

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

to  
Montreal Port Authority  
c/o ~~Paul Bird~~ Ronald Haddad, Vice-president, Contrecoeur Expansion Project

Wing 1, 2100 Pierre-Dupuy Avenue  
Montreal (Quebec)  
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for the  
**Contrecoeur Port Terminal Expansion Project**

**Description of the Designated Project**

The Montreal Port Authority proposes the construction of a container port terminal with a maximum annual capacity of 1.15 million containers on its property located in Contrecoeur, approximately 40 kilometres downstream from Montreal. The Contrecoeur Port Terminal Expansion Project (the Designated Project) ~~would include~~ the construction of a 675-metre dock wharf designed for two berths to accommodate vessels ~~between 39,000 and 75,400~~ with a deadweight tonnage (DWT) of up to 75,400 tonnes, as well as the development of a container storage yard, intermodal rail facilities, ~~a The project would also include a seven track classification yard, a container storage and handling area, an intermodal rail marshalling yard, support facilities buildings, rail and road accesses infrastructure and a truck control area facilities.~~

**Conduct of the environmental assessment**

The Impact Assessment Agency of Canada (the Agency) conducted an environmental assessment of the Designated Project in accordance with the requirements of the *Canadian Environmental Assessment Act, 2012*. The Agency commenced the environmental assessment on January 15, 2016 and submitted its report to me in my capacity as Minister of Environment and Climate Change.

**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 the Agency 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(1) of the *Canadian Environmental Assessment Act, 2012*.

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 paragraphs 34.4(2)(b) and 35(2)(b) of the *Fisheries Act*;
- The Minister of Fisheries and Oceans and/or the Minister of the Environment may issue an agreement or a permit under section 73 of the *Species at Risk Act*;
- The Montreal Port Authority may exercise the powers conferred under section 28 of the *Canada Marine Act*.

In accordance with paragraph 52(1)(b) of the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency 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 the *Canadian Environmental Assessment Act, 2012*, I have established the conditions below in relation to the environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*, with which the Proponent must comply.

## **Decision Statement under the Impact Assessment Act**

Pursuant to section 184 of the *Impact Assessment Act*, 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 First Nations**

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 processes with First Nations. 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 processes undertaken are consistent with the honour of the Crown and that the concerns and interests of First Nations are appropriately accommodated for the purpose of issuing this Decision Statement.

## **1 Definitions**

- 1.1 *Adaptive management* means a planned and systematic process for continuously improving environmental management practices by learning about their outcomes.
- 1.2 *Agency* means the Impact Assessment Agency of Canada.

- 1.3 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.4 *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation (including dredging), building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.5 *Critical habitat* means “critical habitat” as defined in subsection 2(1) of the *Species at Risk Act*.
- 1.6 *Days* means calendar days.
- 1.7 *Designated Project* means the Contrecoeur Port Terminal Expansion Project as described in Schedule 1 of this document ~~sections 2.3 and 2.4 of the environmental assessment report and section 2.1 of the analysis report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry, Reference Number 80116, document number 215).~~
- 1.8 *Designated Project area* means the geographic area occupied by the Designated Project as described in Figure 1 of Schedule 1 of this document ~~territory where the Designated Project infrastructures are located, including the area occupied by the new wharf, marshalling yard, intermodal yard, related buildings and road and rail facilities, as identified in Figure 2 of the analysis report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry, Reference Number 80116, document number 215).~~
- 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 report* means the report prepared by the Impact Assessment Agency pursuant to subsection 25(2) of the *Canadian Environmental Assessment Act, 2012* (Canadian Impact Assessment Registry Reference Number 80116).
- 1.12 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.13 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.14 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *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*.
- 1.16 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.

- 1.17 *Health Canada* means the Department of Health as established under subsection 2(1) of the *Department of Health Act*.
- 1.18 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.19 *Hydroperiod* means the duration of variations in intensity and frequency of water levels in a given water body or wetland.
- 1.20 *Invasive alien species* means a plant, animal or microorganism that is introduced outside its natural range and whose establishment or spread may pose a threat to the environment, the economy or society.
- 1.21 *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*.
- 1.22 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.23 *Ministère de l’Environnement et de la Lutte contre les changements climatiques* means the Ministère du Développement durable, de l’Environnement et des Parcs, as designated in the *Loi sur le ministère du Développement durable, de l’Environnement et des Parcs* and by Order 1280-2018 dated October 18, 2018.
- 1.24 *Ministère de la Culture et des Communications* means the Ministère de la Culture et des Communications, as designated in the *Act respecting the Ministère de la Culture et des Communications*.
- 1.25 *Ministère des Forêts, de la Faune et des Parcs* means the Ministère de l’Énergie et des Ressources naturelles, as designated in the *Act respecting the Ministère des Ressources naturelles et de la Faune* and by Order 1290-2018 of October 18, 2018.
- 1.26 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.27 *Monitoring* means observation of the environmental effects of the Designated Project, performed in the context of a follow-up program set out in this Decision Statement in order to verify the accuracy of the environmental assessment and/or determine the effectiveness of any mitigation measure.
- 1.28 *Montreal Port Authority territory* means all land under the management of Montreal Port Authority in Contrecoeur, including the shoreline, as identified in Figure 1 of the environmental assessment report.
- 1.29 *Natural Resources Canada* means the Department of Natural Resources, as established under subsection 3(1) of the *Department of Natural Resources Act*.
- 1.30 *Offsetting plan* means “offsetting plan” as described in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations*.

- 1.31 *Operation* means the phase of the Designated Project during which docking and undocking operations and container storage and handling activities take place at the Designated Project site, including periods during which these activities may temporarily cease.
- 1.32 *Parks Canada* means the Parks Canada Agency constituted under section 3 of the *Parks Canada Agency Act*.
- 1.33 *Potentially affected party* means a party identified as such by the Proponent pursuant to condition 9.1.
- 1.34 *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.
- 1.35 *Proponent* means Montreal Port Authority and its successors or assigns.
- 1.36 *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.
- 1.37 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.38 *Relevant authority* means federal, provincial or municipal authority that is in possession of specialist or expert information or knowledge, or that has 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.
- 1.39 *Reporting year* means January 1 of a calendar year through December 31 of the same calendar year.
- 1.40 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that ~~is has been determined by a qualified individual, on the basis of,~~ based on its heritage value, to be directly associated with one or more an important aspects of the human history or culture ~~of the people of Canada,~~ including Indigenous groups.
- 1.41 *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.
- 1.42 *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 are established for the sole purpose of the Decision Statement issued under the *Canadian Environmental Assessment Act, 2012*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this Decision Statement shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

## **2 General Conditions**

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this 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 the most recent version of policies, guidelines and directives and community and Indigenous knowledge, are based on methods and models that are recognized by standard-setting bodies, are undertaken by qualified individuals, and have applied the best available technically or economically feasible technologies, or both.
- 2.2 The Proponent, when carrying out the Designated Project, shall do so as defined in 1.7 of this Decision Statement.
- 2.3 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**

- 2.4 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
  - 2.4.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;
  - 2.4.2 provide all information available and relevant to the scope and the subject matter of the consultation and a period of time agreed upon with the party or parties being consulted, not to be less than 15 days, to prepare their views and information;
  - 2.4.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and

- 2.4.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a justification for why the views have, or have not, been integrated.
- 2.5 The Proponent shall, where consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak or the Huron-Wendat Nation is a requirement of a condition set out in this Decision Statement, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.4, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak or the Huron-Wendat Nation of how their views and information were considered by the Proponent.

### ***Follow-up and Adaptive Management***

- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the party or parties consulted for the development of the follow-up program, the following information:
  - 2.6.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 2.6.2 the scope, content and frequency of reporting of the results of the follow-up program;
  - 2.6.3 the frequency at which the follow-up program must be updated, unless otherwise required through the conditions;
  - 2.6.4 the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
  - 2.6.5 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program demonstrates that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.
- 2.7 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties consulted for the development of each follow-up program.
- 2.8 The Proponent shall provide the follow-up programs referred to in conditions 3.34 to 3.40, 4.6, 5.10, 6.19 to 6.22, 7.7, 7.13 to 7.16, 8.2 and 10.10, including the information determined for each follow-up program pursuant to condition 2.6, to the Agency and to the party or parties consulted for the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.7 to the Agency and to the party or parties consulted for the

development of each follow-up program within 30 days of the follow-up program being updated.

- 2.9 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
- 2.9.1 implement the follow-up program according to the information determined pursuant to condition 2.6;
  - 2.9.2 conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;
  - 2.9.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2;
  - 2.9.4 if modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within seven days of their implementation; and
  - 2.9.5 report all results of the follow-up program to the Agency no later than March 31 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted for the development of the follow-up program.
- 2.10 Where consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak or the Huron-Wendat Nation is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.

### ***Annual Reporting***

- 2.11 The Proponent shall, commencing in the reporting year during which the Minister issues the Decision Statement for the Designated Project, prepare an annual report that sets out, for that reporting year:
- 2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;
  - 2.11.2 how the Proponent complied with condition 2.1;
  - 2.11.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;

- 2.11.4 the information referred to in conditions 2.6 and 2.7 for each follow-up program;
  - 2.11.5 a summary of the results of the follow-up program requirements identified in conditions 3.34 to 3.40, 4.6, 5.10, 6.19 to 6.23, 7.7, 7.13 to 7.16, 8.2 and 10.10;
  - 2.11.6 for any plan that is a requirement of a condition set out in this Decision Statement, any updates to the plan made;
  - 2.11.7 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and
  - 2.11.8 any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did not apply, including a justification for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.16 and 2.17 did apply.
- 2.12 The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.

### ***Information Sharing***

- 2.13 The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, capture and relocation plan for the hickorynut (*Obovaria olivaria*) referred to in condition 3.20, the offset plan for aquatic grass beds referred to in condition 3.21, the offsetting plan referred to in condition 3.22, the compensation plan for waterbirds referred to in condition 4.4, the compensation plan for wetlands referred to in condition 5.2, the protocol for receiving complaints about noise and vibrations and air quality referred to in condition 7.2 (including the quarterly reports referred to in condition 7.2.4), the communications plan referred to in condition 9.2, the community liaison protocol referred to in condition 9.3, the reports related to accidents and malfunctions referred to in conditions 11.5.4 and 11.5.5, the accident and malfunction communications plan referred to in condition 11.6, the schedules referred to in conditions 12.1 and 12.2, and any update or revision to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the party or parties referred to in each condition, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, and the Huron-Wendat Nation of the availability of these documents within 48 hours of their publication.
- 2.14 When the development of any plan is a requirement of a condition set out in this Decision Statement, the Proponent shall submit the plan to the Agency prior to construction, unless otherwise required through the condition.

### ***Change of Proponent***

- 2.15 The Proponent shall notify the Agency, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, and the Huron-Wendat Nation in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

### ***Change to the Designated Project***

- 2.16 If the Proponent proposes to carry out the Designated Project in a manner other than described in Schedule 1 of this document ~~condition 1.7~~, the Proponent shall notify the Agency in writing before carrying out the proposed activities. As part of this notice, 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);
  - 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; and
  - 2.16.4 the results of consultation undertaken with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation 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.
- 2.17 The Proponent shall provide to the Agency any additional information required by the Agency regarding the proposed change(s) referred to in condition 2.16. This may include the results of consultation with 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 and Fish Habitat**

- 3.1 The Proponent shall conduct construction activities in the aquatic environment outside the growing period of the aquatic grass beds and their use for food by the copper redhorse (*Moxostoma hubbsi*). In doing so, the Proponent shall determine, to the satisfaction of Fisheries and Oceans Canada, the start and end dates of these periods for any year during which construction activities in the aquatic environment take place, and notify the Agency of the dates before undertaking these activities.
- 3.2 The Proponent shall perform the dredging required for the construction by using a dredging method or methods with the least impact to reduce emissions of suspended solids in the water column and reduce potential sediment depositions in the aquatic grass beds located downstream from the Designated Project. The Proponent shall submit the following information to the Agency and relevant authorities before construction, and any update to that information during dredging:
- 3.2.1 the total volume of sediments that will be dredged;

- 3.2.2 the dredging method(s) approved by Fisheries and Oceans Canada, including, if more than one method is approved, the areas in which each method will be used and the dredging schedule for each area;
  - 3.2.3 how the dredging method(s) referred to in condition 3.2.2 will make it possible to meet the technical, economic and environmental requirements of the Designated Project and the dredging criteria established during the environmental assessment while minimizing the sediment accumulation rates in the aquatic grass beds; and
  - 3.2.4 the dredged sediment management methods and the water management methods resulting from the dredged sediments, developed in consultation with relevant authorities, that will be implemented by the Proponent in view of the method(s) referred to in condition 3.2.2.
- 3.3 The Proponent shall delineate, prior to dredging required for the construction, areas in the aquatic environment within which access is prohibited, unless required for safety reasons, and shall require and ensure that any person associated with the Designated Project abides with this prohibition. In doing so, the Proponent shall delineate the perimeter of all aquatic grass beds located between the planned terminal and the existing terminal with buoys.
  - 3.4 The Proponent shall delineate, before construction, the perimeters of all areas in which dredging required for construction will be undertaken. The Proponent shall not undertake dredging outside these areas, except if required for safety reasons, and shall require and ensure that every person associated with the Designated Project comply with this prohibition.
  - 3.5 If the Proponent uses hydraulic dredging to perform all or part of the dredging required for construction, the Proponent shall opt for a hydraulic dredging method with the lowest acoustic power technically feasible. At the time the Proponent opts for a dredging method or methods, the Proponent shall submit to the Agency a justification explaining how the chosen hydraulic dredging method meets this requirement and how it compares with other existing methods.
  - 3.6 If the Proponent adds additives for water treatment (flocculants and/or coagulants) to any sediment dredged by hydraulic dredging, the Proponent shall opt, in consultation with relevant authorities, for an additive that is the least likely to produce adverse environmental effects on fish and fish habitat and human health. At the time the Proponent opts for an additive, the Proponent shall submit to the Agency a justification explaining how the chosen additive meets this requirement and how it compares with other existing additives.
  - 3.7 If the Proponent uses mechanical dredging to perform all or part of the dredging required for construction or maintenance dredging, the Proponent shall install, before dredging begins, a transshipment flap, or any equivalent device, between the barge and the wharf and shall eliminate barge overflow during dredging or transportation of sediments.
  - 3.8 The Proponent shall conduct, prior to construction and in consultation with relevant authorities, tests to improve the work methods (including the management of the sediments dredged as part of the Designated Project), so as to mitigate the adverse

environmental effects on fish and fish habitat. The Proponent shall submit to the Agency, prior to construction, the test results, including a justification explaining how the Proponent will take into account these results in the development and implementation of any component or activity of the Designated Project associated with the management of the dredged sediments. As part of the tests, the Proponent shall validate:

- 3.8.1 the lime concentrations and the dewatering periods necessary to obtain the cohesion values required to ensure the long-term stability of the works associated with the management of the dredged sediments; and
  - 3.8.2 the concentrations of suspended solids and contaminants likely to be found in the dewatering and runoff water of the sediment management areas and the treatment process required so that the dewatering and runoff water meets the applicable water quality standards.
- 3.9 The Proponent shall develop and implement measures to manage job site and runoff water to prevent erosion in the Designated Project area and limit the inflow of suspended solids into the aquatic environment, including the St. Lawrence River. The Proponent shall take into account flood, heavy precipitation and frost periods when it develops and implements the measures, and shall maintain these measures regularly to repair any damaged measure as soon as technically feasible. Among these measures, the Proponent shall:
- 3.9.1 install, from the start of construction, and maintain, depending on the progress of the construction work, a drainage system for runoff water;
  - 3.9.2 develop permanent retention ponds and temporary sedimentation ponds;
  - 3.9.3 install hydrodynamic separators, or any equivalent device, at the discharge points to the water system; and
  - 3.9.4 deploy sediment barriers, or any other equivalent equipment, over a sufficient distance and at the locations considered necessary, including along watercourses and ditches, on the periphery of work areas, at the bottom of embankments and around piles of unconsolidated materials, so as to capture all the runoff water during all phases of the Designated Project.
- 3.10 The Proponent shall minimize vegetation clearing, including clearing on both sides of the high-water line, and any other activity required for site preparation of the Designated Project to the lowest technically feasible extent. The Proponent shall provide to the Agency, before construction, a justification explaining how the projected extent for these activities meets this requirement. The Proponent shall conserve the plant cover in the Designated Project area as long as possible.
- 3.11 The Proponent shall not release any material, rubbish or debris within the natural high-water line, including through the installation of retention devices, and shall immediately remove any material, rubbish or debris deposited accidentally within the natural high-water line.
- 3.12 The Proponent shall store any pile of unconsolidated material at least 30 metres of any water body, unless such material is used for site consolidation, in which case it must be stabilized.

- 3.13 The Proponent shall maintain a vegetated strip along any water body located on Montreal Port Authority territory, with the exception of the locations of the components required for the Designated Project (including erosion and sedimentation control measures). The Proponent shall take into account Quebec's *Protection Policy for Lakeshores, Riverbanks, Littoral Zones and Floodplains* when it establishes and maintains the vegetated strip. The Proponent shall carry out work or activity within the vegetated strip only if necessary for safety reasons or to implement and maintain any component of the Designated Project.
- 3.14 The Proponent shall proceed with washing of cement mixers outside of Montreal Port Authority territory, at an authorized location, unless it is not technically or economically feasible. If the washing of cement mixers must proceed on Montreal Port Authority territory, the Proponent shall implement measures to prevent the wash water from entering the aquatic environment, including by neutralizing it before releasing it into the drainage system or, if it is not neutralized, by disposing of it outside Montreal Port Authority territory, at an authorized location. The Proponent shall neutralize the alkaline curing water coming from the concreting work before its release into the aquatic environment at an authorized location, on the Designated Project site or off-site.
- 3.15 The Proponent shall stabilize any temporary structure or facility required for construction and located on the edge of or downstream from any body of water so that it withstands the floods that may occur during construction.
- 3.16 The Proponent shall develop, prior to construction, and implement, measures to stabilize, during any scheduled temporary suspension of construction, bare soils which pose a risk of erosion and sediment transport of suspended solids to the aquatic environment on Montreal Port Authority territory. In doing this, the Proponent shall:
- 3.16.1 take into account the conditions in the work area, the possible duration any work stoppage and the time of year at which work stoppage may occur when developing the stabilization measures;
  - 3.16.2 submit the stabilization measures to the Agency prior to construction and indicate how the criteria referred to in condition 3.16.1 have been considered in the development of these measures; and
  - 3.16.3 implement the stabilization measures upon the cessation of work and ensure their good working order and effectiveness throughout the period of suspension of work.
- 3.17 For the backfilling of the area behind the wharf associated with the Designated Project, the Proponent shall:
- 3.17.1 manage the water coming from inside the area behind the wharf before it is released into the aquatic environment, in order to limit the inflow of suspended solids; and
  - 3.17.2 use only clean backfill materials free of fine sediments and other contaminants.
- 3.18 The Proponent shall capture, to the satisfaction of Fisheries and Oceans Canada, any fish that are trapped in any confined area of the Designated Project area and immediately

relocate them to an area outside the confined area in a manner consistent with the *Fisheries Act* and its regulations and the *Species at Risk Act*.

- 3.19 The Proponent shall install the piles and sheet piles required for the Designated Project in the aquatic environment in a way to mitigate the adverse environmental effects on fish and fish habitat. In doing this, the Proponent shall:

- 3.19.1 use vibratory sheet pile driving instead of pile driving, unless it is not technically feasible;
- 3.19.2 gradually increase the power of the pile driving and sheet piling equipment at the beginning of any pile driving period that is preceded by a period of at least 20 minutes during which pile driving was not carried out; and
- 3.19.3 recover drilling muds and dispose of this material on land.

- 3.20 The Proponent shall develop, before construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec's Ministère des Forêts, de la Faune et des Parcs, the Mohawks of Kahnawà:ke First Nation and the Indigenous Community of Odanak and Wôlinak, and implement a capture and relocation plan for the hickorynut (*Obovaria olivaria*) and any other freshwater mussel that could be negatively affected by construction. As part of the development of the plan, the Proponent shall develop measures to be implemented if it detects alien freshwater mussels during the survey to avoid spreading them in another body of water. The Proponent shall provide the approved plan to the Agency before implementing it. As part of the implementation of the plan, the Proponent shall:

- 3.20.1 conduct, at the beginning of each year during which construction activities in the aquatic environment are held, a survey in the areas of the Designated Project in which the hickorynut (*Obovaria olivaria*) and any other freshwater mussel that could be adversely affected by construction is likely to be present; and
- 3.20.2 if the Proponent detects individuals during any survey conducted pursuant to condition 3.20.1, collect these individuals and relocate them outside these areas, in habitat areas favourable for the species, prior to the beginning of the construction activities in the aquatic environment, or if they are alien freshwater mussels, implement the measures included in the plan for alien freshwater mussels.

- 3.21 The Proponent shall develop, before construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec's Ministère des Forêts, de la Faune et des Parcs, the Mohawks of Kahnawà:ke First Nation and the Indigenous Community of Odanak and Wôlinak, and implement an offset plan for the purpose of offsetting the losses of aquatic grass beds constituting the critical habitat for feeding of adult copper redhorse (*Moxostoma hubbsi*). The Proponent shall submit the offsetting plan approved by Fisheries and Oceans Canada to the Agency before implementing it.

- 3.21.1 The Proponent shall discuss, prior to implementing the offset plan, with the Mohawks of Kahnawà:ke First Nation and the Indigenous Community of Odanak and Wôlinak about the possibilities of their participation in the implementation of the offset plan, and shall allow their participation in implementation.

- 3.22 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec's Ministère des Forêts, de la Faune et des Parcs, the Mohawks of Kahnawà:ke First Nation and the Indigenous Community of Odanak and Wôlinak, and implement an offsetting plan related to fish and fish habitat. The Proponent shall submit the offsetting plan approved by Fisheries and Oceans Canada to the Agency before implementing it.
- 3.22.1 The Proponent shall discuss, prior to implementing the offsetting plan, with the Mohawks of Kahnawà:ke First Nation and the Indigenous Community of Odanak and Wôlinak about the possibilities of their participation in the implementation of the offsetting plan, and shall allow their participation in implementation.
- 3.23 For any fish habitat offset measure proposed in any offsetting plan referred to in condition 3.22 that could result in adverse environmental effects that were not taken into account in the environmental assessment, the Proponent shall develop and implement, after consulting the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, and relevant authorities, measures to mitigate these effects. The Proponent shall provide these measures to the Agency before implementing them.
- 3.24 The Proponent shall realign the Fossé Noir in a way to mitigate the adverse environmental effects of the Designated Project on fish and fish habitat and any other wildlife species, including by realigning it in its natural channel bed.
- 3.25 The Proponent shall maintain the passage of fish in the channel beds of the streams located on Montreal Port Authority territory, downstream from the pipes required for the Designated Project.
- 3.26 The Proponent shall undertake the progressive reclamation of the areas disturbed by the Designated Project in the aquatic environment, including the areas disturbed by the deployment of the pipes and culverts associated with the Designated Project.
- 3.27 If the Proponent must manage waste snow in Montreal Port Authority territory, the Proponent shall build, at the start of construction, and maintain, during construction and operation, a snow dump in a manner compliant with applicable standards and legislated requirements, including the pollution prevention dispositions of the *Fisheries Act*, the *Environment Quality Act* and the *Canadian Environmental Protection Act*, while taking into account the *Guide d'aménagement des lieux d'élimination de neige* [Guide to development of snow disposal sites] of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques and the *Code of practice: road salts environmental management* of Environment and Climate Change Canada.
- 3.28 The Proponent shall develop, prior to construction, and implement, during construction and operation, measures to mitigate the adverse environmental effects on fish and fish habitat caused by the use of de-icing salts as part of the Designated Project, so as to comply with the standards and legislation in force in the matter of storage of road salts, including by storing salt in a closed dome. The Proponent shall provide these measures to the Agency before implementing them.

- 3.29 The Proponent shall develop, prior to construction, and implement measures to manage soil excavated as part of the Designated Project to mitigate the adverse environmental effects on fish and fish habitat, including by applying the principle of non-degradation of soil to all reused soils and by managing soils that present potential for contamination so that they do not constitute a new source of contamination for the environment. In doing this, the Proponent shall:
- 3.29.1 perform, prior to construction, a characterization of the soils situated in the final footprint of all the infrastructures built as part of the Designated Project, including the soils of the soil and sediment storage areas;
  - 3.29.2 compare the results of the characterization performed pursuant to condition 3.29.1 with the concentrations present in the soil on which the sediments will be deposited and with the *Canadian Environmental Quality Guidelines* and the *Canada-Wide Standard for Petroleum Hydrocarbons (PHC) in Soil* of the Canadian Council of Ministers of the Environment and, for soil disposed of off-site, the generic soil criteria established in Annex 2 of the *Guide d'intervention – Protection des sols et réhabilitation des terrains contaminés* (Intervention Guide – Soil Protection and Contaminated Sites Rehabilitation) of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques;
  - 3.29.3 submit to the Agency, prior to construction, the results of the characterization performed pursuant to condition 3.29.1 and the measures developed by the Proponent for the management of the characterized soils, and indicate how the Proponent took into account the comparisons made pursuant to condition 3.29.2 in the development of these measures; and
  - 3.29.4 dispose of any soil that requires off-site disposal at a site authorized for this purpose and manage any soil that must be stored temporarily in the Montreal Port Authority territory before being transported off-site so that it does not adversely affect the aquatic environment.
- 3.30 The Proponent shall maintain, during construction, a materials tracking system allowing tracing of the origin or destination of any material required or generated as part of the Designated Project, particularly excavated soil, to ensure it is managed in a manner compliant with applicable rules and requirements.
- 3.31 If the Proponent must add amendments to the sediments for the terrestrial management of the sediments, the Proponent shall identify and use, in consultation with Environment and Climate Change Canada and the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, amendments that are the least likely to affect adversely the soils and biological receptors that could be in contact with the amended sediments.
- 3.32 The Proponent shall develop, prior to the first maintenance dredging required for the Designated Project, a protocol for characterizing and managing the sediments to be dredged during maintenance dredging. As part of the development of the protocol, the Proponent shall:

- 3.32.1 identify how the Proponent will carry out the *in situ* characterization of sediments to determine the levels of contamination;
  - 3.32.2 determine the management and disposal methods for sediments, dredged material and dewatering water that the Proponent can use during dredging, taking into account the results of the characterization; and
  - 3.32.3 submit the protocol to the Agency before the first maintenance dredging.
- 3.33 The Proponent shall characterize, before each period of maintenance dredging required for the Designated Project, the sediments to be dredged in keeping with the protocol referred to in condition 3.32. The Proponent shall select and implement methods for managing and disposing of sediments, dredged material and dewatering water, from the methods developed pursuant to condition 3.32.2, taking into account the characterization results, in order to mitigate environmental effects on fish and fish habitat from maintenance dredging.
- 3.34 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of suspended solids generated by dredging associated with the Designated Project. The Proponent shall take into account the *Recommandations pour la gestion des matières en suspension (MES) lors des activités de dragage* (recommendations for the management of suspended solids during dredging) of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques and Environment and Climate Change Canada when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
- 3.34.1 verify, before the beginning of dredging, that the correlation curve between the turbidity values and the concentrations of suspended solids is representative of the real conditions at the time dredging will take place;
  - 3.34.2 monitor regularly, during dredging, the ambient concentrations of suspended solids and the mean concentrations of suspended solids 100 metres and 300 metres from the dredge;
  - 3.34.3 review, pursuant to condition 2.7 and according to the progress of dredging, the methodology applied to the monitoring referred to in condition 3.34.2 depending on the progress of dredging (including for the number, frequency and collection times of the surface water samples) and apply the revised methodology, as applicable, for any subsequent monitoring;
  - 3.34.4 if the results of the monitoring referred to in condition 3.34.2 demonstrate that the mean concentrations of suspended solids increase by more than five milligrams per litre relative to the ambient concentrations 300 metres from the dredge, develop and implement modified or additional mitigation measures so that the increase does not exceed five milligrams per litre relative to the ambient concentrations at this location; and

- 3.34.5 if the results of the monitoring referred to in condition 3.34.2 demonstrate that the mean concentrations of suspended solids increase by more than 25 milligrams per litre relative to the ambient concentrations 100 metres from the dredge, temporarily stop dredging and develop and implement, in consultation with the parties consulted for the development of the follow-up program, modified or additional mitigation measures. The Proponent shall not resume dredging as long as the mean concentrations, accounting for the implementation of the modified or additional mitigation measures, increase by more than 25 milligrams per litre relative to the ambient concentrations at this location. The Proponent shall notify the Agency as soon as technically feasible of any temporary stop of dredging.
- 3.35 The Proponent shall develop, prior to construction and to the satisfaction of Fisheries and Oceans Canada and in consultation with the Quebec's Ministère des Forêts, de la Faune et des Parcs, the Mohawks of Kahnawà:ke First Nation and the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of the dredging required for construction of the Designated Project and the maintenance dredging on the aquatic grass beds. The Proponent shall implement the follow-up program during construction and for at least the first 20 years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 3.35.1 monitor, annually during the first five years of monitoring, the aquatic grass beds delineated pursuant to condition 3.3;
- 3.35.2 before the end of the fifth year of monitoring, review, according to the results of the monitoring referred to in condition 3.35.1 and in accordance with condition 2.7, the frequency at which the subsequent monitoring must take place and, if the Proponent determines that a lower frequency can be applied for any subsequent monitoring, apply this revised frequency for the subsequent monitoring;
- 3.35.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.35.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on the aquatic grass beds, in order to preserve the quality of the habitat; and
- 3.35.4 before the end of the twentieth year of operation, determine, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in condition 3.35.1 or 3.35.2, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 3.36 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, the Quebec's Ministère des Forêts, de la Faune et des Parcs, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to

the adverse environmental effects of the Designated Project on fish and fish habitat. The Proponent shall implement the follow-up program during construction and for at least 20 years after the end of construction. As part of the implementation of the follow-up program, the Proponent shall:

- 3.36.1 monitor the use by the different fish species of the streams and shoreline of the Montreal Port Authority territory;
  - 3.36.2 update, every five years, the follow-up program in accordance with condition 2.7 and apply to subsequent monitoring any revised information referred to in condition 2.6;
  - 3.36.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.36.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on fish and fish habitat; and
  - 3.36.4 before the end of the twentieth year after the end of construction, determine, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in condition 3.36.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 3.37 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada and the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat of changes to the hydrosedimentary and hydrodynamic regime caused by the building of the new wharf and the dredging required for construction. The Proponent shall implement the follow-up program for at least three years after the end of construction of the new wharf and the end of the dredging. As part of the implementation of the follow-up program, the Proponent shall:
- 3.37.1 monitor the speed of the currents, the turbidity and the degree of erosion in the sector between the new wharf and the existing wharf by means of appropriate equipment and depending on the type of substrate;
  - 3.37.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.37.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects on fish and fish habitat of changes to the hydrosedimentary and hydrodynamic regime; and
  - 3.37.3 before the end of the third year after the end of construction of the new wharf and the end of the dredging work, determine, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in condition 3.37.1, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the

follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.

- 3.38 The Proponent shall develop, prior to construction and in consultation with the Canadian Space Agency, Public Works and Procurement Canada, Environment and Climate Change Canada, the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of shore erosion in the Designated Project's zone of influence on fish and fish habitat and on species at risk and their habitat. The Proponent shall implement the follow-up program during construction and during at least the first 20 years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 3.38.1 monitor, annually during construction and at least during the first five year of operation, at sites located in the Designated Project's zone of influence, including the shores of the Îles de Contrecoeur National Wildlife Area, and at control sites on which the Designated Project should not have an effect, the evolution over time of the riparian environment, including turbidity, the shoreline, evolution of the aquatic grass beds, marshes, terrestrial vegetation and land use, and augment the information collected in the field with additional information obtained by means of Earth observation technologies;
  - 3.38.2 before the end of the fifth year of operation, and every five years thereafter, update the follow-up program in accordance with condition 2.7 and implement the revised follow-up program requirements until the end of the twentieth year of operation, including by conducting monitoring annually. In updating the follow-up program, the Proponent shall determine how the information collected in the field can be augmented with additional information obtained using similar or comparable technologies to the earth observation technologies referred to in condition 3.38.1;
  - 3.38.3 develop and implement modified or additional mitigation measures that are under the Proponent's control if the information and the results of the monitoring referred to in conditions 3.38.1 and 3.38.2 demonstrate that modified or additional mitigation measures, particularly protective measures for sensitive areas, are necessary to mitigate the adverse environmental effects of shore erosion in the Designated Project's zone of influence on fish and fish habitat and on species at risk and their habitat; and
  - 3.38.4 before the end of the twentieth year of operation, determine, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in conditions 3.38.1 and 3.38.2, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 3.39 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, Health Canada, the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, the

Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of effluents from the sedimentation and retention ponds associated with the Designated Project on fish and fish habitat and species at risk and their habitat. As part of the development of the follow-up program, the Proponent shall identify the contaminants that will be monitored. As part of the implementation of the follow-up program, the Proponent shall:

- 3.39.1 monitor, during construction, the quality of the effluents of the sedimentation and retention ponds;
  - 3.39.2 monitor, during operation, the quality of the effluents of the retention ponds;
  - 3.39.3 review, every two years pursuant to condition 2.7, the methodology applied to the monitoring referred to in conditions 3.39.1 and 3.39.2 (including for the sampling frequency) and apply the revised methodology, as applicable, for all subsequent monitoring; and
  - 3.39.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.39.1 or 3.39.2 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects of effluents from the sedimentation and retention ponds on fish and fish habitat and species at risk and their habitat.
- 3.40 The Proponent shall develop, prior to construction and in consultation with Fisheries and Oceans Canada, Environment and Climate Change Canada, Health Canada, the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of changes to surface water quality caused by the Designated Project in the watercourses and ditches upstream and downstream from the Designated Project area on fish and fish habitat and species at risk and their habitat. As part of the development of the follow-up program, the Proponent shall identify the contaminants that will be monitored. As part of the implementation of the follow-up program, the Proponent shall:
- 3.40.1 monitor surface water quality during construction and operation;
  - 3.40.2 review, every two years pursuant to condition 2.7, the methodology applied to the monitoring referred to in condition 3.40.1 (including for the sampling frequency) and apply the revised methodology, as applicable, for all subsequent monitoring; and
  - 3.40.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.40.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects of changes to surface water quality caused by the Designated Project on fish and fish habitat and species at risk and their habitat.

- 3.41 The Proponent shall implement measures to raise awareness with the operators of ships serving the Designated Project of the importance of observing the voluntary ship speed reductions in force between Sorel-Tracy and Contrecoeur.
- 3.42 The Proponent shall require and ensure that the ships serving the Designated Project procure the services of at least one tugboat for berthing and casting off manoeuvres.
- 3.43 The Proponent shall participate, at the request of a relevant authority, in any regional initiative pertaining to the contribution of the Designated Project to the cumulative environment effects on the copper redhorse (*Moxostoma hubbsi*) that the implementation of the Designated Project, combined with the implementation of other physical activities, past or future, is likely to cause, in the event that there is such an initiative during the construction or operation of the Designated Project.
  - 3.43.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or follow-up program identified through any regional initiative referred to in condition 3.43 and which is under its responsibility.
- 3.44 The Proponent shall participate, at the request of a relevant authority, in any regional initiative pertaining to the contribution of the Designated Project to the cumulative environmental effects of shore erosion on fish and fish habitat and on species at risk and their habitat that the implementation of the Designated Project, combined with the implementation of other physical activities, past or future, is likely to cause, in the event that there is such an initiative during the construction or operation of the Designated Project.
  - 3.44.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or follow-up program identified through any regional initiative referred to in condition 3.44 and which is under its responsibility.
- 3.45 The Proponent shall design, install, and operate the water intake structures in the St. Lawrence River in a manner that mitigates adverse environmental effects on fish and fish habitat, including by installing exclusion screens on the water intake structures, taking into account Fisheries and Oceans Canada's *Freshwater Intake End-of-Pipe Fish Screen Guideline*, and in a manner consistent with the *Fisheries Act* and its regulations.

#### **4 Birds (Including 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 them or destroying, removing or disturbing their nests or eggs. For this purpose, the Proponent shall meet Environment and Climate Change Canada's *Avoidance Guidelines* in order to reduce the risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall comply with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.
- 4.2 In reference to birds other than migratory birds, the Proponent shall undertake no activity associated with the Designated Project that could hinder their nesting, in order to avoid the destruction of nests, eggs and chicks. In doing so, the Proponent shall:

- 4.2.1 determine the dates of the nesting periods for every year during which activities associated with the Designated Project that could hinder nesting of birds are carried out and submit these dates, including a justification for these dates, to the Agency before carrying out any activity; and
- 4.2.2 if it is not technically feasible to carry out any activity that is potentially harmful to nesting outside the nesting periods determined pursuant to condition 4.2.1 during a given year, submit a justification to the Agency and develop and implement additional mitigation measures to avoid the adverse effects on birds during nesting. The Proponent shall submit these measures to the Agency before implementing them.
- 4.3 The Proponent shall install, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, artificial nest boxes in Montreal Port Authority territory to offset the loss of nesting sites for bank swallows (*Riparia riparia*) at the location of the proposed wharf. The Proponent shall perform maintenance on the nest boxes annually and maintain their accessibility and integrity during construction and operation.
- 4.4 The Proponent shall develop, in consultation with the Quebec's Ministère des Forêts, de la Faune et des Parcs, and implement a plan to compensate habitat losses for waterbirds attributed to the Designated Project in the Îles de Verchères Waterfowl Concentration Area. The Proponent shall submit the definitive plan to the Agency no later than one year after this Decision Statement is issued and implement it according to the schedule established pursuant to condition 4.4.2. As part of the development of the compensation plan, the Proponent shall:
  - 4.4.1 take into account the *Lignes directrices pour la conservation des habitats fauniques* guidelines for the conservation of wildlife habitats of the Quebec's Ministère des Forêts, de la Faune et des Parcs;
  - 4.4.2 establish a schedule for the implementation of the plan; and
  - 4.4.3 demonstrate how offsetting measures implemented by the Proponent under the plan will compensate losses in the Concentration Area, in terms of the area affected by the Designated Project and the habitat functions lost or degraded.
- 4.5 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and relevant authorities, and implement a plan to compensate the losses of forested bird habitat caused by the Designated Project. The Proponent shall conduct the reforestation required as part of the implementation of the plan outside of areas likely to be deforested as part of other future potential projects in the region and in areas that maintain connectivity with habitat not affected by the Designated Project. The Proponent shall maintain the reforested areas during construction and operation.
- 4.6 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec's Ministère des Forêts, de la Faune et des Parcs, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation

measures implemented by the Proponent to avoid adverse environmental effects to birds (including migratory birds) that frequent the territory of Montreal Port Authority, the heronry on Île Bouchard and the Îles de Verchères Waterfowl Concentration Area, including the mitigation measure implemented in accordance with conditions 4.1 to 4.5. As part of the development of the follow-up program, the Proponent shall identify the bird species to be monitored, including valued and special status species. As part of the implementation of the follow-up program, the Proponent shall:

- 4.6.1 monitor noise levels (including impulse noises) in the heronry on Île Bouchard. In doing this, the Proponent shall:
  - 4.6.1.1 perform this monitoring before construction, during construction when sheet piles are deployed and for at least 10 years after the start of operation; and
  - 4.6.1.2 if high impulse noises are measured in the heronry between April and August, monitor the use of the heronry by birds to determine if this noise is adversely affecting it;
- 4.6.2 monitor the use by bank swallows (*Riparia riparia*) of the study area for the follow-up on the bank swallow (*Riparia riparia*) described in Appendix L of the Response to Information Request Round 2 from the Agency (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136), including the use of the nest boxes installed pursuant to condition 4.3. The Proponent shall carry out this monitoring annually during construction and during the first three years after the end of construction and then every five years thereafter during operation;
- 4.6.3 monitor, in spring and fall migration periods during construction and for at least 10 years after the start of operation, the use by waterfowl of the portion of the Îles de Verchères Waterfowl Concentration Area included in the zone to be surveyed indicated in Figure 3.4 of the document *Recommendations arising from the analysis performed in the context of the environmental assessment conducted by the Impact Assessment Agency of Canada for the Contrecoeur Port Terminal Expansion Project on the territory of Ville de Contrecoeur for the Montreal Port Authority* from the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques (Canadian Impact Assessment Registry Reference Number 80116, Document Number 152);
- 4.6.4 monitor the integrity and use by waterbirds of the compensation measures implemented as part of the compensation plan referred to in condition 4.4;
- 4.6.5 monitor, from the beginning of reforestation and for at least three years following the end of any reforestation, the integrity and use by forest birds of the areas reforested as part of the compensation plan referred to in condition 4.5;
- 4.6.6 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 4.6.1, 4.6.2, 4.6.3, 4.6.4 or 4.6.5 demonstrate that modified or additional mitigation measures are required to mitigate the environmental effects of the Designated Project on birds (including migratory birds), their eggs and their nests; and

- 4.6.7 before the end of the tenth year of operation, determine, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in condition 4.6.1, 4.6.3, 4.6.4 or 4.6.5, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.

## **5 Wetlands**

- 5.1 The Proponent shall implement the Designated Project in a manner that avoids adverse environmental effects of the Designated Project on wetlands and wetland functions. To avoid adverse effects, the Proponent shall maintain wetlands and their functions over minimizing adverse effects on wetlands and their functions. When the loss of wetlands and their functions cannot be avoided, the Proponent shall mitigate the adverse effects on wetlands and their functions instead of compensating for affected wetlands and their functions.
- 5.2 In the case of the adverse environmental effects of the Designated Project on wetlands and their functions located in the Designated Project area that cannot be avoided or mitigated pursuant to condition 5.1, the Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Québec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation, and any other stakeholder involved in conservation of the wetlands identified by the Proponent, and implement an offsetting plan for wetlands and their functions that seeks to improve or create wetland functions and that complies with the *Federal Policy on Wetland Conservation*. In doing this, the Proponent shall:
- 5.2.1 conduct, as part of the development of the offsetting plan, surveys of all the potential sites where the Proponent plans to implement the offsetting plan, in order to determine the area, wetland functions and restoration potential of each site;
- 5.2.2 select, taking account of the results of the surveys carried out pursuant to condition 5.2.1, one or more definitive site(s) on which the Proponent will implement the offsetting plan, to be located in the southwestern watershed of the St. Lawrence River, as close as possible to the Designated Project;
- 5.2.3 submit the results of the surveys conducted pursuant to condition 5.2.1, including an explanation of how the definitive site(s) selected pursuant to condition 5.2.2 will allow the offsetting of all the wetlands and their functions affected by the Designated Project to the Agency and the parties consulted for the development of the offsetting plan no later than 30 days after the completion of the survey report, and the definitive offsetting plan prior to construction; and
- 5.2.4 implement the offsetting plan at the definitive site(s) selected pursuant to condition 5.2.2 before the wetlands in the Designated Project area are affected,

unless this is not technically or economically feasible. If it is not technically or economically feasible to complete the implementation of the offsetting plan before the wetlands in the Designated Project area are affected, the Proponent shall provide a justification for this to the Agency prior to construction and shall complete the implementation of the offsetting plan within three years after the start of construction.

- 5.3 The Proponent shall discuss, as part of the development of the offsetting plan referred to in condition 5.2, with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation about the opportunities for their participation in the implementation of the plan. The Proponent shall allow the First Nations to participate in the implementation of the offsetting plan.
- 5.4 The Proponent shall delineate and maintain, during construction, the perimeters of all the residual wetlands in the plant community study area identified in Figure 8 of the environmental assessment report with high-visibility tape, within one metre of the boundary of all the wetlands, and shall not undertake any construction or storage activity associated with the Designated Project within the delineated areas.
- 5.5 The Proponent shall delineate and maintain, during construction, the perimeters of all the wetlands in the plant community study area identified in Figure 8 of the environmental assessment report that will be backfilled as part of the Designated Project, based on the maximum encroachment distance, using high-visibility tape different from the tape used pursuant to condition 5.4.
- 5.6 The Proponent shall install, at the start of construction, sediment barriers to prevent the deposition of sediment from the work sites in the residual wetlands in the plant community study area identified in Figure 8 of the environmental assessment report, including by installing a sediment barrier at the base of any backfilled embankment located in or near a wetland. The Proponent shall maintain the barriers functional during construction and remove them manually at the end of construction. When removing the barriers, the Proponent shall dispose of any accumulated sediment outside of any watercourse, shoreline, floodplain or wetland.
- 5.7 The Proponent shall stabilize, during operation, all surfaces located in the plant community study area identified in Figure 8 of the environmental assessment report that are likely to be a source of sediments that could be deposited in residual wetlands.
- 5.8 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, Natural Resources Canada and the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, measures to prevent the Designated Project from causing the drainage, through a drainage ditch associated with the Designated Project, of any residual wetland that is in the plant community study area identified in Figure 8 of the environmental assessment report. The Proponent shall implement these measures during construction. The Proponent shall provide these measures to the Agency before implementing them.
- 5.9 The Proponent shall maintain, during construction and operation, the baseline drainage upstream (in terms of inflow) and downstream (in terms of effluent) of residual wetlands

located in the plant community study area identified in Figure 8 of the environmental assessment report, in order to maintain the wetland functions, unless not technically feasible.

- 5.9.1 If maintaining drainage in accordance with condition 5.9 is not technically feasible, the Proponent shall restore drainage as soon as technically feasible.
- 5.10 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the environmental effects of the Designated Project on residual wetlands and the engineered wetlands referred to in condition 5.2 and their functions. As part of the implementation of the follow-up program, the Proponent shall:
  - 5.10.1 monitor, during construction and operation, the wetland functions, hydrological conditions and the presence of invasive alien plant species in the residual wetlands in the plant community study area identified in Figure 8 of the environmental assessment report;
  - 5.10.2 monitor wetland functions, the area and the presence of invasive alien plant species in the engineered wetlands at the selected site(s) as part of the implementation of the offsetting plan referred to in condition 5.2;
  - 5.10.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 5.10.1 or 5.10.2 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on wetlands and their functions; and
  - 5.10.4 before the end of the fifth year following the implementation of the offsetting plan referred to in condition 5.2, determine, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in conditions 5.10.1 and 5.10.2, if additional monitoring of the residual or engineered wetlands or their functions is required. If additional monitoring of any of the wetlands is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 5.11 The Proponent shall participate, at the request of a relevant authority, in any regional initiative pertaining to the contribution of the Designated Project to the cumulative environment effects on conservation of wetlands and their functions that the implementation of the Designated Project, combined with the implementation of other physical activities, past or future, is likely to cause, in the event that there is such an initiative during the construction or operation of the Designated Project.
  - 5.11.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or follow-up program identified through any regional initiative referred to in condition 5.11 and which is under its responsibility.

## 6 Special status Species

- 6.1 The Proponent shall delineate, prior to the start of tree clearing, the areas in the Designated Project area where tree clearing will take place and shall not undertake any tree clearing outside these areas, unless required for health and safety reasons.
- 6.2 The Proponent shall delineate, prior to construction, the areas colonized by invasive alien plant species.
- 6.3 The Proponent shall develop, prior to construction, measures to limit the introduction and spread of invasive alien plant species in Montreal Port Authority territory, including the residual wetlands, and implement them during construction, including by:
  - 6.3.1 requiring third-party contractors associated with the Designated Project to use granular backfill materials from sources that are free of invasive alien plant species;
  - 6.3.2 cleaning the machinery used in areas colonized by invasive alien plant species delineated pursuant to condition 6.2 in washing stations that are located in sectors not conducive to the germination of invasive alien plant species and that are 30 metres or more from any wetland or watercourse before using this machinery outside these habitats; and
  - 6.3.3 eliminating all visible invasive alien species at the work site of the designated project by burying them in a ditch, at least 2 metre deep and under at least 1 metre of clean materials or, if on-site burial is not technically or economically feasible due to the burial depth recommended for a given species, disposing of this species off-site in a technical landfill site operated pursuant to the *Environment Quality Act*.
- 6.4 The Proponent shall undertake the progressive reclamation of areas disturbed by the Designated Project. For the revegetation efforts involved in progressive reclamation, the Proponent shall use plant species that support the creation of breeding and feeding habitats for the monarch butterfly (*Danaus plexippus*), including milkweeds and native deciduous species.
- 6.5 The Proponent shall carry out the construction work associated with the addition of rail access to the Designated Project outside the breeding season for the western chorus frog (*Pseudacris triseriata*).
- 6.6 The Proponent shall install, to the satisfaction of Environment and Climate Change Canada and in consultation with the Quebec's Ministère des Forêts, de la Faune et des Parcs, and maintain, from the start of construction diversion fencing on the south side of Route 132, between Stream 2 and Montée Lapierre, and on the east and west sides of Montée Lapierre, as indicated by the Proponent on Map 55-1 submitted in response to Information Request CEAA-2-55 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136), to prevent movements by the western chorus frog (*Pseudacris triseriata*) toward the Designated Project area and to encourage movements by the western chorus frog (*Pseudacris triseriata*) toward the culvert indicated in Map 55-1. In doing so, the Proponent shall:

- 6.6.1 take steps, prior to construction, to obtain authorization from the owners of the lots adjacent to Montée Lapierre to install the diversion fencing on their lots and inform the Agency of the results of these efforts prior to construction;
  - 6.6.2 ensure the diversion fencing remains functional at all times during the period between freeze and thaw;
  - 6.6.3 ensure the diversion fencing remains clear of any vegetation so as to prevent the western chorus frog (*Pseudacris triseriata*) from crossing the fence; and
  - 6.6.4 assess, before the end of construction, if the diversion fencing must be maintained in whole or in part to prevent the movements of the western chorus frog (*Pseudacris triseriata*) toward the Designated Project area and encourage its movements toward the culvert during operation and, as applicable, maintain the diversion fencing in whole or in part during operation. If the Proponent determines that the diversion fence may be removed in whole or in part at the end of construction, the Proponent shall submit a justification of this determination to the Agency before the end of construction.
- 6.7 The Proponent shall install, at the start of construction and to the satisfaction of Environment and Climate Change Canada, and maintain, during construction and operation, structures allowing maintenance of water levels on the breeding sites of the western chorus frog (*Pseudacris triseriata*) located on Montreal Port Authority territory during the critical life stage of the species.
- 6.8 The Proponent shall install, at the start of construction and to the satisfaction of Environment and Climate Change Canada, and maintain, during construction and operation, links between the breeding sites of the western chorus frog (*Pseudacris triseriata*) in order to encourage movements of the species on Montreal Port Authority territory, including by the implementation of sills and buffer zones along the watercourses.
- 6.9 The Proponent shall develop and implement measures, in consultation with Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, to reduce mortality risks to the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) caused by the Designated Project in terrestrial and aquatic habitats. The Proponent shall provide these measures to the Agency before implementing them. Among these measures, the Proponent shall:
- 6.9.1 install and maintain, during any activity associated with the Designated Project likely to result in mortality of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) or snapping turtle, (*Chelydra serpentina*), exclusion fences to prevent individuals from accessing the work areas and bare ground areas associated with the Designated Project area;
  - 6.9.2 install, at the start of construction of the wharf associated with the Designated Project, and maintain, during wharf construction, an aquatic barrier to prevent the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) from accessing the work area; and

- 6.9.3 periodically inspect the exclusion fences installed pursuant to condition 6.9.1 and the aquatic barrier installed pursuant to condition 6.9.2 and repair any damaged portion of the fencing or barrier as soon as technically feasible.
- 6.10 The Proponent shall develop and implement, prior to any construction activity in Streams 1 and 2, the Fossé Noir, ditches (areas 4A and 4B), the backfilled area of shoreline near the wharf, the logistics area and the sedimentation pond (water treatment), a capture and relocation program to remove all northern map turtles (*Graptemys geographica*), midland painted turtles (*Chrysemys picta marginata*) and snapping turtles (*Chelydra serpentina*) observed in any of these areas and relocate them, before the onset of hibernation and pursuant to wildlife care protocols, to a suitable habitat determined by the Proponent in consultation with the Québec's Ministère des Forêts, de la Faune et des Parcs, taking into account the habitat requirements necessary for each species to complete its biological cycle (including feeding, hibernation and egg laying).
- 6.11 If a northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) or snapping turtle (*Chelydra serpentina*) is observed inside any exclusion area surrounded by exclusion fencing or an aquatic barrier installed pursuant to condition 6.9, the Proponent shall:
- 6.11.1 capture the turtle as soon as technically feasible and relocate it pursuant to the relocation requirements referred to in condition 6.10; and
- 6.11.2 determine how the turtle accessed the exclusion area and, as soon as technically feasible, implement any corrective measure required to prevent future access.
- 6.12 The Proponent shall maintain, during operation, the integrity and accessibility of the remaining egg-laying sites used by the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) in Montreal Port Authority territory, including by limiting the spread of invasive alien plant species in egg-laying sites.
- 6.13 The Proponent shall offer, at least annually, to all employees and contractors associated with the Designated Project during construction and operation of the Designated Project, awareness training on the measures to be taken to protect the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*), including the reporting of all turtle observations on Montreal Port Authority territory. The Proponent shall document the participation of employees and contractors to the training.
- 6.14 The Proponent shall implement and maintain, during operation, structures to deter the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) from laying their eggs in areas that pose a risk to turtles, located in Montreal Port Authority territory.
- 6.14.1 The Proponent shall ensure that the structures referred to in condition 6.14 remain functional at all times and repair any defective structure as soon as technically practicable.
- 6.15 The Proponent shall control the lighting required for the Designated Project activities, including its direction, duration of use, intensity, spectrum colour and glare, so as to

mitigate the adverse environmental effects on the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) of sensory disturbances due to light, while complying with operational health and safety requirements.

- 6.16 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, measures to offset potential habitat losses for the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-coloured bat (*Perimyotis subflavus*) caused by the Designated Project, and implement these measures. The Proponent shall provide these measures to the Agency before implementing them. Among these measures, the Proponent shall:
- 6.16.1 install, before the start of tree clearing required for the Designated Project, and maintain, during construction and operations, bat condominiums on Montreal Port Authority territory; and
  - 6.16.2 establish, before operation, and maintain, during operation, linear woodlands in Montreal Port Authority territory.
- 6.17 The Proponent shall delineate, at the beginning of construction, areas of potential habitat for the monarch butterfly (*Danaus plexippus*) in Montreal Port Authority territory outside the work site and shall not undertake any construction activity within the delineated areas.
- 6.18 The Proponent shall transplant, at the beginning of construction, colonies of ostrich fern (*Matteuccia struthiopteris*) and bloodroot (*Sanguinaria canadensis*) found in Montreal Port Authority territory to an area not affected by the Designated Project located outside of the critical habitat of the western chorus frog (*Pseudacris triseriata*). In doing so, the Proponent shall:
- 6.18.1 transplant the plants to areas containing the species' preferred habitat; and
  - 6.18.2 maintain the transplanted colonies during construction and operation.
- 6.19 The Proponent shall develop, prior to construction, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures related to the progressive reclamation carried out pursuant to condition 6.4. The Proponent shall implement the follow-up program during construction and during at least the first five years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.19.1 monitor annually, at the end of the growing season, the establishment (including in terms of area occupied and mortality) of the plant species used by the Proponent to revegetate areas where the Proponent has carried out progressive reclamation, including species that support the creation of habitats for the monarch butterfly (*Danaus plexippus*), including milkweeds and native deciduous species;
  - 6.19.2 monitor annually, at the end of the growing season, the establishment of invasive alien plant species in areas where the Proponent has carried out progressive reclamation;

- 6.19.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.19.1 or 6.19.2 demonstrate that modified or additional mitigation measures are required; and
  - 6.19.4 before the end of the fifth year of operation, determine, based on the results of the monitoring referred to in conditions 6.19.1 and 6.19.2, if additional monitoring is required. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 6.20 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation, Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the western chorus frog (*Pseudacris triseriata*) caused by the Designated Project. The Proponent shall implement the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.20.1 monitor annually, every spring, the hydroperiod and water quality in the breeding sites of the western chorus frog (*Pseudacris triseriata*) identified during the development of the follow-up program;
  - 6.20.2 monitor the presence of the western chorus frog (*Pseudacris triseriata*) in the Montreal Port Authority territory and, every year in spring, monitor the breeding activities of the western chorus frog (*Pseudacris triseriata*) at the breeding sites of the western chorus frog (*Pseudacris triseriata*) identified during the development of the follow-up program;
  - 6.20.3 monitor annually the quality of terrestrial habitat, including plant succession and the presence of invasive alien plant species, for the western chorus frog (*Pseudacris triseriata*) on Montreal Port Authority territory, including in the buffer zones established in accordance with condition 6.8 and the revegetated strip established pursuant to condition 6.26; and
  - 6.20.4 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.20.1, 6.20.2 or 6.20.3 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on the western chorus frog (*Pseudacris triseriata*), including to ensure that breeding sites retain sufficient water levels for tadpole metamorphosis and to maintain the open herbaceous habitats preferred by the species.
- 6.21 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation, Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and

snapping turtle (*Chelydra serpentina*) caused by the Designated Project. The Proponent shall implement the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall:

- 6.21.1 monitor, during the egg-laying periods of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*), turtle mortality on the roadways in Montreal Port Authority territory;
  - 6.21.2 monitor the egg-laying activities of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*) on the residual egg-laying sites maintained in accordance with condition 6.12 and in the risk area referred to in condition 6.14;
  - 6.21.3 monitor, outside the egg-laying periods of the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) and snapping turtle (*Chelydra serpentina*), the use by turtles, particularly juveniles, of the Montreal Port Authority territory;
  - 6.21.4 before the end of the fifth year of operation, review, according to the results of the monitoring referred to in conditions 6.21.1, 6.21.2 and 6.21.3 and in accordance with condition 2.7, the frequency at which the subsequent monitoring must take place and, if the Proponent determines that a lower frequency can be applied for any subsequent monitoring, apply this revised frequency for the subsequent monitoring; and
  - 6.21.5 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.21.1, 6.21.2 or 6.21.3 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects attributed to the Designated Project on the northern map turtle (*Graptemys geographica*), midland painted turtle (*Chrysemys picta marginata*) or snapping turtle (*Chelydra serpentina*).
- 6.22 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation, Environment and Climate Change Canada and the Quebec's Ministère des Forêts, de la Faune et des Parcs, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) caused by the Designated Project. The Proponent shall implement the follow-up program before construction, during construction and during at least the first six years of operation. As part of the implementation of the follow-up program, the Proponent shall:
- 6.22.1 monitor the use by the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-colored bat (*Perimyotis subflavus*) of the bat houses installed pursuant to condition 6.16.1, including during the breeding season for bats;

- 6.22.2 conduct acoustic surveys within a radius of no more than one kilometre from the Designated Project area identified by the Proponent in Map 59-1 submitted in response to Information Request CEAA-2-59 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). The Proponent shall conduct the acoustic surveys at a minimum of four recording stations, on at least 20 nights at each station, to be divided between bats' breeding and migration periods;
  - 6.22.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 6.22.1 or 6.22.2 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of the Designated Project on the northern myotis (*Myotis septentrionalis*), little brown myotis (*Myotis lucifugus*) and tri-coloured bat (*Perimyotis subflavus*); and
  - 6.22.4 before the end of the sixth year of operation, determine if additional monitoring is required, in consultation with the parties consulted for the development of the follow-up program and according to the results of the monitoring referred to in conditions 6.22.1 and 6.22.2. If additional monitoring is required, the Proponent shall update the follow-up program pursuant to condition 2.7 and implement the additional requirements of the follow-up program.
- 6.23 The Proponent shall develop, prior to construction, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on the ostrich fern (*Matteuccia struthiopteris*) and the bloodroot (*Sanguinaria canadensis*), including the transplantings performed in accordance with condition 6.18.
- 6.24 The Proponent shall establish speed limits not exceeding 30 kilometres/hour on the roadways on Montreal Port Authority territory and require and ensure that all persons abide by these speed limits.
- 6.25 The Proponent shall participate, at the request of a relevant authority, in any regional initiative pertaining to the monitoring, assessment or management of the cumulative environmental effects on the western chorus frog (*Pseudacris triseriata*) that the implementation of the Designated Project, in combination with the implementation of other past or future physical activities, is likely to cause, including any initiative established pursuant to the Government of Canada's Recovery Strategy for the Western Chorus Frog (*Pseudacris triseriata*), Great Lakes/St. Lawrence – Canadian Shield Population, in Canada, in the event that there is such an initiative during the construction or operation of the Designated Project.
- 6.25.1 The Proponent shall implement any mitigation measure that is technically and economically feasible or follow-up program identified through any regional initiative referred to in condition 6.25 and which is under its responsibility.
- 6.26 The Proponent shall establish and maintain, from the beginning of construction and in consultation with Environment and Climate Change Canada, a revegetated strip of at least 10 metres wide in the area along the ditches bordering the Canadian National Railway tracks, as indicated by the Proponent in Map 57-2 submitted in response to Information

Request CEAA-2-57 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). The Proponent shall implement measures to hasten the naturalization of this revegetated strip, including by seeding a mixture of native plants with a similar composition as the adjacent natural habitats to create meadows.

## **7 Human Health**

- 7.1 The Proponent shall identify, prior to construction and in consultation with relevant authorities, the human receptors likely to be affected by the environmental effects on human health from exposure to noise and vibrations and by air-quality changes caused by the Designated Project. The Proponent shall submit the list of human receptors to the Agency prior to construction.
- 7.2 The Proponent shall develop, prior to construction and in consultation with the potentially affected parties, a protocol for receiving complaints as it pertains to exposure to noise and vibrations and to air-quality changes caused by the Designated Project. The Proponent shall implement the protocol during construction and operation. Prior to construction, the Proponent shall submit the protocol to the Agency and the parties consulted for the development of the protocol. As part of the implementation of the protocol, the Proponent shall:
  - 7.2.1 communicate the details of the protocol, including the method for submitting a complaint, to the parties consulted for the development of the protocol, pursuant to the procedures determined during the development of the protocol;
  - 7.2.2 take note of any complaint attributable to the Designated Project as quickly as possible, or within 48 hours of receiving the complaint, and implement any corrective measure under the control of the Proponent as soon as technically feasible in response to any complaint received, which may include modified or additional mitigation measures;
  - 7.2.3 account for the results of the follow-up program about noise referred to in condition 7.7 or the follow-up programs about air quality referred to in conditions 7.13 and 7.14 when it determines if any corrective action is necessary; and
  - 7.2.4 submit a summary report each quarter of the complaints received during the quarter and any corrective action taken to the Agency and to the parties potentially affected (including the time interval taken by the Proponent to take note of any complaint received in accordance with condition 7.2.2 and the time interval taken by the Proponent to implement any corrective action).

### **Noise and Vibrations**

- 7.3 The Proponent shall not exceed the noise limits set out in the *Lignes directrices relativement aux niveaux sonores provenant d'un chantier de construction industriel* guidelines for noise levels from an industrial construction site and the *Note d'instructions 98-01 sur le bruit* noise instructions of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques during, respectively, construction and operation.

- 7.4 The Proponent shall implement, during construction, measures to mitigate noise and vibrations caused by the Designated Project that take into account for the mitigation measure described in Appendix H of the Health Canada document *Guidance for Evaluating Human Health Impacts in Environmental Assessment*, including by:
- 7.4.1 using broadband backup alarms that meet safety requirements for the vehicles and equipment operated by the Proponent as part of the Designated Project;
  - 7.4.2 using programmed deceleration lifting beams;
  - 7.4.3 operating vehicles and equipment equipped with anti-noise and anti-vibration systems and by keeping these systems in good working order through a regular inspection and maintenance program;
  - 7.4.4 installing the generators and compressors required for the Designated Project away from human receptors likely to be affected by noise and vibrations identified pursuant to condition 7.1;
  - 7.4.5 establishing a speed limit for trains not to exceed 15 kilometres/hour within Montreal Port Authority territory and requiring and ensuring that all trains abide by this speed limit; and
  - 7.4.6 prohibiting banging of the rear panels of trucks when unloading materials.
- 7.5 The Proponent shall limit pile-driving activities and any other activity associated with the Designated Project that causes tonal or pulsing sounds to Mondays through Fridays during the day (7:00 a.m. to 7:00 p.m.), except if this is not technically or economically feasible. If the Proponent must carry out any pile-driving activity or any other activity that causes tonal or pulsing sounds from Mondays through Fridays in the evening or at night (7:00 p.m. to 7:00 a.m.), or on Saturdays, Sundays or statutory holidays, the Proponent shall notify the community before carrying out the activity, in accordance with the communications plan implemented pursuant to condition 9.2.
- 7.6 If the Proponent must use hammering rather than vibration to install the sheet piles, the Proponent shall develop and implement modified or additional mitigation measures to ensure that noise levels remain the same as those projected by the Proponent for construction in Appendix C of the response to the first round of Information Request (Canadian Impact Assessment Registry Reference Number 80116, Document Number 126).
- 7.7 The Proponent shall develop, prior to construction and in consultation with Health Canada and other relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of changes in the acoustic environment on human health (including sleep) caused by the Designated Project. In determining the information referred to in condition 2.6 for the follow-up program, the Proponent shall take account the dredging method(s) chosen pursuant to condition 3.2. As part of the implementation of the follow-up program, the Proponent shall:
- 7.7.1 monitor noise levels, using sonometers equipped with windscreens, during construction and operation, including noise levels in real time felt by the human receptors likely to be affected by noise and vibrations identified in accordance with condition 7.1, pulsing sounds and low-frequency noises;

- 7.7.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.7.1 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of changes in the acoustic environment on human health (including sleep) caused by the Designated Project.

#### ***Air Quality***

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

- technically or economically feasible, providing the Agency with the justification for this determination and using an equivalent vehicle or piece of equipment that uses diesel or a fuel with low carbon content and that complies with at least the Group 4 emissions standards;
- 7.9.3 reducing the size, power and time of use of the equipment required for construction to the lowest technically and economically feasible size, power and time of use;
  - 7.9.4 employing, during operation, ship-to-shore gantry cranes, rail-mounted travelling cranes, electric rail-mounted cantilevered cranes, tractor trucks, horizontal transport vehicles, stacking cranes and forklifts for empty containers that are electric or, if a given piece of equipment or vehicle is unavailable in electric mode or its use is technically or economically impractical, providing the Agency with a justification for this determination and using at least hybrid equipment or vehicles;
  - 7.9.5 during operation, minimizing container loading and unloading time;
  - 7.9.6 during construction and operation, implementing a policy forbidding engine idling in mobile equipment and road vehicles in the Designated Project area and requiring and ensuring all persons to comply with this policy, except in the case of health- and safety-related constraints;
  - 7.9.7 requiring that the shunting locomotive operators who handle trains on Montreal Port Authority territory use locomotives that satisfy at least the Group 4 emissions standards, in accordance with *the Locomotive Emissions Regulations*, and which are maintained in accordance with the engine maintenance instructions provided by the manufacturer in order to remain at least compliant with the Group 4 emissions standards; and
  - 7.9.8 encouraging the operators of trains with automatic stop-start systems serving the Designated Project to use these systems when they are in the Montreal Port Authority territory, except in the case of health and safety-related constraints.
- 7.10 The Proponent shall service all vehicles and equipment operated by it as part of the Designated Project in accordance with the manufacturer's maintenance guidelines to keep them in good working order. The Proponent shall ensure that emission control technologies are not removed from the vehicles and equipment, unless their removal is required for repair and maintenance activities, in which case the technologies shall be reinstalled or replaced before the vehicle or equipment is returned to service.
  - 7.11 The Proponent shall provide and maintain, during operation, electrical power so that any ship serving the Designated Project that is equipped to plug into land-based electrical power while berthed can do so.
  - 7.12 The Proponent shall implement, during operation, monitoring and communications practices to notify ships serving the Designated Project that are releasing excessive amounts of smoke, including in terms of colour of the smoke and the duration of the smoke occurrence. The Proponent document all observed smoke occurrences and any action taken by the Proponent in response to each smoke occurrence.

- 7.13 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to environmental effects of airborne particulate emissions on human health. As part of the development of the follow-up program, the Proponent shall develop the method to be applied to determine, in consultation with the parties consulted for the development of the follow-up program, if the Designated Project is the source responsible for any exceedances of air quality criteria in relation to particulate emissions observed during the implementation of the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
- 7.13.1 install, prior to construction and taking account of the *Lignes directrices concernant les stations de surveillance de la qualité de l'air* [guidelines on air quality monitoring stations] of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques and the Canadian Council of Ministers of the Environment's *Ambient Air Monitoring Protocol for PM<sub>2.5</sub> and Ozone*, at least three new sampling stations on Montreal Port Authority territory in order to monitor emissions from the Designated Project to human receptors likely to be affected by air-quality changes identified pursuant to condition 7.1, including one station that can be used to monitor climate;
  - 7.13.2 monitor prior to construction and during construction and operation, the concentrations of fine particulate matter (PM<sub>2.5</sub>), inhalable particulate matter (PM<sub>10</sub>) and total particulate matter (PM<sub>T</sub>) at the existing sampling station and at the new stations referred to in condition 7.13.1;
  - 7.13.3 compare the results of the monitoring referred to in condition 7.13.2 with the values established in Quebec's *Clean Air Regulation* or, for inhalable particulate matter (PM<sub>10</sub>) and fine particulate matter (PM<sub>2.5</sub>), the following alert thresholds:
    - 7.13.3.1 guidelines for inhalable particulate matter (PM<sub>10</sub>) recommended by the World Health Organization (24-hour mean) of 50 µg/m<sup>3</sup>; and
    - 7.13.3.2 the 24-hour standard for fine particulates (PM<sub>2.5</sub>) specified in the *Canadian Ambient Air Quality Standards* for 2020 by the Canadian Council of Ministers of the Environment of 27 µg/m<sup>3</sup>;
  - 7.13.4 monitor dust fall during the first year of construction from prior to the start of activities with potential to generate dust until after the activities stop, at the locations identified pursuant to condition 7.13.1. Monitoring must be carried out over a minimum period of two full years in order to account for seasonal variability and the nature of the activities. Monitoring must be resumed in subsequent years unless it can be demonstrated that dust fall attributable to construction activities does not contribute to an increase;
  - 7.13.5 if any comparison pursuant to condition 7.13.3 demonstrates an exceedance or if results pursuant to 7.13.4 demonstrate that dust fall attributable to construction activities is increasing, determine, in consultation with the parties consulted for the development of the follow-up program, if the Designated Project is the source of the exceedance or increase. If the Proponent determines that the

Designated Project is the source of the exceedance or increase, the Proponent shall develop and implement modified or additional mitigation measures to mitigate the adverse environmental effects of airborne particulate emissions on human health.

- 7.14 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada and the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to environmental effects of nitrogen dioxide emissions on human health. As part of the development of the follow-up program, the Proponent shall determine the frequency of monitoring referred to in condition 7.14.1 and develop the method to be applied to determine, in consultation with the parties consulted for the development of the follow-up program, if the Designated Project is the source responsible for any exceedances of air quality criteria for nitrogen dioxide observed during the implementation of the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
- 7.14.1 monitor the nitrogen dioxide concentrations at one or more sampling station(s) located so as to capture the nitrogen dioxide emissions coming from the Designated Project. The Proponent shall perform this monitoring during construction, in the first year of operation, and subsequently at a frequency that accounts for the nature of the activities carried on under the Designated Project and the representative periods of activities and traffic;
  - 7.14.2 compare the results of the monitoring referred to in condition 7.14.1 with the *Canadian Ambient Air Quality Standards* for nitrogen dioxide of the Canadian Council of Ministers of the Environment that are applicable at the time monitoring is conducted; and
  - 7.14.3 if any comparison made pursuant to condition 7.14.2 demonstrates an exceedance of the standards referred to in condition 7.14.2, determine, in consultation with the parties consulted for the development of the follow-up program, if the Designated Project is the source of the exceedance. If the Proponent determines that the Designated Project is the source of the exceedance, the Proponent shall develop and implement modified or additional mitigation measures to mitigate the adverse environmental effects on human health of nitrogen dioxide emissions.
- 7.15 The Proponent shall develop, in consultation with Environment and Climate Change Canada, Transport Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of the greenhouse gas emissions from the Designated Project (including those of ships) during construction and during operation. The Proponent shall develop the follow-up program applicable to construction prior to construction and develop the follow-up program applicable to operation at least one year before operation. The Proponent shall implement the follow-up program during construction and operation. In the context of development of the follow-up program, the Proponent shall define quantifiable targets of reduction of greenhouse gas emissions coming from the Designated Project and identify the reduction measures under

its control that will be implemented in the achievement of these targets. As part of the implementation of the follow-up program, the Proponent shall:

- 7.15.1 monitor the greenhouse gases emitted by the Designated Project during construction and operation at a frequency that accounts for the nature of the activities as part of the Designated Project and the representative periods of activities and traffic and compare the results of this monitoring with the targets defined during the development of the follow-up program;
- 7.15.2 provide, in the annual report referred to in condition 2.11, the progress achieved during the reporting year to achieve the targets defined during the development of the follow-up program;
- 7.15.3 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 7.15.1 demonstrate that modified or additional mitigation measures are necessary to mitigate the adverse environmental effects of greenhouse gas emissions coming from the Designated Project and to achieve the targets defined during the development of the follow-up program; and
- 7.15.4 update the follow-up program applicable to operation, in accordance with condition 2.7 and including the targets defined during the development of the follow-up program, before the end of the third year of operation and, subsequently according to the schedule determined in each review in consultation with parties consulted for the development of the follow-up program. The Proponent shall implement the updated follow-up program.

### ***Water Quality***

- 7.16 The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on human health of water-quality changes caused by the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
  - 7.16.1 regularly monitor, during dredging, ambient concentrations of suspended solids and average concentrations of suspended solids upstream from the drinking water intake for the city of Contrecoeur; and
  - 7.16.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 7.16.1 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects on human health of water-quality changes caused by the Designated Project.

## **8 Current Traditional Use of Indigenous Lands and Resources**

- 8.1 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the

Huron-Wendat Nation, a communication protocol for sharing information related to the Designated Project with the First Nations and to receive and respond to any feedback from the First Nations concerning the Designated Project or any environmental effect of the Designated Project. The Proponent shall implement the communication protocol and keep it up to date during construction and operation. The communication protocol shall specify procedures, including a timetable, for sharing information on the following elements:

- 8.1.1 the timetable and location of each activity associated with the construction and operation of the Designated Project in the terrestrial and aquatic environments that could affect the practice of the First Nations' traditional activities; and
  - 8.1.2 the means for the First Nations to provide feedback to the Proponent about the Designated Project or any environmental effect of the Designated Project and the means for the Proponent to respond to any feedback received in a timely manner.
- 8.2 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects caused by the Designated Project on the traditional fishing and hunting activities of the First Nations and any other complementary activity. The Proponent shall implement the follow-up program during construction and operation.
- 8.3 The Proponent shall develop, in consultation with the Mohawks of Kahnawà:ke First Nation, and implement a technically feasible plan to mitigate the environmental effects of operation of the Designated Project on the habitat of the copper redhorse (*Moxostoma hubbsi*) located in the riparian zone of Île Bouchard. The Proponent shall submit the definitive plan to the Agency and the Mohawks of Kahnawà:ke First Nation no later than six months prior to the start of operations. In addition to the Mohawks of Kahnawà:ke First Nation, the Proponent shall identify the measures referred to in condition 8.3.1 in consultation with Fisheries and Oceans Canada, the Quebec's Ministère des Forêts, de la Faune et des Parcs, any other relevant authority, the landowners of Île Bouchard and any other party involved in the implementation of the existing measure in which the Proponent intends to participate. The Proponent shall implement the plan according to the schedule established in accordance with condition 8.3.3 and support the participation of the Mohawks of Kahnawà:ke First Nation in the implementation of the plan according to the conditions agreed in accordance with condition 8.3.5. As part of the development of the plan, the Proponent shall:
- 8.3.1 describe the mitigation measures that will be implemented by the Proponent as part of the implementation of the plan, which will include restoration of the habitat of the copper redhorse (*Moxostoma hubbsi*) and which could involve bioengineering techniques, and/or in which the Proponent will participate if existing comparable measures (including habitat restoration initiatives) are implemented by another party or other parties;
  - 8.3.2 demonstrate how the measures referred to in condition 8.3.1 will allow mitigation of the environmental effects of operation of the Designated Project on

- the habitat of the copper redhorse (*Moxostoma hubbsi*) located in the riparian zone of Île Bouchard;
- 8.3.3 describe how the Proponent will do a follow-up of the measures referred to in condition 8.3.1 to ensure that the plan mitigates the environmental effects of operation of the Designated Project on the habitat of the copper redhorse (*Moxostoma hubbsi*) located in the riparian zone of Île Bouchard or, if this is not the case, that modified or additional measures are implemented;
  - 8.3.4 establish a schedule for implementation of the plan, including the measures referred to in condition 8.3.1 and the follow-up referred to in condition 8.3.3; and
  - 8.3.5 agree on the conditions of participation of the Mohawks of Kahnawà:ke First Nation in the implementation of the plan.
- 8.4 The Proponent shall participate in any regional initiative led by a relevant authority pertaining to the monitoring of toxins present in the food resources taken in the St. Lawrence River. In doing so, the Proponent shall:
- 8.4.1 implement any mitigation measure that is technically and economically feasible or follow-up program identified through any initiative referred to in condition 8.4 and which is under its responsibility; and
  - 8.4.2 submit to the Agency, as part of the annual report referred to in condition 2.11, and to the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat First Nation, the result of its participation in any initiative referred to in condition 8.4, particularly any mitigation measure or follow-up program the Proponent has implemented or proposes to implement following this participation.

## 9 **Socio-economic impacts**

- 9.1 The Proponent shall identify, prior to construction, the parties that may be potentially affected by the Designated Project or by any environmental effect of the Designated Project, which shall include parties representative of local and municipal governments, nearby residents and users of the immediate surroundings and community, environmental, recreation and tourism, and economic development organizations. The Proponent shall provide a list of the potentially affected parties, including their contact information, to the Agency prior to construction and shall provide an updated list to the Agency upon request during any phase of the Designated Project.
- 9.2 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and the potentially affected parties, a communications plan to share information related to the Designated Project. The Proponent shall determine, during the development of the communications plan, procedures for disseminating information related to the Designated Project. The Proponent shall implement the communications plan and keep it up to date during construction and operation. The Proponent shall disseminate the following information as part of the communications plan:

- 9.2.1 the project schedule, and a description of all activities associated with the construction of the Designated Project and their progress, including:
    - 9.2.1.1 any activity that could impede or restrict temporary or permanent access to the road or rail networks or the aquatic environment, including roads providing public access to the St. Lawrence River;
    - 9.2.1.2 any activity carried out between Monday and Friday between 7:00 p.m. and 7:00 a.m., on the weekend, or a statutory holiday; and
    - 9.2.1.3 any activity that could adversely affect water quality and municipal infrastructures (including the drinking water intake for the municipality of Contrecoeur);
  - 9.2.2 the manner in which the Proponent will inform the community if it must carry on activities associated with the Designated Project during the evening, at night, on the weekend or on a statutory holiday in accordance with condition 7.5;
  - 9.2.3 the schedule for any activity associated with the operation of the Designated Project, including:
    - 9.2.3.1 the schedule of the trains serving the Designated Project; and
    - 9.2.3.2 the schedule of docked ships and loading and unloading activities;
  - 9.2.4 any information related to pleasure boating, including any information about water quality and any information about temporary and permanent restrictions, and navigational tools and measures implemented by the Proponent during construction or operation to take account of the Designated Project (including the restricted navigation areas referred to in condition 9.4);
  - 9.2.5 a summary of the results of the follow-up programs referred to in conditions 7.7 et 7.13 to 7.16; and
  - 9.2.6 any other information of interest to the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and the potentially affected parties identified during the development of the communications plan.
- 9.3 The Proponent shall develop, prior to construction and in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and potentially affected parties, a community liaison protocol. The Proponent shall implement the community liaison protocol during construction and operation. As part of the development and implementation of the protocol, the Proponent shall:
- 9.3.1 develop a mechanism for parties consulted for the development of the protocol to provide feedback to the Proponent about any adverse environmental effect caused by any component of the Designated Project and the associated issues and for the Proponent to respond to the feedback received in a timely manner (including by the implementation of modified or additional mitigation measures);
  - 9.3.2 establish communication methods for sharing any information relevant to the Designated Project with the community, including the information referred to in the communications plan implemented pursuant to condition 9.2 and the details

- of the feedback mechanism referred to in condition 9.3.1, including the way to submit feedback; and
- 9.3.3 document any feedback received and how the Proponent responded to this feedback pursuant to condition 9.3.1, including the implementation or anticipated implementation of any modified or additional mitigation measure by the Proponent, or the Proponent's justification for not requiring a modified or additional mitigation measure in order to respond to the feedback.
- 9.4 The Proponent shall maintain restricted navigation areas to ensure safe navigation in the river study area identified in Figure 1 of the environmental assessment report, including:
  - 9.4.1 a security perimeter around work sites in the aquatic environment during construction; and
  - 9.4.2 a restricted navigation area around the ship loading and unloading area during operation.
- 9.5 The Proponent shall participate, at the request of a relevant authority during any phase of the Designated Project, in the implementation of any technically and economically feasible measure or development under its responsibility related to road safety on Route 132, Montée Lapierre, and Montée de la Pomme-d'Or.
- 9.6 The Proponent shall notify, prior to construction, the operators of rented farmland located on Montreal Port Authority territory, of the loss and unavailability of this land during construction and operation. Should some farmland become available again after the end of construction, the Proponent shall offer additional land rental opportunities.

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

- 10.1 The Proponent shall paint the dock cranes associated with the Designated Project in colours that harmonize with the adjacent environment of the Designated Project.
- 10.2 The Proponent shall develop, from the start of construction, and maintain, during operation, a vegetated slope berm on the northern edge of Route 132 within the boundaries of the Montreal Port Authority territory, and on the eastern edge of Stream 4, between Route 132 and the St. Lawrence River, except for a portion on the side of Route 132 east of Montée Lapierre, as indicated by the Proponent on Map 57-2 submitted in response to Information Request CEAA-2-57 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136), within the area occupied by the 120 kV/25 kV electrical substation and at the road and rail access points associated with the Designated Project.
  - 10.2.1 The Proponent shall mount the vegetated slope berm referred to in condition 10.2 with a curtain wall on the eastern side of Stream 4, between Route 132 and the St. Lawrence River. The Proponent shall determine the size and location of the curtain wall prior to construction and shall provide to the Agency, prior to construction, the proposed size and location and a justification (using acoustic modelling) demonstrating how the proposed size and location will

mitigate the adverse environmental effects of changes in the acoustic environment caused by the Designated Project on the human health of the human receptors likely to be affected by noise and vibrations identified in accordance with condition 7.1.

- 10.3 The Proponent shall develop, prior to construction, and implement, during construction and operation, mitigation measures that take into account the Bureau de Normalisation du Québec standard 4930-100/2016 entitled *Éclairage extérieur – contrôle de la pollution lumineuse* [exterior lighting – control of light pollution] regarding the quantity of light emitted, its direction, spectral composition and duration of use, for the lighting fixtures used for the Designated Project, in order to mitigate the adverse environmental effects of the Designated Project while complying with operational health and safety requirements. As part of these measures, the Proponent shall:
- 10.3.1 direct lighting fixtures toward active construction zones during construction and toward port infrastructures during operation;
  - 10.3.2 install and maintain, during construction and operation, exterior lighting fixtures with a correlated colour temperature in the 3000-Kelvin range;
  - 10.3.3 use LED-type lighting on high masts and roadway light fixtures to limit light pollution; and
  - 10.3.4 reduce lighting after 11:00 p.m. in parking lots and around the perimeters of buildings associated with the Designated Project to the lowest intensity possible while meeting the operational safety requirements for the Designated Project.
- 10.4 Before the beginning of the surveys referred to in conditions 10.5 and 10.6, the Proponent shall submit to the Agency a letter confirming the Proponent's commitments to provide third-party bodies with all archaeological documentation or collections of Indigenous and non-Indigenous origin generated or discovered during the surveys and during the implementation of the Designated Project for conservation and public presentation purposes.
- 10.4.1 The Proponent shall inform the Agency annually, as part of the annual report referred to in condition 2.11, of the actions taken by the Proponent during the reporting year to meet the commitment referred to in condition 10.4 and of any conservation or presentation measures implemented by the third-party bodies.
- 10.5 The Proponent shall conduct, in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and relevant authorities, an archaeological survey in the terrestrial areas with archaeological potential identified in Figure 15 of the environmental assessment report and on île Bouchard. The Proponent shall survey in priority, prior to construction, the areas in the Designated Project area and shall complete the survey of the other areas, including Bouchard Island, in the five years after the beginning of construction. The Proponent shall assign the responsibility for conducting the survey to a qualified person who is a professional terrestrial archaeologist. As part of the conduct of the survey, the Proponent shall:

- 10.5.1 discuss, before the survey begins, with each First Nation about opportunities for their participation in conducting the survey and allow them to participate in the survey, including the evaluation of the survey results;
  - 10.5.2 define, before the survey begins, the plots where the survey will be conducted by using digital technologies and taking into account past land occupation in the Designated Project area;
  - 10.5.3 implement the survey methodology developed in consultation with the Indigenous Community of Odanak and Wôlinak as part of the environmental assessment, including the use of visual surveys, georadar (including for the shoreline terraces), core sampling, shovel sampling and the establishment of test trenches;
  - 10.5.4 assess, in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation, the survey results;
  - 10.5.5 should any artifact be discovered during the survey, carry out an archaeological dig at the location of the discovery and implement measures, in consultation with the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and relevant authorities, involving the management and conservation of any artifact discovered; and
  - 10.5.6 submit, within 30 days following the completion of the survey report for each area, including Île Bouchard, the survey results to the Agency and the parties consulted for the archaeological survey, including the results of any archaeological dig conducted and the details of any measure implemented relating to the management and conservation of any artifact discovered.
- 10.6 The Proponent shall conduct, prior to construction and in consultation with Parks Canada, the Quebec's Ministère de la Culture et des Communications, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and any other stakeholder in the heritage field identified by the Proponent, an archaeological survey of the maritime archaeological survey area identified by the Proponent on Map C11-1 submitted in response to Comment 211 (Canadian Impact Assessment Registry Reference Number 80116, Document Number 136). The Proponent shall assign the responsibility of conducting the survey to a qualified person who is a professional maritime archaeologist. As part of the conduct of the survey, the Proponent shall:
- 10.6.1 discuss, before the survey begins, with each First Nation about opportunities for their participation in conducting the survey and allow them to participate in the survey, including the evaluation of the survey results;
  - 10.6.2 conduct a visual inspection of the surface and underwater area;
  - 10.6.3 provide side-scan sonar and a high-resolution multibeam sonar coverage and, if recommended by the qualified person conducting the survey, high-resolution marine magnetometer coverage to identify any anomaly with archaeological potential in the area where the survey is being conducted;

- 10.6.4 inspect, unless it is not technically or economically feasible, all the anomalies with archaeological potential identified pursuant to condition 10.6.3 by using a subaquatic investigation method recommended by the qualified person and document the heritage value of each anomaly; and
- 10.6.5 submit, at least 90 days before the start of construction, the survey results to the Agency and the parties consulted for the archaeological survey, including any additional measure recommended by the qualified person to be implemented as part of the Designated Project in connection with any anomaly with archaeological potential that cannot be investigated pursuant to condition 10.6.4.
- 10.7 The Proponent shall implement any additional measure recommended pursuant to condition 10.6.5, including archaeological monitoring during dredging, to investigate any anomaly with archaeological potential that cannot be inspected with a subaquatic investigation method pursuant to condition 10.6.4.
- 10.8 The Proponent shall develop, in consultation with Parks Canada, the Quebec's Ministère de la Culture et des Communications, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, and the Huron-Wendat Nation, and implement a chance-find procedure that must be implemented in the event of a chance discovery during construction, of any structure, site or thing of historical, archaeological, paleontological or architectural significance previously unidentified by the Proponent or reported to the Proponent by a First Nation or other party. As part of the chance-find procedure, the Proponent shall:
  - 10.8.1 immediately halt work at the location of the discovery;
  - 10.8.2 delineate an area of at least 30 metres around the discovery as a no-work zone. The no-work requirement shall not apply to actions required to be undertaken to protect the integrity of the discovery;
  - 10.8.3 give a qualified person, who is an archaeologist, the responsibility for conducting an assessment at the location of the discovery in accordance with Quebec's *Cultural Heritage Act*;
  - 10.8.4 inform the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation within 24 hours of the discovery and allow the First Nations to monitor the archaeological works; and
  - 10.8.5 consult Parks Canada, the Quebec's Ministère de la Culture et des Communications, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak and the Huron-Wendat Nation on all applicable legislative or legal requirements and associated regulations and protocols with respect to the discovery, recording, transferring and safekeeping of structures, sites or things of historical, archaeological, paleontological or architectural significance, and comply with them.
- 10.9 The Proponent shall assign the responsibility of monitoring all excavation activities undertaken by the Proponent in the terrestrial environment during construction to a qualified person who is a professional archaeologist. If any structure, site or thing of historical, archaeological, paleontological or architectural significance is discovered during

the excavation, the Proponent shall implement the chance-find procedure referred to in condition 10.8.

10.10 The Proponent shall develop, prior to construction, and implement a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of changes to the environment on physical heritage caused by the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:

- 10.10.1 monitor the growth, composition and abundance of the vegetation on the vegetated ~~slope~~ berm developed pursuant to condition 10.2. The Proponent shall carry out this monitoring on at least a monthly basis during the first year after the development of the ~~slope~~ berm, at least every two months during the second year after the development of the ~~slope~~ berm and on a semi-annual basis at a minimum during the third, fourth and fifth years after the development of the ~~slope~~ berm; and
- 10.10.2 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 10.10.1 demonstrate that modified or additional mitigation measures are required to mitigate the adverse environmental effects of changes to the environment on physical heritage caused by the Designated Project.

## **11 Accidents and malfunctions**

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

measures to protect sensitive habitats (including aquatic grass beds, wetlands and the habitat of the western chorus frog (*Pseudacris triseriata*)) in the case of a spill of any deleterious substance (including hydrocarbons); and

- 11.3.3 for each type of accident and malfunction referred to in condition 11.3.1, the roles and responsibilities (including in terms of measures to be implemented and equipment to be mobilized) of each relevant authority concerned participating in the response in case of accident or malfunction.
- 11.4 The Proponent shall maintain up-to-date the accident and malfunction response plan referred to in condition 11.3 during all phases of the Designated Project. The Proponent shall submit any updated accident and malfunction response plan to the Agency, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and the relevant authorities involved in its implementation within 30 days of the plan being updated.
- 11.5 In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or a malfunction referred to in condition 11.3.1, the Proponent shall immediately implement the measures appropriate to respond to the accident or malfunction, including any measure referred to in condition 11.3.2, and shall:
  - 11.5.1 implement the communications plan referred to in condition 11.6 as it relates to accidents and malfunctions;
  - 11.5.2 notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable regulatory and legislative requirements;
  - 11.5.3 notify, as soon as possible and pursuant to the communications plan referred to in condition 11.6, the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and the parties potentially affected of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation, potentially affected parties and the Agency, the Proponent shall specify:
    - 11.5.3.1 the date and time when and location where the accident or malfunction occurred;
    - 11.5.3.2 a summary description of the accident or malfunction; and
    - 11.5.3.3 a list of any substance potentially released into the environment as a result of the accident or malfunction.
  - 11.5.4 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:
    - 11.5.4.1 a detailed description of the accident or malfunction and of its adverse environmental effects;

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

and potentially affected parties to which the Proponent shall provide notification.

## **12 Schedules**

- 12.1 The Proponent shall submit to the Agency a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfil each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 12.2 The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.
- 12.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 12.1 and 12.2 every year no later than March 31.
- 12.4 The Proponent shall provide the Mohawks of Kahnawà:ke First Nation, the Indigenous Community of Odanak and Wôlinak, the Huron-Wendat Nation and potentially affected parties with the schedules referred to in conditions 12.1 and 12.2 and any update to the initial schedule made pursuant to condition 12.3 at the same time the Proponent provides these documents to the Agency.

## **13 Record keeping**

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

### **Issuance**

This Decision Statement is issued in Ottawa, Ontario, by:

< Original signed by >

\_\_\_\_\_  
**The Honourable Jonathan Wilkinson**  
Minister of the Environment

March 1, 2021  
Date \_\_\_\_\_

### **Amendment**

This Decision Statement is amended in Ottawa, Ontario by:

< Original signed by >

\_\_\_\_\_  
**The Honourable Julie Dabrusin**  
Minister of the Environment

November 27, 2025  
Date \_\_\_\_\_

### **Description of the Designated Project**

The Designated Project involves the planning, construction, and operation of a container port terminal by the Montreal Port Authority, located in Contrecoeur, approximately 40 kilometers downstream from Montreal, Quebec. The Designated Project includes the construction of a wharf designed to accommodate vessels of up to 75,400 deadweight tonnes, as well as the development of a container storage yard, intermodal rail facilities, a rail marshalling yard, support buildings, rail and road access infrastructure, and truck control facilities. The port terminal is designed to handle up to 1.15 million containers per year.

The Designated Project Area covers approximately 285 hectares. It includes both marine and land areas, as shown in Figure 1. The Designated Project includes the following physical activities and components.

### **Physical Activities**

#### **Construction**

Construction would require the following physical activities:

- site preparation, including clearing, excavation, earthworks, grading and the installation of temporary facilities;
- in-water works, including dredging, as well as the construction of the wharf and associated marine structures;
- construction of land-based port, intermodal, rail, and road infrastructure; and
- construction of buildings, equipment, and other support infrastructure.

#### **Operation**

Operation would require the following physical activities:

- berthing and unberthing of vessels;
- receiving, handling, storing, and shipping of goods associated with the operation of the port terminal;
- operation of intermodal and rail facilities;
- circulation and management of trucks and trains associated with terminal activities;
- management of port facility water, including runoff and sanitary wastewater;
- management of waste snow, abrasives, residual materials, and hazardous materials;
- periodic maintenance dredging of marine facilities; and
- maintenance of infrastructure and equipment.

### **Components**

#### **Marine Area**

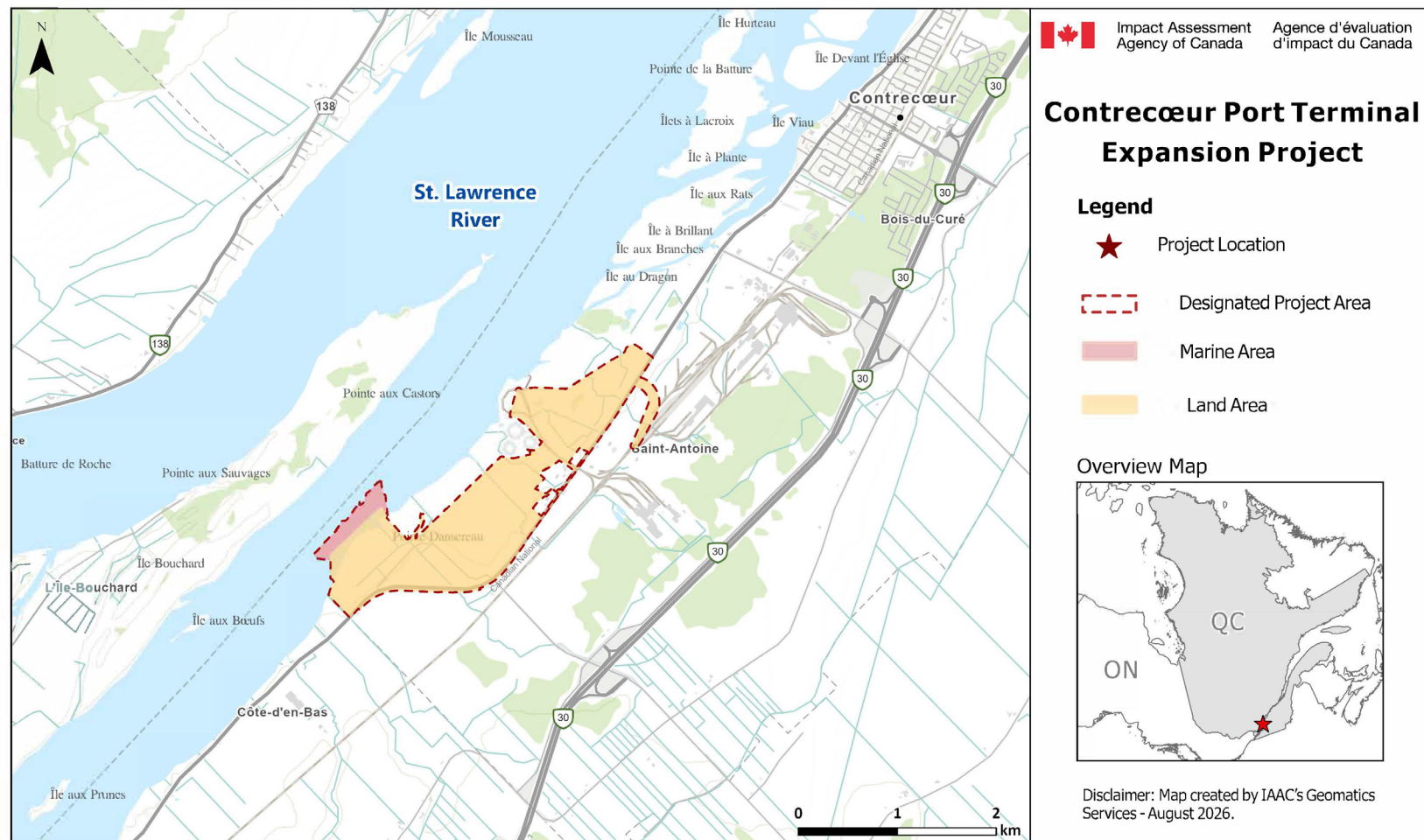
The Marine Area shown in Figure 1 includes the following components:

- the wharf (approximately 675 metres) with two berths for accommodating vessels and port operations;
- the approach and berthing area created by dredging; and
- associated marine structures, including berthing and protective structures.

### **Land Area**

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

- transshipment and handling equipment;
- container storage yard;
- intermodal facilities;
- rail marshalling yard;
- truck control facilities;
- road and rail infrastructure;
- buildings, including offices and garages;
- temporary and permanent facilities for water management and the storage of dredged sediments;
- service infrastructure, including water supply, sanitary systems, power supply, and electrical connections for the wharf, drainage ditches, and permanent retention ponds; and
- support infrastructure, including parking areas and vegetated berms.



**Figure 1. Designated Project Area**