

Potential conditions established under section 64 of the *Impact Assessment Act*

The Impact Assessment Agency of Canada is contemplating the following potential conditions in relation to the Sorel-Tracy Port Terminal Project (the Designated Project) located in Quebec for recommendation to the Minister of the Environment (the Minister) for inclusion in a Decision Statement issued under the *Impact Assessment Act*. If a Decision Statement is issued for the Designated Project, any condition established by the Minister would become legally binding for QSL International Ltée (the Proponent). The Designated Project would be allowed to proceed if: the Minister decides that the adverse effects within federal jurisdiction — and the adverse direct or incidental effects — of the Designated Project are, in light of the factors referred to in section 63 of the *Impact Assessment Act* and the extent to which these effects are significant, in the public interest; or if the Minister refers the matter of whether these effects are in the public interest to the Governor in Council, and the Governor in Council determines that these effects are, in light of the factors referred to in section 63 and the extent to which these effects are significant, in the public interest.

If a Decision Statement for the Designated Project is issued by the Minister, the Proponent will be required to substantially begin (definition 1.31) to carry out the Designated Project within 5 years after the day the Minister issues the Decision Statement, or within any extension of that period established by the Minister in accordance with subsection 70(2) of the *Impact Assessment Act*. If the Proponent does not substantially begin to carry out the Designated Project by the end of that period, the Decision Statement will expire.

1 Definitions

- 1.1 *Adverse federal effects* means “adverse effects within federal jurisdiction” and “direct or incidental adverse effects” as defined in section 2 of the *Impact Assessment Act*.
- 1.2 *Agency* means the Impact Assessment Agency of Canada.
- 1.3 *Baseline* means the environmental, health, social and economic 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, temporary works, and the construction of the wharf and related marine structures, including periods during which these activities may be temporarily interrupted.
- 1.5 *Days* means calendar days.
- 1.6 *Designated Project* means the Sorel-Tracy Port Terminal Project as described in Schedule 1 of this document.
- 1.7 *Designated Project area* means the geographic area occupied by the components of the Designated Project described in schedule 1 of this document.
- 1.8 *Environnement 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 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.10 *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*.
- 1.11 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.12 *Follow-up program* means “follow-up program” as defined in section 2 of the *Impact Assessment Act*.
- 1.13 *Health Canada* means the Department of Health as established under subsection 2(1) of the *Department of Health Act*.
- 1.14 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.15 *Impact Assessment* means “impact assessment” as defined in section 2 of the *Impact Assessment Act*.
- 1.16 *Impact Statement* means the August 2025 document entitled *Étude d’impact environnemental : Nouveau terminal portuaire de Sorel-Tracy, secteur Saint-Laurent (Environmental Impact Assessment: New Port Terminal in Sorel-Tracy, Saint Lawrence sector)* (Canadian Impact Assessment Registry Reference Number 83969, Document Number 66).
- 1.17 *Indigenous groups* means the following Indigenous peoples: Mohawk First Nation of Kahnawà:ke, W8banaki Nation (Abenaki communities Odanak and Wôlinak), and Wendat Nation.
- 1.18 *Indigenous peoples* means “Indigenous peoples of Canada” as defined in section 2 of the *Impact Assessment Act*.
- 1.19 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.20 *Mitigation measures* means “mitigation measures” as defined in section 2 of the *Impact Assessment Act*.
- 1.21 *Monitoring* means collecting, analyzing, and using information to measure the adverse federal effects of the Designated Project and/or to verify the accuracy of the impact assessment and/or to determine the effectiveness of any mitigation measure.
- 1.22 *Operation* means the phase of the Designated Project during which berthing and unberthing maneuvers take place within the Designated Project area, including periods during which these activities may be temporarily interrupted.
- 1.23 *Participate* means to directly or indirectly assist or support initiatives through the provision of resources, including knowledge, time, data, access and other means that are technically and economically feasible and within the care and control of the Proponent.

- 1.24 *Proponent* means QSL International Ltd. and its successors or assigns.
- 1.25 *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.
- 1.26 *Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs* means Quebec's *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 1115-2024 dated July 17, 2024.
- 1.27 *Record* means "record" as defined in section 2 of the *Impact Assessment Act*.
- 1.28 *Relevant authority* means federal, provincial, and/or municipal authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.29 *Reporting year* means January 1 to December 31 of the same calendar year.
- 1.30 *Structure, site or thing of historical, archeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage values, to be associated with an aspect of the history or culture of the peoples of Canada, including Indigenous peoples.
- 1.31 *Substantially begin* means initiating the following components and activities required to carry out the Designated Project:
- 1.31.1 site preparation in the Wharf Area; or
 - 1.31.2 construction of the wharf or related marine structures.

Potential conditions

These conditions may be established for the sole purpose of the Decision Statement issued under the *Impact Assessment Act*. 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 affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements. In this document, a reference to a statute will include every amendment to it, every regulation made under it, every amendment made to a regulation made under it and any law enacted in substitution for, or in replacement of, it.

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, are informed by the best information and knowledge available at the time the Proponent takes action, including the most recent version of policies, guidelines

and directives and community and Indigenous knowledge, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, and have applied the best available economically or technically feasible technologies, or both.

Consultation

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this document:
 - 2.2.1 provide a written notice of the opportunity for the parties being consulted to present their views and information on the subject matter of the consultation;
 - 2.2.2 provide all available information that is relevant to the scope and the subject matter of the consultation and a reasonable period of time not less than 30 days, or as otherwise agreed upon with the parties being consulted, to prepare their views and information;
 - 2.2.3 undertake an impartial consideration of all views and information presented by the parties being consulted on the subject matter of the consultation; and
 - 2.2.4 advise as soon as feasible in writing the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent, and where they have not been integrated, provide the reasons.
- 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, communicate with each Indigenous group with respect to the manner to satisfy the consultation requirements referred to in condition 2.2, including:
 - 2.3.1 methods of notification;
 - 2.3.2 the type of information and the period of time to be provided when seeking input;
 - 2.3.3 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
 - 2.3.4 the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.

Follow-up requirements

- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, develop the follow-up program taking into account any guidance documents provided by the Agency and determine, as part of the development of each follow-up program and in consultation with the parties being consulted during the development, the following information, unless already specified in the condition:
 - 2.4.1 a description of the effects predictions or mitigation measures or both that will be evaluated through the follow-up program as required in the particular follow-up program condition;

- 2.4.2 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.4.3 the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;
 - 2.4.4 the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;
 - 2.4.5 the levels of environmental, health, social or economic changes relative to baseline that would require the Proponent to implement modified or additional mitigation measures, including instances where the Proponent may require Designated Project activities causing the change to be stopped;
 - 2.4.6 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of change referred to in condition 2.4.5 have been reached or exceeded in order to return changes to levels below those referred to in condition 2.4.5; and
 - 2.4.7 the specific and measurable end points that must be achieved before the follow-up program can end. Those end points should indicate that the accuracy of the impact assessment has been verified or that the mitigation measures are effective or both;
 - 2.4.8 the content of the reporting to the Agency required pursuant to condition 2.7.5.
- 2.5 The Proponent shall update the details determined for each follow-up program pursuant to condition 2.4 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.4.3 and in consultation with the parties being consulted during the development of each follow-up program.
- 2.6 The Proponent shall provide the details of the follow-up programs referred to in conditions 3.2, 3.3, 5.5, and 5.6, including the information determined for each follow-up program pursuant to condition 2.4, to the Agency and to the parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.5 to the Agency and to the parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.7 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.7.1 implement the follow-up program according to the information determined pursuant to condition 2.4 and any requirement specified in conditions specific to each follow-up program;
 - 2.7.2 conduct monitoring and analysis to verify the accuracy of the environmental assessment predictions as it pertains to the particular condition or to determine the effectiveness of any mitigation measure or both;
 - 2.7.3 determine whether modified or additional mitigation measure(s) are required based on the levels of environmental change determined pursuant to condition 2.4.5 and the monitoring and analysis undertaken pursuant to condition 2.7.2;

- 2.7.4 if modified or additional mitigation measure(s) are required pursuant to condition 2.7.3, develop and implement these mitigation measure(s) as soon as feasible and monitor them pursuant to condition 2.7.2. The Proponent shall notify the Agency in writing within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.6, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
 - 2.7.5 report all results of the follow-up program to the Agency no later than 3 months following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to condition 2.4.3, to the parties being consulted during the development of the follow-up program. As part of reporting the results of the follow-up program, the Proponent shall, for each follow up program, provide an analysis and conclusion about the accuracy of the effects predictions made during the impact assessment or effectiveness of mitigation measures or both.
- 2.8 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation and resources required to support their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.7.

Annual reporting

- 2.9 The Proponent shall prepare an annual report for each reporting year that sets out:
- 2.9.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this document;
 - 2.9.2 how the Proponent complied with condition 2.1;
 - 2.9.3 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, including any Indigenous knowledge;
 - 2.9.4 the information referred to in conditions 2.4 for each follow-up program and any update to that information made pursuant to condition 2.5;
 - 2.9.5 a summary of the information reported pursuant to condition 2.7.5 for each follow-up program;
 - 2.9.6 for any condition where implementation is stated to be dependent in whole or in part upon technical and/or economic feasibility, and the Proponent has determined it is not technically and/or economically feasible, a justification for that determination;
 - 2.9.7 for any plan that is a requirement of a condition set out in this document, any update(s) to the plan that have been made during the reporting year; and

- 2.9.8 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.7.
- 2.10 The Proponent shall submit the annual report referred to in condition 2.9 to the Agency, including a plain language executive summary in both official languages, no later than 3 months following the reporting year to which the annual report applies.
- 2.11 The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.10 shall start on the day the Minister issues the Decision Statement to the Proponent pursuant to subsection 65 (1) of the *Impact Assessment Act*.

Information sharing

- 2.12 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 2.9 and 2.10, the schedules referred to in conditions 2.18 and 2.19, the process for receiving and addressing complaints referred to in condition 5.3, the communication plan with Indigenous groups referred to in condition 6.2, the accident and malfunction response plans referred to in condition 10.2, the report related to accidents and malfunctions referred to in condition 10.4.3, the communication plan in the event of an accident or malfunction referred to in condition 10.5, as well as any update or revision to the documents referred to above, at the time these documents are submitted to the parties consulted for the applicable conditions. The Proponent shall keep these documents publicly available for 25 years following their publication. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents within 3 business days of their publication.
- 2.13 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 its implementation, unless otherwise required through the condition.

Change of Proponent

- 2.14 The Proponent shall notify the Agency and Indigenous groups in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.
- 2.15 The Proponent shall notify the Agency in writing of any change to the contact information of the Proponent within 30 days of the change in contact information.

Change to the Designated Project

- 2.16 If the Proponent is proposing to carry out the Designated Project in a manner other than described in Schedule 1 of this document, the Proponent shall notify the Agency in writing in advance of carrying out the proposed changes. As part of the notification, the Proponent shall provide:
- 2.16.1 a description of the proposed change(s) to the Designated Project and the adverse federal effects that may result from the proposed change(s);

- 2.16.2 any modified or additional measure to mitigate any adverse federal effects that may result from the proposed change(s) and any modified or additional follow-up requirement;
 - 2.16.3 an explanation of how, taking into account any modified or additional mitigation measure referred to in condition 2.16.2, the federal adverse effects that may result from the proposed change(s) may differ from the federal effects of the Designated Project identified during the impact assessment; and
 - 2.16.4 the results of consultation with Indigenous groups on the proposed changes, if the proposed changes may adversely affect those Indigenous groups, including any views on the adverse federal effects referred to in condition 2.16.1 and on the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.
- 2.17 The Proponent shall provide to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.16, which may include the results of consultation with relevant authorities on the proposed change(s) and federal effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.

Schedules

- 2.18 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities, and no later than 30 days prior to the start of construction, a schedule outlining all activities planned to fulfill each condition set out in this document, including consultation activities pursuant to condition 2.2. The schedule shall indicate the commencement and estimated completion month(s) and year(s) for each of these activities.
- 2.19 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities, and no later than 30 days prior to the start of construction, a schedule outlining all activities required to carry out all phases of the Designated Project. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.
- 2.20 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities in writing an annual update to schedules referred to in conditions 2.18 and 2.19 every year no later than 3 months following each reporting year, until completion of all activities referred to in each schedule.

Record keeping

- 2.21 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document, in physical or electronic form, and shall retain them and make them available to the Agency throughout construction and operation and for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. Records retained electronically shall be stored on servers or electronic storage media that are physically located in Canada and remain under the control

of the Proponent. The Proponent shall provide the aforementioned records to the Agency upon request within the timeframe specified by the Agency.

- 2.22 The Proponent shall provide the Agency with the address of the Canadian location(s) where the records retained in accordance with condition 2.21 are stored and accessible. The Proponent shall notify the Agency at least 30 days prior to any change to those location(s) and shall provide the address of the new location to the Agency.

3 Fish and fish habitat

- 3.1 The proponent shall implement, during all phases of the Designated Project, measures to prevent runoff and erosion in order to meet thresholds for total suspended solids established in the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines: Protection of Aquatic Life – Total Particulate Matter*. In so doing, the Proponent shall:
- 3.1.1 stabilize all areas susceptible to erosion, including excavated materials, and regularly inspect these areas to ensure they are stable;
 - 3.1.2 install settling ponds or filtration systems for dewatering sediment-laden water;
 - 3.1.3 install runoff management systems, including ditches and retention basins, to capture, manage, and, if necessary, treat water from service areas, storage areas, and parking areas before its discharge into the receiving environment;
 - 3.1.4 install a spring-loaded deflector between all vessels and the wharf during transshipment operations;
 - 3.1.5 use hoppers at transshipment points; and
 - 3.1.6 install and maintain a dust collection system along the conveyors during transshipment operations.
- 3.2 The Proponent shall develop, prior to operation and in consultation with Indigenous groups and Fisheries and Oceans Canada, and implement during operations a follow-up program to verify the accuracy of the impact assessment with respect to adverse federal effects from the Designated Project caused by ship wake on submerged grass beds in the local study area in the St. Lawrence described in Figure 5-25 of the Impact Statement.
- 3.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Environment and Climate Change Canada, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the impact assessment and determine the effectiveness of mitigation measures with respect to adverse federal effects from the Designated Project on fish and fish habitat resulting from changes to the quality of surface water and groundwater. As part of implementation of the follow-up program, the Proponent shall:
- 3.3.1 identify, before construction, the parameters to monitor, including turbidity and total suspended solids in surface water, contaminants of potential concern in groundwater, and the locations where these parameters shall be monitored;

- 3.3.2 monitor, during all phases of the Designated Project, surface water quality parameters at the locations identified in accordance with condition 3.4.1, taking into account Environment and Climate Change Canada and the Ministère de l'Environnement, de la Lutte contre les changements climatiques, de la Faune et des Parcs du Québec's *Recommendations for the Management of Suspended Solids (SS) During Dredging Activities*;
- 3.3.3 monitor, during all phases of the Designated Project, contaminants of potential concern in groundwater at the locations identified in accordance with condition 3.4.1; and
- 3.3.4 if the results of the monitoring referred to in condition 3.3.2 indicate that the surface water quality parameters exceed the thresholds established in the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines: Protection of Aquatic Life – Total Particulate Matter*, the Proponent shall implement modified or additional mitigation measures pursuant to condition 2.7.4.

4 Migratory birds

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids capturing, killing, taking, injuring or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing nests protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act* or both, while taking into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2 The Proponent shall determine, under the direction of a qualified individual, the presence, or likely presence of migratory bird nest(s) protected under the *Migratory Birds Convention Act, 1994* and its regulations and residences protected under the *Species at Risk Act* that may be adversely affected by any Designated Project activity prior to initiating the activity.
- 4.3 The Proponent shall establish, under the direction of a qualified individual, setback distances around any nest(s) and residence(s) whose presence or likely presence is determined pursuant to condition 4.2 within which that activity shall not occur while these nests are protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act* or both. When establishing setback distances, the Proponent shall take into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.4 The Proponent shall implement, during all phases of the Designated Project, measures to control lighting while meeting regulatory, operational, health, and safety requirements, in order to mitigate the attraction and disorientation of migratory birds, while taking into account the Convention on Migratory Species' *International Light Pollution Guidelines for Migratory Species*. As part of these measures, the Proponent shall:
 - 4.4.1 use directional lighting that targets only the areas where lighting is needed;
 - 4.4.2 optimize lighting design to reduce the total amount of lighting needed;

- 4.4.3 use shielded fixtures to reduce glare and light leakage in directions where light is not needed; and
- 4.4.4 use automatic sensors in areas where continuous light is not needed.

5 Health and socio-economic conditions

- 5.1 The Proponent shall implement measures to control fugitive emissions of particulate matter, SO₂, and NO₂ generated by the Designated Project, in order to mitigate adverse federal effects on human health. As part of these measures, the Proponent shall:
 - 5.1.1 apply water or an environmentally acceptable alternative to stabilize surfaces within areas of the Designated Project that may generate dust;
 - 5.1.2 cover or enclose material that may become a source of fugitive dust in stockpiles, moved on conveyors or transported within and outside the Designated Project area;
 - 5.1.3 establish and enforce a policy to prohibit unnecessary idling, except when required for health, safety, or operational reasons;
 - 5.1.4 ensure regular inspection, servicing, and maintenance of engines and exhaust systems on all mobile equipment and vehicles; and
 - 5.1.5 prioritize the use of off-road equipment equipped with engines that meet the most stringent emissions standards available, including the latest applicable tier of the *Off-Road Compression-Ignition Engine Emission Regulations (mobile and stationary) and Large Spark-Ignition Engine Regulations*.
- 5.2 The Proponent shall implement measures to reduce exposure to noise generated by the Designated Project in order to mitigate adverse federal effects on human health, taking into account Health Canada's *Guidance for Evaluating Human Health Impacts in Impact Assessment: Noise*. As part of these measures, the Proponent shall:
 - 5.2.1 carry out pile driving activities or any other activities associated with the Designated Project that generate tonal or impulsive noise from Monday to Friday during daytime hours (7:00 to 19:00), unless not technically or economically feasible;
 - 5.2.2 install physical measures, including acoustic barriers for noise-generating equipment;
 - 5.2.3 use wide-frequency-range backup alarms that comply with safety requirements for vehicles and equipment operated within the Designated Project area, while limiting sound level to a maximum of 10 A-weighted decibels above ambient construction noise;
 - 5.2.4 implement measures to reduce the slamming of truck tailgates during material unloading, and noise associated with the dropping of materials; and
 - 5.2.5 ensure regular maintenance of all vehicles and equipment operating within the Designated Project area, and keep all noise control devices in good working order.

- 5.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement during all phases of the Designated Project, a protocol for receiving and addressing complaints related to air quality, water quality, noise and vibrations and the current use of lands and resources for traditional purposes. As part of the protocol, the Proponent shall:
- 5.3.1 acknowledge receipt of any complaint within 24 hours of receiving it;
 - 5.3.2 implement corrective measures, as applicable, as soon as possible following receipt of the complaint, in order to reduce exposure or the reported impacts; and
 - 5.3.3 inform the complainant(s) and Indigenous groups of the corrective measures implemented in response to their complaints.
- 5.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement during all phases of the Designated Project, a training and employment plan to increase opportunities for Indigenous Peoples, including Indigenous women and Indigenous businesses, to obtain and retain employment, procurement or contracting opportunities related to the Designated Project. As part of the plan, the Proponent shall:
- 5.4.1 identify the prerequisite skills and training, both certified and uncertified, required to be employed by the Designated Project;
 - 5.4.2 identify existing gaps in relation to the prerequisite skills and training referred to in condition 5.4.1 among Indigenous Peoples that may be employed by the Designated Project and describe additional measures taken by the Proponent to fill these gaps;
 - 5.4.3 inform Indigenous groups, using targeted communication procedures designed in consultation with Indigenous groups, of the skills and training prerequisites referred to in condition 5.4.1 and measures referred to in condition 5.4.2 to achieve these prerequisites;
 - 5.4.4 inform Indigenous Peoples of Designated Project–related employment and procurement opportunities, using targeted communication procedures designed in consultation with Indigenous groups; and
 - 5.4.5 promote equitable hiring and promotion processes.
- 5.5 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and Health Canada, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the impact assessment and to determine the effectiveness of mitigation measures with respect to the adverse federal effects of the Designated Project on human health resulting from changes in air quality. As part of the follow-up program, the Proponent shall:
- 5.5.1 identify contaminants of potential concern to monitor, including total suspended particulates, PM_{2.5}, PM₁₀, SO₂, and NO₂, and locations where these contaminants shall be monitored; and

- 5.5.2 monitor, prior to construction and until the end of operations, ambient air quality for contaminants of potential concern at the locations determined pursuant to condition 5.5.1.
- 5.6 The proponent shall develop, prior to construction and in consultation with Indigenous groups and Health Canada, and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the impact assessment and to determine the effectiveness of mitigation measures with respect to adverse federal effects of the Designated Project on human health resulting from changes to the acoustic environment. As part of the follow-up program, the Proponent shall:
 - 5.6.1 identify the location of sensitive noise receptors where human health may be affected;
 - 5.6.2 monitor noise levels at the locations identified pursuant to condition 5.6.1; and
 - 5.6.3 if the results of the monitoring referred to in condition 5.6.2 indicate that noise levels exceed the thresholds indicated in section 9.5 of the Impact Statement, implement modified or additional measures, in accordance with condition 2.7.4, taking into account Health Canada's *Guidance for Evaluating Human Health Impacts in Environmental Impact Assessments: Noise*.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall provide mandatory intercultural awareness training to its management personnel, developed in consultation with Indigenous groups, and keep records of management participation in the training.
- 6.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement during construction, a communication plan to share information about the Designated Project with Indigenous groups to mitigate the adverse effects on their current use of lands and resources for traditional purposes. The plan shall include:
 - 6.2.1 safety standards applicable to terminal activities;
 - 6.2.2 terminal activities likely to have an impact on access to and use of the aquatic environment;
 - 6.2.3 the potential impacts of the Designated Project on navigation; and
 - 6.2.4 the navigation marking plan.
- 6.3 The Proponent shall provide Indigenous groups with opportunities to observe activities associated with the Designated Project, and determine, in consultation with Indigenous groups, the scope of these opportunities and the resources required to enable Indigenous groups to observe these activities, including the location, frequency, timing, and duration of these opportunities.

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

- 7.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, a chance-find protocol for structures, sites or things of historical, archaeological, paleontological or architectural significance discovered within the Designated Project area. As part of the protocol, the Proponent shall:
- 7.1.1 immediately halt work at the location of a discovery, except for actions required to protect the integrity of the discovery;
 - 7.1.2 delineate an area around a discovery as a no-work zone;
 - 7.1.3 notify Indigenous groups and the Agency within 24 hours of a discovery and allow Indigenous groups to monitor archaeological works; and
 - 7.1.4 develop mandatory training on chance finds, which includes the identification of sensitive locations within the Designated Project area and the implementation of conditions 7.1.1 to 7.1.3, and provide the training to all employees and contractors working on-site or otherwise involved in activities that could result in a discovery.

8 Marine navigation and safety

- 8.1 The Proponent shall develop, prior to construction and in consultation with the Kildair Service ULC terminal operator and relevant authorities, and implement, during construction, measures to mitigate the effects of the Designated Project on navigation and ship berthing and departure manoeuvres at the Kildair Service ULC terminal. The Proponent shall provide the Agency with these measures before implementing them. As part of these measures, the Proponent shall:
- 8.1.1 position any barge, vessel or equipment required for the construction of the Designated Project in a manner that maintains a safe distance at all times from the moorings at the Kildair Service ULC terminal and from ships that berth at and depart from the terminal;
 - 8.1.2 move, as soon as possible, any barge, vessel or equipment likely to hinder the manoeuvres of the ships that berth at or depart from the Kildair Service ULC terminal;
 - 8.1.3 implement additional measures when meteorological conditions or specific operations could exacerbate the Designated Project's effects on manoeuvres, including by freeing up space required for tugboats; and
 - 8.1.4 establish and maintain an operational communication protocol with the Kildair Service ULC terminal operator to enable real-time coordination and a rapid response in the event of a situation that could jeopardize marine safety or berthing or departure manoeuvres.

- 8.2 The Proponent shall design prior to operation, build and maintain, during operation, the Designated Project's berthing structures to ensure that vessels can safely berth. In so doing, the Proponent shall:
- 8.2.1 design berthing structures so they are able to withstand static and dynamic forces, including those caused by wave action, and wake generated by the combined effects of current, wind, and waves;
 - 8.2.2 establish, for the intended vessels, minimum requirements for berthing configuration, including the number of berthing lines required; and
 - 8.2.3 use mooring devices, including bollards, that have sufficient capacity to withstand the loads associated with berthing, including when multiple berths simultaneously exert combined forces.
- 8.3 The Proponent shall monitor, during operation, the effects of the presence of one or more floating barges forming part of the wharf structure on ice dynamics, taking into account Transport Canada's *Navigation Safety Assessment Process Guidelines (TP15577F)*, in order to ensure that these effects do not compromise safety or interfere with navigation. Where the floating barge(s) compromise safety or interfere with navigation, the Proponent shall implement mitigation measures as soon as possible, including relocating the barge(s) to an appropriate location or using specialized ice management or marine assistance services. The Proponent shall provide these measures to the Agency once they have been implemented.

9 Independent environmental monitor

- 9.1 The Proponent shall retain, prior to the start of construction and in consultation with Indigenous groups, the services of a third-party independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring in Quebec, to independently observe and record on the implementation of the conditions set out in this document during construction and to report findings to the Proponent, Indigenous groups and the Agency.
- 9.2 The Proponent shall require the independent environmental monitor to report to the Proponent, Indigenous groups and the Agency, in writing, prior to or concurrent with reporting to the Proponent, if, in their view, any Designated Project activity does not comply with any condition set out in this document. The Proponent shall require the independent environmental monitor to report the information to Indigenous groups and the Agency at a frequency and in a format determined in consultation with Indigenous groups and the Agency, respectively.

10 Accidents and malfunctions

- 10.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse federal effects and mitigate any adverse federal effects from accidents and malfunctions that occur. In doing so, the Proponent shall:

- 10.1.1 design, construct, and maintain Designated Project infrastructure to meet applicable codes and standards that address seismic activity, landslides, slope stability, and extreme weather events;
 - 10.1.2 establish fire and spill prevention plans;
 - 10.1.3 carry out vehicle and equipment refueling and servicing at designated locations;
 - 10.1.4 use secondary containment systems with sufficient capacity to contain the entire volume of all stored hazardous materials; and
 - 10.1.5 provide mandatory training to Designated Project employees on malfunction and accident prevention and related response procedures.
- 10.2 The Proponent shall develop, prior to each phase of the Designated Project and in consultation with Indigenous groups and relevant authorities, and implement during each phase, accidents and malfunctions response plans. The accidents and malfunctions prevention and response plans shall include:
- 10.2.1 a description of the types of accidents and malfunctions that may cause adverse federal effects during any phase of the Designated Project, including both worst-case and more likely scenarios;
 - 10.2.2 the measures to be implemented in response to each type of accidents and malfunctions referred to in condition 10.2.1 to mitigate any adverse federal effects caused by the accident or malfunction, taking into account Environment and Climate Change Canada's *National Wildlife Emergency Response Framework*; and
 - 10.2.3 for each type of accident and malfunction referred to in condition 10.2.1, the roles and responsibilities of those involved in the implementation of the measures referred to in condition 10.2.2, including the Proponent, each relevant authority and any other party that may be called upon to respond to an accident or malfunction.
- 10.3 The Proponent shall maintain each of the accidents and malfunctions response plans referred to in condition 10.2 up-to-date during the phase to which it pertains. The Proponent shall submit any updated accidents and malfunctions response plan to the Agency and to parties consulted for the development of the plan within 30 days of the plan being updated.
- 10.4 In the event of an accident or malfunction with the potential to cause adverse federal effects, including an accident or a malfunction referred to in condition 10.2.1, the Proponent shall immediately implement the measures appropriate to remedy the accident or malfunction, including any measure referred to in condition 10.2.2, and shall:
- 10.4.1 notify, as soon as feasible, relevant authorities with responsibilities related to emergency response, including environmental emergencies, in accordance with applicable legislative and regulatory requirements;
 - 10.4.2 notify, as soon as feasible and pursuant to the communication plan referred to in condition 10.5, Indigenous groups of the accident or malfunction, and notify the

Agency in writing no later than 48 hours following the accident or malfunction.
When notifying Indigenous groups and the Agency, the Proponent shall provide:

- 10.4.2.1 the date, time and location where the accident or malfunction occurred;
 - 10.4.2.2 a summary description of the accident or malfunction;
 - 10.4.2.3 a list of all substances that may have been released into the environment as a result of the accident or malfunction, and the approximate quantity of each; and
 - 10.4.2.4 a list of the relevant authorities notified and of the relevant authorities engaged in response to the accident or malfunction.
- 10.4.3 submit a written report to the Agency no later than 60 days after the day on which the accident or malfunction occurred. The written report shall include:
- 10.4.3.1 a detailed description of the accident or malfunction and of its adverse federal effects;
 - 10.4.3.2 a description of the measures that were taken by the Proponent to mitigate the adverse federal effects caused by the accident or malfunction;
 - 10.4.3.3 any view from Indigenous groups and advice from relevant authorities received with respect to the accident or malfunction, its adverse federal effects and the measures taken by the Proponent to mitigate these adverse federal effects;
 - 10.4.3.4 a description of any residual adverse federal effects and a description of any modified or additional measure required by the Proponent to mitigate or monitor residual adverse federal effects;
 - 10.4.3.5 a description of any changes made to prevent a recurrence of the accident or malfunction; and
 - 10.4.3.6 details concerning the implementation of the accidents and malfunctions response plans referred to in condition 10.2.
- 10.5 The Proponent shall develop, in consultation with Indigenous groups, a communication plan for accidents and malfunctions 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:
- 10.5.1 the geographic areas where accidents and malfunctions are possible and within which Indigenous groups would like to receive notifications;
 - 10.5.2 the types and thresholds of accidents and malfunctions requiring the Proponent to notify Indigenous groups;
 - 10.5.3 the information to be included in the notifications to support the preparedness and response of Indigenous groups;
 - 10.5.4 the method and frequency of notifications, including opportunities for Indigenous groups to assist in accident or malfunction response efforts; and

- 10.5.5 the names and contact information of the Proponent and Indigenous group representatives for the purposes of notification pursuant to condition 10.5.3.
- 10.6 The Proponent shall participate, at the request of relevant authorities responsible for these initiatives, in any regional initiative to develop response plans in the event of a marine transportation spill or relative to other agreements subject to the requirements of the *Canada Shipping Act, 2001* and its Regulations. As part of this participation, the Proponent shall:
 - 10.6.1 implement any technically and economically feasible mitigation measure or any follow-up program identified through these regional initiatives that is within its responsibility; and
 - 10.6.2 present to the Agency, as part of the annual report referred to in condition 2.9, the results of its participation in any regional initiative, including a description of any mitigation measure or follow-up program that the Proponent implemented or proposes to implement as a result of this participation; and
 - 10.6.3 provide written notice to the Agency, as soon as possible, describing how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent, and where they have not been integrated, provide the reasons.

Description of the Designated Project

The Designated Project consists in the construction and operation of a new port terminal by QSL International Ltd. located in the industrial port zone of Sorel-Tracy, Quebec. The project involves the construction of a new wharf, related marine structures and intermodal facilities associated with port activities. The terminal will be able to accommodate vessels over 25,000 dead weight tonnes. The Designated Project area is roughly 12 hectares and includes the wharf area and the terrestrial area, illustrated in Figure 1.

The Designated Project includes the following physical activities and components.

Physical activities

Construction

Construction would require the following physical activities:

- site preparation;
- establishment and use of temporary storage areas;
- construction of the wharf and related marine structures;
- construction of use of fixed or mobile conveyors;
- construction and development of storage areas;
- construction of buildings; and
- construction of ancillary structures.

Operation (indeterminate duration)

Operation would require the following physical activities:

- berthing and departure of vessels;
- transportation, handling and storage of goods associated with the operation of the port terminal; and
- inspection and maintenance of the land-based and marine infrastructure.

Components

Wharf Area

The Wharf Area shown in Figure 1 includes the following components:

- the wharf, including mooring dolphins; and
- related marine structures.

Terrestrial Area

The Terrestrial Area shown in Figure 1 includes the following components:

- fixed or mobile conveyors;
- storage areas;
- buildings, including offices, garages and gatehouses; and
- ancillary infrastructure, including parking areas, weighing areas, green screens, travel lanes and a surface water treatment system.

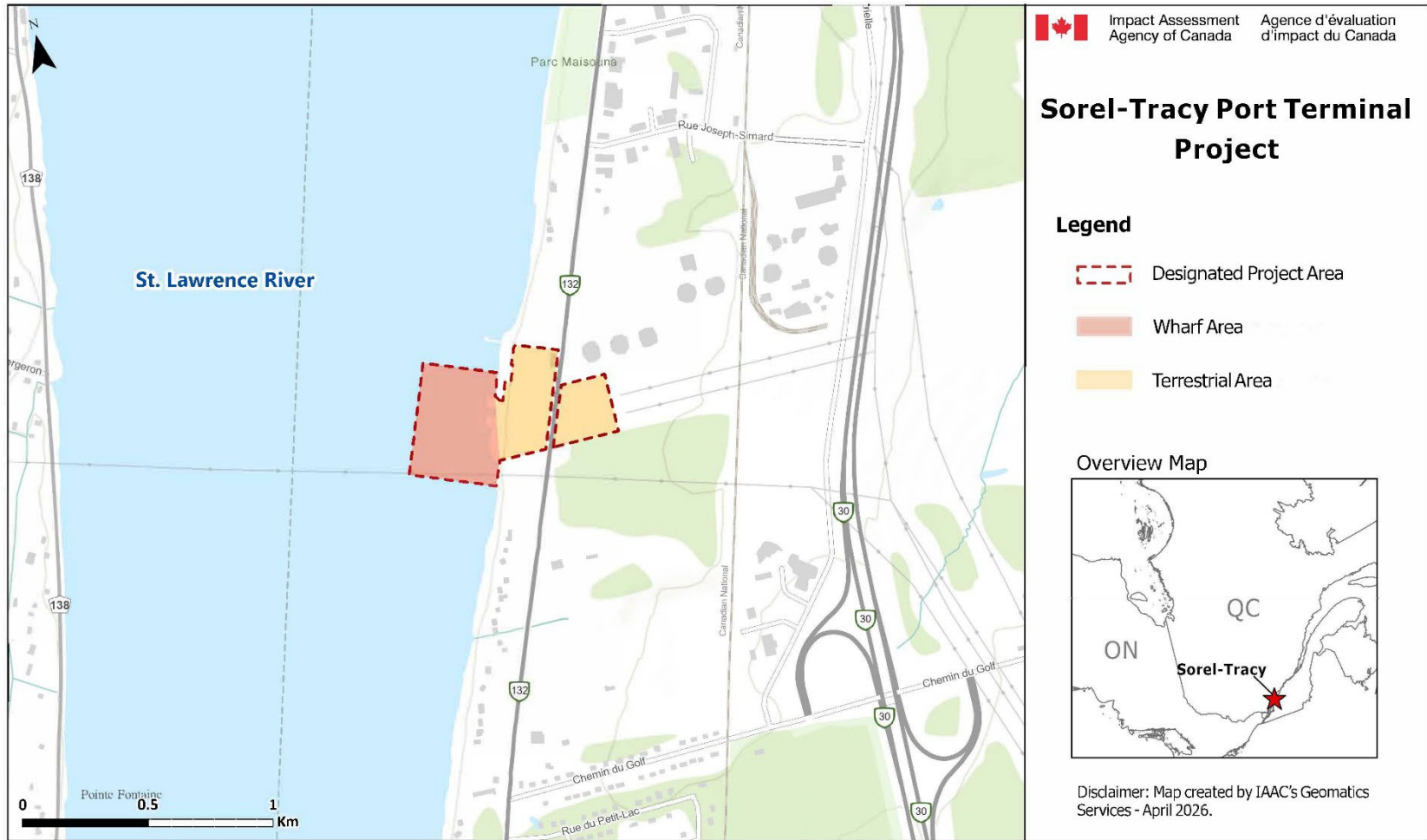


Figure 1. Designated Project area