

## Potential Conditions

The Canadian Environmental Assessment Agency is contemplating the following potential conditions in relation to the Murray River Coal Project (the Designated Project) for recommendation to the Minister of Environment and Climate Change for inclusion in a Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. If the Designated Project is ultimately allowed to proceed because the Minister of Environment and Climate Change decides that the carrying out of the Designated Project is unlikely to cause significant adverse environmental effects as defined under subsections 5(1) and 5(2), or if the Minister decides that the Designated Projects is likely to cause significant adverse environmental effects and the Governor in Council decides such effects are justifiable in the circumstances, any conditions established by the Minister would become legally binding.

### **1** Definitions

- 1.1 *Agency* means the Canadian Environmental Assessment Agency.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.3 *Construction* means the phase of the Designated Project when site preparation, building or installation of any components of the Designated Project are undertaken by the Proponent.
- 1.4 *Contact water* means water which has come into contact with mine site components and their associated infrastructure.
- 1.5 *Days* means calendar days.
- 1.6 *Decommissioning* means the phase of the Designated Project where the Proponent has permanently ceased commercial production and has commenced removal from service of any components of the Designated Project, and continues until the site is restored.
- 1.7 *Designated Project* means the Murray River Coal Project as described in section 2 of the environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80041).
- 1.8 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.9 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Environmental impact statement* means the document prepared by the Proponent with the findings of the environmental assessment (Canadian Environmental Assessment Registry Reference Number 80041).
- 1.11 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.

- 1.12 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.13 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.14 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.15 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.16 *Indigenous groups* means West Moberly First Nations, Saulteau First Nations, McLeod Lake Indian Band, Blueberry River First Nations, Horse Lake First Nation, Doig River First Nation, Fort Nelson First Nation, Halfway River First Nation, Prophet River First Nations, Sucker Creek First Nation, Kelly Lake Métis Settlement Society and Métis Nation British Columbia.
- 1.17 *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*.
- 1.18 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.19 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.20 *Operation* means the phase of the Designated Project during which the commercial production takes place.
- 1.21 *Progressive reclamation* means a planned approach to reclamation which is carried out concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.22 *Project area* means the land and water areas disturbed by physical structures and physical activities associated with the Designated Project.
- 1.23 *Proponent* means HD Mining International Limited and its successors or assigns.
- 1.24 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, may be relied on by the Proponent to provide advice within his or her area of expertise.
- 1.25 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.26 *Reporting year* means from April 1 of a calendar year through March 31 of the subsequent calendar year.

- 1.27 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined, on the basis of heritage value, to be directly associated with an important aspect or aspects of human history or culture.

### **Potential conditions**

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

### **2. General conditions**

- 2.1 The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this document are considered in a careful and precautionary manner, promote sustainable development, are informed by the best available information and knowledge, including community and Indigenous traditional knowledge, are based on validated methods and models, are undertaken by qualified individuals, have applied the best available economically and technologically feasible mitigation measures, and have considered any changes that the environment may cause to the Designated Project.
- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this document:
- 2.2.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
  - 2.2.2 provide sufficient information and a reasonable period of time to permit the party or parties being consulted to prepare their views and information;
  - 2.2.3 provide a full and impartial consideration of any views and information presented by the party or parties being consulted; and
  - 2.2.4 advise the party or parties that have provided comments on how the views and information received have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, and prior to initiating that consultation, communicate with each Indigenous group to determine the manner by which to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information and the period of time to be provided when seeking input, the process for full and impartial consideration of any views and information presented and the means by which each Indigenous group will be informed of how the views and information received have been considered by the Proponent.
- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:

- 2.4.1 undertake monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure(s);
  - 2.4.2 determine whether additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.4.1; and
  - 2.4.3 if additional mitigation measures are required pursuant to condition 2.4.2, implement these additional mitigation measures and monitor them pursuant to condition 2.4.1.
- 2.5 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for the participation of that Indigenous group in the implementation of the follow-up program as set out in condition 2.4.
- 2.6 The Proponent shall, commencing in the reporting year that implementation of the conditions set out in this Decision Statement begins, prepare an annual report that sets out:
- 2.6.1 the activities undertaken in the reporting year to comply with each of the conditions set out in this document;
  - 2.6.2 how the Proponent complied with condition 2.1;
  - 2.6.3 for conditions set out in this document for which consultation is a requirement, how the Proponent has considered any views and information that the Proponent received during or as a result of the consultation;
  - 2.6.4 the results of the follow-up program requirements identified in conditions 3.8, 3.10, 3.11, 3.12, 4.4, 5.3, 6.4, 7.9 and 7.11; and
  - 2.6.5 any additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.4.
- 2.7 The Proponent shall submit to the Agency the annual report referred to in condition 2.6, including an executive summary in both official languages, no later than June 30 following the reporting year to which the annual report applies.
- 2.8 The Proponent shall publish on the Internet, or any medium which is widely publicly available, the annual report and the executive summaries referred to in conditions 2.6 and 2.7, the heritage management plan referred to in condition 8.2, the written reports referred to in conditions 9.4.3 and 9.4.4, the communication plan referred to in condition 9.5, the implementation schedule referred to in condition 10.1, and any updates or revisions to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents once they are published.

- 2.9 The Proponent shall notify the Agency and Indigenous groups in writing no later than 60 days after the day on which there is a transfer of ownership, care, control or management of the Designated Project in whole or in part.
- 2.10 The Proponent shall consult with Indigenous groups prior to initiating any material change(s) to the Designated Project that may result in adverse environmental effects, and shall notify the Agency in writing no later than 60 days prior to initiating the change(s).
- 2.11 In notifying the Agency pursuant to condition 2.10, the Proponent shall provide the Agency with an analysis of the adverse environmental effects of the change(s) to the Designated Project, as well as the results of the consultation with Indigenous groups.

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

- 3.1 The Proponent shall implement all reasonable measures to control erosion and sedimentation within the Project area during all phases of the Designated Project to limit the release of sediment into the receiving environment.
- 3.2 The Proponent shall install, prior to the start of mining activities in the Mast Creek and M20 Creek watersheds and following consultation with Fisheries and Oceans Canada, rock weirs in Mast Creek and M20 Creek to mitigate predicted base flow reductions, and protect existing fish and fish habitat, including bull trout (*Salvelinus confluentus*) overwintering habitat. Prior to weir installation, the Proponent shall quantify and locate pool habitats in Mast Creek, downstream of Mast Creek Road, and in M20 Creek to inform the design, number, and location of the rock weirs.
- 3.3 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, and implement, during all phases of the Designated Project, mitigation measures to protect fish and fish habitat during construction near water, taking into consideration Fisheries and Oceans' *Land Development Guidelines for the Protection of Aquatic Habitat* and Fisheries and Oceans' *Measures to Avoid Causing Harm to Fish and Fish Habitat*.
- 3.4 The Proponent shall, prior to the construction of the intake pumping system, install silt fences and sedimentation traps around the work area and, as soon as construction of the intake pumping system ends, shall revegetate the disturbed work area with native species.
- 3.5 The Proponent shall conduct dewatering activities during low flow periods and, if required, shall salvage fish in a manner consistent with the *Fisheries Act* and its regulations.
- 3.6 The Proponent shall implement all reasonable measures to minimize the release of selenium into the aquatic environment as a result of the Designated Project to reduce the adverse effects of selenium on fish health, including:
  - 3.6.1 placing low permeability lining at the base of the coarse coal reject piles to minimize seepage;
  - 3.6.2 capturing water that infiltrates the coarse coal reject piles into a seepage collection system and reclaiming and pumping it into the coal preparation plant pond;

- 3.6.3 segregating and encapsulating acid-generating and potentially acid-generating material in the waste rock pile and coarse coal reject piles; and
  - 3.6.4 placing low permeability cover over the waste rock pile and coarse coal reject piles at the end of their operational life to prevent selenium leaching.
- 3.7 The Proponent shall collect contact water runoff from Project infrastructure, including the waste rock pile, the coarse coal reject piles, the coal stockpiles, and the shaft site, into sedimentation ponds and shall treat, prior to its release into the environment, contact water at the settling ponds for total suspended solids, leached metals, chemical constituents, and sulfur, taking into account the Canadian Council of Ministers of the Environment's *Water Quality Guidelines for the Protection of Aquatic Life*.
- 3.8 The Proponent shall develop and implement, in consultation with Fisheries and Oceans Canada and Indigenous groups, a fish and fish habitat follow-up program. The follow-up program shall be developed prior to construction and shall be implemented during all phases of the Designated Project. The follow-up program shall include:
- 3.8.1 determining the effectiveness of the rock weirs referred to in condition 3.2 to mitigate predicted base flow reductions, and protect existing fish and fish habitat; and
  - 3.8.2 determining the effectiveness of the habitat protection measures identified under conditions 3.3, 3.4, and 3.5.
- 3.9 The Proponent shall complete, prior to construction, the geochemical characterization of the Project area, including a description of the geology, the distribution and nature of reactive geologic material. The Proponent shall maintain the geochemical characterization up to date during all phases of the Designated Project.
- 3.10 The Proponent shall develop, prior to construction and in consultation with relevant federal and provincial authorities, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to changes to water quality due to presence of reactive geologic material referred to in condition 3.9 within the Project area and the predicted effects on fish and fish habitat. As part of the development of the follow-up program, the Proponent shall determine the locations where water quality monitoring shall occur; the parameters to be monitored, including dissolved metals, total metals, in-situ pH, conductivity, temperature, dissolved oxygen, nutrients and total suspended solids; and the frequency at which monitoring shall occur, at least on an annual basis.
- 3.11 The Proponent shall develop, prior to construction and in consultation with relevant federal and provincial authorities, and implement, during all phase of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the adverse effects of selenium releases on fish health, and to determine the effectiveness of the mitigation measures referred to in condition 3.6. The follow-up program shall include:
- 3.11.1 characterizing selenium leaching potential from waste rock, coal stockpile, coarse coal rejects, and tailings;

- 3.11.2 monitoring changes in selenium concentrations in water, sediment and in the tissue of slimy sculpin (*Cottus cognatus*) at locations that shall include M19A Creek, M19 Creek, M20 Creek, Murray River and one reference site not expected to be influenced by activities of the Designated Project or other current or foreseeable future projects, taking into consideration British Columbia's *Companion Document to: Ambient Water Quality Guidelines for Selenium Updates*; and
  - 3.11.3 reporting the results of the monitoring referred to in condition 3.11.2 to relevant federal and provincial authorities and Indigenous groups annually, on or before June 30, starting in the reporting year that the follow-program begins.
- 3.12 The Proponent shall develop and implement, in consultation with relevant federal and provincial authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the adverse effects of subsidence caused by Project activities in the Project area. The follow-up program shall be developed prior to construction and shall be implemented during all phase of the Designated Project. The follow-up program shall include monitoring the magnitude and patterns of subsidence associated with the Designated Project and monitoring the effect of that subsidence on hydrology, groundwater, water quality, and ground and slope stability.

#### **4 Migratory birds**

- 4.1 The Proponent shall carry out all phases of the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.
- 4.2 The Proponent shall verify, prior to construction, the accuracy of the environmental assessment as it pertains to the presence and distribution of migratory birds and the use of migratory bird habitat within the Project area, including within the subsidence zone identified by the Proponent during the environmental assessment, taking into account the inventory standards from the British Columbia's Resources Information Standards Committee for each species. Pre-construction migratory bird surveys shall be conducted over more than one year and at different times of the year to account for inter-annual and seasonal variation. The Proponent shall develop and implement the methodology for pre-construction migratory bird surveys in consultation with relevant federal and provincial authorities.
- 4.3 The Proponent shall control lighting required for the construction and operation of the Designated Project, including direction, timing, intensity, and glare to avoid effects on migratory birds, while meeting operational health and safety requirements.
- 4.4 The Proponent shall develop, prior to construction, and implement during all phases of the Designated Project, a follow-up program to determine the effectiveness of the mitigation measures used to avoid harm to migratory birds, their eggs and nests, including the measures used to comply with conditions 4.1 to 4.3.

#### **5 Greenhouse gas emissions**

- 5.1 The Proponent shall implement, during all phases of the Designated Project, mitigation measures to limit methane emissions to 500 000 tonnes of equivalent carbon dioxide per year. In doing so, the Proponent shall:
  - 5.1.1 utilize catalytic conversion to convert methane from the air ventilation shaft to heat, water and carbon dioxide, or utilize other technology that would result in equivalent or reduced methane emissions; and
  - 5.1.2 collect and transport methane from longwall panels to the surface for flaring, or utilize other technology that would result in equivalent or reduced methane emissions.
- 5.2 The Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, an engine maintenance and operation program to control emissions from diesel equipment exhausts and vehicles used for the Designated Project.
- 5.3 The Proponent shall develop, prior to construction and in consultation with relevant federal and provincial authorities, and implement, during all phase of the Designated Project, a follow-up program to verify the accuracy, on an annual basis, of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to greenhouse gas emissions, including methane emissions.

## **6 Indigenous health and socio-economic conditions**

- 6.1 The Proponent shall mitigate, during all phases of the Designated Project, emissions of fugitive dust from the Designated Project, including through surface improvement, and surface treatment along unpaved roads associated with the Designated Project.
- 6.2 The Proponent shall establish speed limits and shall require Project-related employees to abide by those limits on access roads associated with the Designated Project.
- 6.3 The Proponent shall minimize Project-related noise, including through the use of noise-dampening technologies on vehicles and equipment.
- 6.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant federal and provincial authorities, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the health of Indigenous peoples. The follow-up program shall include:
  - 6.4.1 monitoring air quality on a monthly basis for total suspended particulates and particulate matter (PM<sub>10</sub>), at locations identified in the environmental assessment, and for dustfall, at the measurement stations DF1, DF2, DF3, DF4 and DF5, and using as benchmarks the *National Ambient Air Quality Objectives*, the *Canadian Ambient Air Quality Standards* and the *British Columbia's Ambient Air Quality Objectives*;
  - 6.4.2 monitoring of soil and water quality for contaminants of potential concern identified in the environmental impact statement, polycyclic aromatic hydrocarbons and arsenic. In developing the follow-up program for soil and water quality, the Proponent shall identify monitoring locations for both soil and water quality and action thresholds for

contaminants of potential concern, polycyclic aromatic hydrocarbons and arsenic at which additional measures are required to mitigate the increased risk to human health. If monitoring results demonstrate that concentration levels for contaminants of potential concern, polycyclic aromatic hydrocarbons and arsenic are greater than those predicted during the environmental assessment, the Proponent shall update the human health risk assessment for the consumption of traditional foods exposed to these contaminants; and

- 6.4.3 if existing beaver dams are removed in M19A Creek during any phase of the Designated project, notifying the Agency of that information and developing a site performance objective to inform the development and implementation of additional measures to mitigate the risk to human health from potential selenium toxicity in resident fish harvested in M19A Creek, taking into account the results of the monitoring referred to in condition 3.11.2.
- 6.5 The Proponent shall report to the Agency, Indigenous groups and relevant federal and provincial authorities the results of the follow-up program referred to in condition 6.4, including any associated potential health risks, updated human health risk assessment and the corrective measures taken to reduce the release of contaminants or the exposure to contaminants. Reporting shall start at the beginning of construction and end at the end of decommissioning.

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

- 7.1 The Proponent shall inform Indigenous groups of the timing, duration and levels of noise generated by Project activities.
- 7.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, a mechanism for receiving noise complaints and for responding in a timely manner to any noise complaint(s) received.
- 7.3 The Proponent shall notify Indigenous groups of temporary road closures associated with the Designated Project, at least 30 days in advance of any such closure.
- 7.4 The Proponent shall provide access, during all phases of the Designated Project, to the Saulteau First Nations to the sacred site and camping site, identified by the Saulteau First Nations as areas used in the Project area for traditional purposes, to the extent that such access is safe. The Proponent shall notify Saulteau First Nations if access to the sacred site and camping site must be prohibited for safety reasons.
- 7.5 The Proponent shall verify, prior to construction and following consultation with Indigenous groups, the presence in the Project area of medicinal plants identified by Indigenous groups and, if presence is confirmed, provide access, during all phases of the Designated Project, to the Project area to Indigenous groups for the purpose of gathering medicinal plants, to the extent that such access is safe. The Proponent shall notify Indigenous groups if access to the Project area must be prohibited for safety reasons.
- 7.6 The Proponent shall maintain the mineral lick identified in the environmental impact statement in its natural state and shall maintain wildlife access to it during the summer.

- 7.7 The Proponent shall maintain willow areas identified in the environmental impact statement in their natural state and shall maintain wildlife access to them during the ungulate breeding season.
- 7.8 The Proponent shall implement the following mitigation measures to reduce visual nuisance:
- 7.8.1 maintaining tree buffers around Project-related infrastructures and on either side of the Murray River Forest Service Road; and
  - 7.8.2 undertaking progressive reclamation of the habitats impacted by the Designated Project at the mine site.
- 7.9 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of changes caused by the Designated Project to the environment on current fishing, harvesting, hunting, or trapping activities for traditional purposes by Indigenous groups, including hunting for moose (*Alces americanus*), fisher (*Martes pennanti*) and grizzly bear (*Ursus arctos*). The Proponent shall provide the results of the follow-up program to Indigenous groups.
- 7.10 The Proponent shall conduct, prior to construction, field surveys to confirm the distribution of low elevation range habitat and Type 1 Matrix habitat, as defined in the *Recovery Strategy for the Woodland Caribou, Southern Mountain population (Rangifer tarandus caribou) in Canada* for the Quintette herd of Southern mountain caribou (*Rangifer tarandus caribou*) within the subsidence zone identified by the Proponent during the environmental assessment. The field survey methodology shall be defined prior to undertaking the field surveys in consultation with Indigenous groups and relevant federal and provincial authorities.
- 7.11 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant federal and provincial authorities, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of changes caused by the Designated Project to the Quintette herd of Southern mountain caribou (*Rangifer tarandus caribou*) on current caribou hunting activities for traditional purposes by Indigenous peoples. The follow-up program shall include:
- 7.11.1 if Project activities destroy or alter the low elevation range habitat and Type 1 Matrix habitat for the Quintette herd of Southern mountain caribou (*Rangifer tarandus caribou*) identified in condition 7.10, developing, in consultation with Indigenous groups and relevant federal and provincial authorities, and implementing, during all phase of the Designated Project, additional measures to mitigate the effects of changes caused by the Designated Project to the Quintette herd of Southern mountain caribou (*Rangifer tarandus caribou*) on current caribou hunting activities for traditional purposes by Indigenous peoples. The Proponent may consider offsetting or non-habitat measures when identifying the additional mitigation measures to be implemented; and
  - 7.11.2 reporting the results of the follow-up program, including the additional mitigation measures referred to in condition 7.11.1, to Indigenous groups and relevant federal and provincial authorities annually on or before June 30, starting in the reporting year that construction begins.

- 7.12 The Proponent shall provide Indigenous groups with the implementation schedule, updates or revisions to the implementation schedule pursuant to conditions 10.1 to 10.3 at the same time these documents are provided to the Agency.

**8 Physical and cultural heritage and structure, site or thing of historical, archaeological, paleontological or architectural significance**

- 8.1 The Proponent shall mark areas within 50 meters of the boundaries of archeological sites GgRf-2, GgRf-3, GgRf-4, GgRf-5, GgRf-10, GgRg-6, GgRg-9, GgRg-5 and GgRg-8 on construction maps and shall delineate these areas in the field as no-work zones. The no-work requirement shall not apply to action(s) required to be undertaken to protect the integrity of the archeological sites.
- 8.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, an heritage management plan for the Designated Project. The heritage management plan shall include:
- 8.2.1 a description of the types of physical and cultural heritage features and structures, sites or things of historical, archaeological, paleontological or architectural significance that may be encountered by the Proponent during construction;
  - 8.2.2 procedures for the on-site monitoring by Project personnel of construction activities that may affect physical and cultural heritage features or structures, sites or things of historical, archaeological, paleontological or architectural significance;
  - 8.2.3 procedures for the identification and removal by the Proponent of physical and cultural heritage features and structures, sites or things of historical, archaeological, paleontological or architectural significance that may be affected by construction activities;
  - 8.2.4 procedures for the preservation and sharing of information about physical and cultural heritage features and structures, sites or things of historical, archaeological, paleontological or architectural significance that may be affected by construction activities; and
  - 8.2.5 a chance find protocol if previously unidentified physical or cultural heritage features or structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered by the Proponent or brought to the attention of the Proponent by an Indigenous group or another party during construction.
- 8.3 The Proponent shall, if physical or cultural heritage features or structures, sites or things of historical, archaeological, paleontological or architectural significance are located within the subsidence zone identified by the Proponent during the environmental assessment, have a qualified individual conduct an assessment at the location of the features or structures, sites or things and identify and implement, following consultation with Indigenous groups, measures to mitigate and monitor the adverse effects of the Designated Project on the features or structures, sites or things.

**9 Accidents or malfunctions**

- 9.1 The Proponent shall take all reasonable measures to prevent accidents or malfunctions that may result in adverse environmental effects.
- 9.2 The Proponent shall, prior to construction, consult with Indigenous groups on the measures to be implemented to prevent accidents or malfunctions.
- 9.3 The Proponent shall, prior to construction and in consultation with Indigenous groups and relevant federal and provincial authorities, develop an emergency response plan in relation to the Designated Project. The emergency response plan shall include the measures developed by the Proponent to be implemented in the event of a failure of the Quintette Mine tailings dam.
- 9.4 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall implement the emergency response plan referred to in condition 9.3 and shall:
  - 9.4.1 notify Indigenous groups and relevant federal and provincial authorities of the accident or malfunction as soon as possible and, in writing, the Agency;
  - 9.4.2 implement immediate measures to mitigate any adverse environmental effects associated with the accident or malfunction;
  - 9.4.3 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction took place. The written report shall include:
    - 9.4.3.1 a description of the accident or malfunction and of its adverse environmental effects;
    - 9.4.3.2 the measures that were taken by the Proponent to mitigate the adverse environmental effects of the accident or malfunction;
    - 9.4.3.3 any views received from Indigenous groups and relevant federal and provincial authorities with respect to the accident or malfunction, its adverse environmental effects or measures taken by the Proponent to mitigate adverse environmental effects;
    - 9.4.3.4 a description of any residual adverse environmental effects, and any additional measures required by the Proponent to mitigate residual adverse environmental effects; and
    - 9.4.3.5 details concerning the implementation of the emergency response plan referred to in condition 9.3; and
  - 9.4.4 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction took place, on the changes made to avoid a subsequent occurrence of the accident or malfunction, and on the implementation of any additional measures to mitigate residual adverse environmental effects taking into account the information in the written report submitted pursuant to condition 9.4.3.
- 9.5 The Proponent shall develop and implement a communication plan in consultation with Indigenous groups. The communication plan shall be developed prior to construction and shall be

implemented and maintained up to date during all phases of the Designated Project. The plan shall include:

- 9.5.1 the types of accidents or malfunctions requiring a notification by the Proponent to the respective Indigenous groups;
- 9.5.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups to assist in the response to the accident or malfunction; and
- 9.5.3 the contact information of the representatives of the Proponent that the Indigenous groups may contact and of the representatives of the respective Indigenous groups to which the Proponent provides notification.

## **10 Implementation schedule**

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

## **11 Record keeping**

- 11.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document, including any records that the Agency or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012* may consider relevant. The Proponent shall provide the aforementioned records to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, upon demand within a timeframe specified by the Agency or the designated person.
- 11.2 The Proponent shall retain all records referred to in condition 11.1 at a facility in Canada. The records shall be retained and made 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 at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide the address of the new location.