

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

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

Pursuant to section 184 of the *Impact Assessment Act*, a Decision Statement issued by the Minister under subsection 54(1) of the *Canadian Environmental Assessment Act, 2012* is deemed to be a Decision Statement issued under subsection 65(1) of the *Impact Assessment Act*, other than for the purposes of section 70.

1 Definitions

- 1.1 *Adaptive management* means a planned and systematic process for continuously improving environmental management practices by learning about their outcomes.
- 1.2 *Agency* means the Impact Assessment Agency of Canada.
- 1.3 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.4 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation (including dredging), building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.5 *Days* means calendar days.
- 1.6 *Designated Project* means the Contrecoeur Port Terminal Expansion Project as described in sections 2.3 and 2.4 of the draft environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80116).
- 1.7 *Designated Project area* means the territory where the Designated Project infrastructures are located, including the area occupied by the new wharf, marshalling yard, intermodal yard, related buildings and road and rail facilities, as identified in Figure 1 of the draft environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80116).

- 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 assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 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 *Hydroperiod* means the duration of variations in intensity and frequency of water levels in a given water body or wetland.
- 1.17 *Invasive alien species* means a plant, animal or microorganism that is introduced outside its natural range and whose establishment or spread may pose a threat to the environment, the economy or society.
- 1.18 *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*.
- 1.19 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.20 *Ministère de l’Environnement et de la Lutte contre les changements climatiques* means the Ministère du Développement durable, de l’Environnement et des Parcs, as designated in the *Loi sur le ministère du Développement durable, de l’Environnement et des Parcs* and by Order 1280-2018 dated Octobre 18, 2018.
- 1.21 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.22 *Montreal Port Authority territory* means all land under the management of the Montreal Port Authority in Contrecoeur, including the shoreline, as identified in Figure 1 of the draft environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80116).

- 1.23 *Offsetting plan* means “offsetting plan” as described in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations*.
- 1.24 *Operation* means the phase of the Designated Project during which docking and undocking operations and container storage and handling activities take place at the Designated Project site, including periods during which these activities may temporarily cease.
- 1.25 *Potentially affected party* means a party identified as such by the Proponent pursuant to condition 9.1.
- 1.26 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.27 *Proponent* means Montreal Port Authority and its successors or assigns.
- 1.28 *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.
- 1.29 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.30 *Relevant authorities* means federal or provincial authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.31 *Reporting year* means January 1 of a calendar year through December 31 of the same calendar year.
- 1.32 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous groups.
- 1.33 *Wetland* means land that is saturated with water long enough to promote wetland or aquatic processes as indicated by poorly drained soils, hydrophytic vegetation and various kinds of biological activity which are adapted to a wet environment and as further defined in the Canadian Wetland Classification System.
- 1.34 *Wetland functions* means the natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g. groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

Potential conditions

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

2 General conditions

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document during all phases of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge including community and Indigenous knowledge, available at the time the Proponent takes action, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals and have applied the best available economically and technically feasible technologies.
- 2.2 The Proponent, when carrying out the Designated Project, shall do so as defined in 1.6 of this document.
- 2.3 The Proponent shall ensure that its actions in meeting the conditions set out in this document are taken in a way that is consistent with any applicable recovery strategy and action plans for listed species at risk.

Consultation

- 2.4 The Proponent shall, where consultation is a requirement of a condition set out in this document:
 - 2.4.1 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;
 - 2.4.2 provide all information available and relevant to the scope and the subject matter of the consultation and a period of time agreed upon with the party or parties being consulted, not to be less than 15 days, to prepare their views and information;
 - 2.4.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
 - 2.4.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a justification for why the views have, or have not, been integrated.
- 2.5 The Proponent shall, where consultation with the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) or the Huron-Wendat Nation is a requirement of a condition set out in this document, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in

condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) or the Huron-Wendat Nation of how their views and information were considered by the Proponent.

Follow-up and adaptive management

- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, determine, as part of the development of each follow-up program and in consultation with the party or parties consulted for the development of the follow-up program, the following information:
 - 2.6.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.6.2 the scope, content and frequency of reporting of the results of the follow-up program;
 - 2.6.3 the frequency at which the follow-up program must be updated, unless otherwise required through the conditions;
 - 2.6.4 the levels of environmental change 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 to be stopped; and
 - 2.6.5 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program demonstrates that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.
- 2.7 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties consulted for the development of each follow-up program.
- 2.8 The Proponent shall provide the follow-up programs referred to in conditions 3.32 to 3.38, 4.7, 5.9, 6.17 to 6.20, 7.6, 7.12, 7.13, 8.2 and 10.10, including the information determined for each follow-up program pursuant to condition 2.6, to the Agency and to the party or parties consulted for 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 2.7 to the Agency and to the party or parties consulted for the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.9 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:

- 2.9.1 implement the follow-up program according to the information determined pursuant to condition 2.6;
 - 2.9.2 conduct 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;
 - 2.9.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2; and
 - 2.9.4 if modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency 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 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
 - 2.9.5 report all results of the follow-up program including all data collected, analyses, and monitoring reports to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted for the development of the follow-up program.
- 2.10 Where consultation with the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) or the Huron-Wendat Nation is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.

Annual reporting

- 2.11 The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:
 - 2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this document;
 - 2.11.2 how the Proponent complied with condition 2.1;
 - 2.11.3 for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
 - 2.11.4 the information referred to in conditions 2.6 and 2.7 for each follow-up program;
 - 2.11.5 the results of the follow-up program requirements identified in conditions 3.32 to 3.38, 4.7, 5.9, 6.17 to 6.20, 7.6, 7.12, 7.13, 8.2 and 10.10;

- 2.11.6 for any plan that is a requirement of a condition set out in this document, any updates to the plan made;
 - 2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and
 - 2.11.8 any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a justification for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply.
- 2.12 The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.

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 2.11 and 2.12, capture and relocation plan for the hickorynut (*Obovaria olivaria*) referred to in condition 3.20, the offset plan for grass beds referred to in condition 3.21, the offsetting plan referred to in condition 3.22, the compensation plan for waterbirds referred to in condition 4.6, the compensation plan for wetlands referred to in condition 5.2, the protocol for receiving complaints about noise and vibrations and air quality referred to in condition 7.2 (including the quarterly reports referred to in condition 7.2.3), the communication plan referred to in condition 9.2, the community liaison protocol referred to in condition 9.3, the reports related to accidents and malfunctions referred to in conditions 11.5.4 and 11.5.5, the accident and malfunction communication plan referred to in condition 11.6, the schedules referred to in conditions 12.1 and 12.2, and any update or revision 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 15 years following their publication. The Proponent shall notify the Agency, the party(ies) referred to in each condition, the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation 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 document, the Proponent shall submit the plan to the Agency prior to construction, unless otherwise required through the condition.

Change of Proponent

- 2.15 The Proponent shall notify the Agency, the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation 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 The Proponent shall consult with the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities prior to notifying the Agency, pursuant to condition 2.17, of any potential change to the Designated Project.

- 2.17 The Proponent shall notify the Agency in writing of any potential change to the Designated Project that would result in a change to the Designated Project description included in this document or that may result in adverse environmental effects. In notifying the Agency, the Proponent shall provide a description of the change(s) to the Designated Project, the predicted adverse environmental effects and the proposed mitigation measures and follow-up requirements to be implemented by the Proponent in relation to the predicted adverse environmental effects. The Proponent shall also describe the results of the consultation with the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities.

3 Fish and Fish Habitat

- 3.1 The Proponent shall conduct construction activities in the aquatic environment outside of sensitive periods for fish. In doing so, the Proponent shall determine, to the satisfaction of Fisheries and Oceans Canada, the start and end dates of the sensitive periods for each species for any year during which activities in the aquatic environment associated with the Designated Project, and notify the Agency of the dates before undertaking these activities.
- 3.2 The Proponent shall perform the dredging required for the construction by using a dredging method or methods with the least impact to reduce emissions of suspended solids in the water column and reduce potential sediment depositions in the submerged grass beds located downstream from the Designated Project. The Proponent shall submit the following information to the Agency and relevant authorities before construction, and any update to that information during dredging:
- 3.2.1 the total volume of sediments that will be dredged;
 - 3.2.2 the dredging method(s) approved by Fisheries and Oceans Canada, including, if more than one method is approved, the areas in which each method will be used and the dredging schedule for each area;
 - 3.2.3 how the dredging method(s) referred to in condition 3.2.2 will make it possible to meet the technical, economic and environmental requirements of the Designated Project and the dredging criteria established during the environmental assessment while minimizing the sediment accumulation rates in the submerged grass beds; and
 - 3.2.4 the dredged sediment management methods and the water management methods resulting from the dredged sediments, developed in consultation with relevant authorities, that will be implemented by the Proponent in view of the method(s) referred to in condition 3.2.2.
- 3.3 The Proponent shall delineate, prior to construction, areas in the aquatic environment within which access is prohibited, unless required for safety reasons, and shall require and ensure that any person associated with the Designated Project abides with this prohibition. In doing so, the Proponent shall delineate:
- 3.3.1 the perimeter of all submerged grass beds located downstream from the Designated Project with buoys; and

- 3.3.2 the perimeters of all areas in which dredging required for construction will be undertaken.
- 3.4 The Proponent shall maintain, during the dredging required for construction, devices to enclose the dredging areas in order to contain the suspended sediments generated by dredging.
- 3.5 If the Proponent uses hydraulic dredging to perform all or part of the dredging required for construction, the Proponent shall opt for a hydraulic dredging method with the lowest acoustic power technically feasible. At the time the Proponent opts for a dredging method or methods, the Proponent shall submit to the Agency a justification explaining how the chosen hydraulic dredging method meets this requirement and how it compares with other existing methods.
- 3.6 If the Proponent adds flocculants to any sediment dredged by hydraulic dredging, the Proponent shall opt, in consultation with relevant authorities, for a type of flocculant that is the least likely to produce adverse environmental effects on fish and fish habitat and human health. At the time the Proponent opts for a type of flocculant, the Proponent shall submit to the Agency a justification explaining how the chosen type of flocculant meets this requirement and how it compares with other existing types of flocculant.
- 3.7 If the Proponent uses mechanical dredging to perform all or part of the dredging required for construction, the Proponent shall install, before dredging begins, a transshipment bund, or any equivalent device, between the barge and the wharf and shall eliminate barge overflow during dredging or transportation of sediments.
- 3.8 The Proponent shall conduct, prior to construction and in consultation with relevant authorities, tests to guide the management of the sediments dredged in the course of the Designated Project so as to mitigate the adverse environmental effects on fish and fish habitat. The Proponent shall submit to the Agency, prior to construction, the test results, including a justification explaining how the Proponent will take into account these results in the development and implementation of any component or activity of the Designated Project associated with the management of the dredged sediments. As part of the tests, the Proponent shall validate:
 - 3.8.1 the lime concentrations and the dewatering periods necessary to obtain the cohesion values required to ensure the long-term stability of the works associated with the management of the dredged sediments; and
 - 3.8.2 the concentrations of suspended solids and contaminants likely to be found in the dewatering and runoff water of the sediment storage areas and the treatment process required so that the dewatering and runoff water meets the applicable water quality standards.
- 3.9 The Proponent shall develop and implement measures to manage jobsite and runoff water to prevent erosion in Designated Project area and limit the inflow of sediments into the aquatic environment, including the St. Lawrence River. The Proponent shall take into account flood, heavy precipitation and frost periods when it develops and implements the measures and shall maintain these measures regularly to repair any damaged measure as soon as technically feasible. Among these measures, the Proponent shall:

- 3.9.1 install, from the start of construction, and maintain, depending on the progress of the construction work, a drainage system for runoff water;
 - 3.9.2 develop permanent retention ponds and temporary sedimentation ponds equipped with filtering berms, or any equivalent device;
 - 3.9.3 install hydrodynamic separators at the discharge points to the water system, or any equivalent device; and
 - 3.9.4 deploy sediment barriers during site preparation work, particularly along watercourses and ditches over a sufficient distance to capture all the runoff water, at the bottom of the embankments, on the periphery of the work areas, and on the perimeters of the piles of unconsolidated material.
- 3.10 The Proponent shall minimize vegetation clearing, including clearing on both sides of the high-water line, and any other activity required for site preparation of the Designated Project to the lowest technically feasible extent. The Proponent shall submit to the Agency, prior to construction, a justification explaining how the projected extent for these activities meets this requirement. The Proponent shall conserve the plant cover in the Designated Project area as long as possible.
- 3.11 The Proponent shall not release any material, rubbish or debris within the natural high water line, including through the installation of retention devices, and shall immediately remove any material, rubbish or debris deposited accidentally within the natural high water line.
- 3.12 The Proponent shall store any pile of unconsolidated material at least 30 metres of any water body, unless such material is used for site consolidation, in which case it must be stabilized.
- 3.13 The Proponent shall maintain a vegetated strip along any water body located on the Montreal Port Authority territory, with the exception of components locations required for the Designated Project (including erosion and sedimentation control measures). The Proponent shall carry out work or activity within the vegetated strip only if necessary for safety reasons or to implement and maintain any component of the Designated Project.
- 3.14 The Proponent shall proceed with washing of cement mixers outside of the Montreal Port Authority territory, at the site of the concrete plant, unless it is not technically or economically feasible. If the washing of cement mixers must proceed on the Montreal Port Authority territory, the Proponent shall implement measures to prevent the alkaline curing water from entering the aquatic environment, including by neutralizing it before releasing it into the drainage system or, if it is not neutralized, by disposing of it outside the Montreal Port Authority territory, at an accredited facility.
- 3.15 The Proponent shall stabilize any temporary structure or facility required for construction and located on the edge of or downstream from any body of water so that it withstands the floods that may occur during construction.
- 3.16 The Proponent shall develop, prior to construction, and implement, measures to stabilize, during any temporary suspension of construction, bare soils which pose a risk of erosion

and sediment transport to the aquatic environment in the Montreal Port Authority territory. In doing so, the Proponent shall:

- 3.16.1 take into account the conditions in the work area, the possible duration any work stoppage and the time of year at which work stoppage may occur when developing the stabilization measures;
 - 3.16.2 submit the stabilization measures to the Agency prior to construction and indicate how the criteria referred to in condition 3.16.1 have been considered in the development of these measures; and
 - 3.16.3 implement the stabilization measures upon the cessation of work and ensure their good working order and effectiveness throughout the period of suspension of work.
- 3.17 For the backfilling of the area behind the wharf associated with the Designated Project, the Proponent shall:
- 3.17.1 treat the water coming from inside the area behind the wharf before it is released into the aquatic environment, in order to limit the sediment inflow; and
 - 3.17.2 only use clean fill materials.
- 3.18 The Proponent shall capture, to the satisfaction of Fisheries and Oceans Canada, any fish that are trapped in any confined area of the Designated Project Area and immediately relocate them to an area outside the confined area in a manner consistent with the *Fisheries Act* and its regulations.
- 3.19 The Proponent shall install the piles required for the Designated Project in the aquatic environment in a way to mitigate the adverse environmental effects on fish and fish habitat. In doing so, the Proponent shall:
- 3.19.1 use vibration instead of hammering, unless it is not technically feasible;
 - 3.19.2 gradually increase the power of the pile driving equipment at the beginning of any piledriving period that is preceded by a period of at least 20 minutes during which piledriving was not carried out; and
 - 3.19.3 recover drilling muds and dispose of this material on land.
- 3.20 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), and implement a capture and relocation plan for the hickorynut (*Obovaria olivaria*), which is a listed species at risk, and any other freshwater mussel that could be adversely affected by construction. The Proponent shall submit the approved plan to the Agency before implementing it. As part of the implementation of the plan, the Proponent shall:
- 3.20.1 conduct a pre-construction inventory in the areas of the Designated Project in which the hickorynut (*Obovaria olivaria*) and any other freshwater mussel that could be adversely affected by construction is likely to be present;

- 3.20.2 if the Proponent detects individuals during the inventory conducted in pursuant to condition 3.20.1, collect these individuals and relocate them outside these areas, in habitat areas favourable for the species, prior to construction.
- 3.21 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), and implement an offset plan for the purpose of offsetting the losses of grass beds constituting the essential habitat for feeding of adult copper redhorse (*Moxostoma hubbsi*), which is a listed species at risk. The Proponent shall submit the offset plan approved by Fisheries and Oceans Canada to the Agency before implementing it.
- 3.21.1 The Proponent shall discuss, prior to implementing the offset plan, with the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) about the possibilities of their participation in the implementation of the offset plan, and shall allow their participation in implementation.
- 3.22 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), and implement an offsetting plan related to fish and fish habitat. The Proponent shall submit the offsetting plan approved by Fisheries and Oceans Canada to the Agency before implementing it.
- 3.22.1 The Proponent shall discuss, prior to implementing the offsetting plan, with the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) about the possibilities of their participation in the implementation of the offsetting plan, and shall allow their participation in implementation.
- 3.23 For any fish habitat offset measure proposed in any offsetting plan referred to in condition 3.22 that could result in adverse environmental effects that were not taken into account in the environmental assessment, the Proponent shall develop and implement, after consulting the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and relevant authorities, measures to mitigate these effects. The Proponent shall submit these measures to the Agency before implementing them.
- 3.24 The Proponent shall realign the Fossé Noir in a way to mitigate the adverse environmental effects of the Designated Project on fish and fish habitat and any other wildlife species, including by realigning it in its natural channel bed.
- 3.25 The Proponent shall maintain the passage of fish in the channel beds of the streams located in the Montreal Port Authority territory, downstream from the pipes required for the Designated Project.

- 3.26 The Proponent shall undertake the progressive reclamation of the areas disturbed by the Designated Project in the aquatic environment, including the areas disturbed by the deployment of the culverts and pipes associated with the Designated Project.
- 3.27 If the Proponent must manage waste snow in the Montreal Port Authority territory, the Proponent shall build, at the start of construction, and maintain, during construction and operation, a snow dump in a manner compliant with applicable standards and legislated requirements, including the pollution prevention dispositions of the *Fisheries Act* and the *Quebec's Environment Quality Act*, while taking into account the *Guide d'aménagement des lieux d'élimination de neige* [guide to development of snow disposal sites] of the Quebec Department of Environment and the Fight Against Climate Change.
- 3.28 The Proponent shall develop, prior to construction, and implement, during construction and operation, measures to mitigate the adverse environmental effects on fish and fish habitat caused by the use of de-icing salts as part of the Designated Project, including by storing salt in a closed dome. The Proponent shall submit these measures to the Agency before implementing them.
- 3.29 The Proponent shall develop, prior to construction, and implement measures to manage soil excavated as part of the Designated Project to mitigate the adverse environmental effects on fish and fish habitat, including by applying the principle of non-degradation of soil to all reused soils and by managing soils that present potential for contamination so that they do not constitute a new source of contamination for the environment. In doing so, the Proponent shall:
- 3.29.1 perform, prior to construction, a characterization of the soils situated in the final footprint of all the infrastructures built as part of the Designated Project;
 - 3.29.2 compare the results of the characterization performed pursuant to condition 3.29.1 with the *Canadian Environmental Quality Guidelines and the Canada-Wide Standard for Petroleum Hydrocarbons (PHC) in Soil* of the Canadian Council of Ministers of the Environment and, for soil disposed of off-site, the generic soil criteria established in Annex 2 of the *Guide d'intervention – Protection des sols et réhabilitation des terrains contaminés* [intervention guide – soil protection and contaminated sites rehabilitation] of the Quebec Department of Environment and the Fight Against Climate Change;
 - 3.29.3 submit to the Agency, prior to construction, the results of the characterization performed pursuant to condition 3.29.1 and the measures developed by the Proponent for the management of the characterized soils, and indicate how the Proponent took into account the comparisons made pursuant to condition 30.2 in the development of these measures; and
 - 3.29.4 dispose of any soil that requires off-site disposal at a site authorized for this purpose and manage any soil that must be stored temporarily in the Montreal Port Authority territory before being transported off-site so that it does not adversely affect the aquatic environment.

- 3.30 The Proponent shall maintain, during construction, a materials tracking system allowing tracing of the origin or destination of any material required or generated as part of the Designated Project, particularly excavated soil, to ensure it is managed in a manner compliant with applicable rules and requirements.
- 3.31 If the Proponent must add amendments to the sediments for the terrestrial management of the sediments, the Proponent shall identify and use, in consultation with Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, amendments that are the least likely to affect adversely the soils and terrestrial receptors that could be in contact with the amended sediments.
- 3.32 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of suspended solids generated by dredging associated with the Designated Project. The Proponent shall take into account for the *Recommandations pour la gestion des matières en suspension (MES) lors des activités de dragage* [recommendations for the management of suspended solids during dredging] of the Quebec Department of Environment and the Fight Against Climate Change and Environment and Climate Change Canada when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
- 3.32.1 verify, before the beginning of dredging, that the correlation curve between the turbidity values and the concentrations of suspended solids is representative of the real conditions at the time dredging will take place;
 - 3.32.2 monitor regularly, during dredging, the ambient concentrations of suspended solids and the mean concentrations of suspended solids 100 metres and 300 metres from the dredge;
 - 3.32.3 review, pursuant to condition 2.7, the methodology applied to the monitoring referred to in condition 3.32.2 depending on the progress of dredging (including for the number, frequency and collection times of the surface water samples) and apply the revised methodology, as applicable, for any subsequent monitoring;
 - 3.32.4 if the results of the monitoring referred to in condition 3.32.2 demonstrate that the mean concentrations of suspended solids increase by more than five milligrams per litre relative to the ambient concentrations 300 metres from the dredge, develop and implement modified or additional mitigation measures so that the increase does not exceed five milligrams per litre relative to the ambient concentrations at this location; and
 - 3.32.5 if the results of the monitoring referred to in condition 3.32.2 demonstrate that the mean concentrations of suspended solids increase by more than 25 milligrams per litre relative to the ambient concentrations 100 metres from the dredge, temporarily stop dredging and develop and implement, in consultation with the parties consulted during the development of the follow-up program, modified or additional mitigation measures. The Proponent shall not resume dredging as long

as the mean concentrations, accounting for the implementation of the modified or additional mitigation measures, increase by more than 25 milligrams per litre relative to the ambient concentrations at this location. The Proponent shall notify the Agency as soon as technically feasible of any temporary stop of dredging.

- 3.33 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of the dredging associated with the Designated Project on the submerged grass beds. The Proponent shall implement the follow-up program during construction and for at least 20 years after the end of construction. As part of the implementation of the follow-up program, the Proponent shall:
- 3.33.1 monitor, annually during the first five years of monitoring, the submerged grass beds delineated pursuant to condition 3.3.1;
 - 3.33.2 review, before the end of the fifth year of monitoring and pursuant to condition 2.7, the frequency of monitoring based on the results obtained during the first five years and, if the Proponent determines that a lower frequency may be applied for any subsequent monitoring, apply this revised frequency;
 - 3.33.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.33.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on the submerged grass beds; and
 - 3.33.4 before the end of the twentieth year after the end of construction, determine, in consultation with the parties consulted during the development of the follow-up program and according to the results of the monitoring referred to in condition 3.33.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 3.34 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of the Designated Project on fish and fish habitat. The Proponent shall implement the follow-up program during construction and for at least five years after the end of construction. As part of the implementation of the follow-up program, the Proponent shall:
- 3.34.1 monitor the use by the different fish species of the streams and shoreline of the Montreal Port Authority territory;
 - 3.34.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.34.1 demonstrate that modified or

additional mitigation measures are necessary to mitigate the adverse environmental effects on fish and fish habitat; and

- 3.34.3 before the end of the fifth year after the end of construction, determine, in consultation with the parties consulted during the development of the follow-up program and according to the results of the monitoring referred to in condition 3.34.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 3.35 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of changes to the hydrosedimentary and hydrodynamic regime caused by the building of the new wharf and the dredging required for construction. The Proponent shall implement the follow-up program for at least three years after the end of construction of the new wharf and the end of the dredging. As part of the implementation of the follow-up program, the Proponent shall:
- 3.35.1 monitor the speed of the currents, the turbidity and the degree of erosion in the sector between the new wharf and the existing wharf by means of appropriate equipment and depending on the type of substrate;
 - 3.35.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.35.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on fish and fish habitat of changes to the hydrosedimentary and hydrodynamic regime; and
 - 3.35.3 before the end of the third year after the end of construction of the new wharf and the end of the dredging work, determine, in consultation with the parties consulted during the development of the follow-up program and according to the results of the monitoring referred to in condition 3.35.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 3.36 The Proponent shall develop, prior to construction and in consultation with the Canadian Space Agency, Public Works and Procurement Canada, Environment and Climate Change Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of shore erosion in the Designated Project's zone of influence. The Proponent shall implement the follow-up program during construction and during the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:

- 3.36.1 monitor, at sites located in the Designated Project's zone of influence, including the shores of the Îles de Contrecoeur National Wildlife Area, and at control sites on which the Designated Project should not have an effect, the evolution over time of the riparian environment, including turbidity, the shoreline, evolution of the submerged grass beds, marshes, terrestrial vegetation and land use, and augment the information collected in the field with additional information obtained by means of Earth observation technologies; and
 - 3.36.2 develop and implement modified or additional mitigation measures that are under the Proponent's control if the information and the results of the monitoring referred to in condition 3.36.1 demonstrate that modified or additional mitigation measures, particularly protective measures for sensitive areas, are necessary to mitigate the adverse environmental effects on fish and fish habitat of shore erosion in the Designated Project's zone of influence.
- 3.37 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada Environment and Climate Change Canada, Health Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of the quality of the effluents of the sedimentation and retention ponds associated with the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 3.37.1 monitor, during construction, the quality of the effluents of the sedimentation and retention ponds;
 - 3.37.2 monitor, during operation, the quality of the effluents of the retention ponds;
 - 3.37.3 review, every two years pursuant to condition 2.7, the methodology applied to the monitoring referred to in conditions 3.37.1 and 3.37.2 (including for the sampling frequency) and apply the revised methodology, as applicable, for all subsequent monitoring; and
 - 3.37.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.37.1 or 3.37.2 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on fish and fish habitat of the quality of the effluents of the sedimentation and retention ponds.
- 3.38 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada Environment and Climate Change Canada, Health Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawk First Nation of Kahnawà:ke and the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of changes to surface water quality caused by the Designated Project in the watercourses and ditches upstream and downstream from Designated Project area. As part of the implementation of the follow-up program, the Proponent shall:

- 3.38.1 monitor surface water quality during construction and operation;
 - 3.38.2 review, every two years pursuant to condition 2.7, the methodology applied to the monitoring referred to in condition 3.38.1 (including for the sampling frequency) and apply the revised methodology, as applicable, for all subsequent monitoring; and
 - 3.38.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.38.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on fish and fish habitat of changes to surface water quality caused by the Designated Project.
- 3.39 The Proponent shall implement measures to raise awareness with the operators of ships serving the Designated Project of the importance of observing the voluntary ship speed reductions in force between Sorel and Montreal.
- 3.40 The Proponent shall require and ensure that the ships serving the Designated Project procure the services of at least one tugboat for berthing and casting off manoeuvres.
- 3.41 The Proponent shall participate, at the request of a relevant federal authority, in any regional initiative relating to the monitoring, assessment and management of the cumulative environment effects on the copper redhorse (*Moxostoma hubbsi*), which is a listed species at risk, that the implementation of the Designated Project, combined with the performance of other concrete activities, past or future, is likely to cause, in the event that there is such an initiative during the construction or operation of the Designated Project.
- 3.41.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or follow-up program identified through any regional initiative referred to in condition 3.41 and which is under its control related to the adverse cumulative environment effects on the copper redhorse (*Moxostoma hubbsi*).

4 Birds (including migratory birds)

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects birds (including migratory birds) and avoids harming, killing or disturbing them or destroying, removing or disturbing their nests or eggs. For this purpose, the Proponent shall meet Environment and Climate Change Canada's *Avoidance Guidelines* in order to reduce the risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall comply with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.
- 4.2 The Proponent shall not undertake any activity associated with the Designated Project that could be harmful to the nesting of birds (including migratory birds) in order to avoid the destruction of nests, eggs or chicks. In doing so, the Proponent shall:
- 4.2.1 determine the nesting dates and nesting period in consultation with Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, for any year in which activities associated with the

Designated Project that could be harmful to the nesting of birds (including migratory birds) are carried out; and

- 4.2.2 if it is not economically or technically feasible to carry out any activity that is potentially harmful to nesting outside the nesting period determined pursuant to condition 4.2.1 during a given year, provide the justification to the Agency and develop and implement, in consultation with Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, additional mitigation measures to avoid the adverse effects on birds (including migratory birds) during nesting, including nests, eggs and chicks. The Proponent shall submit these measures to the Agency before implementing them.
- 4.3 The Proponent shall install, before bank swallows (*Riparia riparia*) arrive in the Designated Project area in spring, a geotextile fabric covering the slope at the site of the proposed wharf and keep the fabric in place until the end of the species' nesting period.
- 4.4 The Proponent shall maintain the slopes of stockpiles of topsoil, soil or sediments in the Montreal Port Authority territory at a gradient of less than 70 percent in order to limit their attractiveness to bank swallows (*Riparia riparia*).
- 4.5 The Proponent shall install, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, artificial nest boxes in the Montreal Port Authority territory to offset the loss of nesting sites for bank swallows (*Riparia riparia*) at the location of the proposed wharf. In doing so, the Proponent shall:
 - 4.5.1 install the artificial nest boxes prior to construction; and
 - 4.5.2 perform maintenance on the nest boxes annually and keep them accessible to birds during construction and operation.
- 4.6 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, and implement a plan to compensate habitat losses for waterbirds attributed to the Designated Project in the Îles de Verchères Waterfowl Concentration Area. The Proponent shall submit the offsetting plan to the Agency prior to implementing it. As part of the development of the compensation plan, the Proponent shall:
 - 4.6.1 take into account the *Lignes directrices pour la conservation des habitats fauniques* [guidelines for the conservation of wildlife habitats] of the Quebec Department of Forests, Wildlife and Parks;
 - 4.6.2 establish a schedule for the implementation of the plan; and
 - 4.6.3 demonstrate how compensation measures implemented by the Proponent under the plan will compensate losses in the offsetting area, in terms of the area affected by the Designated Project and the habitat functions lost or degraded.

4.7 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation, and implement during construction and operation, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures implemented by the Proponent to avoid adverse environmental effects to birds (including migratory birds) that frequent the territory of Montreal Port Authority. In developing the follow-up program, the Proponent shall identify the bird species to be monitored, including valued and special-status species. As part of the implementation of the follow-up program, the Proponent shall:

4.7.1 monitor noise levels (including impulse noises) in the heronry on Bouchard Island. In doing so, the Proponent shall:

4.7.1.1 carry out this monitoring prior to construction, during the first year of construction when the sheet piling is installed and during operation;

4.7.1.2 if high impulse noise are measured in the heronry between April and August, monitor the use of the heronry by birds to determine if this noise is adversely affecting it;

4.7.2 monitor the use (including the number of active burrows and pairs) by bank swallows (*Riparia riparia*) of the study area for the follow-up on the bank swallow (*Riparia riparia*) described in Appendix L of the Response to Information Request Round 2 from the Agency (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136), including the use of the nest boxes installed pursuant to condition 4.5. The Proponent shall carry out this monitoring annually during construction and during the first three years after the end of construction and then every five years thereafter;

4.7.3 monitor the use of the Îles de Verchères Waterfowl Concentration Area by waterbirds during the spring and fall migration periods during construction and operation; and

4.7.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 4.7.1, 4.7.2 or 4.7.3 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on birds (including migratory birds), their eggs and their nests.

5 Wetlands

5.1 The Proponent shall implement the Designated Project in a manner that avoids adverse environmental effects of the Designated Project on wetlands and wetland functions. To avoid adverse effects, the Proponent shall maintain wetlands and their functions over minimizing adverse effects on wetlands and their functions. When the loss of wetlands and their functions cannot be avoided, the Proponent shall mitigate the adverse effects on

wetlands and their functions over compensating for adversely affected wetlands and their functions.

- 5.2 In the case of the adverse environmental effects of the Designated Project on wetlands and their functions located in the Designated Project area that cannot be avoided pursuant to condition 5.1, the Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation, and implement an offsetting plan for wetlands and their functions taking into account Environment and Climate Change Canada's *Federal Policy on Wetland Conservation* and the *Operational Framework for Use of Conservation Allowances*, and shall implement the plan. In doing so, the Proponent shall:
 - 5.2.1 conduct, as part of the development of the offsetting plan, inventories of all the potential sites where the Proponent plans to implement the offsetting plan, in order to determine the area, wetland functions and restoration potential of each site;
 - 5.2.2 select, taking account of the results of the inventories carried out pursuant to condition 5.2.1, a definitive site where the Proponent will implement the offsetting plan, to be located in the southwestern watershed of the St. Lawrence River, as close as possible to the Designated Project;
 - 5.2.3 submit the results of the inventories conducted pursuant to condition 5.2.1, including an explanation of how the definitive site that was selected pursuant to condition 5.2.2 will allow the offsetting of all the wetlands and their functions adversely affected by the Designated Project to the Agency and the parties consulted during the development of the offsetting plan no later than 30 days after the end of all the inventories, and the definitive offsetting plan prior to construction; and
 - 5.2.4 implement the offsetting plan at the definitive site selected pursuant to condition 5.2.2 before the wetlands in the Designated Project area are adversely affected, unless this is not technically or economically feasible. If it is not technically or economically feasible to complete the implementation of the offsetting plan before the wetlands in the Designated Project area are adversely affected, the Proponent shall provide a justification for this to the Agency prior to construction and shall complete the implementation of the offsetting plan within three years after the start of construction.
- 5.3 The Proponent shall discuss, as part of the development of the offsetting plan referred to in condition 5.2, with the Mohawk First Nation of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation about the opportunities for their participation in the implementation of the plan. The Proponent shall allow the First Nations to participate in the implementation of the offsetting plan.
- 5.4 The Proponent shall delineate and maintain, during construction, the perimeters of all the remaining wetlands in the plant community study area identified in Figure 8 of the draft

environmental assessment report with high-visibility tape, within one metre of the boundary of all the wetlands, and shall not undertake any construction or storage activity associated with the Designated Project within the delineated areas.

- 5.5 The Proponent shall delineate and maintain, during construction, the perimeters of all the wetlands in the plant community study area identified in Figure 8 of the draft environmental assessment report that will be backfilled as part of the Designated Project, based on the maximum encroachment distance, using high-visibility tape different from the tape used pursuant to condition 5.4.
- 5.6 The Proponent shall install, at the start of construction, sediment barriers to prevent the deposition of sediment from the work sites in the remaining wetlands in the plant community study area identified in Figure 8 of the draft environmental assessment report, including by installing a sediment barrier at the base of any backfilled embankment located in or near a wetland. The Proponent shall maintain the barriers functional during construction and remove them manually at the end of construction. When removing the barriers, the Proponent shall dispose of any accumulated sediment outside of any watercourse, shoreline, floodplain or wetland.
- 5.7 The Proponent shall stabilize, during operation, all surfaces located in the plant community study area identified in Figure 8 of the draft environmental assessment report that are likely to be a source of sediments that could be deposited in wetlands preserved after construction.
- 5.8 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec Department of Environment and the Fight Against Climate Change, measures to prevent the Designated Project from causing the drainage, through a drainage ditch associated with the Designated Project, of any wetland to be preserved after construction that is in the plant community study area identified in Figure 8 of the draft environmental assessment report. The Proponent shall implement these measures during construction and shall submit these measures to the Agency before implementing them.
- 5.9 The Proponent shall maintain, during construction, baseline inflows and outflows and drainage upstream and downstream of the remaining wetlands in the plant community study area identified in Figure 8 of the draft environmental assessment report, unless not technically feasible.
 - 5.9.1 If maintaining drainage and inflows and outflows for any wetland pursuant to condition 5.9 is not technically feasible, the Proponent shall restore drainage and inflows and outflows as soon as technically feasible.
- 5.10 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec Department of Environment and the Fight Against Climate Change, the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental

effects of the Designated Project on wetlands. As part of the implementation of the follow-up program, the Proponent shall:

- 5.10.1 monitor, during construction and operation, hydrological conditions and the presence of invasive alien plant species in the remaining wetlands in the plant community study area identified in Figure 8 of the draft environmental assessment report;
 - 5.10.2 monitor wetland functions and the presence of, and area covered by, invasive alien plant species in the wetlands restored at the selected site as part of the implementation of the offsetting plan referred to in condition 5.2;
 - 5.10.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on wetlands; and
 - 5.10.4 before the end of the fifth year following the implementation of the offsetting plan referred to in condition 5.2, determine, in consultation with the parties consulted in the development of the follow-up program and according to the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring of the remaining or restored wetlands is required. If additional monitoring of any of the wetlands is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 5.11 The Proponent shall participate, at the request of a relevant federal authority, in any regional initiative involving any cumulative environmental effects that the implementation of the Designated Project, in combination with that of other past or future concrete activities, is likely to cause to the conservation of wetlands and their functions.
- 5.11.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or follow-up program identified through any regional initiative referred to in condition 5.11 for which the Proponent is responsible in terms of the cumulative environmental effects on the conservation of wetlands and their functions.

6 Special-status species

- 6.1 The Proponent shall delineate, prior to the start of tree clearing, the areas at the work site where tree clearing will take place and shall not undertake any tree clearing outside these areas, unless required for health and safety reasons.
- 6.2 The Proponent shall delineate, prior to construction, the areas colonized by invasive alien plant species.

- 6.3 The Proponent shall develop, prior to construction, measures to limit the introduction and spread of invasive alien plant species in the Montreal Port Authority territory, including the remaining wetlands, and implement them during construction, including by:
- 6.3.1 requiring third party contractors associated with the Designated Project to use granular backfill materials from sources that are free of invasive alien plant species;
 - 6.3.2 cleaning the machinery used in areas colonized by invasive alien plant species delineated pursuant to condition 6.2 in washing areas that are located in sectors not conducive to the germination of invasive alien plant species and that are 30 metres or more from any wetland or watercourse before using this machinery outside these habitats; and
 - 6.3.3 eliminating all visible invasive alien species at the work site of the designated project by burying them in a ditch, at least 2 m deep and under at least 1 m of clean materials or, if on-site burial is not technically or economically feasible, disposing of them off-site in a technical landfill site operated pursuant to the Quebec's *Environment Quality Act*.
- 6.4 The Proponent shall undertake the progressive reclamation of areas disturbed by the Designated Project. For the revegetation efforts involved in progressive reclamation, the Proponent shall use plant species that support the creation of breeding and feeding habitats for the monarch butterfly (*Danaus plexippus*), including milkweeds and native deciduous species.
- 6.5 The Proponent shall carry out the construction work for the rail connection outside the breeding season for the western chorus frog (*Pseudacris triseriata*).
- 6.6 The Proponent shall install and maintain, to the satisfaction of Environment and Climate Change Canada, at the start of construction and in consultation with the Quebec Department of Environment and the Fight Against Climate Change, diversion fencing on the south side of Route 132, between Stream 2 and Montée Lapierre, and on the east and west sides of Montée Lapierre, as indicated by the Proponent on Map 55-1 submitted in response to Information Request CEAA-2-55 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136), to prevent movements by the western chorus frog (*Pseudacris triseriata*) towards the Designated Project work area and to encourage movements by the western chorus frog (*Pseudacris triseriata*) towards the culvert indicated on Map 55-1. In doing so, the Proponent shall:
- 6.6.1 take steps, prior to construction, to obtain authorization from the owners of the lots adjacent to Montée Lapierre to install the fencing on their lots and inform the Agency of the results of these efforts prior to construction;
 - 6.6.2 ensure that the diversion fence has an above-ground height of at least one metre and an overhang on the species side (i.e., the side opposite to the roadway), and is buried to a depth of at least 15 centimetres;
 - 6.6.3 inspect, during construction, the diversion fence once every two weeks from April to the end of October and repair any damaged portions as soon as technically feasible;

- 6.6.4 periodically clear away any vegetation present at the base of the fence to prevent the western chorus frog (*Pseudacris triseriata*) from crossing the fence; and
 - 6.6.5 remove, at the end of construction, the portion of the diversion fence on the south side of Route 132.
- 6.7 The Proponent shall develop measures, in consultation with Environment and Climate Change Canada and the Quebec Department of the Environment and the Fight Against Climate Change, and implement measures to reduce mortality risks to the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) caused by the Designated Project in terrestrial and aquatic habitats. The Proponent shall submit these measures to the Agency before implementing them. As part of these measures, the Proponent shall:
- 6.7.1 install and maintain, during any activity associated with the Designated Project likely to result in mortality of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) or snapping turtle, (*Chelydra serpentina*), exclusion fences to prevent individuals from accessing the work areas and bare ground areas associated with the Designated Project area;
 - 6.7.2 install, at the start of construction of the wharf associated with the Designated Project, and maintain, during wharf construction, an aquatic barrier to prevent the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) from accessing the work area; and
 - 6.7.3 periodically inspect the exclusion fences installed pursuant to condition 6.7.1 and the aquatic barrier installed pursuant to condition 6.7.2 and repair any damaged portion of the fencing or barrier as soon as technically feasible.
- 6.8 The Proponent shall develop and implement, prior to any construction activity in Streams 1 and 2, the Fossé Noir, ditches (areas 4A and 4B) and the backfilled area of shoreline near the wharf, a capture and relocation program to remove all northern map turtles (*Graptemys geographica*), midland painted turtles (*Chrysemys picta marginata*) and snapping turtles (*Chelydra serpentina*) observed in any of these areas and relocate them, before the onset of hibernation and pursuant to wildlife care protocols, to a suitable habitat determined by the Proponent in consultation with the Quebec Department of the Environment and the Fight Against Climate Change, taking into account the habitat needed by each species to complete its life cycle (including feeding, hibernation and egg laying).
- 6.9 If a northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) or snapping turtle (*Chelydra serpentina*) is observed inside any exclusion area surrounded by exclusion fencing or an aquatic barrier installed pursuant to condition 6.7, the Proponent shall:
- 6.9.1 capture the turtle as soon as technically feasible and relocate it pursuant to the relocation requirements referred to in condition 6.8; and
 - 6.9.2 determine how the turtle accessed the exclusion area and, as soon as technically feasible, implement any corrective measure required to prevent future access.

- 6.10 The Proponent shall maintain, during operation, the integrity and accessibility of the remaining egg-laying sites used by the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) in the Montreal Port Authority territory, including by limiting the spread of invasive alien plant species in egg-laying sites.
- 6.11 The Proponent shall offer, to all employees and contractors associated with the construction and operation of the Designated Project, regular awareness training on the measures to be taken to protect the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and the snapping turtle (*Chelydra serpentina*), including the reporting of all turtle observations in the Montreal Port Authority territory. The Proponent shall document the participation of employees and contractors to the training.
- 6.12 The Proponent shall implement and maintain, during operation, structures to deter the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) from laying their eggs in areas that pose a risk to turtles, particularly areas of soft soil without vegetation near aquatic habitats and culverts in the Montreal Port Authority territory.
- 6.13 The Proponent shall control the lighting required for the Designated Project activities, including its direction, duration of use, intensity, spectrum colour and glare, so as to mitigate the adverse environmental effects of the Designated Project on the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) of sensory disturbances due to light, while complying with operational health and safety requirements.
- 6.14 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec Department of the Environment and the Fight Against Climate Change, measures to offset potential habitat losses for the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) caused by the Designated Project, and implement these measures. The Proponent shall submit these measures to the Agency before implementing them. As part of these measures, the Proponent shall:
- 6.14.1 install, at the beginning of construction, and maintain, during construction and operation, bat houses in the wooded area located between the Designated Project area and the St. Lawrence River; and
 - 6.14.2 establish, before operation, and maintain, during operation, linear woodlands in agricultural areas in the Montreal Port Authority territory.
- 6.15 The Proponent shall delineate, prior to construction, areas of potential habitat for the monarch butterfly (*Danaus plexippus*) in the Montreal Port Authority territory outside the work site and shall not undertake any construction activity within the delineated areas.
- 6.16 The Proponent shall transplant, at the beginning of construction, colonies of ostrich fern (*Matteuccia struthiopteris*) and bloodroot (*Sanguinaria canadensis*) found in the Montreal Port Authority territory to an area not affected by the Designated Project located south of the Canadian National Railway tracks, between the Fossé Noir and Stream 4, but not in

wetlands or the critical habitat of the western chorus frog (*Pseudacris triseriata*) indicated by the Proponent on Map 57-2 submitted in response to Information Request CEEA-2-57 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). In doing so, the Proponent shall:

- 6.16.1 transplant the plants to areas containing the species' preferred habitat; and
 - 6.16.2 maintain the transplanted colonies during construction and operation.
- 6.17 The Proponent shall develop, prior to construction, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures related to the progressive reclamation carried out pursuant to condition 6.4. The Proponent shall implement the follow-up program during construction and during at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.17.1 monitor annually, at the end of the growing season, the establishment (including in terms of area occupied and mortality) of the plant species used by the Proponent to revegetate areas where the Proponent has carried out progressive reclamation, including species that support the creation of habitats for the monarch butterfly (*Danaus plexippus*), including milkweeds and native deciduous species;
 - 6.17.2 monitor annually, at the end of the growing season, the establishment of invasive alien plant species in areas where the Proponent has carried out progressive reclamation;
 - 6.17.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.17.1 or 6.17.2 demonstrate that modified or additional mitigation measures are required; and
 - 6.17.4 before the end of the fifth year of operation, determine, based on the results of the monitoring referred to in conditions 6.17.1 and 6.17.2, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 6.18 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation, Environment and Climate Change Canada and the Quebec Department of the Environment and the Fight Against Climate Change, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the western chorus frog (*Pseudacris triseriata*) caused by the Designated Protect. The Proponent shall implement the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.18.1 monitor annually, every spring, the hydroperiod and water quality in the breeding sites of the western chorus frog (*Pseudacris triseriata*) identified during the development of the follow-up program;

- 6.18.2 monitor the presence of the western chorus frog (*Pseudacris triseriata*) in the Montreal Port Authority territory and, every year in spring, monitor the breeding activities of the western chorus frog (*Pseudacris triseriata*) at the breeding sites of the western chorus frog (*Pseudacris triseriata*) identified during the development of the follow-up program;
 - 6.18.3 monitor the quality of terrestrial habitat, including plant succession and the presence of invasive alien plant species, for the western chorus frog (*Pseudacris triseriata*) in the Montreal Port Authority territory, particularly the revegetated strip established pursuant to condition 6.26; and
 - 6.18.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.18.1, 6.18.2 or 6.18.3 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on the western chorus frog (*Pseudacris triseriata*), including to ensure that breeding sites retain sufficient water levels for tadpole metamorphosis and to maintain the open herbaceous habitats preferred by the species.
- 6.19 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation, Environment and Climate Change Canada and the Quebec Department of the Environment and the Fight Against Climate Change, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) caused by the Designated Project. The Proponent shall implement the follow-up program during construction and during at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.19.1 monitor, during the egg-laying periods of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*), turtle mortality on the roadways in the Montreal Port Authority territory;
 - 6.19.2 monitor egg-laying activities by the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) at the egg-laying sites identified by the Proponent in Maps 51-1 and 51-2 submitted in response to Information Request CEAA-2-51 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136);
 - 6.19.3 monitor, outside the egg-laying periods of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*), the use by turtles, particularly juveniles, of the Montreal Port Authority territory;
 - 6.19.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.19.1, 6.19.2 or 6.19.3 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects attributed to the Designated Project on the

northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) or snapping turtle (*Chelydra serpentina*); and

- 6.19.5 before the end of the fifth year of operation, determine if additional monitoring is required, in consultation with the parties consulted during the development of the follow-up program and according to the results of the monitoring referred to in conditions 6.19.1, 6.19.2 and 6.19.3. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 6.20 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation, Environment and Climate Change Canada and the Quebec Department of the Environment and the Fight Against Climate Change, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) caused by the Designated Project. The Proponent shall implement the follow-up program before construction, during construction and during at least the first six years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.20.1 monitor the use by the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) of the bat houses installed pursuant to condition 6.16.1, including during the breeding season for bats;
- 6.20.2 conduct acoustic surveys within a radius of no more than one kilometre from the Designated Project footprint identified by the Proponent in Map 59-1 submitted in response to Information Request CEAA-2-59 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). The Proponent shall conduct the acoustic surveys at a minimum of four recording stations, on at least 20 nights at each station, to be divided between bats' breeding and migration periods;
- 6.20.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.20.1 or 6.20.2 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*); and
- 6.20.4 before the end of the sixth year of operation, determine if additional monitoring is required, in consultation with the parties consulted during the development of the follow-up program and according to the results of the monitoring referred to in conditions 6.20.1 and 6.20.2. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.

- 6.21 The Proponent shall establish speed limits not exceeding 30 kilometres/hour on the roadways in the Montreal Port Authority territory and require and ensure that all persons abide by these speed limits.
- 6.22 The Proponent shall participate, at the request of a relevant federal authority, in any regional initiative involving the monitoring, assessment or management of the cumulative environmental effects on the western chorus frog (*Pseudacris triseriata*) that the implementation of the Designated Project, in combination with other past or future concrete activities, is likely to cause, including any initiative established pursuant to the Government of Canada's *Recovery Strategy for the Western Chorus Frog (Pseudacris triseriata), Great Lakes/ St. Lawrence – Canadian Shield Population, in Canada*.
- 6.22.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or any follow-up program identified through any regional initiative referred to in condition 6.22 for which the Proponent is responsible in terms of cumulative adverse environmental effects on the western chorus frog (*Pseudacris triseriata*).
- 6.23 The Proponent shall establish and maintain, in consultation with Environment and Climate Change Canada, a revegetated strip of at least 10 metres wide in the area along the ditches bordering the Canadian National Railway tracks, as indicated by the Proponent in Map 57-2 submitted in response to Information Request CEAA-2-57 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). The Proponent shall implement measures to hasten the naturalization of this revegetated strip, including by seeding a mixture of native plants with a similar composition as the adjacent natural habitats to create meadows.

7 Human health

- 7.1 The Proponent shall identify, prior to construction and in consultation with relevant authorities, the sensitive receptors likely to be adversely affected by the environmental effects on human health caused by exposure to noise and vibrations and by air-quality changes caused by the Designated Project. The Proponent shall submit the list of sensitive receptors to the Agency prior to construction.
- 7.2 The Proponent shall develop, prior to construction and in consultation with the potentially affected parties, a protocol for receiving complaints as it pertains to exposure to noise and vibrations and to air-quality changes caused by the Designated Project. The Proponent shall implement the protocol during construction and operation. Prior to construction, the Proponent shall submit the protocol to the Agency and the parties consulted during the development of the protocol. As part of the implementation of the protocol, the Proponent shall:
- 7.2.1 communicate the details of the protocol, including the method for submitting a complaint, to the parties consulted during the development of the protocol, pursuant to the procedures determined during the development of the protocol;
- 7.2.2 take note of any complaint attributable to the Designated Project as quickly as possible, or within 48 hours of receiving the complaint, and implement any

corrective measure under the control of the Proponent as soon as technically feasible in response to any complaint received; and

- 7.2.3 every quarter, submit a summary report to the potentially affected parties on the complaints received and any corrective measure taken.

Noise and vibrations

- 7.3 The Proponent shall not exceed the noise limits set out in the *Lignes directrices relativement aux niveaux sonores provenant d'un chantier de construction industriel* [guidelines for noise levels from an industrial construction site] and the *Note d'instructions 98-01 sur le bruit* [noise instructions] of the Quebec Department of the Environment and the Fight Against Climate Change during, respectively, construction and operation.
- 7.4 The Proponent shall implement, during construction and operation, measures to reduce the noise and vibrations caused by the Designated Project, including by:
 - 7.4.1 using broadband motion alarms that meet safety requirements for the vehicles and equipment operated by the Proponent as part of the Designated Project;
 - 7.4.2 using programmed deceleration lifting beams;
 - 7.4.3 operating vehicles and equipment equipped with anti-noise and anti-vibration systems and by keeping these systems in good working order through a regular inspection and maintenance program;
 - 7.4.4 installing the generators and compressors required for the Designated Project away from sensitive receptors to noise and vibrations identified pursuant to condition 7.1; and
 - 7.4.5 establishing a speed limit for trains not to exceed 15 kilometres/hour within the Montreal Port Authority territory and requiring and ensuring that all trains abide by this speed limit.
- 7.5 If the Proponent must use hammering rather than vibration to install the sheet piles, the Proponent shall develop and implement modified or additional mitigation measures to ensure that noise levels remain the same as those projected by the Proponent for construction in Appendix C of the response to the first round of Information Request (Canadian Impact Assessment Registry Reference Number 80116, Document Number 126).
- 7.6 The Proponent shall develop, prior to construction and in consultation with Health Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of changes in the sound environment on human health (including sleep) caused by the Designated Project. In determining the information referred to in condition 2.6 for the follow-up program, the Proponent shall take account the dredging method(s) chosen pursuant to condition 3.2. As part of the implementation of the follow-up program, the Proponent shall:
 - 7.6.1 monitor, using a sound-level metre during construction and operation, noise levels in real time at sensitive receptors to noise and vibrations identified pursuant to condition 7.1; and

- 7.6.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.6.1 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of changes in the sound environment on human health (including sleep) caused by the Designated Project.

Air quality

- 7.7 The Proponent shall implement, during all phases of the Designated Project, measures to reduce dust emissions attributed to the Designated Project. The Proponent shall take into account whether current weather conditions are conducive to dust emissions (including drought or sustained winds) when implementing these measures. As part of these measures, the Proponent shall:
 - 7.7.1 favour, during construction, the use of paved roadways to access the Designated Project area;
 - 7.7.2 regularly clean and/or wet surfaces in the Designated Project area in order to reduce fugitive dust emissions from surfaces;
 - 7.7.3 maintain the riprapping along unpaved roadways in the Designated Project area;
 - 7.7.4 use dust suppressants that comply with standard NQ 2410-300 of the Bureau de Normalisation du Québec [Quebec standards bureau];
 - 7.7.5 establish wheel-washing areas at the exits of sediment storage areas and require and ensure that truck operators use them;
 - 7.7.6 ensure that open loads of granular material are covered during transport and that sediments are hauled in leak-proof dump trucks;
 - 7.7.7 implement dust control measures during any activity likely to emit dust (including drilling and boring);
 - 7.7.8 implement measures to reduce dust emissions from piles of unconsolidated materials located in the Montreal Port Authority territory that are unused for over 48 hours; and
 - 7.7.9 temporarily halt all activities associated with the Designated Project when weather conditions are conducive to dust emissions, including drought and sustained winds that may move dust from activities towards sensitive receptors to air quality changes identified pursuant to condition 7.1. The Proponent shall resume activities when permitted by weather conditions.
- 7.8 The Proponent shall implement measures to mitigate airborne emissions caused by the Designated Project during all phases of the Designated Project, including by:
 - 7.8.1 developing the Designated Project area and optimizing activities associated with the operation of the Designated Project so as to minimize equipment movements and the time and distances required to travel between the different sites;
 - 7.8.2 using, during construction, zero-emissions vehicles and equipment or, if a zero-emission vehicle or piece of equipment is not available or its use is not technically

or economically feasible, providing the Agency with the justification for this determination and using an equivalent vehicle or piece of equipment that:

- 7.8.2.1 runs on diesel or low-carbon diesel fuel in compliance with Tier 4 emission standards if technically and economically feasible, or, at a minimum, Tier 3 emission standards and is equipped with diesel particulate filters and the engines and filters have been verified and serviced in compliance with the manufacturer's maintenance guidelines; or
 - 7.8.2.2 uses low-carbon fuel, including natural gas, propane or hydrogen, while meeting Tier 4 emission standards if technically and economically feasible, or, at a minimum, Tier 3 emission standards and is serviced in compliance with the manufacturer's maintenance guidelines;
 - 7.8.3 using, during operation, electric-powered quay gantry cranes, rail cranes and cantilever rail cranes and hybrid motor-powered or electric-powered automated tractor trucks, automated horizontal transport vehicles, stacking cranes and empty container carts;
 - 7.8.4 during operation, minimize container loading and unloading time;
 - 7.8.5 during construction and operation, implement a policy forbidding engine idling in mobile equipment and road vehicles at the work site and requiring and ensuring all persons to comply with this policy, except in the case of health and safety related constraints;
 - 7.8.6 encouraging the operators of switching locomotives on the Montreal Port Authority territory to use multiple generator locomotives and locomotives that meet the Tier 4 emissions standards as set out in the *Locomotive Emission Regulations*; and
 - 7.8.7 encouraging the operators of trains with automatic stop-start systems serving the Designated Project to use these systems when they are in the Montreal Port Authority territory, except in the case of health and safety related constraints.
- 7.9 The Proponent shall service all vehicles and equipment operated by it as part of the Designated Project in accordance with the manufacturer's maintenance guidelines to keep them in good working order. The Proponent shall ensure that emission control technologies are not removed from the vehicles and equipment, unless their removal is required for repair and maintenance activities, in which case the technologies shall be reinstalled or replaced before the vehicle or equipment is returned to service.
- 7.10 The Proponent shall provide and maintain, during operation, electrical power so that any ship serving the Designated Project that is equipped to plug into land-based electrical power while berthed can do so.
- 7.11 The Proponent shall install and maintain, during operation, a liquid natural gas refuelling system so that any ship serving the Designated Project that is able to refuel with such a system can do so.
- 7.12 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec Department of the Environment and the Fight

Against Climate Change, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to adverse environmental effects on human health of changes to air quality caused by the Designated Project. As part of the development of the follow-up program, the Proponent shall develop the method to be applied to determine, in consultation with the parties consulted during the development of the follow-up program, if the Designated Project is the source responsible for any exceedances of air quality criteria observed during the implementation of the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:

- 7.12.1 install, prior to construction and taking account of the *Lignes directrices concernant les stations de surveillance de la qualité de l'air* [guidelines on air quality monitoring stations] of the Quebec Department of the Environment and the Fight Against Climate Change and the Canadian Council of Ministers of the Environment's *Ambient Air Monitoring Protocol For PM_{2.5} and Ozone*, at least three new sampling stations in the Montreal Port Authority territory in order to monitor emissions from the Designated Project at sensitive receptors to air-quality changes identified pursuant to condition 7.1, including one station that can be used to monitor climate;
- 7.12.2 monitor concentrations of fine particulates (PM_{2.5}), respirable particulates (PM₁₀), total particulates (PM_T) and nitrogen dioxide and dust fall at the sampling stations used during the environmental assessment and the new stations referred to in condition 7.12.1. The Proponent shall also monitor nitrogen dioxide concentrations at the same sampling stations throughout construction and operation;
- 7.12.3 compare the results of the monitoring referred to in condition 7.12.2 with the values established in the Quebec's *Clean Air Regulation* or, for respirable particulates (PM₁₀), fine particulates (PM_{2.5}) and nitrogen dioxide, the following alert thresholds:
 - 7.12.3.1 guidelines for respirable particulates (PM₁₀) recommended by the World Health Organization (24-hour mean) of 50 µg/m³;
 - 7.12.3.2 the 24-hour standard for fine particulates (PM_{2.5}) specified in the *Canadian Ambient Air Quality Standards* for 2020 by the Canadian Council of Ministers of the Environment of 27 µg/m³; and
 - 7.12.3.3 the standards for nitrogen dioxide specified in the *Canadian Ambient Air Quality Standards* by the Canadian Council of Ministers of the Environment that are applicable at the time monitoring is conducted.
- 7.12.4 if any comparison made pursuant to condition 7.12.3 demonstrates an exceedance of values or alert thresholds, determine, in consultation with the parties consulted during the development of the follow-up program, if the Designated Project is the source of the exceedance. If the Proponent determines that the Designated Project is the source of the exceedance, the Proponent shall develop and implement modified or additional mitigation measures to mitigate the adverse environmental effects on human health of changes to air quality caused by the Designated Project.

Water quality

- 7.13 The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on human health of water-quality changes caused by the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 7.13.1 regularly monitor, during dredging, ambient concentrations of suspended solids and average concentrations of suspended solids upstream from the drinking water intake for the city of Contrecoeur;
 - 7.13.2 regularly monitor concentrations of suspended solids and metals (including copper, selenium, lead and zinc) in aquatic environments from which traditional foods are harvested; and
 - 7.13.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 7.13.1 or 7.13.2 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on human health of water-quality changes caused by the Designated Project.

8 Current use of lands and resources for traditional purposes

- 8.1 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation, a communication protocol for sharing information related to the Designated Project with the First Nations and to receive and respond to any feedback from the First Nations concerning the Designated Project or any environmental effect of the Designated Project. The Proponent shall implement the communication protocol and keep it up to date during construction and operation. The communication protocol shall specify procedures, including a timetable, for sharing information on the following elements:
- 8.1.1 the timetable and location of each activity associated with the construction and operation of the Designated Project in the terrestrial and aquatic environments that could affect the practice of the First Nations' traditional activities; and
 - 8.1.2 the mean for the First Nations to provide feedback to the Proponent about the Designated Project or any environmental effect of the Designated Project and the mean for the Proponent to respond to any feedback received in a timely manner.
- 8.2 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects caused by the Designated Project on the traditional fishing and hunting activities of the First Nations and

any other complementary activity. The Proponent shall implement the follow-up program during construction and operation.

9 Socio-economic impacts

- 9.1 The Proponent shall identify, prior to construction, the parties that may be potentially affected by the Designated Project or by any environmental effect of the Designated Project, which shall include parties representative of local and municipal governments, nearby residents and users of the immediate surroundings and community, environmental, recreation and tourism, and economic development organizations. The Proponent shall provide a list of the potentially affected parties, including their contact information, to the Agency prior to construction and shall provide an updated list to the Agency upon request during any phase of the Designated Project.
- 9.2 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and the potentially affected parties, a communication plan to share information related to the Designated Project. The Proponent shall determine, during the development of the communication plan, procedures for disseminating information related to the Designated Project. The Proponent shall implement the communication plan and keep it up to date during construction and operation. The Proponent shall disseminate the following information as part of the communication plan:
 - 9.2.1 the project schedule, and a description of all activities associated with the construction of the Designated Project and their progress, including:
 - 9.2.1.1 any activity that could impede or restrict temporary or permanent access to the road or rail networks or the aquatic environment, including roads providing public access to the St. Lawrence River;
 - 9.2.1.2 any activity carried out between Monday and Friday between 7:00 p.m. and 7:00 .am., on the weekend, or a statutory holiday; and
 - 9.2.1.3 any activity that could adversely affect water quality and municipal infrastructures (including the drinking water intake for the municipality of Contrecoeur);
 - 9.2.2 the schedule for any activity associated with the operation of the Designated Project, including:
 - 9.2.2.1 the schedule of the trains serving the Designated Project; and
 - 9.2.2.2 the schedule of docked ships and loading and unloading activities;
 - 9.2.3 any information related to pleasure boating, including any information about water quality and any information about temporary and permanent restrictions, and navigational tools and measures implemented by the Proponent during construction or operation to take account of the Designated Project, including the security perimeters referred to in condition 9.4;
 - 9.2.4 a summary of the results of the follow-up programs referred to in conditions 7.6, 7.12 and 7.13; and

- 9.2.5 any other information of interest to the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and the potentially affected parties identified during the development of the communication plan.
- 9.3 The Proponent shall develop, prior to construction and in consultation with the potentially affected parties, a community liaison protocol. The Proponent shall implement the community liaison protocol during construction and operation. As part of the development and implementation of the protocol, the Proponent shall:
 - 9.3.1 develop a mechanism for potentially affected parties to provide feedback to the Proponent about any adverse environmental effect caused by any component of the Designated Project and the associated issues and for the Proponent to respond to the feedback received in a timely manner (including by the implementation of modified or additional mitigation measures);
 - 9.3.2 establish communication methods for sharing any information relevant to the Designated Project with the community, including the information referred to in the communication plan implemented pursuant to condition 9.2 and the details of the feedback mechanism referred to in condition 9.3.1, including the way to submit feedback; and
 - 9.3.3 document any feedback received and how the Proponent responded to this feedback pursuant to condition 9.3.1, including the implementation or anticipated implementation of any modified or additional mitigation measure by the Proponent, or the Proponent's justification for not requiring a modified or additional mitigation measure in order to respond to the feedback.
- 9.4 The Proponent shall delineate and maintain security perimeters to ensure safe navigation in the river study area identified in Figure 1 of the draft environmental assessment report, including:
 - 9.4.1 a security perimeter around work sites in the aquatic environment during construction; and
 - 9.4.2 a security perimeter around the ship loading and unloading area during operation.
- 9.5 The Proponent shall participate, at the request of a relevant authority during any phase of the Designated Project, in the implementation of any measure or development related to road safety on Route 132, Montée Lapierre and Montée de la Pomme-d'Or.
- 9.6 The Proponent shall notify, prior to construction, the operators of rented farmland located in the Montreal Port Authority territory, of the loss and unavailability of this land during construction and operation. Should some farmland become available again after the end of construction, the Proponent shall offer additional land rental opportunities.

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

- 10.1 The Proponent shall paint the dock cranes associated with the Designated Project in colours that harmonize with the adjacent environment of the Designated Project.

- 10.2 The Proponent shall develop, from the start of construction, and maintain, during operation, a vegetated slope on the northern edge of Route 132 within the boundaries of the Montreal Port Authority territory, and on the eastern edge of Stream 4, between Route 132 and the St. Lawrence River, except for a portion on the edge of Route 132 east of Montée Lapierre, as indicated by the Proponent on Map 57-2 submitted in response to Information Request CEAA-2-57 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136), and at the road and rail access points associated with the Designated Project.
- 10.2.1 The Proponent shall mount the vegetated slope referred to in condition 10.2 with a curtain wall, with a height of at least six metres, on the eastern edge of Stream 4, between Route 132 and the St. Lawrence River.
- 10.3 The Proponent shall develop, prior to construction, and implement, during construction and operation, mitigation measures that take into account the Bureau de Normalisation du Québec standard 4930-100/2016 entitled *Éclairage extérieur – contrôle de la pollution lumineuse* [exterior lighting – control of light pollution] regarding the quantity of light emitted, its direction, spectral composition and duration of use, for the lighting fixtures used for the Designated Project, in order to mitigate the adverse environmental effects of the Designated Project while complying with operational health and safety requirements. As part of these measures, the Proponent shall:
- 10.3.1 direct lighting fixtures toward active construction zones during construction and toward port infrastructures during operation;
- 10.3.2 install and maintain, during construction and operation, exterior lighting fixtures with a correlated colour temperature in the 3000 Kelvin range;
- 10.3.3 use LED-type lighting on high masts and roadway light fixtures to limit light pollution; and
- 10.3.4 reduce lighting after 11:00 p.m. in parking lots and around the perimeters of buildings associated with the Designated Project to the lowest intensity possible while meeting the operational safety requirements for the Designated Project.
- 10.4 Before the beginning of the surveys referred to in conditions 10.5 and 10.6, the Proponent shall submit to the Agency a letter confirming the Proponent's commitment that all archaeological documentation or collections generated or discovered during the surveys and during the implementation of the Designated Project shall be provided to a third-party body for conservation and public presentation purposes.
- 10.4.1 The Proponent shall inform the Agency annually, as part of the annual report referred to in condition 2.11, of the actions taken by the Proponent during the reporting year to meet the commitment referred to in condition 10.4 and of any conservation or presentation measures implemented by the third-party body in connection with any archaeological documentation or collections associated with the Designated Project.
- 10.5 The Proponent shall conduct, in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities, an archaeological survey in the terrestrial areas

with archeological potential identified in Figure 14 of the draft environmental assessment report and on Bouchard Island. The Proponent shall survey in priority, prior to construction, the areas in the footprint of the Designated Project and shall complete the survey of the other areas, including Bouchard Island, in the five years after the beginning of construction. The Proponent shall assign the responsibility for conducting the survey to a qualified person who is a certified terrestrial archaeologist. As part of the conduct of the survey, the Proponent shall:

- 10.5.1 discuss, before the survey begins, with each First Nation about opportunities for their participation in conducting the survey and allow them to participate in the survey, including the evaluation of the survey results;
 - 10.5.2 define, before the survey begins, the plots where the survey will be conducted by using digital technologies and taking into account past land occupation in the Designated Project area;
 - 10.5.3 implement the survey methodology developed in consultation with the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) as part of the environmental assessment, including the use of visual surveys, georadar (including for the shoreline terraces), core sampling, shovel sampling and the establishment of test trenches;
 - 10.5.4 assess, in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation, the survey results;
 - 10.5.5 should any artifact be discovered during the survey, carry out an archaeological dig at the location of the discovery and implement measures, in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities, involving the management and conservation of any artifact discovered; and
 - 10.5.6 submit, within 30 days following the completion of the survey in each area, including Bouchard Island, the survey results to the Agency and the parties consulted for the archaeological survey, including the results of any archeological dig conducted and the details of any measure implemented relating to the management and conservation of any artifact discovered.
- 10.6 The Proponent shall conduct, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities, an archaeological survey of the maritime archaeological survey area identified by the Proponent on Map C11-1 submitted in response to Comment 2-11 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). The Proponent shall assign the responsibility of conducting the survey to a qualified person who is a certified maritime archaeologist. As part of the conduct of the survey, the Proponent shall:
- 10.6.1 discuss, before the survey begins, with each First Nation about opportunities for their participation in conducting the survey and allow them to participate in the survey, including the evaluation of the survey results;

- 10.6.2 conduct a visual inspection of the surface and underwater area;
 - 10.6.3 provide side-scan sonar and a high-resolution multibeam sonar coverage and, if recommended by the qualified person conducting the survey, high-resolution marine magnetometer coverage to identify any anomaly with archaeological potential in the area where the survey is being conducted;
 - 10.6.4 inspect, unless it is not technically or economically feasible, all the anomalies with archaeological potential identified pursuant to condition 10.6.3 by using a subaquatic investigation method recommended by the qualified person and document the heritage value of each anomaly; and
 - 10.6.5 submit, at least 90 days before the start of construction, the survey results to the Agency and the parties consulted for the archaeological survey, including any additional measure recommended by the qualified person to be implemented as part of the Designated Project in connection with any anomaly with archaeological potential that cannot be investigated pursuant to condition 10.6.4.
- 10.7 The Proponent shall implement any additional measure recommended pursuant to condition 10.6.5, including archaeological monitoring during dredging, to investigate any anomaly with archaeological potential that cannot be inspected with a subaquatic investigation method pursuant to condition 10.6.4.
- 10.8 The Proponent shall develop and implement a chance-find procedure that must be implemented in the event of a chance discovery during construction, of any structure, site or thing of historical, archaeological, paleontological or architectural significance previously unidentified by the Proponent or reported to the Proponent by a First Nation or other party. As part of the chance-find procedure, the Proponent shall:
- 10.8.1 immediately halt work at the location of the discovery;
 - 10.8.2 delineate an area of at least 30 metres around the discovery as a no-work zone. The no-work requirement shall not apply to actions required to be undertaken to protect the integrity of the discovery;
 - 10.8.3 assign the responsibility of conducting an assessment at the location of the discovery to a qualified person who is an authorized archaeologist pursuant to the *Quebec's Cultural Heritage Act*;
 - 10.8.4 inform the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation within 24 hours of the discovery and allow the Mohawks of Kahnawà:ke, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation) and the Huron-Wendat Nation to monitor the archeological works; and
 - 10.8.5 consult the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities on all applicable legislative or legal requirements and associated regulations and protocols with respect to the discovery, recording, transferring and safekeeping of structures, sites or things of historical, archaeological, paleontological or architectural significance, and comply with them.

- 10.9 The Proponent shall assign the responsibility of monitoring all excavation activities undertaken by the Proponent in the terrestrial environment during construction to a qualified person who is a certified archaeologist. If any structure, site or thing of historical, archaeological, paleontological or architectural significance is discovered during the excavation, the Proponent shall implement the chance-find procedure referred to in condition 10.6.
- 10.10 The Proponent shall develop, prior to construction, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of changes to the environment on natural heritage caused by the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
- 10.10.1 monitor the growth, composition and abundance of the vegetation on the vegetated slope developed pursuant to condition 10.2. The Proponent shall carry out this monitoring on at least a monthly basis during the first year after the development of the slope, at least every two months during the second year after the development of the slope and on a semi-annual basis at a minimum during the third, fourth and fifth years after the development of the slope; and
 - 10.10.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 10.10.1 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of changes to the environment on natural heritage caused by the Designated Project.

11 Accidents and malfunctions

- 11.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and mitigate any adverse environmental effect from accidents and malfunctions that does occur.
- 11.2 The Proponent shall consult, prior to construction, the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities on the measures to be implemented to prevent accidents and malfunctions, including the measures referred to in condition 11.1.
- 11.3 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and relevant authorities, an accident and malfunction response plan in relation to the Designated Project. The accident and malfunction plan shall include:
- 11.3.1 a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project; and
 - 11.3.2 the measures under the control of the Proponent to be implemented in response to each type of accident and malfunction referred to in condition 11.3.1, including alert systems, to mitigate any adverse environmental effect caused by

the accident or malfunction. The measures shall include the implementation of measures to protect sensitive habitats (including submerged grass beds) in the case of a spill of any deleterious substance (including hydrocarbons).

- 11.4 The Proponent shall maintain up-to-date the accident and malfunction response plan referred to in condition 11.3 during all phases of the Designated Project. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to the parties being consulted for the development of the plan within 30 days of the plan being updated.
- 11.5 In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or a malfunction referred to in condition 11.3.1, the Proponent shall immediately implement the measures appropriate to respond to the accident or malfunction, including any measure referred to in condition 11.3.2, and shall:
- 11.5.1 implement the communication plan referred to in condition 11.6 as it relates to accidents and malfunctions;
 - 11.5.2 notify, as soon as possible and pursuant to the communication plan referred to in condition 11.6, the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation, potentially affected parties and the Agency, the Proponent shall specify:
 - 11.5.2.1 the date when and location where the accident or malfunction occurred;
 - 11.5.2.2 a summary description of the accident or malfunction; and
 - 11.5.2.3 a list of any substance potentially released into the environment as a result of the accident or malfunction.
 - 11.5.3 notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable regulatory and legislative requirements;
 - 11.5.4 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:
 - 11.5.4.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
 - 11.5.4.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 11.5.4.3 any view from the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties and advice from relevant authorities received with respect to the accident or

- malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects;
 - 11.5.4.4 a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and
 - 11.5.4.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 11.3;
- 11.5.5 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 11.5.4. The report shall include all additional views from the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 11.5.4.3 were received by the Proponent.
- 11.6 The Proponent shall develop, in consultation with the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties, a communication plan for accidents and malfunctions occurring in relation to the Designated Project. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include:
- 11.6.1 the types of accidents and malfunctions requiring the Proponent to notify the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties;
 - 11.6.2 the manner by which the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties shall be notified by the Proponent of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and
 - 11.6.3 the contact information of the Proponent that representatives of the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties may contact and of the representatives of the Mohawks of Kahnawà:ke First Nation, the W8banaki Nation (Odanak First Nation and Wôlinak First Nation), the Huron-Wendat Nation and potentially affected parties to which the Proponent shall provide notification.

12 Schedules

- 12.1 The Proponent shall submit to the Agency a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 12.2 The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.
- 12.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 12.1 and 12.2 every year no later than March 31.
- 12.4 The Proponent shall provide First Nations with the schedules referred to in conditions 12.1 and 12.2 and any update to the initial schedule made pursuant to condition 12.3 at the same time the Proponent provides these documents to the Agency.

13 Record keeping

- 13.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 13.2 The Proponent shall retain all records referred to in condition 13.1 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide to the Agency the address of the new location.
- 13.3 The Proponent shall notify the Agency of any change to the contact information of the Proponent.