

Decision Statement
Issued under Section 54 of the *Canadian Environmental Assessment Act, 2012*

to
Tilbury Jetty Limited Partnership by its general partner Tilbury Jetty GP Inc.
c/o Mike Leclair, President

16705 Fraser Hwy
Surrey, British Columbia
V4N 0E8

for the
Tilbury Marine Jetty Project

Description of the Designated Project

Tilbury Jetty Limited Partnership proposes the construction and operation of a new marine terminal facility located on Tilbury Island, along the South Arm of the Fraser River in Delta, British Columbia. As proposed, the Tilbury Marine Jetty Project includes the loading of liquefied natural gas (LNG) onto LNG carriers and barges for export to local and global markets. The facility is expected to operate for a minimum of 30 years.

Conduct of the environmental assessment

The Canadian Environmental Assessment Agency (the Agency) commenced an environmental assessment of the Designated Project under the *Canadian Environmental Assessment Act, 2012* on July 10, 2015. The former Minister of the Environment, under the authority of section 32 of the *Canadian Environmental Assessment Act, 2012*, granted the substitution of the environmental assessment process set out in British Columbia's *Environmental Assessment Act* for the *Canadian Environmental Assessment Act, 2012* process.

British Columbia's Environmental Assessment Office conducted an environmental assessment of the Designated Project in accordance with the substitution conditions set out in subsection 34(1) of the *Canadian Environmental Assessment Act, 2012* and submitted its report to the Agency on October 7, 2022.

Decision on environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*

In accordance with paragraph 52(1)(a) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of British Columbia's Environmental Assessment Office on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is likely to cause significant adverse environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 52(2) of the *Canadian Environmental Assessment Act, 2012*, I referred to the Governor in Council the matter of whether those significant adverse environmental effects were justified in the circumstances.

In accordance with paragraph 52(4)(a) of the *Canadian Environmental Assessment Act, 2012*, the Governor in Council decided that the significant adverse environmental effects that the Designated Project is likely to cause are justified in the circumstances.

In accordance with subsection 53(1) of the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(1) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

Decision on environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*

The carrying out of the Designated Project may require the following federal authorities to exercise a power or perform a duty or function conferred on them under an Act of Parliament other than the *Canadian Environmental Assessment Act, 2012*:

- The Minister of Fisheries and Oceans may issue authorization(s) under paragraph 35(2)(b) of the *Fisheries Act*;
- The Minister of Transport may approve works in and about navigable waters under subsection 7(1) of the *Canadian Navigable Waters Act*;
- The Minister of the Environment may issue a permit for disposal at sea under subsection 127(1) of the *Canadian Environmental Protection Act, 1999*; and
- The Vancouver Fraser Port Authority may issue building and occupancy permit(s) through authority granted under the *Canada Marine Act*.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of British Columbia's Environmental Assessment Office on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*.

In accordance with subsection 53(2) of *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(2) of *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

Decision Statement under the *Impact Assessment Act*

Pursuant to sections 306 of the *Budget Implementation Act, 2024*, a Decision Statement issued by me 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.

Consultation with Indigenous groups

In establishing the conditions below in relation to the environmental effects referred to in subsections 5(1) and 5(2) of the *Canadian Environmental Assessment Act, 2012*, I took into account the concerns and interests identified in the consultation process with Indigenous groups. I also considered the measures to address these concerns and interests that have been identified in the environmental assessment and consultation processes. I am satisfied that the consultation process undertaken is consistent with the honour of the Crown and, with the conditions I have established, that the concerns and interests of Indigenous groups are appropriately accommodated for the purpose of issuing this Decision Statement.

1 Definitions

- 1.1 *Agency* means the Impact Assessment Agency of Canada.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.3 *Certified Project Description* means the certified project description included as Schedule A in the environmental assessment certificate issued by the Government of British Columbia for the Tilbury Marine Jetty Project.
- 1.4 *Construction* means the phase of the Designated Project prior to the operation phase during which the Proponent undertakes the site preparation, building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease. It also includes the period of time when the temporary floating berth is being operated and decommissioned.
- 1.5 *Day* means calendar day.
- 1.6 *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases docking or mooring vessels for the loading of liquefied natural gas and commences removal from service of any components of the Designated Project, and that continues until the Proponent completes the reclamation of the site of the Designated Project.
- 1.7 *Designated Project* means the Tilbury Marine Jetty Project as described in the Certified Project Description.
- 1.8 *Designated Project area* means the geographic area occupied by the Designated Project as defined by the project area in Figure 1.0 of the Certified Project Description.
- 1.9 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.10 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.11 *Environmental assessment application* means the 2019 Environmental Assessment Certificate Application submitted to the Government of British Columbia entitled *Environmental Assessment Certificate Application: WesPac Tilbury Marine Jetty Project*.

- 1.12 *Environmental assessment report* means the 2022 assessment report prepared and submitted to the Agency by the Government of British Columbia entitled *Assessment Report for the Tilbury Marine Jetty Project*.
- 1.13 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.14 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.16 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.17 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.18 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.19 *In-water work activities* means any works associated with the Designated Project undertaken in water frequented by fish.
- 1.20 *Indigenous groups* means the following Aboriginal Peoples who will be affected or potentially affected by the Designated Project, including by activities within the Designated Project area and by marine shipping activities within the marine shipping assessment area: Cowichan Tribes, Halalt First Nation, Kwantlen First Nation, Ts’uubaa-asatx Nation, Lyackson First Nation, Musqueam Indian Band, Penelakut Tribe, Semiahmoo First Nation, Snuneymuxw First Nation, Squamish Nation, Stz’uminus First Nation, Tsawwassen First Nation, Tseil-Waututh Nation.
- 1.21 *Indigenous groups (marine shipping)* means the following Aboriginal Peoples who will be affected or potentially affected by the marine shipping activities within the marine shipping assessment area of the Designated Project: Ditidaht First Nation, Esquimalt Nation, Maa-nulth First Nations [Huu-ay-aht First Nations, Ka:’yu:’k’t’h’/Che:k’tles7et’h’ (Kyuquot) First Nations, Toquaht Nation, Uchucklesaht Tribe, and Yuułuʔiłʔatḥ (Ucluelet) Nation], Malahat First Nation, Pacheedaht First Nation, Pauquachin First Nation, Tsartlip First Nation, Tsawout First Nation, Tseycum First Nation, Scia’new (Beecher Bay) First Nation, Songhees Nation, T’Sou-ke First Nation.
- 1.22 *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.
- 1.23 *LNG vessels* means LNG-carrying vessels calling on the marine jetty of the Designated Project for the purpose of transporting LNG. LNG vessels includes LNG carriers, bunkering vessels and barges that supply LNG as fuel to other vessels.
- 1.24 *Marine mammal* means all mammal species, which are morphologically adapted to the marine environment, including cetaceans and pinnipeds.

- 1.25 *Marine mammal exclusion zone* means the area within which a marine mammal may be potentially exposed to sound levels above established injury thresholds or that may cause detrimental behavioral changes for marine mammals around a Designated Project activity.
- 1.26 *Marine shipping assessment area* means the marine shipping assessment area described in Figure 3 of the certified project description.
- 1.27 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.28 *Ministry of Environment and Climate Change Strategy* means British Columbia’s Ministry of Environment and Climate Change Strategy as established under Appendix A of Order in Council No. 213-2017.
- 1.29 *Ministry of Land, Water, and Resource Stewardship* means British Columbia’s Ministry of Land, Water, and Resource Stewardship as established under Schedules 1 and 2 of Order in Council No. 92-2022.
- 1.30 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.31 *Monitoring* means collecting, analyzing, and using information to measure the environmental effects of the Designated Project and/or to verify the accuracy of the environmental assessment and/or to determine the effectiveness of any mitigation measure.
- 1.32 *Offsetting plan* means “offsetting plan” as described in Schedule 1 of the Authorizations Concerning Fish and Fish Habitat Protection Regulations.
- 1.33 *Operation* means the phase of the Designated Project starting when the permanent Jetty begins docking or mooring vessels for loading of liquefied natural gas and continues until the start of decommissioning. This phase includes periods when the jetty may temporarily cease docking or mooring vessels for loading of liquefied natural gas.
- 1.34 *Other marine users* means those non-Indigenous individuals conducting commercial marine transportation, commercial fishing and non-commercial recreation activities, including fishing and boating, within either the marine shipping assessment area or the Fraser River from the Sand Heads Lighthouse to, and including, the Designated Project area.
- 1.35 *Participate* means to directly or indirectly assist or support initiatives through the provision of resources, including knowledge, time, data, access and other means that are economically and technically feasible and within the care and control of the Proponent.
- 1.36 *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.
- 1.37 *Proponent* means Tilbury Jetty Limited Partnership and its successors or assigns.

- 1.38 *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.
- 1.39 *Qualified professional* means a person who has training, experience and expertise in a discipline relevant to the field of practice set out in the condition, and who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics and is subject to disciplinary action by that organization.
- 1.40 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.41 *Relevant authorities* means federal, provincial and/or municipal authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this Decision Statement.
- 1.42 *Reporting year* means January 1 to December 31 of the same calendar year.
- 1.43 *Structure, site or thing of historical, archeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Aboriginal peoples.
- 1.44 *Transport Canada* means the Department of Transport as established under subsection 3(1) of the *Department of Transport Act*.
- 1.45 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) and “Canadian fisheries waters” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.46 *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.
- 1.47 *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.

Conditions

These conditions may be established for the sole purpose of this 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 Decision Statement shall be construed as affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements. In this Decision

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

Consultation

- 2.3 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
 - 2.3.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject matter of the consultation;
 - 2.3.2 provide all information available and relevant to the scope and the subject matter of the consultation, including a list of all parties being consulted, and a reasonable period of time agreed upon with the party or parties being consulted, not to be less than 30 days, to prepare their views and information;
 - 2.3.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
 - 2.3.4 advise as soon as is feasible, at a minimum in writing, the party or parties being consulted on how the views and information received have or have not been integrated into the subject matter of consultation by the Proponent, and provide justification.
- 2.4 Where consultation with Indigenous groups or Indigenous groups (marine shipping) is a requirement of a condition set out in this Decision Statement, the Proponent shall:
 - 2.4.1 discuss with each Indigenous group or Indigenous groups (marine shipping) the manner with which to satisfy the consultation requirements referred to in condition 2.3 including:
 - 2.4.1.1 methods of notification;
 - 2.4.1.2 the type of information, resources and the period of time to be provided when seeking input;
 - 2.4.1.3 the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation;

- 2.4.1.4 the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent; and
- 2.4.2 apply the principles of engagement described in the document *Tsawwassen and Tilbury Marine Jetty Shared Principles of Engagement* when consulting with Tsawwassen First Nation.

Follow-up programs

- 2.5 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information, unless already specified in the condition:
 - 2.5.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
 - 2.5.2 the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;
 - 2.5.3 the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;
 - 2.5.4 the levels of environmental change relative to baseline conditions that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped;
 - 2.5.5 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.5.4 have been reached or exceeded; and
 - 2.5.6 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 environmental assessment has been verified and/or that the mitigation measures are effective.
- 2.6 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.5 during the implementation of each follow-up program, at a minimum frequency determined pursuant to condition 2.5.3, and in consultation with the party or parties being consulted during the development of each follow-up program.
- 2.7 The Proponent shall provide the follow-up programs referred to in conditions 3.22, 3.23, 3.24, 4.4, 5.2.7, 6.4, 7.5 and 9.3, including the information determined for each follow-up program pursuant to condition 2.5 to the Agency and to the party or 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(s) made pursuant to condition 2.6 to the Agency and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.8 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:

- 2.8.1 implement the follow-up program according to the information determined pursuant to condition 2.5;
 - 2.8.2 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(s);
 - 2.8.3 determine whether modified or additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.8.2;
 - 2.8.4 if modified or additional mitigation measures are required pursuant to condition 2.8.3, develop and implement these mitigation measures as soon as feasible and monitor them pursuant to condition 2.8.2. The Proponent shall notify the Agency in writing within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.5, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
 - 2.8.5 report all results of the follow-up program to the Agency no later than March 31 following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.5.2, to the party or parties being consulted during the development of the follow-up program.
- 2.9 Where consultation with Indigenous groups or Indigenous groups (marine shipping) 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 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 2.8.

Annual reporting

- 2.10 The Proponent shall prepare an annual report for each reporting year that sets out:
- 2.10.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;
 - 2.10.2 how the Proponent complied with condition 2.1;
 - 2.10.3 for conditions set out in this Decision Statement for which consultation is a requirement, a summary of any views expressed and how the Proponent considered these views and information that the Proponent received during or as a result of the consultation;
 - 2.10.4 the information referred to in conditions 2.5 and any update to that information made pursuant to condition 2.6;
 - 2.10.5 for any conditions where implementation is specifically stated to be dependent in whole or in part upon economic or technical feasibility, and the Proponent determines it is not economically or technically feasible, the Proponent shall provide reasonable justification for why;

- 2.10.6 a summary of the results of the follow-up program requirements identified in conditions 3.22, 3.23, 3.24, 4.4, 5.2.7, 6.4, 7.5 and 9.3;
 - 2.10.7 for any plan that is a requirement of a condition set out in this Decision Statement, any update(s) to the plan that have been made during the reporting year; and
 - 2.10.8 any modified or additional mitigation measure(s) implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.8.
- 2.11 The Proponent shall submit to the Agency the annual report referred to in condition 2.10, 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.
- 2.12 The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.10 shall start on the day the Minister of the Environment issues the Decision Statement pursuant to subsection 54 (1) of the *Canadian Environmental Assessment Act, 2012*.

Information sharing

- 2.13 The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.10 and 2.11, data analysis or reports related to the follow-up programs in conditions 3.22, 3.23, 3.24, 4.4, 5.2.7, 6.4 and 7.5, and 9.3, the reports related to vessel traffic information and accidents and malfunctions referred to in conditions 3.18, 12.4.3 and 12.4.4, the communication plans referred to in condition 7.3 and 12.5, the marine use and transportation plan referred to in condition 7.4, the schedules referred to in conditions 13.1, and 13.2, and any update(s) or revision(s) to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation, or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify Indigenous groups, Indigenous groups (marine shipping) and the Agency in writing of the availability of these documents within 48 hours of their publication.
- 2.14 When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the plan to the Agency and to the party or parties being consulted during the development of the plan prior to construction, unless otherwise required through the condition.

Change of Proponent

- 2.15 The Proponent shall notify Indigenous groups, Indigenous groups (marine shipping), the Agency and relevant authorities in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

Change to the Designated Project

- 2.16 If the Proponent is proposing to carry out the Designated Project in a manner other than described in condition 1.7, the Proponent shall notify the Agency in writing in advance of carrying out the proposed activities. As part of the notification, the Proponent shall provide:

- 2.16.1 a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the proposed change(s);
 - 2.16.2 any modified or additional measure(s) to mitigate any environmental effect that may result from the proposed change(s) and any modified or additional follow-up requirement(s); and
 - 2.16.3 an explanation of how, taking into account any modified or additional mitigation measures referred to in condition 2.16.2, the environmental effects that may result from the proposed change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment.
- 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 Indigenous groups, Indigenous groups (marine shipping), and relevant authorities on the proposed change(s) and environmental effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.

3 Fish (including marine mammals) and fish habitat

- 3.1 The Proponent shall conduct in-water work activities during Fisheries and Oceans Canada's timing windows of least risk for the Designated Project area, unless otherwise permitted through authorization under the *Fisheries Act* by Fisheries and Oceans Canada.
- 3.2 The Proponent shall identify, prior to construction and in consultation with Indigenous groups, the Ministry of Land, Water, and Resource Stewardship, and other relevant authorities, any additional timing windows of reduced risk for in-water work activities for species in the Designated Project area, including eulachon (*Thaleichthys pacificus*), white sturgeon (*Acipenser transmontanus*), green sturgeon (*Acipenser medirostris*), salmonids, and fish that are listed as species at risk and conduct in-water work activities only during times that fall within both the reduced risk windows and the least risk windows in condition 3.1. The Proponent shall notify, prior to construction, the Agency of these reduced risk windows.
- 3.3 If the Proponent must conduct in-water work activities outside Fisheries and Oceans Canada's timing windows of least risk, and is permitted to do so through authorization under the *Fisheries Act*, or must conduct in water work activities outside other reduced risk windows identified pursuant to condition 3.2, the Proponent shall have a qualified professional identify and provide justification for why these activities had to occur outside these windows and shall provide this information to Indigenous groups and the Agency as soon as feasible and prior to the start of the identified in-water work activities.
- 3.4 The Proponent shall have a qualified professional develop, prior to construction and in consultation with Indigenous groups, the Ministry of Land, Water, and Resource Stewardship, and any other relevant authorities, measures to avoid and mitigate impacts of the Designated Project on fish, including eulachon (*Thaleichthys pacificus*), white sturgeon (*Acipenser transmontanus*) and green sturgeon (*Acipenser medirostris*) related to fish presence in the vicinity of pile driving, dredging, and the dredge pocket once it is established. The Proponent shall submit these

measures to the Agency prior to the start of construction. As part of these measures the Proponent shall have a qualified professional:

- 3.4.1 identify any potential modified or additional mitigation measures, including stop work procedures;
 - 3.4.2 identify the criteria or triggers related to fish presence and fish kills, including when fish are present within an area of potential harm, that would require the implementation of modified or additional mitigation measures identified pursuant to condition 3.4.1. The qualified professional shall identify the criteria or triggers that must be met in order for pile driving and dredging to begin or resume;
 - 3.4.3 monitor for fish presence immediately prior to the start or restart of pile driving and dredging within the area of potential harm of these in-water work activities, as determined in consultation with Indigenous groups, the Ministry of Land, Water, and Resource Stewardship, and any other relevant authorities;
 - 3.4.4 monitor for the presence of white sturgeon (*Acipenser transmontanus*) and green sturgeon (*Acipenser medirostris*) in the location of the dredge pocket once it is established;
 - 3.4.5 determine the means, timing, frequency and location of monitoring in condition 3.4.3 and 3.4.4. Monitoring for sturgeon shall include the use of side-scan sonar with sufficient resolution to detect sturgeon; and
 - 3.4.6 implement the mitigation measures identified in condition 3.4.1 if criteria and triggers established pursuant to condition 3.4.2 are reached as determined by monitoring pursuant to condition 3.4.3 and 3.4.4.
- 3.5 The Proponent shall, during all phases of the Designated Project, record any observations of sturgeon death, injury or vessel strikes occurring within the Designated Project area. For any observed vessel strikes, the Proponent shall have a qualified professional to determine whether modified or additional mitigation measures are necessary to protect sturgeon from vessel strikes related to the Designated Project. The Proponent shall implement any mitigation measures identified by the qualified professional and provide the mitigation measure(s) to the Agency as soon as feasible.
- 3.6 The Proponent shall develop prior to construction and in consultation with Indigenous groups and relevant authorities, procedures to share the results of monitoring and any modified or additional mitigation measures implemented pursuant to condition 3.4 and 3.5 with Indigenous groups and relevant authorities and implement these procedures during all phases of the Designated Project. Fish kills shall be reported to Indigenous groups, Fisheries and Oceans Canada, the Ministry of Land, Water, and Resource Stewardship and any other relevant authorities as soon as feasible.
- 3.7 The Proponent shall develop prior to construction and implement during all phases of the Designated Project, measures to control erosion, sedimentation and runoff within the Designated Project area to avoid the deposit of sediment in water frequented by fish and the adverse effects of sediment suspension and deposition on fish and fish habitat. The Proponent shall submit these measures to the Agency prior to construction.

- 3.8 The Proponent shall treat any storm water, water from dredged material, and water discharges from sediment basins in accordance with the requirements of the *Fisheries Act* taking into account British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life* before discharging that water into the environment during all phases of the Designated Project. If the Proponent uses sediment basins to remove suspended sediment prior to discharge, the Proponent shall locate these basins on previously disturbed asphalt areas within the Designated Project area.
- 3.9 The Proponent shall, when conducting ground stabilization using vibro-replacement stone columns, use the bottom-feed method to reduce sediment dispersion in water frequented by fish.
- 3.10 The Proponent shall, when removing remnant creosote piles or temporary piles, identify and implement measures to mitigate sediment dispersion and disturbance of habitats, taking into account Fisheries and Oceans Canada's *Guidelines to Protect Fish and Fish Habitat from Treated Wood Used in Aquatic Environments in the Pacific Region (2000)*, *British Columbia's Guidelines for Use of Treated Wood in and Around Aquatic Environments and Disposal of Treated Wood (2013)*, and Washington Department of Natural Resources' *Derelict Creosote Piling Removal and Disposal (2017)*, as updated.
- 3.11 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Fisheries and Oceans Canada, measures to mitigate underwater noise emitted from the Designated Project area. The Proponent shall implement the measures during construction and operation including by:
- 3.11.1 using vibratory pile driving instead of impact pile driving until a qualified professional determines that impact pile driving must be used to complete the necessary installation of the piles;
 - 3.11.2 using sound attenuation devices around all impact pile driving activities;
 - 3.11.3 identify the means, location and frequency of underwater noise monitoring during in-water construction activities, including vibratory and impact pile driving, where sound levels have the potential to exceed the threshold of 206 decibels at a reference pressure of one micropascal within 10 metres of the in-water construction activity, and ensure that sound levels do not exceed this threshold. If monitoring results demonstrate that noise levels are likely to exceed this threshold, the Proponent shall halt work and implement modified or additional mitigation measures prior to restarting work;
 - 3.11.4 implementing soft-start procedures when conducting pile driving and construction and maintenance dredging activities. Soft-start procedures for dredging shall include beginning with lower levels of noise and movement; and
 - 3.11.5 sequencing in-water work to mitigate effects of compounded noise levels by multiple sources.
- 3.12 The Proponent shall have a qualified professional develop, prior to construction and in consultation with Indigenous groups, a marine mammal detection and response plan to prevent injury to marine mammals as it relates to noise from Designated Project activities. The Proponent shall implement the plan during all in-water work activities that pose a risk to marine mammals, including pile driving and construction and maintenance dredging, and have a qualified professional oversee the implementation of the plan. As part of the marine mammal detection and response plan, the Proponent shall:

- 3.12.1 establish thresholds for impulse and non-impulse noise taking into account the United States National Oceanic and Atmospheric Administration's 2018 Revision to: *Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0) Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts*;
 - 3.12.2 identify impulse and non-impulse noise generating Designated Project activities that are predicted to exceed the thresholds pursuant to conditions 3.12.1;
 - 3.12.3 establish minimum marine mammal exclusion zone(s) for each activity identified in condition 3.12.2 based on the threshold(s) in condition 3.12.1 and implement and maintain these marine mammal exclusion zone(s) when carrying out these activities;
 - 3.12.4 establish and implement marine mammal observation requirements, including visual monitoring by marine mammal observers of marine mammal exclusion zone(s) identified in condition 3.12.3, in order to observe if a marine mammal enters the exclusion zone(s);
 - 3.12.5 stop Designated project activities identified in condition 3.12.2 if marine mammals are observed within the marine mammal exclusion zone(s) established in condition 3.12.3 for this activity and start or restart activities only once it has been visually confirmed that the marine mammal(s) are not within the exclusion zone(s) or if a minimum of 30 minutes has elapsed since the marine mammal was last sighted within the exclusion zone(s);
 - 3.12.6 conduct Designated Project activities identified in condition 3.12.2 when visibility within the marine exclusion zone(s) is such that marine mammal observers are able to observe the marine mammals that may appear within marine mammal exclusion zone(s), including during daylight hours;
 - 3.12.7 for those project activities identified in condition 3.12.2, identify the means, timing and location of underwater noise monitoring, including the monitoring of noise directly outside the exclusion zone(s) established in condition 3.12.3, and implement this monitoring; and
 - 3.12.8 if monitoring in condition 3.12.7 indicates that noise levels outside the exclusion zone(s) established in condition 3.12.3 exceed the thresholds established in condition 3.12.1, implement modified or additional mitigation measures.
- 3.13 The Proponent shall implement measures during construction and maintenance dredging activities to mitigate the release of sediments to the water column in water frequented by fish in a manner consistent with the *Fisheries Act*, taking into account the Fraser River Estuary Management Program *Dredge Management Guidelines* and Fisheries and Oceans Canada's *Interim Code of Practice for Maintenance Dredging*, including by:
- 3.13.1 operating the suction-head at a maximum distance of 1.5 m from the river bottom when using suction dredging.
- 3.14 The Proponent shall, when undertaking in-water work activities, do so in a manner consistent with the *Fisheries Act*, taking into account British Columbia's *Standards and Best Practices for Instream Works*. In doing so, the Proponent shall:

- 3.14.1 when undertaking activities that use concrete, use pre-cast concrete, unless not technically feasible. If not technically feasible, the Proponent shall provide a justification to the Agency for why and isolate concrete from the receiving environment, using concrete tight forms or other equivalent method; and
 - 3.14.2 use biodegradable hydraulic fluids when operating hydraulic machinery, unless not technically feasible. If not technically feasible, the Proponent shall provide justification to the Agency for why it is not technically feasible and shall develop and implement additional measures to avoid the release of non-biodegradable hydraulic fluids into water frequented by fish.
- 3.15 The Proponent shall establish buffer zones along the Fraser River within the Designated Project area during all phases of the Designated Project to mitigate the impacts to fish and fish habitat. In doing so, the Proponent shall:
- 3.15.1 establish a 30-metre wide riparian management area along the Fraser River within the Designated Project area and maintain existing vegetation within this area, except for the purpose of constructing project components. If vegetation must be disturbed for the purpose of constructing project components, the Proponent shall do so pursuant to condition 4.1, provide the Agency with justification for why vegetation disturbance was unavoidable;
 - 3.15.2 conduct onshore refueling in areas at least 50 m from watercourses; and
 - 3.15.3 only stockpile onshore materials in areas south of the dyke.
- 3.16 The Proponent shall develop measures, in consultation with Indigenous groups and Indigenous groups (marine shipping), Transport Canada and other relevant authorities, to mitigate the effects of underwater noise related to the Designated Project and reduce the risks and impacts of collisions between vessels associated with the Designated Project and marine mammals. The Proponent shall implement these measures during all phases of the Designated Project and submit these measures to the Agency prior to construction. Measures shall include:
- 3.16.1 requiring LNG vessels associated with the Designated Project to use established shipping lanes, where they exist, within the areas described in Figure 3.0 of the Certified Project Description unless interfering with safety or operational requirements;
 - 3.16.2 requiring LNG vessels accompanied by tethered tugs and associated with the Designated Project not to exceed a speed of 10 knots while transiting in the Fraser River from the Sand Heads Lighthouse to the Designated Project area, unless interfering with safety, operational or regulatory requirements;
 - 3.16.3 requiring LNG vessels associated with the Designated Project to adhere to the recommended vessel speeds in the slow down areas identified in the Vancouver Fraser Port Authority's Enhancing Cetacean Habitat and Observation (ECHO) Program, or future equivalent program, unless interfering with safety, operational or regulatory requirements;
 - 3.16.4 requiring that operators of LNG vessels associated with the Designated Project use the Coastal Ocean Research Institute's WhaleReport Alert System (WRAS) or other

equivalent application while transiting the marine shipping assessment area to assist in the detection of cetaceans;

- 3.16.5 requiring that operators of LNG vessels associated with the Designated Project report any sightings of cetaceans within the marine shipping assessment area as soon it is safe to do so using the B.C Cetacean Sightings Network's WhaleReport system or other equivalent system for reporting observations of cetaceans in the Salish Sea;
 - 3.16.6 requiring that operators of LNG vessel associated with the Designated Project undergo training on how to visually detect and navigate vessels safely in the presence of cetaceans in the Salish Sea using the Whales in Our Waters tutorial provided by the Vancouver Fraser Port Authority's Enhancing Cetacean Habitat and Observation (ECHO) Program or future equivalent training and apply this knowledge when navigating in the presence of cetaceans in the Salish Sea;
 - 3.16.7 requiring that operators of LNG vessels associated with the Designated Project report any known collision(s) of these vessels with marine mammals to Fisheries and Oceans Canada via the Marine Mammal Incident Reporting hotline and the Proponent as soon as is feasible and within 24 hours of the incident in the areas described in Figure 3.0 of the Certified Project Description; and
 - 3.16.8 requiring all LNG vessels to undergo inspections of their propellers according to all applicable regulatory requirements and at a frequency no less than every five-years and clean and maintain these propellers as required based on the results of these inspections.
- 3.17 The Proponent shall notify Indigenous groups and Indigenous groups (marine shipping) of any known collisions of vessels associated with the Designated Project with marine mammals pursuant to condition 3.16.7 within 48 hours of receiving the report of the incident.
- 3.18 The Proponent shall identify prior to operation, and in consultation with Transport Canada, vessel traffic parameters that shall be collected and reported annually to verify the vessel traffic information described in the environmental assessment report relevant to project impacts on underwater noise and current use of lands, waters and resources for traditional purposes. The Proponent shall report this information as part of the annual report pursuant to condition 2.10 and directly to Transport Canada, Fisheries and Oceans Canada and the Vancouver Fraser Port Authority. The Proponent shall review the parameters to be reported annually, at a frequency determined in consultation with Transport Canada. The vessel traffic parameters shall include the following:
- 3.18.1 the total number of LNG carrier calls to and from the jetty per year and the total number of bunkering vessel calls to and from the jetty per year;
 - 3.18.2 approximate vessel sizes expressed in conventional dimensions, vessel ages, and primary fuel source;
 - 3.18.3 the number of tugs escorting the carriers; and
 - 3.18.4 the total number of vessel calls where the vessel is loaded for export.
- 3.19 The Proponent shall develop, prior to construction, operational procedures in consultation with Indigenous groups to mitigate impacts to fish and fish habitat through bottom grounding and

scouring from Designated Project-related vessels within the Designated Project area and implement these procedures during all phases of the Designated Project. The Proponent shall submit these procedures to the Agency prior to construction. In doing so, the Proponent shall:

- 3.19.1 identify shallow areas and require vessels associated with the Designated Project to avoid these areas, except when required to construct or repair project components.
- 3.20 The Proponent shall have a qualified professional develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with Indigenous groups, Environment and Climate Change Canada and British Columbia's Ministry of Land, Water, and Resource Stewardship, any offsetting plan(s) related to fish and fish habitat associated with the carrying out of the Designated Project. The Proponent shall implement the plan(s) and submit any offsetting plan approved by Fisheries and Oceans Canada to the Agency before implementing it. In doing so, the Proponent shall:
- 3.20.1 establish performance standards for offset habitat function such that the offset habitat performance standards exceed the levels of function of the habitat being offset;
 - 3.20.2 use plant species native to the Designated Project area and of value to migratory birds and plant species of importance to Indigenous groups as identified in condition 7.1, including plant species salvaged in condition 7.2 if technically feasible;
 - 3.20.3 monitor, from the start of offsetting until performance standards are met, as determined by a qualified professional, the offset habitat to ensure the offset habitat meets or exceeds performance standards established in condition 3.20.1;
 - 3.20.4 identify and describe contingency measures that shall be implemented if monitoring pursuant to 3.20.3 indicates offset habitat is not meeting performance objective;
 - 3.20.5 include a proposed timeline for the implementation of the offsetting plan(s); and
 - 3.20.6 include a review of the effectiveness of offsetting plans previously implemented in the region, where they are publicly available.
- 3.21 The Proponent shall, for any fish habitat offsetting measure(s) proposed in any offsetting plan(s) referred to in condition 3.20 that may cause adverse environmental effects not considered in the environmental assessment, develop and implement, following consultation with Indigenous groups and relevant authorities, measures to mitigate those effects. The Proponent shall submit these measures to the Agency before implementing them.
- 3.22 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to changes in water quality. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
- 3.22.1 define the perimeter of the work areas around any activities that have the potential to exceed applicable turbidity and total suspended solids thresholds established in British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life* and the Canadian Council of Ministers of the Environment's *Water Quality Guidelines for Protection of Aquatic Life*, including pile driving, removal of temporary piles, and construction and

- maintenance dredging activities, for the purpose of water quality monitoring described in condition 3.22.2;
- 3.22.2 have a qualified individual monitor turbidity continuously and in real-time and monitor total suspended solids at the perimeter of the work areas defined in 3.22.1 when work activities for which perimeters have been established are taking place; and
- 3.22.3 implement additional mitigation measures if total suspended solids and turbidity at the perimeter established in 3.22.1 exceed the applicable turbidity and total suspended solids thresholds established in British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life* or Canadian Council of Ministers of the Environment's *Water Quality Guidelines for Protection of Aquatic Life*, whichever is lower at the time that the Proponent takes action.
- 3.23 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures included in conditions 3.1 to 3.15 as it pertains to fish and fish habitat. The Proponent shall implement the follow-up program during all phases of the Designated Project.
- 3.24 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, a follow-up program for fish and marine mammals, to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures as it pertains to changes in riverbed morphology in the Fraser River. The Proponent shall implement the follow-up program during construction and operation. As part of the follow-up program, the Proponent shall:
- 3.24.1 conduct annual sounding surveys of the riverbed in the area described in Figure 3.2 in appendix 4.1-1 of the *Environmental assessment application* to monitor changes in riverbed elevation as a result of project-related scouring and erosion during operation and implement modified or additional mitigation measures in relation to mitigation measures identified pursuant to condition 3.19; and
- 3.24.2 conduct a bathymetric survey of the Fraser riverbed in the area described in Figure 3.2 in appendix 4.1-1 of the *Environmental assessment application* every five years throughout operation and analyze this data to determine impacts of sediment removal from the Designated Project.
- 3.25 The Proponent shall participate in regional environmental management initiatives including vessel management initiatives, or cumulative effects monitoring related to marine shipping impacts on southern resident killer whale (*Orcinus orca*), current use of lands, waters, and resources for traditional purposes, and air quality in the Salish Sea or lower Fraser River, at the request of relevant authorities responsible for these initiatives. The Proponent shall participate in regional initiatives in addition to those specified in 3.16.3 through 3.16.7 during construction and operation, where economically feasible and within the care and control of the Proponent. In doing so, the Proponent shall:
- 3.25.1 notify relevant authorities responsible for these regional management initiatives, including the Oceans Protection Plan and Whales Initiative, of the Proponent's willingness to participate in these initiatives beginning prior to construction and

subsequently throughout operation at a frequency determined in consultation with those relevant authorities being notified;

- 3.25.2 report annually to the Indigenous groups and Indigenous groups (marine shipping) and the Agency on how the Proponent has participated in any of these initiatives. If the Proponent has not participated in these initiatives, the Proponent shall provide justification for why it has not participated; and
- 3.25.3 implement any additional technically and economically feasible mitigation measures or follow-up program, within its care and control, identified through any initiative referred to in condition 3.25.

4 Migratory birds

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2 The Proponent shall, for any vegetation clearing undertaken within the riparian management area pursuant to condition 3.15.1, do so outside of the applicable bird nesting periods as identified in Environment and Climate Change Canada's *General nesting periods for migratory birds*, unless not technically feasible. The Proponent shall notify Indigenous groups as soon as feasible of any vegetation clearing in the riparian management area that occurs during these nesting periods, provide a justification for why vegetation disturbance during these nesting periods was unavoidable, and the additional measures taken to protect migratory birds pursuant to condition 4.1.
- 4.3 The Proponent shall develop prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities and implement during all phases of the Designated Project, measures to control lighting required for the operation of the Designated Project within the Designated Project area to mitigate the adverse environmental effects of lighting on migratory birds, including the direction, timing, intensity, and glare of light fixtures, unless interfering with safety, operational, or regulatory requirements.
- 4.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities, and implement during all phases of the project, a follow-up program to verify the predictions of the environmental assessment and to determine the effectiveness of mitigation measures pursuant to condition 4.3 as it pertains to the effect of artificial light from the Designated Project area on migratory birds.

5 Vegetation and Wetlands

- 5.1 The Proponent shall conduct progressive reclamation of areas disturbed by the Designated Project during all phases of the Designated Project.
- 5.2 The Proponent shall, for adverse effects of the Designated Project on wetlands that cannot be avoided or minimized, have a qualified professional develop prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant

authorities, and implement a wetland compensation plan to offset residual effects of the Designated Project on wetland functions not already accounted for as part of the offsetting plan(s) required in condition 3.20, taking into account Environment and Climate Change Canada's *Operational Framework for Conservation Allowances* and the habitat needs for migratory birds and listed species at risk. In doing so, the Proponent shall:

- 5.2.1 establish performance standards for wetland habitat function, including criteria by which wetland functions will be measured, such that the compensation habitat performance standards exceed the levels of function of the habitat being compensated;
- 5.2.2 ensure that the wetland compensation habitat area is larger than the area of the wetland habitat being compensated as described in Table 4.7-11 in the *Environmental assessment application*;
- 5.2.3 use plant species native to the Designated Project area and of value to migratory birds and plant species of importance to Indigenous groups as identified in condition 7.1, including plant species salvaged in condition 7.2 if technically feasible;
- 5.2.4 develop and implement measures to address the loss of wetland functions for all wetlands adversely affected by the Designated Project activities including estuarine marsh, riparian mudflat and riparian fringe to meet the objective of no net wetland loss;
- 5.2.5 conduct preconstruction field surveys to delineate the wetland functions of wetlands that are anticipated to be adversely affected by Designated Project activities, including estuarine marsh, riparian mudflat and riparian fringe, and use this information to inform compensation performance standards pursuant to condition 5.2.1;
- 5.2.6 prioritize wetland restoration over enhancement and wetland enhancement over creation, on-site compensation over off-site compensation, and sites in close-proximity to the Designated Project area over those farther away; and
- 5.2.7 develop a follow-up program in consultation with Indigenous groups, Environment and Climate Change Canada and other relevant authorities to determine the effectiveness of the wetland compensation plan and verify the predictions of the environmental assessment as it pertains to the effects of the Designated Project on wetlands. In doing so, the Proponent shall:
 - 5.2.7.1 have a qualified professional monitor the compensation habitat from the start of compensation annually for a minimum of five years and until performance standards established pursuant to condition 5.2.1 have been met or exceeded.

6 Health of Indigenous peoples

- 6.1 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, and implement noise reduction measures within the Designated Project area during all phases of the Designated Project to avoid or reduce potential adverse environmental effects on the health of Indigenous groups and their current use of lands, waters and resources. In doing so, the Proponent shall:
 - 6.1.1 develop, prior to construction and in consultation with Indigenous groups, procedures and timing for notifying Indigenous groups of the construction schedule. Notification of

Indigenous groups of the construction schedule shall not be less than 48 hours prior to commencement of construction activities.

- 6.2 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a protocol for receiving complaints related to the exposure to noise from the Designated Project. The Proponent shall respond to any noise complaints within 48 hours of the complaint being received and shall implement corrective actions to reduce exposure to noise in a timely manner. The Proponent shall implement the protocol during all phases of the Designated Project.
- 6.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada, the Ministry of Environment and Climate Change Strategy, Metro Vancouver and other relevant authorities, an air quality management plan to reduce and control air emissions of pollutants related to Designated Project activities and the impacts of these emissions on the health of Indigenous peoples during all phases of the Designated Project. As part of the plan, the Proponent shall:
 - 6.3.1 develop and implement mitigation measures to reduce and control air emissions, including:
 - 6.3.1.1 undertaking routine maintenance of vehicles associated with the Designated Project according to the manufacturer's schedule during all phases of the Designated Project;
 - 6.3.1.2 developing and implementing a policy to restrict idling time for all project vehicles and reduce engine use for all vessels berthing within the Designated Project area during all phases of the Designated Project. The Proponent shall require that all persons abide by this policy, unless not technically feasible or not feasible for health or safety reasons. The Proponent shall submit the policy to the Agency prior to construction;
 - 6.3.1.3 implementing a leak detection and repair program for fugitive emissions from the liquefied natural gas conveyance system throughout construction and operation. The Proponent shall submit the program to the Agency prior to construction;
 - 6.3.1.4 requiring, during all phases of the Designated Project, all LNG vessels associated with the Designated Project to have a mechanism to prevent venting of boil-off gas to the atmosphere while in transit, and utilize this mechanism except in cases of emergency as determined by the vessel captain;
 - 6.3.1.5 identifying and implementing measures to mitigate emissions of fugitive dust;
 - 6.3.1.6 ensuring that the total number of calls to the Designated Project area by LNG vessels, excluding LNG barges driven by tugs, that use crude-oil based fuels including diesel as their primary fuel, shall not exceed 13 calls annually;
 - 6.3.2 determine the frequency with which the plan shall be reviewed and updated; and
 - 6.3.3 if additional mitigation measures are identified and implemented following the updating of the plan pursuant to **Error! Reference source not found.**, the Proponent shall also provide details on the estimated reductions in air emissions and fugitive dust associated with these measures. If no additional measures are identified during the review and update pursuant to condition **Error! Reference source not found.**, the Proponent shall provide justification.

- 6.4 The Proponent shall develop, prior to construction, and implement during operations, a follow-up program to verify the accuracy of the environmental assessment as it pertains to effects on air quality as it relates to the health of Indigenous peoples, taking into account the *Canadian Ambient Air Quality Standards* and *British Columbia Air Quality Objectives*. The Proponent shall develop and implement the follow-up program in consultation with Indigenous groups, Environment and Climate Change Canada, the Ministry of Environment and Climate Change Strategy, Metro Vancouver and other relevant authorities.

7 Current use of lands, waters and resources

- 7.1 The Proponent shall identify, prior to construction and in consultation with Indigenous groups and relevant authorities, plant species native to the Designated Project area and species of interest to Indigenous groups to use for revegetation as part of progressive reclamation pursuant to condition 5.1.
- 7.2 The Proponent shall salvage and transplant wetland plant species, including those of interest to Indigenous groups identified in condition 7.1 prior to vegetation clearing and relocate plants to reclaimed areas in condition 5.1 or offsetting habitats in condition 3.20 and 5.2, where possible.
- 7.3 The Proponent shall develop and implement a Marine Communication Plan related to Designated Project activities and their interactions with other marine use activities within the marine shipping assessment area, in consultation with Indigenous groups, Indigenous groups (marine shipping), Transport Canada and other relevant authorities. The Proponent shall develop the Marine Communication Plan prior to construction and implement it during all phases of the Designated Project. The Proponent shall include in the Marine Communication Plan:
- 7.3.1 the type of information related to planned activities associated with the Designated Project that the Proponent will communicate to Indigenous groups, Indigenous groups (marine shipping) and other marine users, including anticipated vessel traffic schedules;
 - 7.3.2 procedures to communicate the information referred to in condition 7.3.1 to Indigenous groups, Indigenous groups (marine shipping) and other marine users, including timing of distribution of this information;
 - 7.3.3 procedures for Indigenous groups, Indigenous groups (marine shipping) and other marine users to provide feedback to the Proponent on adverse effects related to marine use as a result of Designated Project activities; and
 - 7.3.4 procedures for the Proponent to document and respond in a timely manner to feedback provided pursuant to condition 7.3.3, and to demonstrate how feedback has been addressed.
- 7.4 The Proponent shall develop and implement a Marine Use and Transportation Plan related to Designated Project activities interactions with other marine use activities within the Fraser River from the Sand Heads Lighthouse through the Designated Project area in consultation with Indigenous groups, and other relevant authorities. The Proponent shall develop the Marine Use and Transportation Plan prior to construction and implement it during all phases of the Designated Project. As part of the Marine Use and Transportation Plan, the Proponent shall:

- 7.4.1 identify and describe the following information:
- 7.4.1.1 non-project related marine uses and navigation from the Sand Heads Lighthouse through the Designated Project area, including commercial and non-commercial marine transportation routes and use areas;
 - 7.4.1.2 Indigenous traditional use activities, including fishing and harvesting, as communicated by Indigenous groups, and the locations and anticipated timing of these activities. Locations and timing windows of fishing activities shall include information related to Fisheries and Oceans Canada fishing licences under the *Aboriginal Communal Fishing Licences Regulations* identified by Indigenous groups and via any publicly accessible information on recently issued licences under this regulation;
 - 7.4.1.3 location and timing of planned Designated Project activities during construction and operation, habitat offsetting and compensation pursuant to condition 3.20 and 5.2, planned annual shutdowns of the jetty for maintenance, and marine safety protocol(s) and their associated implementation procedures to maintain navigation and safety;
- 7.4.2 review annually, at a minimum three months prior to the start of the calendar year, in consultation with Indigenous groups and other relevant authorities, the anticipated locations and timing of open fisheries windows for Fisheries and Oceans Canada fishing licences under the *Aboriginal Communal Fishing Licences Regulations* and other Indigenous traditional uses identified during the development of the plan pursuant to condition 7.4.1.2, taking into account any of Fisheries and Oceans Canada's publicly accessible information on recently issued licences under this regulation, and update this information as needed;
- 7.4.3 develop and implement communication procedures for the Proponent to:
- 7.4.3.1 communicate the information referred to in conditions 7.4.1, including updates of this information to Indigenous groups, other marine users and relevant authorities during all phases of the Designated Project;
 - 7.4.3.2 receive complaints from Indigenous groups and other marine users during all phases of the Designated Project on adverse effects related to navigation and marine use as result of Designated Project activities in this area, including marine shipping, and document and respond in a timely manner to complaints received, demonstrating how feedback has been addressed;
 - 7.4.3.3 engage in two-way communication with Indigenous groups in real-time about open or soon-to-be open fisheries windows for fishing licences issued under Fisheries and Oceans Canada's *Aboriginal Communal Fishing Licences Regulations* and other Indigenous traditional uses for the purpose of informing the implementation of measures in condition 7.4.4.1 through 7.4.4.6;
- 7.4.4 develop and implement measures to mitigate Designated Project effects on Indigenous traditional use activities, including Indigenous fishers operating under Fisheries and Oceans Canada fishing licences under the *Aboriginal Communal Fishing Licences Regulations*, on the Fraser River from Sand Heads through the Designated Project area. Measures shall include:

- 7.4.4.1 48-hour periods during which the Proponent shall not receive or release LNG carriers from the Designated Project marine jetty during open fisheries windows for Tsawwassen First Nation fishing licences issued under the *Aboriginal Communal Fishing Licences Regulations* for eight consecutive weekends (Saturday and Sunday) commencing July 1 and four consecutive weekends (Saturday and Sunday) commencing October 1, unless otherwise agreed to with Tsawwassen First Nation in a separate LNG carrier agreement;
 - 7.4.4.2 12-hour periods (07:00 h to 19:00 h) on Saturdays and Sundays during which the Proponent shall not receive or release LNG bunker vessels from the Designated Project marine jetty during open fisheries windows for Tsawwassen First Nation fishing licences issued under the *Aboriginal Communal Fishing Licences Regulations* for eight consecutive weekends (Saturday and Sunday) commencing July 1 and four consecutive weekends (Saturday and Sunday) commencing October 1;
 - 7.4.4.3 4-hour periods (19:00 h - 23:00 h) during which the Proponent shall only receive or release a maximum of one LNG bunker vessel from the Designated Project marine jetty during open fisheries windows for Tsawwassen First Nation fishing licences issued under the *Aboriginal Communal Fishing Licences Regulations* over eight consecutive weekends (Saturday and Sunday) commencing July 1 and four consecutive weekends (Saturday and Sunday) commencing October 1, unless otherwise agreed to with Tsawwassen First Nation;
 - 7.4.4.4 adjusting the LNG carrier call schedules to reduce the number of LNG carrier transits to and from the Designated Project marine jetty during anticipated open fisheries windows for fishing licences issued under the Fisheries and Oceans Canada's *Aboriginal Communal Fishing Licences Regulations* that are updated annually pursuant to condition 7.4.2, to the extent that these adjustments do not interfere with operational requirements;
 - 7.4.4.5 synchronizing LNG bunker vessel arrivals at and departures from the marine jetty with regularly scheduled marine traffic not associated with the Designated Project during open fisheries windows for fishing licences issued under the *Aboriginal Communal Fishing Licences Regulations* outside of the periods described in conditions 7.4.4.1 through 7.4.4.3, unless not feasible for technical or safety reasons;
 - 7.4.4.6 implementing protocols to adjust LNG carrier arrival and departure times at the Designated Project marine jetty while still remaining within the allotted vessel loading window during open fisheries windows for fishing licences issued under *the Aboriginal Communal Fishing Licences Regulations*, as communicated by Indigenous groups and other relevant authorities, outside of the periods described in 7.4.4.1 through 7.4.4.3;
 - 7.4.4.7 receiving a maximum of 365 LNG vessel calls in each calendar year, including up to a maximum of 68 calls from LNG carriers in each calendar year;
 - 7.4.4.8 providing opportunities for safety training for Indigenous groups related to marine navigation in the area immediately surrounding the Designated Project area; and
- 7.4.5 determine the frequency with which the plan shall be reviewed and, in consultation with the Indigenous groups and relevant authorities, review the plan at this frequency,

updating the plan as necessary following the review. The Proponent shall share the updated plan with Indigenous groups and relevant authorities in a timely manner. In doing so, the Proponent shall:

7.4.5.1 review the measures developed in 7.4.4 and update with any new or modified measures to mitigate Designated Project effects on Indigenous traditional use activities, including Indigenous fishers operating under Fisheries and Oceans Canada fishing licences issued under the *Aboriginal Communal Fishing Licences Regulations*, taking into account the results of the follow-up program in condition 7.5, updated information identified in condition 7.4.1 and complaints received pursuant to 7.4.3.

7.5 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to adverse environmental effects of the Designated Project on navigation and marine use, including Fisheries and Oceans Canada licenced fishing for food, social or ceremonial purposes by Indigenous groups within the Fraser River from the Sand Heads Lighthouse through the Designated Project area, and determine the effectiveness of mitigation measures developed and updated pursuant to condition 7.4.4 and 7.4.5.1. The Proponent shall implement the follow-up program during all phases of the Designated Project.

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

8.1 The Proponent shall develop, in consultation with Indigenous groups, and conduct prior to construction an archaeological impact assessment of the Designated Project area. The Proponent shall take into account British Columbia's *Archaeological Impact Assessment Guidelines* when developing and implementing the archaeological impact assessment.

8.2 The Proponent shall have a qualified professional develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement, during all phases of the Designated Project, a Cultural and Archaeological Resources Management Plan for any physical and cultural heritage features, structures, sites, or things of historical, archaeological, paleontological, or architectural significance within the Designated Project area that are previously unidentified or identified through the heritage effects assessment conducted by the Proponent during the environmental assessment or the archaeological impact assessment conducted pursuant to condition 8.1. The Cultural and Archaeological Resources Management Plan shall include:

8.2.1 protocols to respect the discovery, handling, recognition, recording, transferring and safekeeping of any of these discovered features, structures, sites or things including protocols to prevent unauthorized access to any discovered structure, site or thing;

8.2.2 procedures to record, analyze, and mitigate the adverse environmental effects of the Designated Project on any of these discovered features, structures, sites or things;

8.2.3 a process for reporting information about these discovered features, structures, sites or things to Indigenous groups and relevant authorities;

- 8.2.4 a chance find procedure to apply in the event that any previously unidentified features, structures, sites or things is discovered by the Proponent. As part of the chance find procedure the Proponent shall:
 - 8.2.4.1 immediately halt work at the location of the discovery, except for actions required to be undertaken to protect the integrity of the discovery;
 - 8.2.4.2 delineate an area of at least 30 metres around the discovery as a no-work zone;
 - 8.2.4.3 have a qualified individual whose expertise pertains to the requirements of British Columbia's *Archaeological Impact Assessment Guidelines* and the British Columbia *Heritage Conservation Act* conduct an assessment at the location of the discovery taking into account these guidelines;
 - 8.2.4.4 inform Indigenous groups and the Agency within 24 hours of the discovery, and allow Indigenous groups to monitor archaeological works;

- 8.2.5 a process for informing employees and contractors associated with the Designated Project about:
 - 8.2.5.1 how to implement the protocols and procedures developed pursuant to conditions 8.2.1 through 8.2.4;
 - 8.2.5.2 the locations of sensitive cultural areas within the Designated Project area;
 - 8.2.5.3 cultural sensitivity, confidentiality and heritage values in relation to these sensitive cultural areas within the Designated Project area;

- 8.2.6 demonstrate how Indigenous knowledge and traditional use studies conducted as part of the environmental assessment and the results of the archaeological impact assessment conducted pursuant to condition 8.1 have been integrated into the development of the Plan as well as how traditional knowledge protocols will be respected and how traditional knowledge will be kept confidential, if required; and

- 8.2.7 a description of the impacts of activities associated with the Designated Project on any discovered structure, site or thing within the Designated Project area.

- 8.3 The Proponent shall develop, prior to construction, nation-specific measures additional to those measures developed and implemented in conditions 7.4 to address or mitigate the effects on tangible and intangible cultural losses caused by the construction and operation of the Designated Project, in consultation with those Indigenous groups experiencing the effects, as described in the environmental assessment report. The Proponent shall invite these Indigenous groups to co-lead the development of these measures. The Proponent shall implement the measures during all phases of the Designated Project and shall submit these measures to the Agency prior to implementing them, while ensuring that confidential information is protected. As part of the annual report referred to in condition 2.10, the Proponent shall report its discussions with the Indigenous groups, including the level of satisfaction of Indigenous groups on the implementation of the measures. As part of the measures, the Proponent shall consider:
 - 8.3.1 developing or contributing to Indigenous-led programs to preserve and enhance cultural heritage, including language and cultural well-being.

9 Wildlife and species at risk

- 9.1 The Proponent shall develop, in consultation with Indigenous groups and Environment and Climate Change Canada, and implement measures to mitigate the effects of the Designated Project on barn owl (*Tyto alba*) during construction and operation. In doing so, the Proponent shall have a qualified professional:
- 9.1.1 conduct nocturnal and diurnal pre-construction surveys to identify barn owl (*Tyto alba*) roosting habitat within the Designated Project area and, if surveys indicate the presence of roosting habitat, use this information to inform the locations of mitigation measures described in conditions 9.1.2 and 9.1.3;
 - 9.1.2 identify types and locations for physical barriers along Designated Project roads within the care and control of the Proponent to reduce road-associated mortality risk for barn owls (*Tyto alba*). The Proponent shall install these barriers prior to construction and maintain them throughout construction and operation; and
 - 9.1.3 identify timing of installation, locations and setbacks of acoustic screens and install and maintain acoustic screens according to these specifications during construction and operation within the Designated Project area.
- 9.2 The Proponent shall develop, in consultation with Indigenous groups and Environment and Climate Change Canada, measures to mitigate Designated Project effects on northern red-legged frog (*Rana aurora*). In doing so, the Proponent shall have a qualified professional:
- 9.2.1 conduct pre-construction surveys to identify breeding habitat for northern red-legged frog (*Rana aurora*) within the Designated Project area;
 - 9.2.2 establish no work buffer zones for habitat identified pursuant to condition 9.2.1 taking into account British Columbia's *Guidelines for Amphibian and Reptile Conservation during Urban and Rural Land Development in British Columbia*, except where required to construct project components; and
 - 9.2.3 salvage and relocate northern red-legged frog (*Rana aurora*) to suitable habitat prior to conducting any construction activities within the habitat identified pursuant to condition 9.2.2, taking into account British Columbia's *Best Management Practices for Amphibian and Reptile Salvages in British Columbia*.
- 9.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and Environment and Climate Change Canada a follow-up program to verify the predictions of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to barn owl (*Tyto alba*). The Proponent shall implement the follow-up program during all phases of the Designated Project. In doing so, the Proponent shall:
- 9.3.1 monitor to determine the effectiveness of physical barriers installed to reduce vehicle collision with barn owl (*Tyto alba*), pursuant to condition 9.1.2.

10 Indigenous Monitors

- 10.1 The Proponent shall retain, prior to construction, the services of Indigenous monitors to participate in monitoring and surveys set out in this Decision Statement, including follow-up monitoring required pursuant to condition 7.5 and the analysis and reporting of monitoring and survey results. Prior to retaining the services of Indigenous monitors, the Proponent shall undertake a collaborative process to determine, in consultation with Indigenous groups, the scope, purpose and objectives of the participation of Indigenous monitors, and details of participation. The Proponent shall provide the information to the Agency prior to construction. In doing so the Proponent shall determine:
- 10.1.1 how each Indigenous monitor shall be involved, including the location, frequency, timing and duration of their participation. If opportunities for Indigenous monitor participation in specific monitoring or surveys does not exist, the Proponent shall provide a justification for why; and
 - 10.1.2 how the Proponent shall support the participation of Indigenous monitors, including through the provision of training (including safety or skills certifications), equipment (including personal protective equipment) and access to the Designated Project area.

11 Independent Environmental Monitor

- 11.1 The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a qualified professional with a minimum of five-years' experience as it pertains to environmental monitoring in British Columbia and who has experience working with Indigenous groups and monitoring in-water work activities. The Proponent shall require the independent environmental monitor to independently observe and record on the implementation of the conditions set out in this Decision Statement and to report findings to the Proponent and Agency. The Proponent shall retain the services of the independent environmental monitor during construction and for a period of time during operation to be determined in consultation with Indigenous groups, not to be less than 3 years.
- 11.2 The Proponent shall require the independent environmental monitor to report to Indigenous groups and the Agency, in writing, prior to or concurrent with reporting to the Proponent, if, in their view, any Designated Project activity does not comply with any condition set out in this Decision Statement during construction and at least the first three years of operation. The Proponent shall also require the independent environmental monitor to recommend to Indigenous groups, the Proponent and the Agency, in writing, which actions(s), in their view, should be taken by the Proponent with respect to any Designated Project activity that does not comply during construction and at least the first three years of operation with any condition set out in this Decision Statement.
- 11.3 The Proponent shall require the independent environmental monitor to retain the information reported to the Proponent pursuant to condition 11.2 for five years following submission to the Agency.

12 Accidents and malfunctions

- 12.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and shall mitigate any adverse environmental effects that do occur as a result of accidents and malfunctions.
- 12.2 The Proponent shall, prior to construction, consult with Indigenous groups, Indigenous groups (marine shipping), Environment and Climate Change Canada, Transport Canada and other relevant authorities on the measures to be implemented to prevent accidents and malfunctions within the Designated Project area, including the measures referred to in condition 12.1.
- 12.3 The Proponent shall, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada, Transport Canada and other relevant authorities, develop an accident and malfunction response plan consistent with any applicable integrated response plan guidance issued by relevant authorities for Designated Project activities occurring within the Designated Project area. The Proponent shall implement the response plan during all phases of the Designated Project and shall submit the plan to the Agency prior to implementation. The accident and malfunction response plan shall include:
 - 12.3.1 the types of accidents and malfunctions, including fires and the release of LNG and other substances, that may cause adverse environmental effects;
 - 12.3.2 for each type of accident and malfunction identified pursuant to condition 12.3.1 and their associated response activities, the measures to be implemented by the Proponent to mitigate any adverse environmental effect(s) caused by the accident or malfunction and their associated response activities, including any equipment the Proponent will provide in the case of a marine shipping spill or emergency response related to LNG vessels;
 - 12.3.3 for each type of accident and malfunction identified pursuant to condition 12.3.1, a description of the roles and responsibilities of each organization and other partners, including local governments, involved in the response to the accident or malfunction and the mobilization of equipment related to each party;
 - 12.3.4 thresholds for reporting and notification of those organizations and partners identified pursuant to 12.3.3;
 - 12.3.5 implementation by the Proponent of spill response exercises for spills, beginning prior to the Designated Project commencing the transfer of LNG to vessels, and a process for how the Proponent shall document any deficiency observed during these training exercises, update the Accident and Malfunction Response Plan to address these deficiencies and provide the results of the training exercises and any update to the Plan to the parties involved in the development of the Plan. Training exercises shall include opportunities for participation by Indigenous groups and relevant authorities; and
 - 12.3.6 a description of how conditions 12.3.1 through 12.3.4 are consistent with any applicable integrated response plan guidance issued by relevant authorities.
- 12.4 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 12.3.1, the Proponent shall

immediately implement the measures appropriate to the accident or malfunction referred to in condition 12.3.2 and shall:

- 12.4.1 implement the communication plan referred to in condition 12.5;
 - 12.4.2 notify, as soon as feasible through verbal communication, Environment and Climate Change Canada, Transport Canada, other relevant authorities, Indigenous groups, Indigenous groups (marine shipping), or other marine users of the accident or malfunction as applicable pursuant to condition 12.3.4 and 12.5.1, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying Indigenous groups, Indigenous groups (marine shipping), other marine users and the Agency, the Proponent shall specify:
 - 12.4.2.1 the date and time when and location where the accident or malfunction occurred;
 - 12.4.2.2 a summary description of the accident or malfunction;
 - 12.4.2.3 a list of any substances potentially released into the environment as a result of the accident or malfunction;
 - 12.4.3 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:
 - 12.4.3.1 a detailed description of the accident or malfunction and of its actual and potential adverse environmental effects;
 - 12.4.3.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 12.4.3.3 any view(s) from Indigenous groups and Indigenous groups (marine shipping), and other marine users 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;
 - 12.4.3.4 a description of any residual adverse environmental effects and any modified or additional measures required by the Proponent to mitigate residual adverse environmental effects;
 - 12.4.3.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 12.3; and
 - 12.4.4 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 12.4.3. The report shall include all additional views from Indigenous groups, Indigenous groups (marine shipping), and other marine users and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 12.4.3.3 were received by the Proponent.
- 12.5 The Proponent shall develop in consultation with Indigenous groups a communication plan for accidents and malfunctions identified pursuant to condition 12.3. 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:

- 12.5.1 the types of accidents and malfunctions requiring the Proponent to notify the respective Indigenous groups, and other marine users;
 - 12.5.2 the manner by which Indigenous groups, and other marine users wish to be notified by the Proponent of:
 - 12.5.2.1 an accident or malfunction identified in condition 12.5.1 during each phase of emergency;
 - 12.5.2.2 any impacts on current use of lands, waters and resources as a result of accidents or malfunction including the duration and extent of fishing exclusion zones and impacts to known archaeological resources;
 - 12.5.2.3 opportunities for the Indigenous groups, to assist in the response to the accident or malfunction;
 - 12.5.3 procedures for receiving, documenting and responding in a timely manner to feedback from Indigenous groups and other marine users on adverse effects related to navigation and marine use as result of accidents and malfunctions identified pursuant to 12.5.1. Responses shall demonstrate how feedback received has been considered and addressed; and
 - 12.5.4 the contact information of the representatives of the Proponent that the Indigenous groups may contact with questions or feedback related to the accident or malfunction and of the representatives of the respective Indigenous groups to which the Proponent provides notification and procedures to verify that this contact information remains up-to-date during all phases of the Designated Project.
- 12.6 The Proponent shall develop prior to the start of construction and in consultation with Indigenous groups, Indigenous groups (marine shipping), Canadian Coast Guard, Transport Canada and other relevant authorities, a marine shipping emergency response outreach program that identifies the actions the Proponent shall take in relation to accidents and malfunctions of LNG vessels in transit to or from the Designated Project area within the areas described in Figure 3 of the Certified Project Description. The Proponent shall implement the plan during all phases of the Designated Project and shall provide the plan to the Agency prior to implementation. As part of the plan the Proponent shall:
- 12.6.1 identify equipment and resources that the Proponent is able to provide to assist with an emergency response to a marine shipping accident, including spills;
 - 12.6.2 provide LNG safety training to relevant authorities, Indigenous groups and organizations and other partners, including local governments, involved in the response to LNG-related marine shipping accidents and malfunctions at their request; and
 - 12.6.3 participate, at the request of the Canadian Coast Guard, Transport Canada or other relevant authorities, in the development of all applicable integrated response plans, the coordination of marine shipping incident response, or exercises related to marine shipping incident response.

13 Schedules

- 13.1 The Proponent shall submit to Indigenous groups and the Agency a schedule for all conditions set out in this Decision Statement 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 Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 13.2 The Proponent shall submit to Indigenous groups and 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.
- 13.3 The Proponent shall submit to the Indigenous groups and the Agency in writing an update to schedules referred to in conditions 13.1 and 13.2 every year no later than March 31, until completion of all activities referred to in each schedule.

14 Record keeping

- 14.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall retain the records and make them available to the Agency 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. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 14.2 The Proponent shall retain all records referred to in condition 14.1 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.
- 14.3 The Proponent shall notify the Agency of any change to the contact information of the Proponent included in this Decision Statement.

Issuance

This Decision Statement is issued in Ottawa, Ontario by:

<original signed by>

July 3, 2024

Date _____

The Honourable Steven Guilbeault
Minister of the Environment and Climate Change