Peoples, the Government of Canada continues to advance the Calls for Justice from the Final Report on MMIWG through a variety of investments and actions. These include the Pathway to Safe Indigenous Communities Program, the Gender-Based Violence Strategy, the National Action Plan to End Gender-Based Violence, actions to advance Shared Priority Measure 12 of the *United Nations Declaration Act* Action Plan that seeks to address the Calls for Justice on Resource Development, as well as the legislative requirement to conduct Gender-Based Analysis Plus in impact assessments. Combined, these programs aim to improve safety and well-being for Indigenous communities, and promote a holistic approach to community health. I have established a condition in Schedule 3 of the Decision Statement requiring the Proponent to participate in regional initiatives at the request of relevant authorities related to the monitoring, assessment and management of adverse effects of industrial projects in the region on local health and medical services that may be used by Indigenous Peoples.

I understand that at the conclusion of the assessment, taking into consideration the potential conditions and complementary measures, Indigenous groups provided letters of consent or lack of consent to the provincial Ministers. I acknowledge that the Nisga'a Nation has expressed support for the Project, Kitselas First Nation has provided consent for the Project, and Gitga'at First Nation has provided consent for B.C. to issue an Environmental Assessment Certificate for the Project. At the same time, Kitsumkalum First Nation, Lax Kw'alaams Band, Metlakatla First Nation and the Haida Nation have expressed a lack of consent for the Project. Gitxaala Nation has not currently provided a notice of consent or lack of consent to B.C.

As outlined above, and as is documented in the Assessment Report, including Section 6, Appendix 5 and Appendix 15, and demonstrated through the consultation record for the Designated Project, I am of the view that federal consultation obligations have been met in a manner consistent with the principle of the Honour of the Crown. Indigenous groups potentially impacted by the Designated Project were

consulted in order to fully understand their concerns and the nature and severity of potential impacts on Aboriginal and treaty rights. As appropriate, accommodations were identified through conditions I established in Schedule 3 of the Decision Statement, and through the provincial conditions. I am satisfied that implementation of these conditions will appropriately avoid or minimize potential impacts of the Designated Project on Aboriginal and treaty rights.

I acknowledge that Indigenous groups have sought commitments from federal authorities to continue or expand collaboration on managing the effects of marine shipping. The Government of Canada will continue the vital work of advancing reconciliation with Indigenous Peoples and is committed to ongoing dialogue with Indigenous groups and relevant authorities on how complementary measures and potential future initiatives could appropriately and effectively address broader regional issues identified through the assessment of the Designated Project. The Government of Canada is interested in protecting the marine environment for current and future generations while enhancing prosperity by opening up new markets for sustainable trade and commerce.

3.2 Extent to Which the Likely Effects of the Designated Project Contribute to the Government of Canada's Ability to Meet Its Environmental Obligations and Its Commitments in Respect of Climate Change

In considering whether the adverse effects within federal jurisdiction are justified in the public interest, I considered the extent to which the likely effects of the Designated Project contribute to the Government of Canada's ability to meet its environmental obligations and its commitments in respect of climate change. I determined that the likely effects of the Designated Project would not contribute to the Government of Canada's ability to meet its environmental obligations and commitments in respect of climate change, thus this public interest factor was not considered in the determination of whether the Designated Project's adverse effects within federal jurisdiction are justified in the public interest.

With regard to environmental obligations, I considered the adverse effects of the Designated Project on terrestrial and marine environments and species at risk. Some of the effects, particularly effects on marine species at risk, may not be fully mitigated. As such, I determined that the Designated Project would not contribute to Canada's ability to meet its environmental obligations under *the Convention on Biological Diversity*, the *Species at Risk Act* and associated recovery strategies and action plans for listed species, the *Canada Wildlife Act*, and the *Convention for the Protection of Migratory Birds in the United States and Canada* as implemented through the *Migratory Birds Convention Act, 1994*.

For commitments in respect of climate change, I considered the Strategic Assessment of Climate Change carried out for the Designated Project and advice provided by Environment and Climate Change Canada. The Assessment Report sets out that the Designated Project would not contribute to Canada's ability to meet its shorter-term commitments in respect of climate change (i.e., before 2050), including those within Canada's 2030 Emissions Reduction Plan. However, the Designated Project would align with Canada's longer-term commitments, including those outlined in the *Canadian Net Zero Emissions Accountability Act*, with the implementation of the Proponent's plan to achieve net-zero by 2050.

Given the above, I was not able to consider this public interest factor when I considered whether the Designated Project's adverse effects within federal jurisdiction are justified in the public interest.

3.3 Extent to Which the Likely Effects of the Designated Project Contribute to Sustainability

I considered the extent to which the Designated Project's likely effects contribute to sustainability in determining whether the Designated Project's adverse effects within federal jurisdiction are justified in the public interest.

The Assessment Report provides a holistic understanding of the adverse effects within federal jurisdiction and positive effects likely to be caused by the Designated Project, the interactions between these effects, and their long-term consequences. I took into account how the Designated Project may affect the ability of communities today, and in the future, to provide for their health, social, economic and cultural well-being, and the extent to which ecosystem integrity would be maintained if the Designated Project were to proceed. In particular, I considered issues of importance to Indigenous groups and the following key considerations:

- Positive effects on current and future generations from increased economic opportunities would contribute to the health and well-being of communities, including financial autonomy of households and improved infrastructure and services. However, these positive effects would be unevenly distributed;
- Positive effects by supporting self-governance and self-determination for Nisga'a Nation as a Proponent of the Designated Project, to have an opportunity to advance Indigenous reconciliation; and
- Positive effects by creating export opportunities for Canadian natural gas and enhancing the competitiveness of Canada's energy sector that would serve the interests of future generations.

I determined that the Designated Project's likely effects would have net positive contributions to sustainability for present and future generations, taking into account measures to increase positive effects and to mitigate adverse effects within federal jurisdiction. Implementation of follow-up and monitoring programs that I established in the conditions in Schedule 3 of the Decision Statement will enable adverse effects to be adaptively managed.

4. ADDITIONAL CONSIDERATIONS FROM THE ASSESSMENT REPORT

An assessment of the effects of accidents and malfunctions is required under section 22 of the *Impact Assessment Act* and is included in the Assessment Report. Accidents and malfunctions related to marine shipping were a key issue raised by Indigenous groups during the substituted assessment, with a focus on marine transportation incidents due to increased vessel traffic, potential for accidental release of diesel fuel or bunker oil into the environment, and emergency response and preparedness. Measures to prevent or otherwise address these concerns, including federal legislation and non-regulatory initiatives, were identified in the Assessment Report and have been included as conditions that I established in Schedule 3 of the Decision Statement, where appropriate.

The Assessment Report also recommended follow-up programs, as required under section 22 of the *Impact Assessment Act*, to verify the accuracy of the assessment and determine the effectiveness of mitigation measures, which included requirements related to key components of the environment.

Follow-up programs related to adverse effects in federal jurisdiction are included as conditions that I established in Schedule 3 of the Decision Statement.

5. CONCLUSION

I am satisfied that the Assessment Report has considered the likely effects of the Designated Project and the adverse effects within federal jurisdiction, including those effects on Indigenous groups. I considered the recommended mitigation measures proposed in the Assessment Report to eliminate, reduce, control or offset the adverse effects within federal jurisdiction to be appropriate. I included the recommended mitigation measures and follow-up programs as legally binding conditions, with which the Proponent must comply, in Schedule 3 of the Decision Statement. I have determined that, with the implementation of mitigation measures:

- adverse effects on fish and fish habitat would be significant to a low to moderate extent;
- adverse effects on the current use of lands and resources for traditional purposes by Indigenous Peoples would be significant to a low extent; and
- adverse effects on the health, social or economic conditions of Indigenous Peoples would be significant to a low extent.

I also determined that these adverse effects within federal jurisdiction are justified in the public interest given that the extents of significance range from not significant to moderate, and that the Designated Project would present a unique opportunity to advance economic reconciliation with Nisga'a Nation, a modern treaty partner, and its effects would contribute to sustainability by generating positive economic benefits and creating export opportunities for Canadian natural gas.

Conditions Established under Section 64 of the *Impact Assessment Act***1. Definitions**

- 1.1 *Adverse federal effects* means, in this Decision Statement, “adverse effects within federal jurisdiction” and “direct or incidental adverse effects” as defined in section 2 of the *Impact Assessment Act*.
- 1.2 *Agency* means the Impact Assessment Agency of Canada.
- 1.3 *Application* means the Revised Environmental Assessment Certificate Application submitted to the British Columbia Environmental Assessment Office on July 12, 2024 entitled Ksi Lisims LNG Natural Gas Liquefaction and Marine Terminal Project and any supplementary information filed by the Proponent for the purposes of completing the assessment.
- 1.4 *Assessment Report* means the report prepared by the British Columbia Environmental Assessment Office pursuant to subsection 33(1) of the *Impact Assessment Act*.
- 1.5 *Baseline* means the environmental, health, social and economic conditions prior to initiating construction of the Designated Project.
- 1.6 *Category A Lands* means “Category A Lands” as defined by the *Nisga’a Final Agreement*.
- 1.7 *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.
- 1.8 *Culturally modified tree* means a tree that has been altered by Indigenous Peoples as part of their traditional use of the forest.
- 1.9 *Days* means calendar days.
- 1.10 *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases liquefaction, storage and loading of LNG and NGL and removes from service any component of the Designated Project not intended for future use, and that continues until the Proponent completes all reclamation of the site of the Designated Project.
- 1.11 *Designated Project* means the Ksi Lisims LNG Project described in Schedule 1 of this Decision Statement, excluding the associated transmission line, unless otherwise stated.
- 1.12 *Direct or incidental adverse effects* means “direct or incidental adverse effects” as defined in section 2 of the *Impact Assessment Act*
- 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 *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 section 2 of the *Impact Assessment Act*.
- 1.18 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.19 *Impact assessment* means “impact assessment” as defined in section 2 of the *Impact Assessment Act*.
- 1.20 *Indigenous groups* means the following Indigenous Peoples: Council of the Haida Nation, Gitga’at First Nation, Gitxaala Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw’alaams Band, Metlakatla First Nation and Nisga’a Nation.
- 1.21 *Indigenous Peoples* means “Indigenous peoples of Canada” as defined in section 2 of the *Impact Assessment Act*.
- 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 *LNG* means liquefied natural gas.
- 1.24 *Marine shipping route* means the “marine shipping (transit) route” and the “materials and supply shipping route” described in Figure 3 of Schedule 1 of this Decision Statement.
- 1.25 *Marine terminal area* means the terrestrial project footprint and the marine footprint and water lot described in Figure 2 of Schedule 1 of this Decision Statement.
- 1.26 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.27 *Mitigation measures* means “mitigation measures” as defined in section 2 of the *Impact Assessment Act*.
- 1.28 *Monitoring* means collecting, analyzing and using information to measure the adverse federal effects of the Designated Project and/or to verify the accuracy of the impact assessment and/or to determine the effectiveness of any mitigation measure.
- 1.29 *NGL* means natural gas liquids.
- 1.30 *Operation* means the phase of the Designated Project when commercial production of liquefied natural gas takes place including periods during which such activities may temporarily cease, and that continues until decommissioning begins.

- 1.31 *Participate* means to directly or indirectly assist or support initiatives through the provision of resources, including knowledge, time, data, access and other means that are economically and technically feasible and within the care and control of the Proponent.
- 1.32 *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 feasible.
- 1.33 *Proponent* means the Ksi Lisims LNG Tolling General Partnership, on behalf of the Ksi Lisims LNG Tolling Limited Partnership.
- 1.34 *Qualified Individual* means someone who, through education, experience and knowledge relevant to a particular matter, provides the Proponent with advice within their area of expertise. Knowledge relevant to a particular matter may include community and Indigenous knowledge.
- 1.35 *Qualified Professional* means a person who has training, experience and expertise in a discipline relevant to the field of practice set out in the condition and who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics and is subject to disciplinary action by that organization.
- 1.36 *Record* means “record” as defined in section 2 of the *Impact Assessment Act*.
- 1.37 *Relevant authority* means federal, provincial and/or municipal 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 Decision Statement.
- 1.38 *Reporting year* means January 1 to 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 Peoples.
- 1.40 *Substantially begin* means initiating the following components and activities required to carry out the Designated Project:
- 1.40.1 clearing and grading of the marine terminal area; and
 - 1.40.2 installation of on-site support building(s) or marine terminal.
- 1.41 *Sustainability* means “sustainability” as defined in section 2 of the *Impact Assessment Act*.

2. General conditions

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement during all phases of the Designated Project are considered in a careful and

precautionary manner, contribute to sustainability, are informed by the best information and knowledge available at the time the Proponent takes action, including the most recent version of policies, guidelines and directives and community and Indigenous 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 technically and economically feasible technologies.

- 2.2 The Proponent shall ensure that its actions in meeting the conditions set out in this Decision Statement are taken in a way that is consistent with any applicable management plan, recovery strategy and action plan for listed aquatic species at risk and migratory birds that is prepared or established pursuant to the *Species at Risk Act*.

Consultation

- 2.3 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
- 2.3.1 provide a written notice of the opportunity for the parties being consulted to present their views and information on the subject matter of the consultation at least 15 days prior to the implementation of condition 2.3.2;
 - 2.3.2 provide all information available and relevant to the scope and the subject matter of the consultation and a reasonable period of time agreed upon with the parties being consulted, not to be less than 30 days, to prepare their views and information;
 - 2.3.3 undertake an impartial consideration of all views and information presented by the parties being consulted on the subject matter of the consultation; and
 - 2.3.4 advise, as soon as feasible in writing, the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent, including a rationale for why the views have, or have not, been integrated.
- 2.4 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, provide opportunities for collaboration with each Indigenous group and seek mutual agreement with respect to the manner to satisfy the consultation requirements referred to in condition 2.3, including:
- 2.4.1 methods of notification;
 - 2.4.2 the type of information and the period of time to be provided when seeking input; and
 - 2.4.3 the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.

Follow-up programs

- 2.5 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, develop the follow-up program taking into account any guidance documents provided by the Agency and determine, as part of the development of each

follow-up program and in consultation with the parties being consulted during the development of each follow-up program, the following information, unless otherwise specified in the condition:

- 2.5.1 a description of the effects predictions and mitigation measures that will be evaluated through the follow-up program;
 - 2.5.2 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.5.3 the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;
 - 2.5.4 the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;
 - 2.5.5 the levels of change to adverse federal effects relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities causing the changes to be stopped;
 - 2.5.6 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 2.5.5 have been reached or exceeded in order to return below the level referred to in condition 2.5.5;
 - 2.5.7 the specific and measurable end points that must be achieved before the follow-up program can end. These end points should indicate that the accuracy of the impact assessment has been verified and/or that the mitigation measures are effective; and
 - 2.5.8 the details of the results of the follow-up program to report to the Agency pursuant to condition 2.8.5.
- 2.6 The Proponent shall update the details for each follow-up program pursuant to condition 2.5 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.5.3 and in consultation with the parties being consulted during the development of each follow-up program.
- 2.7 The Proponent shall provide the information determined for each of the follow-up programs referred to in conditions 3.16, 3.17, 3.18, 3.19, 4.6 and 5.5, including the information determined for each follow-up program pursuant to condition 2.5, to the Agency and to the 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 made pursuant to condition 2.6 to the Agency and to the parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.8 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:

- 2.8.1 implement the follow-up program according to the information determined pursuant to condition 2.5 and any requirement specified in conditions specific to each follow-up program;
 - 2.8.2 conduct monitoring and analysis to verify the accuracy of the effects predictions made during the impact assessment as it pertains to the particular condition and to determine the effectiveness of any mitigation measure;
 - 2.8.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.8.2;
 - 2.8.4 if modified or additional mitigation measure(s) are required pursuant to condition 2.8.3, develop and implement these mitigation measure(s) as soon as feasible and monitor them pursuant to condition 2.8.2. The Proponent shall notify the Agency in writing within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.5, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
 - 2.8.5 report all results of the follow-up program, including whether effects predictions made during the impact assessment are accurate and mitigation measures are effective, or both as required in the follow-up program condition, to the Agency no later than three months following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to condition 2.5.3, to the parties being consulted during the development of the follow-up program. As part of reporting the results of the follow-up program, the Proponent shall, for each follow-up program, provide an analysis and conclusion about the accuracy of the effects predictions made during the impact assessment and effectiveness of mitigation measures.
- 2.9 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for participation and resources required to support their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and the determination of whether modified or additional mitigation measure(s) are required, as set out in condition 2.8.

Annual reporting

- 2.10 The Proponent shall prepare an annual report for each reporting year that sets out:
 - 2.10.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;
 - 2.10.2 how the Proponent complied with condition 2.1;
 - 2.10.3 for conditions set out in this Decision Statement 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, including any Indigenous knowledge;

- 2.10.4 the information referred to in condition 2.5 for each follow-up program and any update to that information made pursuant to condition 2.6;
 - 2.10.5 a summary of the information reported pursuant to condition 2.8.5 for each follow-up program;
 - 2.10.6 for any condition where implementation is stated to be dependent in whole or in part upon technical and/or economic feasibility and the Proponent has determined it is not technically and/or economically feasible, a justification for that determination;
 - 2.10.7 for any plan that is a requirement of a condition set out in this Decision Statement, any update(s) to the plan that have been made during the reporting year; and
 - 2.10.8 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.8.
- 2.11 The Proponent shall submit the annual report referred to in condition 2.10 to the Agency, including a plain language executive summary in both official languages, no later than three months following the reporting year to which the annual report applies.
- 2.12 The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.10 shall start on the day the Minister of the Environment issues this Decision Statement pursuant to section 65 of the *Impact Assessment Act*.

Information sharing

- 2.13 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 2.10, 2.11 and 2.12, the underwater noise impact study final report in condition 3.15, the results and data from the marbled murrelet survey in condition 4.4.1, the final reports related to accidents and malfunctions referred to in conditions 10.8.3 and 10.8.4, the final plans referred to in conditions 5.2, 5.3, 6.7 and 10.9, the schedules referred to in conditions 11.1 and 11.2, and any update or revision to the above documents, upon submission of these documents to the parties consulted for the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation, or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups in writing of the availability of these documents within 48 hours of their publication.
- 2.14 When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the plan to the Agency prior to implementation, unless otherwise required through the condition.

Change of Proponent

- 2.15 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

- 2.16 If the Proponent is proposing to carry out the Designated Project in a manner other than described in Schedule 1 to this Decision Statement, the Proponent shall notify the Agency in writing in advance of carrying out the proposed activities. As part of the notification, the Proponent shall provide:
- 2.16.1 a description of the proposed change(s) to the Designated Project and the adverse federal effects that may result from the proposed change(s);
 - 2.16.2 any modified or additional measure to mitigate any adverse federal effects that may result from the proposed change(s) and any modified or additional follow-up requirement; and
 - 2.16.3 an explanation of how, taking into account any modified or additional mitigation measure referred to in condition 2.16.2, the adverse federal effects that may result from the proposed change(s) may differ from the adverse federal effects of the Designated Project identified during the impact assessment; and
 - 2.16.4 the results of consultation with Indigenous group on the proposed change(s), if the proposed change(s) may adversely affect those Indigenous groups.
- 2.17 The Proponent shall provide to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.16, which may include the results of consultation and relevant authorities on the proposed change(s) and adverse federal effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.

3. Fish and fish habitat

- 3.1 The Proponent shall implement measures to mitigate adverse federal effects of the Designated Project on freshwater fish during all phases of the Designated Project. In doing so, the Proponent shall:
- 3.1.1 withdraw water in streams WC-02 and WC-04 in a manner that does not cause adverse effects to fish and fish habitat, unless otherwise approved by Fisheries and Oceans Canada;
 - 3.1.2 isolate in-water work in streams WC-02 and WC-04 from adjacent streamflow in accordance with Fisheries and Oceans Canada's *Interim standard: in water site isolation*;
 - 3.1.3 salvage and relocate fish prior to in-water work requiring isolation and dewatering of fish habitat;
 - 3.1.4 design, install and operate water intake structures in streams WC-02 and WC-04 in a manner that minimizes the risk of entrainment and impingement of fish and that is consistent with the *Fisheries Act*; and
 - 3.1.5 have a Qualified Professional design all crossings of fish-bearing watercourses required for the Designated Project in a manner that takes into account British Columbia's and Fisheries and Oceans Canada's *Fish-Stream Crossing Guidebook* and

Fisheries and Oceans Canada's *Code of Practice: Clear span bridges*. If Fisheries and Oceans Canada's *Code of Practice: Clear span bridges* does not apply to any given watercourse crossing, the Proponent shall have the Qualified Professional design that watercourse crossing in a manner that complies with the *Fisheries Act*.

- 3.2 The Proponent shall design, implement, and maintain erosion and sedimentation control measures during all phases of the Designated Project to avoid the release of deleterious substances into the receiving environment. In doing so, the Proponent shall provide a description of all erosion and sedimentation control measures to the Agency prior to the start of the phase to which they pertain, including how the Proponent shall take into account future climate change scenarios including periods of high water and wind, elevated snowpacks, and heavy rainfalls and snowfalls, when implementing the measures.
- 3.3 The Proponent shall manage, during all phases of the Designated Project, stormwater runoff in the marine terminal area so that discharges do not cause the receiving environment to exceed Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* or British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life*, whichever is more protective of aquatic life at the time the Proponent takes action, for turbidity and total suspended solids levels for both short-term and long-term exposures.
- 3.4 The Proponent shall manage, during all phases of the Designated Project, acid generation and metal leaching within the marine terminal area. In doing so, the Proponent shall:
 - 3.4.1 characterize, prior to construction, the acid rock drainage and metal leaching potential of materials to be used for construction; and
 - 3.4.2 implement measures to prevent the contamination of the receiving environment by acid-generating, metal-leaching, or potentially acid-generating materials, taking into account the geochemical testing in condition 3.4.1. The Proponent shall submit these measures to the Agency prior to implementation.
- 3.5 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with Indigenous groups, and implement any offsetting plan related to the harmful alteration, disruption, or destruction of fish habitat and death of fish associated with the carrying out of the Designated Project. The Proponent shall submit the approved offsetting plan(s) to the Agency prior to implementation.
- 3.6 The Proponent shall, for any fish habitat offsetting measure proposed in any offsetting plan referred to in condition 3.5 that may cause direct or incidental adverse effects not considered in the impact assessment, develop and implement, following consultation with Indigenous groups and relevant authorities, measures to mitigate these effects. The Proponent shall submit these measures to the Agency prior to implementation.
- 3.7 The Proponent shall design, install and operate water intake structures in the marine environment in a manner that minimizes the risk of entrainment and impingement of fish and that is consistent with the *Fisheries Act*.

- 3.8 The Proponent shall identify, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, and other relevant authorities, timing windows of reduced risk for in-water work for species in the marine terminal area and conduct in-water work within these reduced risk windows, unless otherwise approved by Fisheries and Oceans Canada. The Proponent shall notify, prior to construction, the Agency of these reduced risk windows.
- 3.9 The Proponent shall, while impact pile driving, maintain underwater peak sound pressure levels below 207 decibels at a reference pressure of one micropascal outside the sound attenuation device or within a fish exclusion zone that is within 10 metres of the pile, depending upon the measure chosen.
- 3.10 The Proponent shall develop, prior to construction, and implement measures to mitigate adverse effects to marine fish and marine mammals caused by underwater noise emitted from construction of the Designated Project. As part of these measures, the Proponent shall:
- 3.10.1 use soft start procedures for impact pile driving, where technically feasible, to gradually increase the sound levels emitted by construction equipment before use at full operational power;
 - 3.10.2 minimize impulse noise emitted by construction activities, including by giving preference to the use of vibratory pile driving over impact pile driving unless not technically feasible; and
 - 3.10.3 use sound attenuation method(s) and/or technology(ies) when conducting impact pile driving underwater, if impact pile driving is likely to exceed requirements in condition 3.9.
- 3.11 The Proponent shall manage underwater noise from construction in a manner that avoids adverse behavioural change or injury to or mortality of marine mammals. In doing so, the Proponent shall:
- 3.11.1 identify each construction activity that generates impulsive underwater noise levels greater than 160 decibels and 190 decibels root mean square at a reference pressure of one micropascal;
 - 3.11.2 for all marine mammals except pinnipeds, establish the boundary of the marine mammal underwater noise impact area for each construction activity identified in condition 3.11.1 at the distance from the activity where underwater noise levels are predicted to reach 160 decibels;
 - 3.11.3 for pinnipeds, establish the boundary of the marine mammal underwater noise impact area for each construction activity identified in condition 3.11.1 at the distance from the activity where underwater noise levels are predicted to reach 190 decibels or at a distance of 150 metres, whichever is the greater distance;
 - 3.11.4 employ a marine mammal observer who is a Qualified Individual and require that person to detect and report the presence of marine mammals in the marine mammal underwater noise impact areas identified in conditions 3.11.2 and 3.11.3 during construction activities identified in condition 3.11.1;

- 3.11.5 stop or not start the construction activities identified in condition 3.11.1 if marine mammal(s) are detected in their respective marine mammal underwater noise impact area identified in condition 3.11.2 or condition 3.11.3 and only begin or continue the construction activities identified in condition 3.11.1 once the marine mammal(s) have moved out of their respective marine mammal underwater noise impact area or has not been sighted for 30 mins;
 - 3.11.6 carry out impact pile driving only when environmental conditions enable effective visual monitoring of the marine mammal exclusion zones referred to in conditions 3.11.2 and 3.11.3; and
 - 3.11.7 monitor continuously the levels of underwater noise at the boundaries of both marine mammal underwater noise impact areas while the construction activities identified in condition 3.11.1 are ongoing. The Proponent shall immediately halt the construction activities if hydroacoustic monitoring indicates that noise levels at either boundary exceed their respective threshold and not resume without implementing sound attenuation measure(s), which could include increasing the distance of the underwater noise impact areas, to reduce noise levels below the thresholds in conditions 3.11.2 and 3.11.3.
- 3.12 The Proponent shall consider, as part of design of the floating LNG facility, technically and economically feasible design options to reduce underwater noise transmitted from the floating LNG facility. The Proponent shall report to the Agency and Fisheries and Oceans Canada on the feasible options considered and which ones were implemented, including a rationale.
- 3.13 The Proponent shall implement measures to reduce the risks and impacts of collisions between LNG carriers and NGL product vessels and marine mammals throughout operation. In doing so, the Proponent shall:
- 3.13.1 require the operators of LNG carriers and NGL product vessels related to the Designated Project to undergo training on how to visually detect cetaceans and navigate vessels safely in the presence of cetaceans along the marine shipping route using the Whales in Our Waters tutorial provided by the Vancouver Fraser Port Authority's Enhancing Cetacean Habitat and Observation (ECHO) Program or other equivalent training and apply this knowledge when navigating in the presence of cetaceans within the marine shipping route;
 - 3.13.2 direct the operators of LNG carriers and NGL product vessels related to the Designated Project to maintain distance from marine mammals by reducing vessel speed, making adjustments to direction, or both, subject to navigation safety;
 - 3.13.3 require the operators of LNG carriers and NGL product vessels related to the Designated Project to use the Ocean Wise Sightings Network's Whale Report Alert System (WRAS) or other equivalent application while travelling the marine shipping route to assist in the detection of cetaceans, where such applications are operational;
 - 3.13.4 require the operators of LNG carriers and NGL product vessels related to the Designated Project to report any sightings of cetaceans within the marine shipping route as soon as it is safe to do so using the Ocean Wise Sightings Network's Whale

- Report System or other equivalent system for reporting observations of cetaceans in the area, where such applications are operational; and
- 3.13.5 require the operators of LNG carriers and NGL product vessels related to the Designated Project to record and report collision(s) of their vessel with a marine mammal, including vessel speed at the time of collision, if available, to Fisheries and Oceans Canada's Observe, Record, Report hotline, or other future equivalent reporting program and the Proponent as soon as feasible but no later than 24 hours following the collision.
- 3.14 The Proponent shall provide Indigenous groups and Transport Canada with the information on collision(s) with marine mammal(s) received pursuant to condition 3.13.5 within 72 hours of receiving the information.
- 3.15 The Proponent shall develop, prior to operation, and in consultation with Indigenous groups and relevant authorities, and implement, during the first two years of operation, an underwater noise impact study to validate the Application's predictions of underwater noise generated by Designated Project-related LNG carriers within the marine shipping route, and to evaluate via modelling and desktop review how changes in vessel speed would affect the predicted extent of underwater noise above marine mammal behavioural impact thresholds. In doing so, the Proponent shall consider relevant information from regional initiatives and research programs in the Northern Shelf Bioregion. As part of the development of the underwater noise impact study, the Proponent shall determine:
- 3.15.1 the methodology for data collection, including the timing, duration and locations of in situ underwater noise monitoring and the number of LNG carrier transits to monitor;
- 3.15.2 the methodology for data analysis, including approach to underwater noise modelling and to the selection and analysis of underwater noise metrics relevant to marine mammal behavioural disturbance;
- 3.15.3 the format and content of the final study report, including:
- 3.15.3.1 results, data, conclusions and any recommendations to contribute to regional initiatives to mitigate behavioural impacts to marine mammals from underwater noise in this region; and
- 3.15.3.2 any initiatives that the Proponent shall participate in pursuant to condition 6.10 or any measures to include in the Terminal Information Guide pursuant to condition 10.12, or both; and
- 3.15.4 the timing with which the final study report shall be shared with Indigenous groups and relevant authorities and posted publicly pursuant to condition 2.13.
- 3.16 The Proponent shall develop, prior to operation and in consultation with Indigenous groups and Fisheries and Oceans Canada, and implement during operation, a follow-up program with respect to adverse federal effects on marine fish and marine mammals from underwater noise caused by Designated Project activities within the marine terminal area.
- 3.17 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program with respect to adverse federal effects

on fish and fish habitat from changes to water quality. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:

- 3.17.1 monitor turbidity in real-time and monitor total suspended solids during in-water work that has the potential to exceed applicable turbidity and total suspended solids thresholds established in Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* or British Columbia's *Water Quality Guidelines*, at the perimeter of this in-water work;
 - 3.17.2 monitor contaminants of potential concern including salinity, dissolved oxygen, metals, nutrients, total suspended solids and temperature, taking into account British Columbia's *Marine Monitoring Guidance*, at sites related to discharge of desalination effluent beginning a minimum of one year prior to initiating any activity that may impact water quality at these sites and during operation. In doing so, the Proponent shall monitor:
 - 3.17.2.1 one meter below surface, at the depth of marine discharge(s) during baseline or mid-plume depth during operation, and one meter above bottom; and
 - 3.17.2.2 at least quarterly (four times per year) and during ebbing and flooding tides; and
 - 3.17.3 compare results of monitoring in conditions 3.17.1 and 3.17.2 with the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* and British Columbia's *Water Quality Guidelines* to determine whether modified or additional mitigation measures are required.
- 3.18 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program with respect to adverse federal effects on fish and fish habitat from changes to marine sediment quality and benthic invertebrate communities. The Proponent shall implement the follow-up program during all phases of the Designated Project. The Proponent shall apply British Columbia's *Marine Monitoring Guidance* when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
- 3.18.1 conduct toxicity testing if the updated predictions for desalination effluent quality exceed Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* or British Columbia's *Water Quality Guidelines*;
 - 3.18.2 monitor marine sediment quality and benthic invertebrate communities at sites related to discharge of desalination effluent beginning a minimum of one year prior to initiating any activity that may impact sediments and benthic invertebrate communities at these sites and throughout operation;
 - 3.18.3 compare results of sediment quality monitoring in condition 3.18.2 with Canadian Council of Ministers of the Environment's *Canadian Sediment Quality Guidelines for the Protection of Aquatic Life* and British Columbia's *Working Sediment Quality Guidelines* to determine whether modified or additional mitigation measures are required; and

- 3.18.4 compare the results of benthic community monitoring conducted prior to initiating any activity that may impact these communities with results taken following the release of effluent and with the effects predictions in the Application to determine whether modified or additional mitigation measures are required.
- 3.19 The Proponent shall develop, prior to operation and in consultation with Indigenous groups and relevant authorities, and implement during operation a follow-up program with respect to adverse federal effects from entrainment and impingement of fish from marine water intakes.

4. Migratory birds

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids capturing, killing, taking, injuring or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing nests protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act* or both, while taking into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2 The Proponent shall determine, under the direction of a Qualified Professional, the presence, or likely presence of migratory bird nest(s) protected under the *Migratory Birds Convention Act, 1994* and its regulations and residences protected under the *Species at Risk Act* that may be adversely affected by any activity in the marine terminal area prior to initiating the activity.
- 4.3 The Proponent shall delineate, as determined by and under the direction of a Qualified Professional, setback distances around any nest(s) whose presence or likely presence is determined pursuant to condition 4.2 within which that activity shall not occur while these nests are protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act* or both.
- 4.4 The Proponent shall develop, prior to vegetation clearing within the marine terminal area and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, and implement, during construction, mitigation measures for marbled murrelet (*Brachyramphus marmoratus*). In doing so, the Proponent shall:
- 4.4.1 undertake a low-level aerial or ground survey, directed by a Qualified Professional, prior to undertaking vegetation clearing to verify if biophysical attributes that represent suitable nesting habitat for marbled murrelet (*Brachyramphus marmoratus*) according to Environment and Climate Change Canada's *Amended Recovery Strategy for the Marbled Murrelet (Brachyramphus marmoratus) in Canada*, are present in any of the areas to be cleared. In undertaking the survey, the Proponent shall apply Environment and Climate Change Canada's *Guidance and Tools to Support the Identification of Potential Marbled Murrelet Suitable Nesting Habitat*;
- 4.4.2 not undertake vegetation clearing of suitable nesting habitat for marbled murrelet (*Brachyramphus marmoratus*) during nesting season (March 15 to September 15) if

the survey referred to in condition 4.4.1 indicates that biophysical attributes that represent suitable nesting habitat are present;

- 4.4.3 compensate for the loss of suitable nesting habitat identified in condition 4.4.1 for marbled murrelet (*Brachyramphus marmoratus*) in the marine terminal area, taking into account Environment and Climate Change Canada's *Operational Framework for Use of Conservation Allowances*.
- 4.5 The Proponent shall control lighting during all phases of the Designated Project, including the direction, timing, intensity and glare of light fixtures, to mitigate adverse effects on migratory birds, while meeting operational health and safety requirements.
- 4.6 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Environment and Climate Change Canada, and implement, during all phases of the Designated Project, a follow-up program with respect to adverse federal effects on migratory birds. As part of the follow-up program, the Proponent shall:
 - 4.6.1 record discovery of bird mortality or injury during routine inspections and maintenance activities.

5. Health and socio-economic conditions of Indigenous Peoples

- 5.1 The Proponent shall minimize the quantity of vented or flared gas and the duration of venting or flaring events to the minimum required for emergency or maintenance purposes.
- 5.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Northern Health Authority and other relevant authorities, and implement, during all phases of the Designated Project, a Health and Medical Services Plan to mitigate the impacts of the Designated Project on local health and medical services that may be used by Indigenous Peoples. The plan shall be developed by a Qualified Individual and shall describe the means by which the Proponent shall:
 - 5.2.1 implement disease and infection management measures;
 - 5.2.2 determine which health and medical conditions will be considered non-urgent and can be treated onsite and which health and medical conditions will be considered urgent and must be treated offsite by local medical and health care service providers;
 - 5.2.3 provide onsite first-aid station(s) and medical room(s) and certified medical staff to treat health and medical conditions that can be treated onsite;
 - 5.2.4 establish and maintain, at all times, communication procedures for requesting outside emergency aid for urgent health and medical conditions and a process for coordinating the management of urgent care and medical escalations with local medical and health care service providers;
 - 5.2.5 establish a workplace health promotion program;

- 5.2.6 provide access to an employee assistance program that provides employees and family members with confidential support for personal difficulties that affect employee work performance.
- 5.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Indigenous Services Canada and other relevant authorities, and implement, during construction and operation, a Training and Employment Plan to increase opportunities for Indigenous Peoples, including Indigenous women and Indigenous businesses, to obtain skills and training, employment, procurement or contracting opportunities related to the Designated Project. The Proponent shall provide the plan to the Agency prior to construction. The plan shall describe how the Proponent shall:
- 5.3.1 identify the prerequisite skills and training, both certified and uncertified, required to be employed by the Designated Project;
- 5.3.2 identify existing gaps in relation to the prerequisite skills and training referred to in condition 5.3.1 among Indigenous Peoples that may be employed by the Designated Project and describe measures under the care and control of the Proponent for filling these gaps. Measures shall include the provision of on-the-job training and apprenticeship programs for Indigenous Peoples;
- 5.3.3 inform Indigenous groups, using targeted communication procedures designed in consultation with Indigenous groups, of the skills and training prerequisites referred to in condition 5.3.1 and of the measures referred to in condition 5.3.2 to achieve these prerequisites;
- 5.3.4 inform Indigenous Peoples of Designated Project–related employment and procurement opportunities, using targeted communication procedures designed in consultation with Indigenous groups.
- 5.4 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, measures to promote safe, respectful and inclusive conduct in the workplace and the community. These measures shall include actions to respond to call to justice 13.1 in *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls*. As part of the measures, the Proponent shall:
- 5.4.1 implement a workplace anti-harassment, anti-bullying, anti-discrimination and anti-violence policy that contains gender-appropriate and gender-specific policies and processes, including sexual harassment and assault counselling and confidential and culturally sensitive care;
- 5.4.2 implement a policy regarding the use and possession of drugs and alcohol in the workplace that prohibits use of, or being under the influence of, illicit drugs or alcohol during work hours;
- 5.4.3 develop mandatory cross-cultural awareness training in consultation with Indigenous groups, provide the training to employees of the Designated Project and contractors associated with the Designated Project and document the participation of employees of the Designated Project and contractors associated with the Designated Project in the training;

- 5.4.4 develop a Worker Code of Conduct that includes expectations and requirements in relation to the measures developed to promote safe, respectful and inclusive conduct in the workplace and the community (including the policies referred to in conditions 5.4.1 and 5.4.2). The Proponent shall submit the Worker Code of Conduct to the Agency prior to construction and describe to the Agency how employees of the Designated Project and contractors associated with the Designated Project will be made aware of the Worker Code of Conduct and will be required to comply with it.
- 5.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during construction and the first five years of operation, a follow-up program to verify the effectiveness of the Training and Employment Plan referred to in condition 5.3 with respect to providing opportunities for Indigenous Peoples to obtain skills and training, employment, procurement or contracting opportunities. As part of the implementation of the follow-up program, the Proponent shall monitor and report annually employment data for the Designated Project by identity factor(s) using disaggregated data provided as part of voluntary disclosures by employees and contractors.
- 5.6 The Proponent shall participate in regional initiative(s), in which the Proponent is invited by a relevant authority to participate and where agreed upon by the party(ies) responsible for the initiative(s), related to the monitoring, assessment and management of adverse effects of industrial projects in the region on local health and medical services that may be used by Indigenous Peoples, in the event that such initiative(s) are undertaken during any phase of the Designated Project.

6. Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall prohibit, during all phases of the Designated Project, all Designated Project employees and contractors from fishing, hunting, trapping, gathering and using recreational vehicles for any purposes not associated with the Designated Project within the marine terminal area or using the marine terminal area to access surrounding lands for these purposes, unless they are provided access as a member of an Indigenous group for traditional purposes or for exercising Aboriginal or treaty rights. In doing so, the Proponent shall develop, prior to construction, and implement during all phases of the Designated Project a policy to this effect for all Designated Project employees and contractors.
- 6.2 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, measures to limit the establishment and spread of invasive plant species (including their seed, plant parts or propagules). The Proponent shall provide these measures to the Agency prior to implementation.
- 6.3 The Proponent shall conduct progressive reclamation of areas temporarily disturbed in the marine terminal area once they are no longer required for the Designated Project. In doing so, the Proponent shall identify, in consultation with Nisga'a Nation, plant species of interest to Nisga'a Nation for use in establishing self-sustaining vegetation communities.

- 6.4 The Proponent shall direct, by integrating the marine shipping route into the Terminal Information Guide in condition 10.12, operators of LNG carriers and NGL product vessels associated with the Designated Project to travel within the marine shipping route, subject to navigational safety and operational requirements.
- 6.5 If the Proponent is made aware of future changes to relevant vessel routing measures established through any processes led or supported by Transport Canada, the Canadian Coast Guard, or both, the Proponent shall notify the Agency of these changes, in accordance with condition 2.16, prior to updating the marine shipping route information in the Terminal Information Guide in condition 10.12.
- 6.6 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, a community feedback protocol with respect to adverse federal effects resulting from the activities associated with the marine terminal and marine shipping. As part of the development of the community feedback protocol, the Proponent shall identify how feedback will be prioritized and responded to according to the anticipated level of impacts. The Proponent shall provide the community feedback protocol to the Agency and Indigenous groups prior to construction. As part of the community feedback protocol, the Proponent shall:
- 6.6.1 communicate the details of the community feedback protocol to Indigenous groups, using targeted communication procedures designed in consultation with Indigenous groups during the development of the community feedback protocol, including details on how a person may provide feedback, how the Proponent shall handle the feedback received and how the Proponent may implement modified or additional mitigation measure(s) and/or follow-up requirement(s) in response to the feedback received;
 - 6.6.2 record any feedback received as soon as feasible, no later than 48 hours after receiving the feedback;
 - 6.6.3 implement, as soon as technically feasible, any modified or additional mitigation measure and/or follow-up requirement that the Proponent deems necessary to respond to the feedback received;
 - 6.6.4 prepare and provide to Indigenous groups, at a frequency determined during the development of the community feedback protocol, summary report(s) of the feedback received during the reporting period, including any location-specific information available in relation to the feedback received, a description of any modified or additional mitigation measure and/or follow-up requirement implemented in response to the feedback and the time interval taken by the Proponent to implement the mitigation measure(s) and/or follow-up requirement(s), or, if the Proponent determined that no technically and economically feasible mitigation measure(s) and/or follow-up requirement(s) under its care and control can be implemented in response to the feedback, a justification for that determination;
 - 6.6.5 offer to meet with each Indigenous group to discuss the summary report(s) referred to in condition 6.6.4 and any change required to the community feedback

- protocol to improve its implementation and hold any requested meeting at the convenience of Indigenous groups; and
- 6.6.6 if the Proponent makes any change to the community feedback protocol to improve its implementation, provide the updated community feedback protocol to Indigenous groups prior to implementation.
- 6.7 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, the Canadian Coast Guard and other relevant authorities, a Marine Transportation Communication Plan for all vessels associated with the Designated Project travelling the marine shipping route. The Proponent shall implement the plan during construction and operation. The plan shall include procedures applicable to construction and operation to provide up-to-date information to Indigenous groups about activities that may adversely affect marine access and use. As part of the plan, the Proponent shall:
- 6.7.1 develop, to the satisfaction of the Canadian Coast Guard, procedures for use of the Marine Communications and Traffic Services (MCTS) to inform Indigenous marine users of transit information for LNG carriers and NGL product vessels travelling to and from the marine terminal;
- 6.7.2 explore the feasibility of added communication services for communication with Indigenous marine users along the marine shipping route in areas where the MCTS service is not available or unreliable;
- 6.7.3 develop and implement procedures for the Proponent to communicate proactively and on a regular basis information on the following:
- 6.7.3.1 vessel traffic schedules for vessels associated with the Designated Project;
 - 6.7.3.2 information on operational safety zones, aids to navigation, or other navigation safety measures;
 - 6.7.3.3 measures for collision prevention; and
 - 6.7.3.4 emergency response procedures;
- 6.7.4 provide Indigenous groups with updates to vessel traffic schedules pursuant to condition 6.7.3.1 that are not reported by the Canadian Coast Guard's Marine Communications and Traffic Services as soon as feasible; and
- 6.7.5 develop and implement procedures for Indigenous groups to communicate information to the Proponent about timing, duration and location of Indigenous commercial fishing as well as fishing for food, social and ceremonial purposes and how the Designated Project activities may interfere with these activities.
- 6.8 The Proponent shall validate, prior to operation, the predictions in the Application with respect to effects on the current use of lands and resources for traditional purposes and physical heritage of Indigenous Peoples from wakes generated by Designated Project LNG carriers and support vessels for LNG carriers traveling along the marine shipping route. In doing so, the Proponent shall:
- 6.8.1 identify, in consultation with Indigenous groups, areas along the marine shipping route to be used as part of the validation exercise in condition 6.8.2;

- 6.8.2 validate, under the direction of a Qualified Individual, effects on the current use of lands and resources for traditional purposes and physical heritage of Indigenous Peoples identified in condition 6.8.1 from wakes generated by LNG carriers and support vessels for LNG carriers using a quantitative analysis of wake and available LNG carrier wake information in the region;
 - 6.8.3 produce a report describing the validation methodology, results, conclusions and any initiatives that the Proponent shall participate in pursuant to condition 6.9 or any voluntary measures the Proponent shall include in the Terminal Information Guide pursuant to condition 10.12, or both, to mitigate wake effects and provide this report to Indigenous groups and the Agency prior to operation.
- 6.9 The Proponent shall review the Marine Transportation Communication Plan referred to in condition 6.7 in consultation with Indigenous groups and relevant authorities and at a regular frequency determined during the development of the plan. The Proponent shall also include any relevant measure(s) and recommendations from regional initiative(s) referred to in condition 6.10 based on consultation with relevant authorities when updating the plan. If the Proponent updates the plan, the Proponent shall provide an updated version of the plan to the Agency, Indigenous groups and relevant authorities prior to implementation.
- 6.10 The Proponent shall participate in regional initiative(s), in which the Proponent is invited by a relevant federal authority to participate and where agreed upon by the party(ies) responsible for the initiative(s), related to the monitoring, assessment and management of adverse effects of marine shipping on current use of waters and resources for traditional purposes or marine mammals, or both, in the event that such initiative(s) are undertaken during any phase of the Designated Project.

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

- 7.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, the British Columbia Energy Regulator and any other relevant authorities, and implement, during all phases of the Designated Project, a chance find protocol for any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance (including culturally modified trees) discovered within the marine terminal area by the Proponent or brought to the attention of the Proponent by an Indigenous group or another party. The chance find protocol shall respect the Nisga'a Nation's protocol for all discoveries on Category A Lands. As part of the chance find protocol, the Proponent shall:
- 7.1.1 immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;
 - 7.1.2 delineate an area of at least 30 metres around the discovery as a no-work zone;
 - 7.1.3 notify the Indigenous groups, the British Columbia Energy Regulator, the Agency and any other relevant authorities within 24 hours of the discovery, and discuss opportunities for Indigenous groups to monitor archaeological works;

- 7.1.4 have a Qualified Individual, whose expertise pertains to the requirements of British Columbia's *Heritage Conservation Act*, conduct an assessment at the location of the discovery; and
- 7.1.5 identify procedures to record, analyze and mitigate the adverse federal effects associated with the marine terminal on any discovered structures, sites or things in accordance with all applicable legislative or legal requirements and associated regulations.

8. Independent environmental monitor

- 8.1 The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a Qualified Professional as it pertains to environmental monitoring in British Columbia to independently observe and record on the implementation of the conditions set out in this Decision Statement and to report findings to the Proponent and Agency. The Proponent shall retain the services of the independent environmental monitor during construction and for the first year of operation.
- 8.2 The Proponent shall require the independent environmental monitor to report to Indigenous groups and the Agency, in writing, prior to or concurrent with reporting to the Proponent, if, in their view, any Designated Project activity does not comply with any condition set out in this Decision Statement during construction and at least the first year of operation. The Proponent shall also require the independent environmental monitor to report the information to the Agency at a frequency and in a format determined in consultation with the Agency.

9. Transmission Line Development

- 9.1 The Proponent shall require the owner and operator of the transmission line described in Schedule 1 of this Decision Statement to implement measures to mitigate the adverse federal effects of the transmission line's construction on fish and fish habitat. In doing so, the Proponent shall require the owner and operator of the transmission line to:
 - 9.1.1 develop and implement pre-construction survey(s) to determine the quality of fish habitat in intertidal and subtidal areas along the chosen route within the transmission line corridor. In doing so, the Proponent shall require the owner and operator of the transmission line to:
 - 9.1.1.1 retain the services of a Qualified Professional to conduct the survey(s);
 - 9.1.1.2 conduct surveys on the presence or absence of sponge reefs and coral gardens; and
 - 9.1.1.3 develop and implement mitigation measures to avoid impacts to sponge reefs and coral gardens, taking into account the surveys in condition 9.1.1.2;
 - 9.1.2 salvage and relocate fish prior to in-water work requiring isolation and dewatering of fish habitat;

- 9.1.3 have a Qualified Professional design all crossings of fish-bearing watercourses required for the Designated Project in a manner that takes into account British Columbia's and Fisheries and Oceans Canada's *Fish-Stream Crossing Guidebook* and Fisheries and Oceans Canada's *Code of Practice: Clear span bridges*. If Fisheries and Oceans Canada's *Code of Practice: Clear span bridges* does not apply to any given watercourse crossing, the Proponent shall have the Qualified Professional design that watercourse crossing in a manner that is in compliance with the *Fisheries Act*;
 - 9.1.4 design, implement and maintain erosion and sedimentation control measures during construction to avoid the release of deleterious substances into the receiving environment;
 - 9.1.5 manage stormwater runoff so that discharges do not cause the receiving environment to exceed Canadian Council of Ministers of the *Environment's Canadian Water Quality Guidelines for the Protection of Aquatic Life* or British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life*, whichever is more protective of aquatic life, for turbidity and total suspended solids levels for both short-term and long-term exposures;
 - 9.1.6 manage acid generation and metal leaching related to transmission line construction activities. In doing so, the Proponent shall require the owner and operator of the transmission line to:
 - 9.1.6.1 characterize, prior to the start of transmission line construction, the acid rock drainage and metal leaching potential of materials to be used for construction; and
 - 9.1.6.2 implement measures to prevent the contamination of the receiving environment by acid-generating, metal-leaching, or potentially acid-generating materials, taking into account the geochemical testing in condition 9.1.6.1;
 - 9.1.7 develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with Indigenous groups, and implement any offsetting plan related to the harmful alteration, disruption, or destruction of fish habitat and death of fish associated with the carrying out of the transmission line; and
 - 9.1.8 for any fish habitat offsetting measure proposed in any offsetting plan referred to in condition 9.1.7 that may cause direct or incidental adverse effects not considered in the impact assessment, develop and implement, following consultation with Indigenous groups and relevant authorities, measures to mitigate these effects.
- 9.2 The Proponent shall require the owner and operator of the transmission line described in Schedule 1 of this Decision Statement to implement measures to mitigate the adverse federal effects of the transmission line's construction on migratory birds. In doing so, the Proponent shall require the owner and operator of the transmission line to:
- 9.2.1 carry out activities associated with the transmission line in a manner that protects migratory birds and avoids capturing, killing, taking, injuring or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing nests protected under the *Migratory Birds Convention Act*,

- 1994 and its regulations or the *Species at Risk Act* or both, while taking into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*;
- 9.2.2 determine, under the direction of a Qualified Professional, the presence, or likely presence of migratory bird nest(s) protected under the *Migratory Birds Convention Act, 1994* and its regulations and residences protected under the *Species at Risk Act* that may be adversely affected by any activity prior to initiating the activity; and
- 9.2.3 delineate, as determined by and under the direction of a Qualified Professional, setback distances around any nest(s) whose presence or likely presence is determined pursuant to condition 9.2.2 within which that activity shall not occur while these nests are protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act* or both.
- 9.3 The Proponent shall require the owner and operator of the transmission line described in Schedule 1 of this Decision Statement to implement measures to mitigate the adverse federal effects of the transmission line's construction on the current use of lands and resources for traditional purposes and physical and cultural heritage and structures, sites or things of historical, archaeological, paleontological or architectural significance. In doing so, the Proponent shall require the owner and operator of the transmission line to:
- 9.3.1 conduct progressive reclamation of areas temporarily disturbed by the transmission line once they are no longer required. In doing so, the Proponent shall require the owner and operator of the transmission line to identify, in consultation with Indigenous groups, plant species of interest to Indigenous groups for use in establishing self-sustaining vegetation communities;
- 9.3.2 develop, in consultation with Indigenous groups, and implement measures to limit the establishment and spread of invasive plant species (including their seed, plant parts or propagules);
- 9.3.3 implement a community feedback protocol for Indigenous groups, including a means to receive and respond to feedback from Indigenous groups; and
- 9.3.4 develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement, a chance find protocol for any previously unidentified structures, sites or things of historical, archaeological, paleontological or architectural significance (including culturally modified trees) discovered within the transmission line corridor.

10. Accidents and malfunctions and effects of the environment

- 10.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse federal effects and mitigate any adverse federal effect from accidents and malfunctions that occur. As part of these measures, the Proponent shall:
- 10.1.1 design the infrastructure required for the Designated Project to specified seismic design criteria in applicable codes and standards, as certified by a Qualified Professional;

- 10.1.2 design the infrastructure required for the Designated Project in consideration of the risks of marine geological hazards, including risk of a submarine landslide causing a local tsunami and landslide runout from the Nass River delta;
 - 10.1.3 implement fire prevention and protection measures; and
 - 10.1.4 implement spill prevention measures including refueling vehicles and equipment only within designated refueling areas to reduce potential fuel spills and in a manner to prevent drippings onto the ground.
- 10.2 The Proponent shall consult, prior to each phase of the Designated Project, Indigenous groups and relevant authorities about measures to be implemented during the applicable phase to prevent accidents and malfunctions in condition 10.1, except measures related to engineering design.
- 10.3 The Proponent shall undertake safety assessments of marine navigation and berthing within the compulsory pilotage areas that overlap with the marine shipping route at least 12 months prior to the arrival of the first LNG carrier or NGL product vessel at the marine terminal by participating in a Joint Navigational Risk Assessment, including a full mission bridge simulation, with British Columbia Coast Pilots, the Pacific Pilotage Authority and tugboat providers. In doing so, the Proponent shall assess the following, at a minimum, in order to identify mitigation measures to be implemented pursuant to condition 10.1 to prevent accidents and malfunctions:
- 10.3.1 berthing scenarios;
 - 10.3.2 tugboat escort scenarios;
 - 10.3.3 operational limits including wind speeds, wave action, currents and tides; and
 - 10.3.4 marine route navigation from the pilot boarding station to the marine terminal, including recommended speed profile and needs for additional aids to navigation.
- 10.4 The Proponent shall develop, prior to each phase of the Designated Project and in consultation with Indigenous groups, the Canadian Coast Guard and other relevant authorities, and implement during the applicable phase an Accidents and Malfunctions Response Plan for the Designated Project. The plan shall be prepared in accordance with the Canadian Standards Association's *CAN/CSA Z246.2 Emergency preparedness and response for petroleum and natural gas industry systems*. The plan shall include:
- 10.4.1 a description of the types of accidents and malfunctions that may cause adverse federal effects during each applicable phase of the Designated Project;
 - 10.4.2 the measures to be implemented in response to each type of accident and malfunction, including salvage if required, referred to in condition 10.4.1 to mitigate any adverse federal effect caused by the accident or malfunction;
 - 10.4.3 for each type of accident and malfunction referred to in condition 10.4.1, the roles and responsibilities of those involved in the implementation of the measures referred to in condition 10.4.2 in consideration of capacity and location of the accident or malfunction, including the Proponent, Western Canada Marine Response Corporation, tugboat operators, the Canadian Coast Guard and other

- relevant authorities, Indigenous groups and any other party that may be called upon to respond to an accident or malfunction; and
- 10.4.4 identify equipment, training and resources that the Proponent shall provide to those listed in condition 10.4.3 to assist with any emergency response.
- 10.5 The Proponent shall review the Accidents and Malfunctions Response Plan referred to in condition 10.4 at least annually and keep it up to date during the applicable phase. The Proponent shall submit any updated Accidents and Malfunctions Response Plan to the Agency and to parties consulted for the development of the plan within 30 days of the plan being updated.
- 10.6 The Proponent shall require that tugboats used for escorting and berthing LNG carriers and NGL product vessels are equipped with firefighting and spill response equipment and require that operators of these tugboats are trained in first response, firefighting, deployment of oil spill response equipment, emergency towing, and other emergency response procedures.
- 10.7 The Proponent shall provide training to all relevant Designated Project employees and contractors, including tugboat operators on the measures referred to in condition 10.6 to prevent accidents and malfunctions that may result in adverse federal effects and on the response measures included in the Accident and Malfunction Response Plan referred to in condition 10.4. The Proponent shall document the participation of employees in the training.
- 10.8 In the event of an accident or malfunction with the potential to cause adverse federal effects, the Proponent shall immediately implement the measures appropriate to remedy the accident or malfunction, including any measure referred to in condition 10.4.2, and shall:
- 10.8.1 notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislative and regulatory requirements;
- 10.8.2 notify, as soon as feasible and pursuant to the Accidents and Malfunctions Communication Plan referred to in condition 10.9, Indigenous groups of the accident or malfunction and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying Indigenous groups and the Agency, the Proponent shall specify:
- 10.8.2.1 the date and time when and location where the accident or malfunction occurred;
- 10.8.2.2 a summary description of the accident or malfunction;
- 10.8.2.3 a list of any substance and quantity of substance potentially released into the environment as a result of the accident or malfunction; and
- 10.8.2.4 a description of the relevant authorities notified pursuant to condition 10.8.1 and of the relevant authorities engaged in response to the accident or malfunction;

- 10.8.3 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:
 - 10.8.3.1 a detailed description of the accident or malfunction and of its adverse federal effects;
 - 10.8.3.2 a description of the measures that were taken by the Proponent to mitigate the adverse federal effects caused by the accident or malfunction;
 - 10.8.3.3 any view from Indigenous groups and advice from relevant authorities received by the Proponent with respect to the accident or malfunction, its adverse federal effects and the measures taken by the Proponent to mitigate these adverse federal effects;
 - 10.8.3.4 a description of any residual adverse federal effect and any modified or additional measure required by the Proponent to mitigate residual adverse federal effects; and
 - 10.8.3.5 details concerning the implementation of the Accidents and Malfunctions Response Plan referred to in condition 10.4; and
- 10.8.4 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that takes into account the information submitted in the written report referred to in condition 10.8.3. The written report shall include:
 - 10.8.4.1 a description of the changes made to avoid a subsequent occurrence of the accident or malfunction;
 - 10.8.4.2 a description of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse federal effects and to carry out any required progressive reclamation; and
 - 10.8.4.3 all additional views from Indigenous groups and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 10.8.3.3 were received by the Proponent.
- 10.9 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, an Accidents and Malfunctions Communication Plan to inform Indigenous groups of accidents and malfunctions associated with the Designated Project. The Proponent shall implement the plan and keep it up-to-date during all phases of the Designated Project. The plan shall include:
 - 10.9.1 the types of accidents and malfunctions requiring the Proponent to notify Indigenous groups;
 - 10.9.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction identified pursuant to condition 10.9.1 and of any opportunity for the Indigenous groups to assist in the response to the accident or malfunction; and
 - 10.9.3 the names and contact information of the Proponent and Indigenous group representatives for the purposes of notification pursuant to condition 10.9.2.

- 10.10 The Proponent shall, in consultation with the Canadian Coast Guard, identify and implement, prior to operation, additional communication measures within the marine shipping route related to marine shipping to expand or improve:
- 10.10.1 communications in areas where Marine Communications and Traffic Services (MCTS) is unavailable or unreliable; and
 - 10.10.2 aids to navigation within the marine shipping route, including at Moore Shoal, should the Canadian Coast Guard identify additional needs for aids to navigation during their next levels of service review for this area.
- 10.11 The Proponent shall develop, prior to operation and in accordance with section 2.14 of Transport Canada's *TP 15577 – Navigation Safety Assessment Process National Guidelines (06/2023)*, a Terminal Operations Manual that describes the specific operational procedures related to safety of the marine terminal and LNG carriers and NGL product vessels at the marine terminal. The Proponent shall provide the Terminal Operations Manual to Designated Project LNG carriers and NGL product vessels and their agents and shall require that operators of LNG carriers and NGL product vessels comply with its contents. The Terminal Operations Manual shall include the following information specific to the Designated Project's marine terminal:
- 10.11.1 terminal communication procedures;
 - 10.11.2 emergency procedures including for emergencies on the vessel and at the berth;
 - 10.11.3 atmospheric conditions which would require cargo transfer to be stopped or the vessel to depart the marine terminal; and
 - 10.11.4 waste management for hazardous and non-hazardous waste.
- 10.12 The Proponent shall develop, prior to operation and in accordance with section 2.13 of Transport Canada's *TP 15577 – Navigation Safety Assessment Process National Guidelines (06/2023)*, a Terminal Information Guide that describes specific operational procedures related to the Designated Project LNG carriers and NGL product vessels travelling to and from the marine terminal. The Proponent shall provide the Terminal Information Guide to Designated Project LNG carriers and NGL product vessels and their agents and require that operators of LNG carriers and NGL product vessels comply with its contents. The Terminal Information Guide shall include the following information specific to the marine shipping route:
- 10.12.1 tugboat escort requirements;
 - 10.12.2 marine terminal entry requirements including anchorage procedures and local navigation conditions;
 - 10.12.3 guidance related to marine mammals;
 - 10.12.4 vessel speed profiles to be adhered to subject to navigation safety as determined by the vessel master or British Columbia Coast Pilot;
 - 10.12.5 berthing procedures;
 - 10.12.6 mooring assistance;

- 10.12.7 upper limits of berthing operations including lateral approach rate, wind velocity, wave height, tidal stream velocity, and visibility;
- 10.12.8 area(s) and timing of concentrated Indigenous fishing and harvesting to be aware of as provided by Indigenous groups through consultation with Indigenous groups; and
- 10.12.9 voluntary measures applicable to Designated Project vessels and their movements within the marine shipping route and adjacent areas, including the Voluntary Protection Zone for Shipping on the Western Shore of Haida Gwaii for as long as it remains in effect.
- 10.13 The Proponent shall provide the Terminal Operations Manual referred to in condition 10.11 and the Terminal Information Guide referred to in condition 10.12 to Indigenous groups, Transport Canada, the Pacific Pilotage Authority, B.C. Coast Pilots, and Canadian Coast Guard, and other relevant authorities a minimum of 6 months prior to arrival of the first LNG carrier at the marine terminal.
- 10.14 The Proponent shall review and update, in consultation with Indigenous groups, Transport Canada, the Pacific Pilotage Authority, B.C. Coast Pilots, Canadian Coast Guard and other relevant authorities, the Terminal Operations Manual referred to in condition 10.11 and the Terminal Information Guide referred to in condition 10.12 within the first 24 months of operation and at a minimum frequency of every five years thereafter, to reflect changing practices or procedures. The Proponent shall also include any relevant measure(s) and recommendations from regional initiative(s) referred to in condition 6.10 based on consultation with relevant authorities when updating these documents and shall provide the updated documents to the parties consulted as soon as feasible.
- 10.15 The Proponent shall develop, prior to the arrival of the first LNG carrier or NGL product vessel at the marine terminal, and implement a vessel acceptance program during operation. The Proponent shall consider the Oil Companies International Marine Forum's Ship Inspection Report Programme in the development of the vessel acceptance program.

11. Schedules

- 11.1 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities, and within 60 days of the issuance of this Decision Statement, a schedule outlining activities planned to fulfill each condition set out in this Decision Statement, including consultation activities pursuant to condition 2.3.1. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration for each of these activities.
- 11.2 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities, no later than 60 days prior to the start of construction, a schedule outlining activities required to carry out all phases of the Designated Project. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.

- 11.3 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities in writing an update to schedules referred to in conditions 11.1 and 11.2 every year no later than March 31, until completion of all activities referred to in each schedule.

12. Record keeping

- 12.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall retain the records and make them available to the Agency during construction and operation, and for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 12.2 The Proponent shall retain all records referred to in condition 12.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency in writing 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.
- 12.3 The Proponent shall notify the Agency in writing of any change to the contact information of the Proponent.