

**Decision Statement**  
**Issued under Section 65 of the *Impact Assessment Act***

To  
Cedar LNG Partners (GP) Ltd.  
c/o Craig Day, Project Director

Suite 1800, 1177 West Hastings Street  
Vancouver, British Columbia  
V6E 2K3

For the  
**Cedar LNG Project**

Cedar LNG Partners LP, by its general partner Cedar LNG Partners (GP) Ltd. (the Proponent) is proposing to construct and operate a floating liquefied natural gas (LNG) processing facility and marine export terminal near Kitimat, British Columbia. The Designated Project would process and liquefy natural gas to produce approximately three million tonnes of LNG per year and include storage capacity for up to 250,000 cubic metres of liquefied natural gas. The Designated Project is described in Schedule 1 of the Decision Statement.

**Conduct of the Impact Assessment**

The Impact Assessment Agency of Canada (the Agency) commenced an impact assessment of the Designated Project under the *Impact Assessment Act* on August 30, 2019. On January 24, 2020, the former Minister of Environment and Climate Change, under the authority of section 31 of the *Impact Assessment Act*, granted the substitution of the environmental assessment process set out in British Columbia's *Environmental Assessment Act* (2002) for the *Impact Assessment Act* process.

The British Columbia Environmental Assessment Office conducted an impact assessment of the Designated Project and submitted a report with respect to the impact assessment of the Designated Project (the Assessment Report) to me in my capacity as Minister of Environment and Climate Change on November 16, 2022.

**Determination in Relation to the Adverse Effects within Federal Jurisdiction and Adverse Direct or Incidental Effects of the Designated Project**

In accordance with paragraph 60(1)(a) of the *Impact Assessment Act*, after taking into account the Assessment Report, I have determined that the adverse effects within federal jurisdiction of the Designated Project that are indicated in the Assessment Report are, in light of the factors referred to in section 63 of the *Impact Assessment Act* and the extent to which those effects are significant, in the public interest. The reasons for my determination are included in Schedule 2 of the Decision Statement.

The carrying out of the Designated Project, in whole or in part, is not likely to result in adverse direct or incidental effects as defined under section 2 of the *Impact Assessment Act*.

In accordance with subsection 64(1) of the *Impact Assessment Act*, I have established the conditions set out in Schedule 3 of the Decision Statement in relation to the adverse effects within federal jurisdiction of the Designated Project, with which the Proponent must comply.

**Substantially Begin**

The Proponent is required to substantially begin to carry out the Designated Project within five years after the day of issuance of the Decision Statement, or within any extension of that period established in accordance with subsection 70(2) of the *Impact Assessment Act*. If the Proponent does not substantially begin to carry out the Designated Project by the end of that period, the Decision Statement will expire.

**Issuance**

This Decision Statement is issued in Ottawa, Ontario by:

<original signed by>  
\_\_\_\_\_

March 15 2023  
Date \_\_\_\_\_

**The Honourable Steven Guilbeault**  
Minister of the Environment

**Amendment**

This Decision Statement is issued in Ottawa, Ontario by:

  
\_\_\_\_\_

December 9, 2024  
Date \_\_\_\_\_

**The Honourable Steven Guilbeault**  
Minister of the Environment

Schedule 1 – Description of the Designated Project

Schedule 2 – Reasons for Determination

Schedule 3 – Conditions established under section 64 of the *Impact Assessment Act*

### Description of the Designated Project

The Designated Project is the construction, operation and decommissioning of a liquefied natural gas (LNG) export facility with a capacity to liquefy up to and including 400 million standard cubic feet per day, or 11.33 million cubic metres per day, of natural gas to produce LNG for export. The Designated Project is located within the District of Kitimat, British Columbia, approximately 10 kilometres southwest of the Kitimat town centre (Figure 1). The Designated Project consists of a floating LNG facility and marine terminal (and supporting infrastructure), a transmission line and marine shipping. The Designated Project will have a lifespan of up to 40 years.

The floating LNG facility and marine terminal (and supporting infrastructures) will be located within the Facility Area (Figure 2), which will be located within District Lot 99, a portion of the adjacent water lot (Lot A District Lot 5469) and an area of submerged Crown land. These areas will be up to 88 hectares. The transmission line will be located within the Transmission Line Corridor, running from BC Hydro's Minette Substation to the Facility Area (Figure 2). Shipping of LNG will occur between the marine terminal and the Triple Island Pilot Boarding Station (Figure 3).

The Designated Project will include the following Designated Project components and physical activities.

#### Construction

Construction will require the following temporary components within the Facility Area, Transmission Line Corridor or on private property:

- laydown areas and temporary workspace;
- borrow pits; and
- disposal areas for overburden, excess rock and topsoil.

Construction will require undertaking the following physical activities:

- site preparation and construction of the marine terminal and supporting infrastructure;
- connection, start-up and commissioning of the floating LNG facility (to be constructed outside Canada and subsequently transported to the Facility Area);
- site preparation, clearing of the right-of-way, installation of the transmission line and access roads; and
- shipping of construction materials, including the floating LNG facility.

Construction will also require the construction, refurbishment or use of warehouse and office buildings on private property within the District of Kitimat.

Construction will require a workforce, including contractors, of up to 500 persons at one time.

#### Operation

Operation will require the following components:

A **floating LNG facility** located within the Marine Terminal Area (Figure 2) and consisting of a permanently moored floating natural gas liquefaction facility and of the following sub-components:

- natural gas receiving and treatment units;

- natural gas liquefaction train(s) powered by electricity;
- air cooling systems;
- flare system;
- LNG storage tanks with a total storage capacity of up to 250,000 cubic metres;
- storage vessels for products including natural gas liquids removed from the inlet gas, refrigerants for the liquefaction trains, fuel for the backup generators, process waste streams for offsite disposal and other products to be used for operation and maintenance of the floating LNG facility;
- LNG offloading arms;
- LNG carrier berthing systems;
- marine water intakes for ballast water, fire water, desalinization and other ancillary purposes;
- wastewater treatment systems for stormwater and domestic wastewater;
- marine outfalls for discharge of effluents and stormwater;
- ancillary components supporting the liquefaction process (including a control room and staff facilities);
- emergency shutdown system;
- emergency backup power generation system;
- bilge system;
- ballast water system;
- cofferdam heating system;
- natural gas connection to onshore infrastructure;
- electrical transformers; and
- electrical utilities interface connection to onshore infrastructure.

A **marine terminal** located within the Marine Terminal Area (Figure 2) and consisting of all infrastructure required for mooring the floating LNG facility and Designated Project-related LNG carriers and of the following sub-components:

- a mooring system for connecting the floating LNG facility to shore; and
- connections to the land-based natural gas supply pipeline, power supply and other utilities.

The marine terminal may also include a small craft jetty for mooring tugs and other Designated Project-related small crafts (to be constructed).

**Supporting infrastructures** located within the Facility Area (Figure 2) and consisting of the following sub-components:

- support buildings, including warehouse(s), electrical substation, security building and flammable liquids storage shelter;
- access roads to provide access to Designated Project components and sub-components;
- parking areas adjacent to the main buildings and in the vicinity of the marine terminal;
- onsite utilities including power distribution lines between the substation and onsite facilities, stormwater conveyance systems, water storage tanks, wastewater storage tanks and an interconnection to the natural gas supply pipeline; and

- fencing for safety and security.

A **transmission line**, running between BC Hydro's Minette Substation and the substation within the Facility Area (Figure 2), that will supply electricity to the Designated Project (from the start of operation). The transmission line will be up to 8.5 kilometers long and up to 287 kilovolt. The transmission line right-of-way will be up to 45 metres wide, except in the case of danger tree removal, and will be located within the Transmission Line Corridor (within one of the two options for the northern end of the transmission line) (Figure 2). Roads to provide access from Alcan Way, the Bish Creek Forest Service Road and private roads to and along the Transmission Line Corridor will be required.

Operation will require undertaking the following physical activities:

- receipt of natural gas from the feed gas pipeline;
- treatment and dehydration of the inlet natural gas;
- incineration of acid gas (carbon dioxide and hydrogen sulphide) that is removed from the gas;
- storage of natural gas liquids removed from the gas;
- combustion of the natural gas liquids for process heat;
- liquefaction of natural gas and storage of the LNG;
- berthing and loading of up to 50 LNG carriers per year with tug assistance;
- water collection, treatment and use;
- wastewater, stormwater and process water treatment and disposal;
- waste disposal and recycling;
- transportation of products required for operation and maintenance;
- vegetation maintenance along the transmission line, access roads and in the Facility Area;
- maintenance of the Designated Project components; and
- transport of LNG by LNG carriers, accompanied by one or more escort tugs, within the Marine Shipping Route (Figure 3) between the floating LNG facility and the pilot boarding station near Triple Islands (54°19.00' N, 130° 53.10' W), unless a deviation is required for safety or operational requirements, as determined by the LNG carrier captain or pilot.

Operation will require a workforce of up to 100 persons for the floating LNG facility, with an additional up to 100 maintenance contractors that may be present on a temporary basis.

### **Decommissioning**

Decommissioning may require undertaking the following physical activities:

- removal of the floating LNG facility;
- removal of infrastructure and facilities, where they will not serve a future use;
- restoration activities; and
- shipping of materials, for either re-use elsewhere or scrapping or recycling at a dedicated facility, including the FLNG facility.

Decommissioning may require a workforce, including contractors, of up to 150 persons at one time.

Figure 1 Designated Project Overview Map



Figure 2 Facility Area, Marine Terminal Area and Transmission Line Corridor

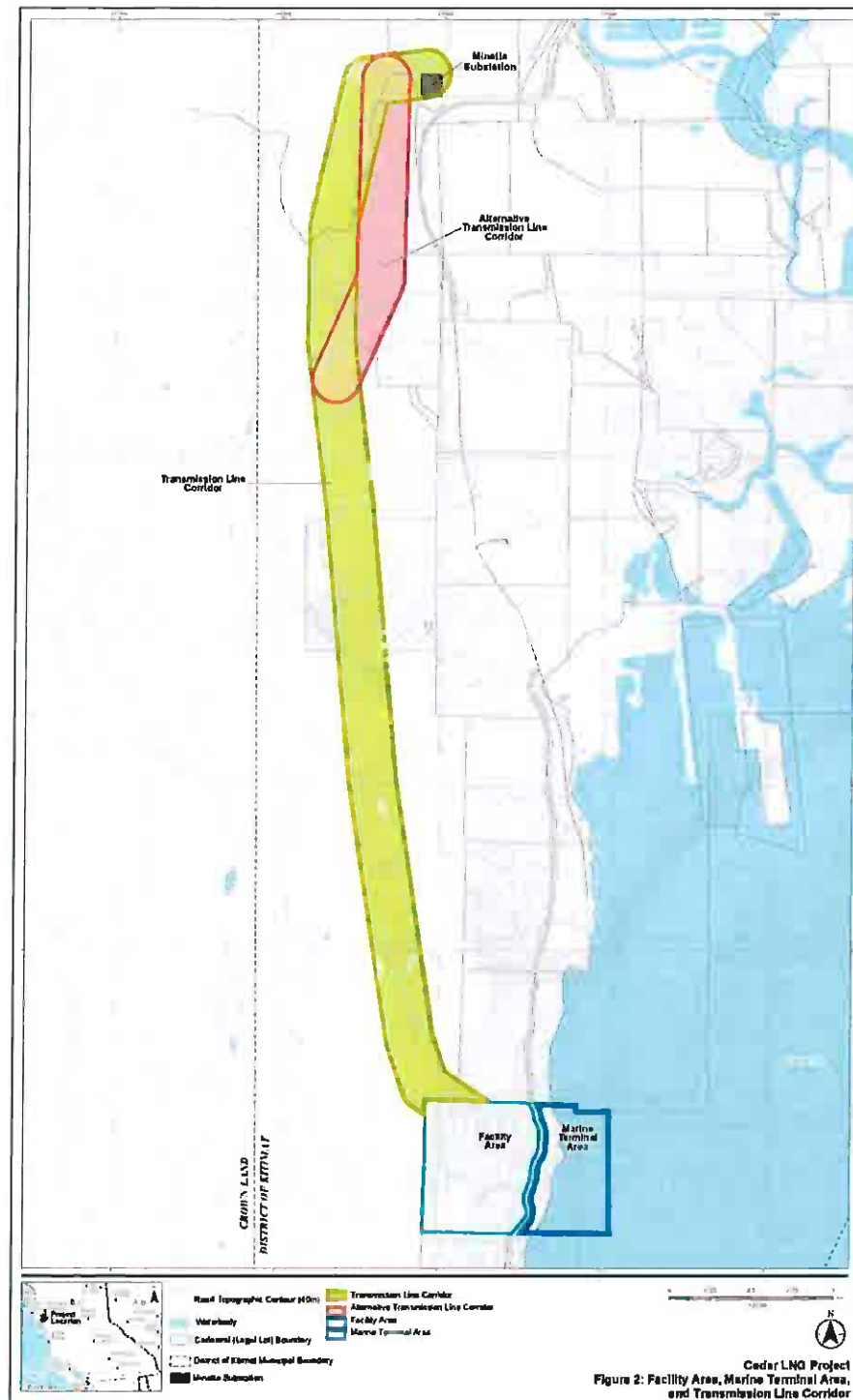




Figure 3 Marine Shipping Route





### Reasons for Determination

I determined, pursuant to paragraph 60(1)(a) of the *Impact Assessment Act*, in my role as Minister of the Environment, that the adverse effects of the Designated Project within federal jurisdiction indicated in the Assessment Report, in light of the factors referred to in section 63 of the *Impact Assessment Act*, and the extent to which those effects are significant, are in the public interest. These are the reasons for my decision.

#### 1. SCOPE AND NATURE OF DECISION

A federal impact assessment is required for Cedar LNG, the Designated Project, pursuant to the *Impact Assessment Act* as it includes activities described in the *Physical Activities Regulations*. The impact assessment process was substituted to British Columbia (B.C.), meaning that B.C. carried out the impact assessment of the Designated Project under the provincial *Environmental Assessment Act*, on behalf of the Impact Assessment Agency of Canada (the Agency). At the conclusion of the substituted assessment, B.C. submitted their findings in their Assessment Report to inform my decision under the *Impact Assessment Act*.

My determination under paragraph 60(1)(a) of the *Impact Assessment Act* in respect of a Designated Project requires consideration of the Assessment Report. It also requires consideration of whether the adverse effects within federal jurisdiction – and the adverse direct or incidental effects – indicated in the Assessment Report are in the public interest in light of factors set out in section 63 of the *Impact Assessment Act* and the extent to which those effects are significant. The factors are:

- the extent to which the Designated Project contributes to sustainability;
- the extent of significance of those adverse effects;
- mitigation measures that I consider to be appropriate;
- impacts on Indigenous groups and their rights recognized and affirmed by section 35 of the *Constitution Act, 1982* (rights of Indigenous peoples); and
- the extent to which the effects of the Designated Project hinder or contribute to Canada's ability to meet its environmental obligations and its commitments in respect of climate change.

The substituted assessment process included opportunities for meaningful participation of the public. The Assessment Report describes how public input was considered, including in key areas such as greenhouse gas emissions, climate change, and accidents and safety including in the marine environment.

In addition to the Assessment Report, I also considered the Crown's consultation with Indigenous groups on federal conditions, in making this determination.

#### 2. CONSIDERATIONS

##### 2.1. Adverse Effects within Federal Jurisdiction

The Assessment Report describes the effects and impacts of the Designated Project and I note that the Assessment Report indicates that the Designated Project is not expected to result in adverse direct or incidental effects, as defined in the *Impact Assessment Act*. I understand that the following key adverse effects within federal jurisdiction are likely to occur if the Designated Project proceeds:

- Effects on fish and fish habitat and aquatic species would be caused by in-water construction activities and effluent discharges, and direct and cumulative effects of marine vessel activity. These include effects on marine species listed under the *Species at Risk Act*, including the North Pacific humpback whale. Marine shipping activities associated with the Designated Project overlap with the Gil Island critical habitat for the North Pacific humpback whale.
- Effects on migratory birds, including behaviour changes and increased injury and mortality risk, would be caused by marine vessel traffic activity (direct and cumulative), project lighting, site preparation activities, and wildlife vehicle (including marine vessel) collisions. I note that the Designated Project occurs in the critical habitat of marbled murrelet, a migratory bird and threatened species under the *Species at Risk Act*.
- Effects on the transboundary environment, namely the contribution of greenhouse gas (GHG) emissions to climate change outside of B.C. and outside of Canada. I acknowledge that project GHG emissions would be generated predominantly during operation in the process of liquefying the natural gas. The operation of marine vessels and the acquisition of electricity to power the site would also contribute to the Designated Project's net GHG emissions. Annual net GHG emissions during project operation are estimated at 251 kilotonnes of carbon dioxide equivalents, and the GHG emissions intensity is estimated at 0.08 tonnes of carbon dioxide equivalents per tonne of liquefied natural gas (LNG) produced. Annual upstream emissions associated with the Designated Project during operation are estimated to be 959-975 kilotonnes of carbon dioxide equivalents.
- Effects on federal lands from facility operation and shipping activities would occur on Indian Reserves subject to the *Indian Act* located near the Designated Project. The effects include increased noise levels affecting human health and adverse effects on air quality, thereby impacting Indigenous peoples living in these communities.
- Effects on Indigenous peoples including physical and cultural heritage of Indigenous peoples; current use of lands and resources for traditional purposes by Indigenous peoples; structure, site or thing that is of historical, archeological, paleontological or architectural significance; and change occurring in Canada to the health, social or economic conditions. These effects are predicted to occur from construction, facility operation and shipping activities.
  - Adverse effects on current use of lands and resources include effects on fishing and marine harvesting as well as on traditional hunting, trapping and traditional use plant gathering. In particular, those effects would occur on aspects of the practice of traditional activities in the preferred locations and ways of Indigenous peoples including: access, resource quantity and quality, and the sensory environment (for example, noise, ambient light and visual quality).
  - The Assessment Report considered the findings of the Final Report on Missing and Murdered Indigenous Women and Girls and the "Calls for Justice" in the context of how the

Designated Project may adversely affect the safety and security of Indigenous women, girls and gender-diverse people.

- The Assessment Report identified a culturally modified tree as a structure, site or thing that is of historical, archeological, paleontological or architectural significance.
- Indigenous peoples may experience a decline in health conditions and well-being from adverse effects on air quality and the loss of culture and identity as a result of increased marine vessel traffic, sensory disturbance, and changes related to consumption and harvesting.
- Indigenous peoples may also experience changes to social and economic conditions that may be perceived as positive or negative by Indigenous peoples, to their marine use (from direct and cumulative marine shipping activities) and from disturbance and nuisance on land and resource use.

## **2.2. Implementation of Mitigation Measures Considered Appropriate**

The Assessment Report identifies sixty-five measures to mitigate the adverse effects within federal jurisdiction, including impacts on Indigenous groups and the rights of Indigenous peoples.

Through subsequent consultation with Indigenous groups, the Agency also identified the need for a follow-up program during construction-related marine shipping and the first two years of operation to monitor adverse effects caused by marine vessels affiliated with the Designated Project on marine mammals' health and behaviour.

I consider these mitigation measures to be appropriate. The mitigation measures were informed by: Indigenous knowledge, scientific studies carried out by the Proponent, advice of federal experts, provincial regulators, local government, and public comments.

The mitigation measures include requirements to avoid or lessen, and to monitor, potential effects on wildlife species listed on Schedule 1 of the *Species at Risk Act* and associated critical habitat. The measures are consistent with applicable recovery strategies and action plans, including those for the marbled murrelet and North Pacific humpback whale and fulfill my obligations under section 79 of the *Species at Risk Act*.

The federal mitigation measures identified in the Assessment Report have been included as legally binding conditions in Schedule 3 of the Decision Statement.

## **2.3. Extent to which Adverse Effects of the Designated Project within Federal Jurisdiction Indicated in the Assessment Report are Significant**

The extent of significance of the adverse effects within federal jurisdiction, after appropriate mitigation measures are implemented, are predicted to range from negligible to low as follows:

- The extent of significance of residual and cumulative effects resulting from a change to the environment on fish and fish habitat and aquatic species, migratory birds, federal lands, physical and cultural heritage of Indigenous peoples, current use of lands and resources for traditional purposes by Indigenous peoples, and any change occurring in Canada to the health, social or economic conditions of the Indigenous peoples of Canada is predicted to be low.

- The extent of significance for transboundary effects from GHG emissions is predicted to be low.
- The extent of significance of residual and cumulative effects on any structure, site or thing that is of historical, archaeological, paleontological or architectural significance with respect to Indigenous peoples is predicted to be negligible.

#### **2.4. Impacts of the Designated Project on Indigenous Groups and the Adverse Impacts of the Designated Project on the Rights of the Indigenous Peoples of Canada**

The issuance of a decision statement under the *Impact Assessment Act* gives rise to the common law duty to consult and accommodate, where necessary, Indigenous peoples whose rights may be adversely affected. For this Designated Project, the Crown, through the Agency and relying on B.C.'s Environmental Assessment Office in the substituted assessment, carried out the consultation.

The Designated Project would be located primarily on Haisla Nation owned, fee-simple land within the Haisla Nation's traditional territory, and includes a marine shipping route that overlaps with the traditional territories of other Indigenous groups. As described in the Assessment Report, nine Indigenous groups that may be affected by the Designated Project were consulted during the assessment: Gitga'at First Nation, Gitxaala Nation, Haida Nation, Haisla Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw'alaams Band, Metlakatla First Nation and Métis Nation British Columbia.

As required by the *Impact Assessment Act*, the Assessment Report was informed by Indigenous knowledge, and included the information for the assessment of effects to valued components and impacts on Indigenous groups, including studies provided by Indigenous groups. These studies and other sources of Indigenous knowledge (for example, information received from Indigenous groups through the consultation process and their writing of draft Assessment Report sections) informed the assessment of most valued components, notably wildlife, marine resources and marine use. Indigenous knowledge informed scoping and baseline studies, characterization of residual effects and recommendations for mitigation, federal and provincial conditions (including management plans), and follow-up programs.

The *Impact Assessment Act* requires a consideration of the impacts, whether positive or negative, that the Designated Project may have on Indigenous groups, as well as the adverse impacts on the rights of Indigenous peoples. The Assessment Report predicts that the Designated Project would result in positive impacts on Indigenous groups, including changes to the economic conditions of Indigenous groups with improved training and education opportunities and financial support. Although there would be economic benefits from the Designated Project for Indigenous groups, those positive impacts may be limited to only some groups, or experienced disproportionately by males and non-Indigenous people. Negative changes on social and family cohesion, and the health and safety of Indigenous women and girls may be associated with an influx of a majority male workforce and changes in social structures.

The Assessment Report also indicates that the Designated Project would have adverse impacts on Indigenous groups. Adverse impacts are described above and include potential impacts on land and marine use (for example, fishing, harvesting and gathering) and physical and cultural heritage (for

example, loss of identity and culture) among others. Social and economic impacts would also be experienced by Indigenous groups through altered access to infrastructure, health and community services.

There is considerable overlap between impacts on rights of Indigenous peoples and effects on Indigenous groups such as use of lands and resources and health, social and economic conditions, as noted above. Adverse impacts that the Designated Project would have on the rights of Indigenous peoples include:

- harvesting;
- use and integrity of sacred and culturally important sites;
- Indigenous governance;
- Indigenous health and well-being;
- access and travel; and
- cultural identity.

As part of the substituted assessment process, Indigenous groups were invited by B.C. to provide their views on whether they consent to the Designated Project and many provided their views in the fall of 2022. Haisla Nation provided written consent for the Designated Project to proceed. In addition, Kitselas First Nation has provided written conditional consent for B.C.'s approval of the Designated Project. Lax Kw'alaams Band indicated that it was unable to consent to the Designated Project at the time. Haida Nation and Kitsumkalum First Nation indicated that they did not consent to the Designated Project. In light of the views expressed, the Agency carried out additional dialogue and consultation with Indigenous groups and identified further mitigation, which I have included in conditions established under section 64 of the *Impact Assessment Act* and included in Schedule 3 of the Decision Statement, to respond to issues raised on matters within federal jurisdiction. In early December 2022, Gitxaala Nation, Gitga'at First Nation and Kitsumkalum First Nation provided updated views. Gitxaala Nation indicated that it supports Haisla Nation pursuing economic development within its territory, which includes the Designated Project. Gitga'at First Nation and Kitsumkalum First Nation also support Haisla Nation pursuing economic development within its territory and do not object to B.C.'s approval of the Designated Project. Concerns of some of the Indigenous groups relate to broader effects outside of the Designated Project, such as from cumulative effects from marine shipping in their territories. Canada is committed to continuing the dialogue with Indigenous groups to better understand concerns and seek appropriate means for addressing them.

## **2.5. Extent to Which the Effects of the Designated Project Hinders or Contributes to Canada's Ability to Meet its Environmental Obligations and Its Commitments in Respect of Climate Change**

Canada can improve its environmental outcomes through tools such as its use of environmental obligations and commitments. My public interest determination considered Canada's environmental obligations and commitments in respect of climate change relevant to the effects of the Designated Project. Identification of relevant obligations and commitments took into consideration the social and

ecological contexts of the Designated Project; the potential GHG emissions and discharges from the Designated Project to marine waters; and valued components of the environment, such as species at risk, migratory birds and marine resources, including potential effects to these components. The Assessment Report considered:

- the nature and extent of the effects;
- indicators or mechanisms that were used to measure the extent of the effects, such as the requirements of the Strategic Assessment of Climate Change;
- mitigation measures to address the Designated Project's effects;
- links to other decision-making factors, such as the Designated Project's contributions to sustainability; and
- local and regional contexts, such as the protected status of the marine environment.

The Assessment Report considered all Indigenous knowledge provided in relation to these factors.

The Assessment Report also considered measures to mitigate the Designated Project's effects on biodiversity from changes to terrestrial and marine environments, as well as effects to species at risk. The Assessment Report concluded that the Designated Project would hinder Canada's ability to meet its environmental obligations to a negligible extent. Environmental obligations relevant to the Designated Project are the *Convention on Biological Diversity*, legislation that supports the implementation of Canada's biodiversity commitments under the *Species at Risk Act* and the *Canada Wildlife Act*, and the *Convention for the Protection of Migratory Birds in the United States and Canada* as implemented through the *Migratory Birds Convention Act, 1994*.

Taking into consideration the advice provided by Environment and Climate Change Canada in their GHG Analysis Report described in the Assessment Report, and the Agency's analysis of the information provided by the Proponent in response to the requirements of the Strategic Assessment of Climate Change, I am of the view that the Designated Project aligns with Canada's longer-term commitments in respect of climate change, including those outlined in the *Canadian Net Zero Emissions Accountability Act* with the implementation of the Proponent's net-zero plan by the year 2050 and a condition included in Schedule 3 of the Decision Statement that binds the Proponent to this commitment. The Proponent's net-zero plan was determined by Environment and Climate Change Canada to be credible, and it includes a commitment to continuously evaluate and implement Best Available Technologies and Best Environmental Practices. With respect to the assessment of the extent to which the Designated Project would hinder Canada's ability to meet its short-term commitments in respect of climate change, consideration was given to the Designated Project's net GHG emissions during operation in comparison to provincial and federal inventories and shorter-term emissions reduction targets, including those

within Canada's 2030 Emissions Reduction Plan. Based on the assessment of these emissions and the consideration of advice provided by Environment and Climate Change Canada noted above, I am of the view that the Designated Project would hinder Canada's ability to meet its shorter-term commitments in respect of climate change to a low extent.

## **2.6. Extent to which the Designated Project Contributes to Sustainability**

The analysis of a project's contribution to sustainability in the Assessment Report, helps to provide a holistic understanding of a project's positive and adverse effects, the interactions between these effects, and their long-term consequences. On balance, the Designated Project is expected to make a moderate contribution to sustainability, taking into account the key issues of importance to Indigenous groups and the following key considerations:

- Positive effects to current and future generations from increased economic opportunities would contribute to the health and well-being of communities, including financial autonomy of households, and improved infrastructure and services. However, these positive effects would be unevenly distributed, within Indigenous groups and between Indigenous and non-Indigenous populations in the region, such that wage employment may not automatically benefit Indigenous women, subgroups, recent immigrants and racialized communities.
- Positive effects by supporting self-governance and self-determination for Haisla Nation as the majority owner of Cedar LNG, advancing reconciliation with this Indigenous group.
- Positive effects by supporting the transition to more sustainable and desirable future energy options and would therefore serve the interests of future generations.
- Adverse effects to cultural and material connections to land and water for current and future generations of Indigenous peoples could pose risks to food security, the transfer of Indigenous knowledge and the mental health and well-being of Indigenous peoples.
- Adverse impacts on socio-economic conditions for Indigenous peoples and Indigenous governance could occur through loss or alteration of preferred harvesting methods, and locations or opportunities. Further, there may be adverse impacts on Indigenous peoples due to the alteration or reduction of subsistence-based livelihoods and trade networks.
- Adverse changes to social and family cohesion, and the health and safety of Indigenous women, girls, gender-diverse peoples and subgroups may be associated with an influx of a majority male workforce and changes in social structures.

## **2.7. Additional Considerations from the Assessment Report**



Accidents and malfunctions were assessed in the Assessment Report and associated effects on valued components determined to be unlikely. Accidents and malfunctions related to marine shipping were a key issue raised by Indigenous groups during the assessment, with a focus on vessel collisions, groundings and allisions. Measures to prevent or otherwise address these concerns, including federal legislation and non-regulatory initiatives, were identified in the Assessment Report and have been included as legally binding conditions in Schedule 3 of the Decision Statement.

The Assessment Report sets out a follow-up program to verify the accuracy of the assessment and determine the effectiveness of mitigation measures, which includes requirements in relation to key components of the environment. Aspects of the follow-up program related to effects in federal jurisdiction are included in the legally binding conditions included in Schedule 3 of the Decision Statement with which the Proponent will be required to comply.

During construction, the peak workforce is anticipated at about 500 full-time equivalent workers, in Canada, federal tax contributions of about \$4.6 million, and \$257 million in GDP contributions, will be generated over a four-year period. During project operation, approximately 100 full-time equivalent workers will form the workforce, annual GDP contributions of \$22 million and annual federal tax contributions are estimated at \$2.4 million.

### **3. REASONS FOR DETERMINATION**

In making my public Interest determination for the Designated Project, I am satisfied that the adverse effects within federal jurisdiction that are indicated in the Assessment Report, including those effects on Indigenous groups, and impacts on the rights of Indigenous peoples have been considered in the assessment. I also considered the sixty-five measures proposed in the Assessment Report and one additional mitigation measure identified by the Agency, to mitigate the adverse effects within federal jurisdiction to be appropriate.

Federal mitigation measures and a follow-up program have been included as legally binding conditions in Schedule 3 of the Decision Statement. With the implementation of the required mitigation measures, the extent of significance of adverse effects of the Designated Project within federal jurisdiction is predicted to be negligible to low.

The Assessment Report documents project effects and details measures to mitigate the Designated Project's adverse effects on biodiversity from changes to terrestrial and marine environments, as well as effects on species at risk. I note that Canada's environmental obligations relevant to the Designated Project include the Convention on Biological Diversity, legislation that supports the implementation of Canada's biodiversity commitments under the *Species at Risk Act* and the *Canada Wildlife Act*, and the Convention for the Protection of Migratory Birds in the United States and Canada as implemented through the *Migratory Birds Convention Act, 1994*. With the implementation of required mitigation, the Designated Project would hinder Canada's ability to meet its environmental obligations to a negligible extent.

The analysis of the effects and impacts of the Designated Project on Indigenous groups and the rights of Indigenous peoples presented in the Assessment Report was informed by the active participation of Indigenous groups.

I note that the Designated Project has been proposed by a Haisla Nation-led partnership with Pembina Pipeline Corporation and would be located primarily on traditional Haisla Nation territory. The Designated Project would allow Haisla Nation to lead development on its own lands, supporting self-governance and self-determination. In addition, the Designated Project would provide jobs to Haisla Nation members, members of other local Indigenous groups, and the local community. I recognize that Haisla Nation has indicated that if the Designated Project proceeds, their community expects to benefit from additional economic development and opportunities for self-governance representing progress towards economic reconciliation for their Nation.

I understand that the Designated Project would benefit some Indigenous groups in some manner and yet be harmful in other ways to the same, or other Indigenous communities. My public interest determination takes into account that negative effects and impacts of the Designated Project on Indigenous peoples and their rights can be addressed through the legally binding conditions included in Schedule 3 of the Decision Statement. The Assessment Report describes the ongoing concerns of Indigenous groups about marine shipping activities in the north coast of B.C. including the cumulative effects of marine shipping and potential for shipping accidents and malfunctions. I considered that there is existing federal legislation and non-regulatory initiatives to address safety in marine transportation and to protect the marine environment from impacts of marine shipping. The Government of Canada also continues to invest in regulatory tools and non-regulatory initiatives for safer marine traffic, stronger incident prevention and response, better protected coastal ecosystems and stronger partnerships with Indigenous and coastal communities. I am satisfied that the federal duty to consult Indigenous peoples has been met and potential impacts of the Designated Project on Aboriginal or Treaty rights have been accommodated.

Canada is committed to playing its part in the world to combat climate change. It has put in place requirements for the Strategic Assessment of Climate Change for all impact assessments under the *Impact Assessment Act* to ensure a robust and consistent approach to assessing the potential climate change impacts of proposed projects.

The Assessment Report compares predicted greenhouse gas emissions from the Designated Project to provincial and federal inventories and emissions reduction targets, including those within Canada's 2030 Emissions Reduction Plan. It predicts that the Designated Project would hinder Canada's ability to meet its shorter-term commitments in respect of climate change to a low extent. Regarding the comparison to longer-term commitments in respect of climate change, legally binding conditions included in Schedule 3 the Decision Statement will require the Proponent to achieve net-zero GHG emissions by 2050. The Proponent will also be required to develop a plan, demonstrating how the Designated Project will reduce greenhouse gas emissions to zero by the year 2050, in line with the *Canadian Net Zero Emissions Accountability Act*. In doing so, the Designated Project would align with Canada's longer-term commitments in respect of climate change. In addition, I note that the Designated Project would be

among the lowest-emitting LNG production facilities in the world based on its greenhouse gas emissions intensity, due largely to its reliance on clean hydroelectricity for power. This aligns with Canada's expectations for best-in-class GHG emissions performance by oil and gas projects, which is the subject of guidance currently under development by Environment and Climate Change Canada. Notably, the Designated Project has the potential to reduce greenhouse gas emissions globally based on the assumption that the LNG displaces coal in electricity generation at its endpoint.

In making the public interest determination, I also considered the extent to which the Designated Project would contribute to sustainability. I took into account how the Designated Project may affect the ability of communities today, and in the future, to provide for their health, social, economic and cultural well-being, and the extent to which ecosystem integrity would be maintained if the Designated Project were to proceed. The Assessment Report indicates that moderate contributions to sustainability are expected for present and future generations, taking into account measures to increase positive effects and to mitigate adverse effects. The Designated Project will ensure continuous progress towards sustainability through its follow-up and monitoring programs.

#### **4. PUBLIC INTEREST DETERMINATION**

I have determined that the Designated Project is in the public interest based on the factors laid out in section 63 of the *Impact Assessment Act*. The Designated Project will have:

- Low to negligible adverse effects within areas of federal jurisdiction, including GHGs;
- Appropriate mitigation measures in place to address adverse effects within federal jurisdiction;
- Alignment with Canada's longer term Climate Change Commitments (Net Zero by 2050), positive contributions to sustainability; and
- Provides an opportunity to advance reconciliation with Haisla Nation.

I note the following mitigation measures are of particular importance to my public interest determination:

- achievement of net-zero GHG emissions by the year 2050, including the development and implementation of a credible Net-Zero Plan to demonstrate how GHG emissions will be reduced between the start of operation and 2050, with focus on the implementation of Best Available Technology and Best Environmental Practices;
- development and implementation of a Marine Transportation Management Plan, including establishment of communication protocols with Indigenous groups, mitigating effects to Indigenous marine use, reducing adverse effects to marine mammals and fish from underwater noise; reducing

vessel strikes on marine species and wildlife; reducing wake effects on Indigenous harvesting practices and impacts on heritage sites, and improving navigation practices to reduce the potential for accidents;

- development and implementation of a follow-up program during construction-related marine shipping and the beginning of operation to monitor adverse effects caused by marine vessels affiliated with the Designated Project on marine mammal's health and behaviour, identified through consultation conducted with Indigenous groups by the Agency; and
- development and implementation of workplace violence, harassment, bullying and discrimination processes that: contain gender specific policies and processes which promote a safe, respectful and inclusive environment for all employees, including women, gender and sexual minorities; and includes consideration of the "Calls for Justice" (13.1-13.5) addressed to the extractive and development industries within the Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls.

I am of the opinion that the adverse effects of the Designated Project within federal jurisdiction indicated in the Assessment Report are in the public interest. After considering the Assessment Report, my reasons for this determination include the considerations described in this document. I believe the Designated Project will advance reconciliation with Haisla Nation, contribute to sustainability, align with Canada's longer-term commitments in respect of climate change and have negligible to low extent of significance of adverse effects within federal jurisdiction.

**Conditions Established under Section 64 of the *Impact Assessment Act*****1. Definitions**

- 1.1. *Agency* means the Impact Assessment Agency of Canada.
- 1.2. *Application* means the February 4, 2022 Environmental Assessment Certificate Application submitted to the British Columbia Environmental Assessment Office entitled *Cedar LNG Project Environmental Assessment Certificate Application (Revision)*, and any supplementary information filed by the Proponent for the purposes of completing the assessment.
- 1.3. *Assessment Report* means the report prepared by the British Columbia Environmental Assessment Office pursuant to subsection 33(1) of the *Impact Assessment Act*.
- 1.4. *Baseline* means the environmental, health, social and economic conditions prior to initiating construction of the Designated Project.
- 1.5. *Construction* means the phase of the Designated Project during which the Proponent undertakes the site preparation, building or installation of any components of the Designated Project, including periods during which these activities may temporarily cease.
- 1.6. *Construction-related shipping* means marine transport of construction materials to the Facility Area (Figure 2 of Schedule 1 of the Decision Statement).
- 1.7. *Crown land* means "Crown land" as defined in section 1 of the British Columbia's *Land Act*.
- 1.8. *Days* means calendar days.
- 1.9. *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases liquefaction, storage and loading of LNG and removes from service any component of the Designated Project not intended for future use, and that continues until the Proponent completes all reclamation of the site of the Designated Project required in accordance with lease agreement(s).
- 1.10. *Designated Project* means the Cedar LNG Project described in Schedule 1 of the Decision Statement.
- 1.11. *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.12. *Federal effects* means, in this Decision Statement, "effects within federal jurisdiction" and "direct or incidental effects" as defined in section 2 of the *Impact Assessment Act*.
- 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 section 2 of the *Impact Assessment Act*.
- 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. *Impact assessment* means “impact assessment” as defined in section 2 of the *Impact Assessment Act*.
- 1.20. *Indigenous groups* means the following Indigenous peoples: Council of the Haida Nation, Gitga’at First Nation, Gitxaana Nation, Haisla Nation, Kitselas First Nation, Kitsumkalum First Nation, Lax Kw’alaam Band, Métis Nation British Columbia and Metlakatla First Nation.
- 1.21. *Indigenous peoples* means “Indigenous peoples of Canada” as defined in section 2 of the *Impact Assessment Act*.
- 1.22. *Listed species at risk* means a species that is listed on the List of Wildlife Species at Risk set out in Schedule 1 of the *Species at Risk Act*.
- 1.23. *LNG* means liquefied natural gas.
- 1.24. *Local* means within the local assessment area for infrastructures and services shown on Figure 7.11.2 of the Application.
- 1.25. *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.26. *Mitigation measures* means “mitigation measures” as defined in section 2 of the *Impact Assessment Act*.
- 1.27. *Monitoring* means collecting, analyzing, and using information to measure the adverse federal effects of the Designated Project and/or to verify the accuracy of the impact assessment and/or to determine the effectiveness of any mitigation measure.
- 1.28. *Operation* means the phase of the Designated Project during which liquefaction, storage, loading and marine shipping of LNG take place, including periods during which such activities may temporarily cease, and that continues until decommissioning begins.
- 1.29. *Participate* means to directly or indirectly assist or support initiatives through the provision of resources, including knowledge, time, data, access and other means that are economically and technically feasible and within the care and control of the Proponent.

- 1.30. *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 feasible.
- 1.31. *Proponent* means Cedar LNG Partners LP, by its general partner Cedar LNG Partners (GP) Ltd. and its successors or assigns.
- 1.32. *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.
- 1.33. *Qualified Professional* means a person who has training, experience and expertise in a discipline relevant to the field of practice set out in the condition, and who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics and is subject to disciplinary action by that organization.
- 1.34. *Record* means "record" as defined in section 2 of the *Impact Assessment Act*.
- 1.35. *Relevant authority* means federal, provincial and/or municipal authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this Decision Statement.
- 1.36. *Reporting year* means January 1 to December 31 of the same calendar year.
- 1.37. *Structure, site or thing of historical, archeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous peoples.
- 1.38. *Substantially begin* means initiating the following components and activities required to carry out the Designated Project:
- 1.38.1. clearing of the right-of-way for the Transmission Line Corridor (Figure 2 of Schedule 1 of the Decision Statement);
  - 1.38.2. clearing and grading of the Facility Area (Figure 2 of Schedule 1 of the Decision Statement); and
  - 1.38.3. installation of on-site support building(s), marine terminal, or transmission tower foundations.
- 1.39. *Sustainability* means "sustainability" as defined in section 2 of the *Impact Assessment Act*.
- 1.40. *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.



- 1.41. *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 *Impact Assessment Act*. They do not relieve the Proponent from any obligation to comply with other legislative or other legal requirements of the federal, provincial, or local governments. Nothing in this Decision Statement shall be construed as affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements. In this Decision Statement, a reference to a statute will include every amendment to it, every regulation made under it, every amendment made to a regulation made under it and any law enacted in substitution for, or in replacement of, it.

### **2. General Conditions**

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

### **Consultation**

- 2.3. The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
- 2.3.1. provide a written notice of the opportunity for the parties being consulted to present their views and information on the subject matter of the consultation;
  - 2.3.2. provide all information available and relevant to the scope and the subject matter of the consultation and a reasonable period of time not less than 30 days, or as otherwise agreed upon with the parties being consulted, to prepare their views and information;
  - 2.3.3. undertake an impartial consideration of all views and information presented by the parties being consulted on the subject matter of the consultation; and
  - 2.3.4. advise as soon as feasible in writing the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent and provide a justification.

- 2.4. The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, communicate with each Indigenous group with respect to the manner to satisfy the consultation requirements referred to in condition 2.3, including:
- 2.4.1. methods of notification;
  - 2.4.2. the type of information and the period of time to be provided when seeking input;
  - 2.4.3. the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation; and
  - 2.4.4. the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.

***Follow-up Requirements***

- 2.5. The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement, determine, as part of the development of each follow-up program and in consultation with the parties being consulted during the development, the following information, unless already specified in the condition:
- 2.5.1. the expected describable or measurable outcomes of the Designated Project in terms of desired environmental, health, social and economic conditions that the follow-up program is designed to monitor and the targets that the Proponent shall use to assess the achievement of the expected outcomes;
  - 2.5.2. the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 2.5.3. the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;
  - 2.5.4. the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;
  - 2.5.5. the levels of environmental, health, social or economic changes relative to baseline that would require the Proponent to implement modified or additional mitigation measures, including instances where the Proponent may require Designated Project activities causing the change to be stopped; and
  - 2.5.6. the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of change referred to in condition 2.5.5 have been reached or exceeded in order to return changes to levels below those referred to in condition 2.5.5.
- 2.6. The Proponent shall update the information determined for each follow-up program pursuant to condition 2.5 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.5.4 and in consultation with the party or parties being consulted during the development of each follow-up program.
- 2.7. The Proponent shall provide the details of the follow-up programs referred to in conditions 3.10, 3.11, 3.15, 4.5, 7.7, 7.8, 8.2, 8.7, 8.12, 8.17, 10.9, 10.11 and 10.12, including the information determined for each follow-up program pursuant to condition 2.5, to the Agency and to the party

or parties being consulted during the development of each follow-up program prior to the implementation of each follow-up program. The Proponent shall also provide any update made pursuant to condition 2.6 to the Agency and to the parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.

- 2.8. The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
- 2.8.1. implement the follow-up program according to the information determined pursuant to condition 2.5;
  - 2.8.2. conduct monitoring and analysis to verify the accuracy of the impact assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;
  - 2.8.3. determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.8.2; and
  - 2.8.4. if modified or additional mitigation measure(s) are required pursuant to condition 2.8.3, develop and implement these mitigation measure(s) as soon as feasible and monitor them pursuant to condition 2.8.2. 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 2.7, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
  - 2.8.5. report all results of the follow-up program to the Agency no later than March 31 following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.5.3, to the parties being consulted during the development of the follow-up program. When reporting the results of the follow-up program, the Proponent shall provide the analysis undertaken by the Proponent to verify whether the impact assessment was accurate and determine whether the mitigation measures are effective based on the results obtained, and to evaluate if the Designated Project is achieving the expected outcomes referred to in condition 2.5.1, including a description of any factor that may have affected the achievement of the expected outcomes.
- 2.9. Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.8.

### ***Annual Reporting***

- 2.10. The Proponent shall prepare an annual report for each reporting year that sets out:
- 2.10.1. the activities undertaken by the Proponent to comply with each of the conditions set out in this Decision Statement;

- 2.10.2. how the Proponent complied with condition 2.1, including:
  - 2.10.2.1. how the Designated Project is contributing to sustainability, taking into account the Agency's *Guidance: Considering the Extent to which a Project Contributes to Sustainability*;
- 2.10.3. how the Proponent integrated Gender Based Analysis Plus into its actions in meeting the conditions set out in this Decision Statement and in carrying out the Designated Project, taking into account the Agency's *Guidance: Gender-based Analysis Plus in Impact Assessment*;
- 2.10.4. 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, including:
  - 2.10.4.1. for conditions set out in this Decision Statement for which consultation with Indigenous groups is a requirement for the development of a follow-up program, whether the Proponent has received any Indigenous knowledge as part of that consultation, and how the Proponent incorporated any such knowledge into the development of the follow-up program;
- 2.10.5. the information referred to in conditions 2.5 for each follow-up program and any update to that information made pursuant to condition 2.6;
- 2.10.6. the summary of available results of the follow-up program requirements identified in conditions 3.10, 3.11, 3.15, 4.5, 7.7, 7.8, 8.2, 8.7, 8.12, 8.17, 10.9, 10.11 and 10.12, including a summary of the analysis undertaken by the Proponent for each follow-up program to verify whether the impact assessment was accurate and determine whether the mitigation measures are effective based on the results obtained, and to evaluate if the Designated Project is achieving the expected outcomes referred to in condition 2.5.1, including a description of any factor that may have affected the achievement of the expected outcomes;
- 2.10.7. for any condition where implementation is stated to be dependent in whole or in part upon technical and/or economic feasibility, and the Proponent has determined it is not technically and/or economically feasible, a justification for that determination;
- 2.10.8. for any plan that is a requirement of a condition set out in this Decision Statement, any update(s) to the plan that have been made during the reporting year; and
- 2.10.9. any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.8.
- 2.11. The Proponent shall submit the annual report referred to in condition 2.10 to the Agency, including a plain language executive summary in both official languages, no later than March 31 following the reporting year to which the annual report applies.
- 2.12. The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.11 shall start on the day the Minister of the Environment issues the Decision Statement pursuant to subsection 65 (1) of the *Impact Assessment Act*.

***Information Sharing***

- 2.13. The Proponent shall publish on the Internet, or any medium which is publicly available, the annual reports and the executive summaries referred to in conditions 2.10 and 2.11, the Chance Find Procedure referred to in condition 6.1, the Marine Transportation Management Plan referred to in condition 7.2 (including any updated plan), the Training Plan referred to in condition 8.10, the Gender Equity and Diversity Plan referred to in condition 8.11, the Health and Medical Services Plan referred to in condition 8.16, the community feedback protocol referred to in condition 9.1 (including summary reports), the reports related to accidents and malfunctions referred to in conditions 12.7.4 and 12.7.5, the Accident and Malfunction Communication Plan referred to in condition 12.8, the schedules referred to in conditions 13.1 and 13.2, and any update or revision to the above documents, upon submission of these documents to the parties consulted for the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation, or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents 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 and Indigenous groups in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

***Change to the Designated Project***

- 2.16. If the Proponent is proposing to carry out the Designated Project in a manner other than described in Schedule 1 of the Decision Statement, the Proponent shall notify the Agency in writing in advance of carrying out the proposed activities. As part of the notification, the Proponent shall provide:
- 2.16.1. a description of the proposed change(s) to the Designated Project and the federal effects that may result from the proposed change(s);
  - 2.16.2. any modified or additional measure to mitigate any federal effect that may result from the proposed change(s) and any modified or additional follow-up requirement; and
  - 2.16.3. an explanation of how, taking into account any modified or additional mitigation measure referred to in condition 2.16.2, the federal effects that may result from the proposed change(s) may differ from the federal effects of the Designated Project identified during the impact assessment.
- 2.17. The Proponent shall provide to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 2.16, which may include the results of consultation with Indigenous groups and relevant authorities on the proposed change(s) and federal effects referred to in condition 2.16.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.16.2.

**3. Fish and Fish Habitat (Including Marine Mammals)**

- 3.1. The Proponent shall develop and implement erosion and sedimentation control measures during construction and decommissioning to prevent the release of sediments into the receiving environment. In doing so, the Proponent shall:
- 3.1.1. provide a description of all erosion and sedimentation control measures to the Agency prior to the start of the phase to which they pertain, including how the Proponent will take into account future climate change scenarios (including periods of high water and wind, elevated snow packs and heavy rainfalls and snowfalls) when implementing the measures; and
  - 3.1.2. maintain and regularly inspect all erosion and sediment control devices during the phase to which they pertain, including during and following rainfall events, and document and repair any defective or damaged device as soon as feasible.
- 3.2. The Proponent shall have a Qualified Professional design all crossings of fish-bearing watercourses required for the Designated Project in a manner that takes into account British Columbia's and Oceans Canada's *Fish-Stream Crossing Guidebook* and Fisheries and Ocean Canada's *Interim Code of Practice: Temporary Stream Crossings*. The Proponent shall implement the watercourse crossings as designed.
- 3.2.1. If Fisheries and Oceans Canada's *Interim Code of Practice: Temporary Stream Crossings* does not apply to any given watercourse crossing, the Proponent shall have the Qualified Professional design that watercourse crossing in compliance with the *Fisheries Act*.
- 3.3. The Proponent shall manage, during all phases of the Designated Project, stormwater runoff from the Designated Project so that discharges meet total suspended solids levels included in Fisheries and Oceans Canada's *Land Development Guidelines for the Protection of Aquatic Habitat*, and do not cause the receiving environment to exceed British Columbia's *Water Quality Guidelines for the Protection of Aquatic Life* for turbidity and total suspended solids levels for both short-term and long-term exposures.
- 3.4. The Proponent shall install any pile required in the intertidal zone for the floating LNG facility strut mooring system in a manner such that installation occurs in dry working conditions at all times.
- 3.5. If the Proponent opts to build a small craft jetty as part of the Designated Project, the Proponent shall manage underwater noise from the building of the jetty in a manner that avoids injury to or mortality of fish and marine mammals. In doing so, the Proponent shall:
- 3.5.1. conduct any in-water work only between September 1 to February 15 of any year during which in-water work required for the building of the jetty shall occur;
  - 3.5.2. use vibratory pile driving to install the piles required for the jetty, unless not technically feasible, as determined by a Qualified Professional;
  - 3.5.3. when conducting vibratory pile driving, maintain underwater peak sound pressure levels below 207 decibels at a reference pressure of one micropascal within 10 metres

of the pile at all times. The Proponent shall immediately halt vibratory pile driving if hydroacoustic monitoring conducted under the direction of a Qualified Professional indicates that noise levels exceed the threshold, and not resume without implementing sound attenuation measure(s) to reduce noise levels below the threshold;

3.5.4. If impact pile driving is required:

- 3.5.4.1. install sound attenuation measure(s), that shall be operational prior to and at all times during impact pile driving, to maintain underwater peak sound pressure levels below 207 decibels at a reference pressure of one micropascal within 10 metres of the pile. The Proponent shall immediately halt impact pile driving if hydroacoustic monitoring conducted under the direction of a Qualified Professional indicates that noise levels exceed the threshold, and not resume without implementing additional sound attenuation measure(s) to reduce noise levels below the threshold;
- 3.5.4.2. regularly inspect any sound attenuation measure installed in accordance with condition 3.5.4.1;
- 3.5.4.3. establish, prior to impact pile driving, an underwater noise exclusion zone for pinnipeds with a radius of at least 75 metres from the pile. The Proponent shall immediately halt impact pile driving if hydroacoustic monitoring conducted under the direction of a Qualified Professional indicates that the 190-decibel injury threshold for pinnipeds is exceeded at the 75-metre exclusion zone boundary, and not resume until the radius of the exclusion zone is increased to a new outer limit where hydroacoustic monitoring demonstrates that the injury threshold is not exceeded;
- 3.5.4.4. establish, prior to impact pile driving, an underwater noise exclusion zone for cetaceans with a radius of at least 1000 metres from the pile. The Proponent shall immediately halt impact pile driving if hydroacoustic monitoring conducted under the direction of a Qualified Professional indicates that a threshold of 160 decibels (root mean square) at a reference pressure of one micropascal is exceeded at the 1000-metre exclusion zone boundary, and not resume until the radius of the exclusion zone is increased to a new outer limit where hydroacoustic monitoring demonstrates that the 160-decibel threshold is not exceeded;
- 3.5.4.5. carry out impact pile driving only when environmental conditions enable effective visual monitoring of the marine mammal exclusion zones referred to in conditions 3.5.4.3 and 3.5.4.4;
- 3.5.4.6. employ marine mammal observers, who are Qualified Individuals with expertise pertaining to marine mammal observation, to monitor, starting at least 30 minutes prior to and during impact pile driving, for marine mammal(s) within their respective exclusion zone referred to in conditions 3.5.4.3 and 3.5.4.4. If marine mammal(s) are observed within their respective exclusion zone, the Proponent shall immediately halt impact pile driving until the individual(s) have left the exclusion zone, or have not been sighted for at least 30 minutes;
- 3.5.4.7. employ soft-start procedures, where impact energy is gradually increased, anytime impact pile driving is suspended for 30 minutes or more. The Proponent shall immediately halt the soft-start procedures if hydroacoustic monitoring conducted under the direction of a Qualified Professional



indicates that noise levels may exceed the threshold referred to in condition 3.5.4.1, and not resume without implementing additional sound attenuation measure(s) to reduce noise levels below the threshold; and

- 3.5.5. report any exceedance of the underwater noise thresholds referred to in conditions 3.5.3 and 3.5.4.1 to Fisheries and Oceans Canada within 24 hours of the exceedance being recorded by the Proponent.
- 3.6. The Proponent shall require operators of Designated Project-related LNG carriers to report to the Proponent contact(s) with marine mammal(s) along the Marine Shipping Route (Figure 3 of Schedule 1 of the Decision Statement) as soon as feasible after the operator completes the reporting of such contact(s) as required under the *Marine Mammal Regulations*.
  - 3.6.1. The Proponent shall provide Indigenous groups with the information on contact(s) with marine mammal(s) reported to the Proponent in accordance with condition 3.6, within 24 hours of receiving the information.
- 3.7. The Proponent shall develop and implement measures applicable to each phase of the Designated Project to mitigate adverse federal effects caused by lighting associated with the Designated Project by limiting light intrusion to the marine, aquatic and terrestrial habitats, while meeting safety, operational, or regulatory requirements. The Proponent shall provide these measures to the Agency prior to implementing them. As part of these measures, the Proponent shall:
  - 3.7.1. direct lights to areas where Designated Project activities are occurring, including through the use of down-shielded lighting fixtures to reduce the vertical or horizontal distribution of light; and
  - 3.7.2. implement adaptive lighting fixtures to limit the time and duration of lighting in areas and at times where lighting is not required on a permanent basis and that consider red-shifted lighting.
- 3.8. The Proponent shall design, install and operate any marine water intake required for the floating LNG facility in a manner that prevents entrainment and impingement of fish and that is consistent with the *Fisheries Act* and its regulations.
- 3.9. The Proponent shall utilize, during operation, an inert gas generation system for purging LNG tanks that does not require discharge of liquid effluent to the marine environment.
- 3.10. The Proponent shall develop, prior to operation and in consultation with Indigenous groups and relevant authorities, and implement a follow-up program with respect to adverse federal effects on fish and fish habitat from changes to marine water quality. The Proponent shall take into account British Columbia's *Marine Monitoring Guidance* when developing and implementing the follow-up program. As part of the development of the follow-up program, the Proponent shall identify the substances that will be monitored as part of the follow-up program, with a focus on potential contaminants of concern expected to be present in effluents from the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
  - 3.10.1. sample, prior to the start of operation, concentrations of metals, anions, nutrients and hydrocarbons identified during the development of the follow-up program, at both

ebbing tides and flooding tides and during summer and winter. The Proponent shall conduct each sampling at locations immediately adjacent to planned outfalls, mid-field locations, far-field locations and reference locations not expected to be impacted by the Designated Project, and at the following depths:

- 3.10.1.1. one metre below surface;
  - 3.10.1.2. approximately 12 metres below the surface; and
  - 3.10.1.3. one metre above bottom sediments;
- 3.10.2. undertake in situ depth profile measurements of temperature, dissolved oxygen, oxidation reduction potential, pH, specific conductivity and turbidity when conducting the sampling activities referred to in condition 3.10.1;
- 3.10.3. monitor, at least annually during the first five years of operation, water quality in a manner comparable to the sampling and measurement requirements set out in conditions 3.10.1 and 3.10.2, except for the sampling depth referred to in condition 3.10.1.2, which shall be mid-plume; and
- 3.10.4. develop and implement modified or additional mitigation measures if the results of the monitoring referred to in condition 3.10.3 demonstrate that modified or additional mitigation measures are required in accordance with condition 2.8 to mitigate adverse federal effects on fish and fish habitat from changes to marine water quality. The Proponent shall compare the results of the monitoring referred to in condition 3.10.3 with the information collected in accordance with conditions 3.10.1 and 3.10.2 and with the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* and the British Columbia's *Water Quality Guidelines and Working Sediment Quality Guidelines* to determine whether modified or additional mitigation measures are required.
- 3.11. If the Proponent opts to build a small craft jetty as part of the Designated Project, the Proponent shall develop, prior to construction of the jetty and in consultation with Indigenous groups and relevant authorities, and implement, during construction of the jetty, a follow-up program with respect to adverse federal effects on marine fish and marine mammals from underwater noise and suspended particulates caused by the building of the jetty.
- 3.12. The Proponent shall review, prior to the start of construction-related marine shipping and in consultation with Indigenous groups and relevant federal authorities, and update as necessary, the predictions of the Application with respect to underwater noise levels and injury/mortality risk for marine mammals along the Marine Shipping Route (Figure 3 of Schedule 1 of the Decision Statement). As part of the review, the Proponent shall consider any relevant information from regional initiatives and research programs in the Northern Shelf Bioregion and available to the Proponent at the time of the review.
- 3.13. The Proponent shall provide the results of the review referred to in condition 3.12 to the Agency, Indigenous groups and relevant federal authorities at least 60 days prior to the start of construction-related marine shipping, including:
- 3.13.1. a description of all information sources that the Proponent considered for the review;

- 3.13.2. a description of, and a rationale for, any updated prediction or, if the Proponent concludes that predictions do not require updates, a justification of that conclusion; and
  - 3.13.3. a description of any technically and economically feasible mitigation measure(s) under the care and control of the Proponent necessary to address any updated prediction.
- 3.14. The Proponent shall implement, in consultation with Indigenous groups and relevant federal authorities, the mitigation measure(s) identified in accordance with condition 3.13.3.
- 3.15. The Proponent shall develop, prior to the start of construction-related marine shipping and in consultation with Indigenous groups and relevant federal authorities, and implement, during construction-related marine shipping and during the first two years of operation, a follow-up program to verify the accuracy of the impact assessment with respect to underwater noise levels and injury/mortality risk for marine mammals along the Marine Shipping Route (Figure 3 of Schedule 1 of the Decision Statement), including the accuracy of any updated prediction made in accordance with condition 3.12. The Proponent shall develop and implement the follow-up program in accordance with conditions 2.5 to 2.9.
- 3.15.1. The Proponent shall conduct monitoring associated with the follow-up program over a period of up to three months during construction-related marine shipping and for nine return transits of Designated Project-related LNG carriers during operation.

#### **4. Migratory Birds**

- 4.1. The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids injuring, killing or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing their nests. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2. If the Proponent identifies nest(s) protected under the *Migratory Birds Convention Act, 1994* and its regulations and/or the *Species at Risk Act* that may be adversely affected by any Designated Project activity, the Proponent shall delineate, as determined by and under the direction of a Qualified Professional and in a manner described in condition 4.1, spatial restriction(s) around the nest(s) within which that activity shall not happen. The Proponent shall implement the spatial restriction(s) before and during the activity occurring.
- 4.3. The Proponent shall schedule vegetation clearing required for the Designated Project outside of the applicable regional nesting periods for the Designated Project. Where vegetation clearing is planned during the nesting periods, the Proponent shall use non-intrusive survey methods, prior to starting vegetation clearing and under the direction of a Qualified Professional and in a manner described in condition 4.1, to determine whether migratory birds are breeding in any of the areas to be cleared.
- 4.3.1. For any vegetation clearing planned during the nesting periods, the Proponent shall prohibit working within the spatial restriction(s) established around active migratory birds nest(s), unless the Proponent develop additional feature-specific mitigation measures (as determined by and under the direction of a Qualified Professional and in

a manner described in condition 4.1) and implement them before and during vegetation clearing. The Proponent shall provide any such measure to the Agency prior to implementing them.

- 4.4. The Proponent shall not undertake any vegetation clearing required for the Designated Project in any of the areas identified on Figure 13 of Appendix 7.5A of the Application as having moderate and high habitat suitability for marbled murrelet (*Brachyramphus marmoratus*) during the nesting period of any year during which vegetation clearing shall occur (April 1 to September 14). Where vegetation clearing is required in any of these areas during the nesting period, the Proponent shall:

- 4.4.1. undertake a ground-based survey, directed by a Qualified Professional, prior to undertaking vegetation clearing to verify if biophysical attributes that represent nesting critical habitat for marbled murrelet (*Brachyramphus marmoratus*) according to Environment and Climate Change Canada's *Recovery Strategy for the Marbled Murrelet (Brachyramphus marmoratus) in Canada [Proposed]*, are present in any of the areas to be cleared; and
- 4.4.2. if the survey referred to in condition 4.5.1 indicates that biophysical attributes that represent nesting critical habitat for marbled murrelet (*Brachyramphus marmoratus*) are present in a given area, undertake vegetation clearing in that area outside of the nesting period only.

- 4.5. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, Environment and Climate Change Canada and British Columbia Coast Pilots Limited, and implement, during all phases of the Designated Project, a follow-up program with respect to migratory birds and their habitat. As part of the follow-up program, the Proponent shall determine the effectiveness of the mitigation measures used to comply with conditions 4.1 to 4.3 during the phase of the Designated Project to which each mitigation measure pertains, including by:

- 4.5.1. monitor changes to the habitat for marbled murrelet (*Brachyramphus marmoratus*) in areas referred to in condition 4.4;
- 4.5.2. monitoring, during periods of inclement weather in the first two years of operation, for bird mortality or injury around the perimeter of Designated Project buildings and structures in the Facility Area (Figure 2 of Schedule 1 of the Decision Statement) during bird migration and breeding periods;
- 4.5.3. recording discovery of bird mortality or injury during routine inspections and maintenance activities in the Transmission Line Corridor (Figure 2 of Schedule 1 of the Decision Statement);
- 4.5.4. documenting information on bird strike(s) and/or strandings(s) occurring on Designated Project-related LNG carriers if the Proponent determines, in consultation with British Columbia Coast Pilots Limited during the development of the follow-up program, that such information is available to the Proponent; and
- 4.5.5. developing and implementing modified or additional mitigation measures if the results of the monitoring referred to in conditions 4.5.1 and 4.5.2 or information recorded in

accordance with condition 4.5.3 demonstrate that modified or additional mitigation measures are required to avoid harming migratory birds, their eggs and nests.

## 5. Greenhouse Gas Emissions

- 5.1. Commencing on January 1, 2050, the Proponent shall ensure that the marine shipping component of the Designated Project, including LNG carriers calling on the marine terminal and their associated tugs, does not emit greater than net 0 kilotonnes of carbon dioxide equivalents per year (kt CO<sub>2</sub> eq/year), as calculated in accordance with the Government of Canada's *Draft Technical Guide Related to the Strategic Assessment of Climate Change: Guidance on Quantification of Net GHG Emissions, Impact on Carbon Sinks, Mitigation Measures, Net-Zero Plan and Upstream GHG Assessment*. In doing so, the Proponent shall:
- 5.1.1. develop, prior to operation, and in consultation with Environment and Climate Change Canada, a greenhouse gas management plan for the marine shipping component of the Designated Project that aligns with the greenhouse gas management plan required by the British Columbia's Environmental Assessment Office's Certificate for the Designated Project. The Proponent shall provide the final Plan to the Agency, Environment and Climate Change Canada and Indigenous groups prior to operation;
    - 5.1.1.1. as part of the development of the Plan referred to in condition 5.1.1, the Proponent shall review, and update as necessary, the predicted greenhouse gas emissions for the marine shipping component of the Designated Project during operation presented in Table 39 of the Assessment Report; and
  - 5.1.2. review and update the Plan referred to in condition 5.1.1 in consultation with Environment and Climate Change Canada after the fifth year following the start of operation and thereafter according to a schedule determined at each review until the marine shipping component of the Designated Project achieves net-zero greenhouse gas emissions or until 2050, whichever comes first. If the Proponent updates the Plan, the Proponent shall provide an updated version to the Agency, Environment and Climate Change Canada and Indigenous groups within 30 days of the Plan being updated.
- 5.2. [Modified and moved to Condition 5.1.1, *Budget Implementation Act, 2024*]
- 5.2.1. [Modified and moved to Condition 5.1.1.1, *Budget Implementation Act, 2024*]
- 5.3. [Modified and moved to Condition 5.1.2, *Budget Implementation Act, 2024*]
- 5.4. [Moved to Condition 8.17, *Budget Implementation Act, 2024*]
- 5.5. [Moved to Condition 8.18, *Budget Implementation Act, 2024*]
- 5.5.1. [Moved to Condition 8.18.1, *Budget Implementation Act, 2024*]
- 5.6. [Removed, *Budget Implementation Act, 2024*]
- 5.7. [Removed, *Budget Implementation Act, 2024*]

5.7.1. [Removed, *Budget Implementation Act, 2024*]

5.7.2. [Removed, *Budget Implementation Act, 2024*]

**6. Physical and Cultural Heritage and Structures, Sites or Things of Historical, Archaeological, Paleontological or Architectural Significance**

6.1. The Proponent shall develop, prior to construction and in consultation with Haisla Nation, a Chance Find Procedure to implement in the event that suspected physical and cultural heritage resources (including culturally modified trees and physical evidence of human habitation or use) and structures, sites or things of historical, archaeological, paleontological or architectural significance are discovered by the Proponent, or brought to the attention of the Proponent by another party, within the local assessment area for heritage resources shown on Figure 7.13.1 of the Application during construction. As part of the procedure, the Proponent shall develop and implement procedures respecting the handling, recording, transferring and safekeeping of any discovery, including procedures to prevent unauthorized access to any such discovery.

6.1.1. The Proponent shall inform the Agency and Haisla Nation within 24 hours of any discovery subject to the requirements of the Chance Find Procedure referred to in condition 6.1.

**7. Current Use of Lands and Resources for Traditional Purposes (Including Marine Use)**

7.1. The Proponent shall develop, prior to construction, and implement, during construction, procedures for restricting non-local contractor personnel from engaging in recreational hunting, fishing or ATV or snowmobile use during off-work hours.

7.2. The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, and implement a Marine Transportation Management Plan to mitigate federal adverse effects on the current use of lands and resources for traditional purposes by Indigenous Peoples caused by construction-related marine shipping and operation-related marine shipping. The Proponent shall develop the section of the Plan applicable to each phase of marine shipping activities prior to the beginning of the marine shipping activities to which that section pertains, and provide each section to the Agency and Indigenous groups at least 60 days prior to the beginning of the activities to which that section pertains. As part of each section, the Proponent shall explain how relevant aspect(s) of the British Columbia Coast Pilots Limited-led Navigational Risk Assessment applicable to the Designated Project have informed the development of the section. Each section shall describe the means by which the Proponent shall:

7.2.1. use the Canadian Coast Guard's Marine Communication and Traffic System to provide notice of planned arrival times of Designated Project-related construction vessels (where applicable) or LNG carriers at the Triple Island Boarding Station;

7.2.2. implement the community feedback protocol referred to in condition 9.1 to allow marine users to report concerns related to interference between Designated Project-related marine shipping and marine use;

7.2.3. communicate information about Designated Project-related marine shipping to Indigenous groups, including the schedule of Designated Project-related construction

- vessels or LNG carriers, using targeted communication procedures designed in consultation with Indigenous groups during the development of the Plan;
- 7.2.4. establish a safety zone around the marine terminal and inform marine users of potential nearby safety hazards associated with the Designated Project;
- 7.2.5. participate in regional initiative(s), in which the Proponent is invited to participate and where agreed upon by the party(ies) responsible for the initiative(s), related to the monitoring, assessment and management of adverse federal effects of marine shipping associated with the Designated Project, in the event that such initiative(s) are undertaken during any phase of the Designated Project. Initiative(s) in which the Proponent is required to participate include initiative(s) aimed at:
- 9.2.5.1. improving safety for marine users and reducing risks; or
- 9.2.5.2. understanding and mitigating environmental effects of marine shipping (including cumulative effects that are likely to result from the implementation of the Designated Project in combination with other past, current or future physical activities); and
- 7.2.6. conduct, at the request of Indigenous group(s), workshop(s) to promote safe navigation practices for marine users.
- 7.3. The Proponent shall implement any technically and economically feasible mitigation measure(s) and/or follow-up program(s) under its care and control identified through regional initiative(s) referred to in condition 7.2.5.
- 7.4. The Proponent shall review the Marine Transportation Management Plan referred to in conditions 7.2 in consultation with Indigenous groups and relevant authorities and at a regular frequency determined during the development of each section of the Plan. If the Proponent updates the Plan, the Proponent shall provide an updated version of the Plan to the Agency, Indigenous groups and relevant authorities within 30 days of the Plan being updated.
- 7.4.1. The Proponent shall consider available information from the regional initiative(s) referred to in condition 7.2.5, the results of the follow-up programs referred to in conditions 3.15 and 7.7, the results of any additional follow-up program referred to in condition 7.8, and any feedback related to marine use received as part of the community feedback protocol referred to in condition 9.1 when reviewing the Plan.
- 7.5. The Proponent shall require Designated Project-related LNG carriers to only commence pilotage if a berth at the Designated Project, or a designated anchorage site, is available, as the Proponent shall not allow planned anchoring other than at a designated anchorage site.
- 7.6. The Proponent shall require Designated Project-related LNG carriers to take into account the *British Columbia North Coast Waterway Management Guidelines*, as modified from time to time or as replaced by any future equivalent navigation guidelines, when planning their passage to and from the Designated Project, subject to navigational safety and the authority of masters and pilots to operate the LNG carriers.
- 7.7. The Proponent shall develop, prior to operation and in consultation with Indigenous groups and relevant authorities, and implement a follow-up program with respect to adverse federal effects on the current use of lands and resources for traditional purposes from wakes generated by the



Designated Project along the Marine Shipping Route (Figure 3 of Schedule 1 of the Decision Statement). As part of the follow-up program, the Proponent shall:

- 7.7.1. incorporate any new information into the follow-up program that has become publicly available since the completion of the impact assessment about how wakes can be characterized;
  - 7.7.2. meet with Indigenous groups at their convenience to:
    - 9.7.2.1. present any new information referred to in condition 7.7.1;
    - 9.7.2.2. validate adverse federal effects on the current use of lands and resources for traditional purposes from wake identified during the impact assessment; and
    - 9.7.2.3. identify any modified or additional technically and economically feasible mitigation measure that the Proponent has implemented (or is proposing to implement) to mitigate adverse federal effects on the current use of lands and resources for traditional purposes from wakes;
  - 7.7.3. prior to the first LNG carrier calling at the Designated Project, report to Indigenous groups all information referred to in condition 7.7.1 and 7.7.2, including information provided by Indigenous groups during or following any meeting with the Proponent;
  - 7.7.4. monitor, for at least the first three years of operation, changes in the extent of marine vegetation (eelgrass and/or kelp) during the summer in locations identified in consultation with Indigenous groups along the Marine Shipping Route (Figure 3 of Schedule 1 of the Decision Statement), using remote sensing data, and compare that information with remote sensing data of marine vegetation obtained for the same locations and the same time periods during the two years preceding the start of operation; and
  - 7.7.5. before the end of the fifth year of operation, meet with Indigenous groups, at their convenience and in a manner agreed upon by the Proponent, to present the information referred to in conditions 7.7.1 and 7.7.2 and the results of the monitoring and comparison referred to in condition 7.7.4. If Indigenous groups have experienced and are reporting any new or different adverse federal effects on their current use of lands and resources for traditional purposes from wake, the Proponent shall determine, in consultation with Indigenous groups, if modified or additional mitigation measures that are under the care and control of the Proponent are required, and implement any such technically and economically feasible modified or additional mitigation measure.
- 7.8. The Proponent shall identify, prior to the start of construction-related marine shipping and in consultation with Indigenous groups, the need for any additional Indigenous group-specific follow-up program with respect to adverse federal effects of Designated Project-related marine shipping on the current use of lands and resources for traditional purposes by Indigenous Peoples along the Marine Shipping Route (Figure 3 of Schedule 1 of the Decision Statement) (including marine use, harvesting and integrity of and access to coastal culturally-important features and sites). The Proponent shall develop and implement any such follow-up program, where technically and economically feasible, in consultation with the involved Indigenous group(s) and in accordance with conditions 2.5 to 2.9.

**8. Health, Social and Economic Conditions of Indigenous Peoples**

8.1. The Proponent shall develop, prior to construction, and implement, during construction, a procedure for notifying occupants of residential dwellings located within the local assessment area for acoustics shown on Figure 7.3.1 of the Application of planned high-disturbance noise-causing activities required for the Designated Project (including blasting, helicopter work and pile driving). The Proponent shall provide the following information to the Agency prior to construction:

- 8.1.1. the locations of all residential dwellings subject to the procedure;
- 8.1.2. a planned schedule of the noise-causing activities subject to the procedure; and
- 8.1.3. the methods (including the means of communication and the timing) to be used to notify occupants that the noise-causing activities subject to the procedure will occur.

8.2. The Proponent shall develop, prior to construction and in consultation with Haisla Nation and relevant authorities (including Health Canada and Northern Health Authority), and implement a follow-up program with respect to adverse federal effects on the health, social and economic conditions of Indigenous peoples from changes to the acoustic environment. As part of the development of the follow-up program, the Proponent shall identify sensitive noise receptors at which monitoring shall occur. As part of the implementation of the follow-up program, the Proponent shall:

- 8.2.1. monitor, during the year prior to construction and continuing through the first three years of operation (for three to five days each year during summer, when weather conditions do not interfere with sound monitoring), sound levels at the sensitive noise receptors identified during the development of the follow-up program; and
- 8.2.2. develop and implement modified or additional mitigation measures if results of the monitoring referred to in condition 8.2.1 demonstrate that modified or additional mitigation measures are required in accordance with condition 2.8 to mitigate adverse federal effects on the health, social and economic conditions of Indigenous peoples from changes to the acoustic environment. The Proponent shall compare the monitoring results to the following information when determining whether modified or additional mitigation measures are required:
  - 10.2.2.1. the results of the noise modelling completed for the impact assessment and presented in Tables 7.3.11 to 7.3.15 of the Application and in the technical memo *Application Information Request: HC-019 Response* (dated March 31, 2022);
  - 10.2.2.2. permissible sound levels established in British Columbia Oil and Gas Commission's *British Columbia Noise Control Best Practices Guideline*;
  - 10.2.2.3. thresholds for percent highly annoyed and sleep disturbance (in terms of nighttime sound levels and maximum A-weighted sound levels) recommended in Health Canada's *Guidance for Evaluating Human Health Impacts in Environmental Assessment: Noise*; and
  - 10.2.2.4. any feedback related to noise received as part of the community feedback protocol referred to in condition 9.1.

- 8.3. The Proponent shall develop, prior to construction, and implement, during construction and decommissioning, measures to control fugitive dust emissions from the Designated Project, including dust generation from road traffic. The Proponent shall provide these measures to the Agency prior to implementing them.
- 8.4. The Proponent shall implement a policy to restrict idling of all vehicles and mobile equipment required for the Designated Project. The Proponent shall require and ensure that all persons operating such vehicles and mobile equipment abide by this policy, unless idling is required for health or safety reasons. The Proponent shall provide the policy to the Agency prior to construction.
- 8.5. The Proponent shall develop, prior to operation and in consultation with Indigenous groups and relevant authorities (including Health Canada and Northern Health Authority), and implement a follow-up program with respect to adverse federal effects on the health, social and economic conditions of Indigenous peoples from changes to air quality. As part of the implementation of the follow-up program, the Proponent shall:
- 8.5.1. monitor, during the first three years of operation and based on data from monitoring stations in the Kitimat area, nitrogen dioxide (NO<sub>2</sub>), sulphur dioxide (SO<sub>2</sub>) and fine particulate matter (PM<sub>2.5</sub>); and
  - 8.5.2. develop and implement modified or additional mitigation measures if results of the monitoring referred to in condition 8.5.1 demonstrate that modified or additional mitigation measures are required in accordance with condition 2.8 to mitigate adverse federal effects on the health, social and economic conditions of Indigenous peoples from changes to air quality. The Proponent shall compare the monitoring results to the following information when determining whether modified or additional mitigation measures are required:
    - 8.5.2.1. the results of the air quality modelling presented in Table 10 of the Assessment Report;
    - 8.5.2.2. the predicted air contaminants concentrations without Kitimat LNG emissions for sensitive human receptors presented in the technical memo Application Information Request: HC-027.1 and NH-063.1 Response (dated May 16, 2022);
    - 8.5.2.3. federal and provincial air quality objectives applicable at the time monitoring is conducted; and
    - 8.5.2.4. any feedback related to air quality received as part of the community feedback protocol referred to in condition 9.1.
- 8.6. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, measures to inform Indigenous peoples of Designated Project-related employment and procurement opportunities, using targeted communication procedures designed in consultation with Indigenous groups. The Proponent shall provide these measures to the Agency prior to implementing them.
- 8.7. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, measures to increase opportunities

for local businesses that are, and remain for the duration of the contract, at least 51 percent owned and controlled by Indigenous peoples to obtain Designated Project-related procurement and/or subcontracting contracts, with a focus on obtaining repeated and/or ongoing procurement and/or subcontracting contracts. The Proponent shall provide these measures to the Agency prior to implementing them.

- 8.8. The Proponent shall develop, prior to operation and in consultation with Indigenous groups, and implement a Training Plan to increase opportunities for Indigenous peoples to obtain skills and training required to be employed by the Designated Project during operation. The Proponent shall provide the Plan to the Agency prior to operation. The Plan shall describe the means by which the Proponent will:

- 8.8.1. identify the prerequisite skills and training, both certified and uncertified, required to be employed by the Designated Project;
- 8.8.2. identify existing gaps in relation to the prerequisite skills and training referred to in condition 8.8.1 among Indigenous peoples that may be employed by the Designated Project, and describe measures under the care and control of the Proponent for filling these gaps. Measures shall include the provision of on-the-job training and apprenticeship programs for Indigenous peoples; and
- 8.8.3. inform Indigenous groups, using targeted communication procedures designed in consultation with Indigenous groups, of the skills and training prerequisites referred to in condition 8.8.1 and of the measures referred to in condition 8.8.2 to achieve these prerequisites.

- 8.9. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, a Gender Equity and Diversity Plan to increase opportunities for Indigenous peoples, including Haisla Nation members and Indigenous women, to obtain and retain employment with the Designated Project. The Plan shall describe the means by which the Proponent will:

- 8.9.1. make available to Indigenous peoples that are employed by the Designated Project a senior official who is in a position to, and empowered to, address workplace situation(s) in relation to gender equity and diversity, including in terms of harassment, racism, sexism and violence; and
- 8.9.2. implement a mechanism for Indigenous peoples that are employed by the Designated Project to provide feedback to the Proponent in relation to gender equity and diversity, including by:
  - 8.9.2.1. documenting and responding to any feedback received as soon as feasible; and
  - 8.9.2.2. communicating regularly with Indigenous peoples that are employed by the Designated Project to inform them of how they can make use of the feedback mechanism and how the Proponent has responded to any feedback received.

- 8.10. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement a follow-up program with respect to the implementation of the Gender Equity

and Diversity Plan referred to in condition 8.9. As part of the implementation of the follow-up program, the Proponent shall:

- 8.10.1. monitor and report annually, during construction and the first five years of operation, employment data for the Designated Project by identity factor(s), based on voluntarily-disclosed disaggregated data provided by employees, and job type(s); and
  - 8.10.2. develop and implement modified or additional mitigation measures, which may include updating the Gender Equity and Diversity Plan, if the results of the monitoring referred to in condition 8.10.1 and information obtained by the Proponent during the implementation of the Designated Project (including feedback received through the mechanism referred to in condition 8.9.2), demonstrate that modified or additional mitigation measures are required to achieve gender equity and diversity.
- 8.11. The Proponent shall update the follow-up program referred to in condition 8.10 in accordance with condition 2.7 when new regional labour-related disaggregated data from Statistics Canada's 2021 census survey becomes available to the Proponent.
- 8.12. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, relevant authorities and community stakeholders, and implement, during all phases of the Designated Project, measures to promote safe, respectful and inclusive conduct in the workplace and the community. The Proponent shall demonstrate how federal adverse effects on Indigenous women and girls and calls to justice 13.1 to 13.5 directed to the extractive and development industries included in *Reclaiming Power and Place: The Final Report of the National Inquiry into Missing and Murdered Indigenous Women and Girls* are addressed in the development and implementation of the measures. As part of the measures, the Proponent shall:
- 8.12.1. implement a workplace anti-harassment, bullying, discrimination and violence policy that contains gender-appropriate and gender-specific policies and processes, including sexual harassment and assault counselling and confidential and culturally sensitive care;
  - 8.12.2. implement a policy regarding the use and possession of drugs and alcohol in the workplace, with a zero tolerance for use of, or being under the influence of, illicit drugs or alcohol during work hours;
  - 8.12.3. develop mandatory cross-cultural awareness training in consultation with Indigenous groups, and provide the training to employees of the Designated Project and contractors associated with the Designated Project; and
  - 8.12.4. develop a Worker Code of Conduct that includes expectations and requirements in relation to the measures developed to promote safe, respectful and inclusive conduct in the workplace and the community (including the policies referred to in conditions 8.12.1 and 8.12.2). When providing the Worker Code of Conduct to the Agency prior to construction, the Proponent shall confirm how employees of the Designated Project and contractors associated with the Designated Project will be made aware of the Worker Code of Conduct and will be required to comply with it.
- 8.13. The Proponent shall document the participation of employees of the Designated Project and contractors associated with the Designated Project in the training referred to in condition 8.12.3.

- 8.14. The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities (including Northern Health Authority), and implement, during construction, a Health and Medical Services Plan to mitigate the impacts of the Designated Project on local health and medical services that may be used by Indigenous peoples. The Plan shall describe the means by which the Proponent will:
- 8.14.1. determine which health and medical conditions will be considered non-urgent and can be treated onsite, and which health and medical conditions will be considered urgent and must be treated offsite by local medical and health care service providers;
  - 8.14.2. provide onsite first-aid station(s) and medical room(s) and certified medical staff to treat health and medical conditions that can be treated onsite, as determined in accordance with condition 8.14.1; and
  - 8.14.3. establish and maintain, at all times, communication procedures for requesting outside emergency aid for urgent health and medical conditions, as determined in accordance with condition 8.14.1, and a process for coordinating the management of urgent care and medical escalations with local medical and health care service providers.
- 8.15. The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities (including Northern Health Authority), and implement, during construction, a follow-up program with respect to the implementation of the Health and Medical Services Plan referred to in condition 8.14.
- 8.16. The Proponent shall develop and implement an accommodation policy that requires non-local contractor construction personnel to reside in third-party workforce accommodation camps or other temporary accommodation, unless an exemption is granted under the policy to reside in rental housing for the duration of their employment.
- 8.17. The Proponent shall utilize, from the start of operation, electricity from the electrical grid for the pre-treatment and liquefaction of natural gas, and continue to utilize electricity from the electrical grid as the primary source of power during all of operation.
- 8.18. The Proponent shall implement, during all phases of the Designated Project, a regular inspection and maintenance program for all mobile vehicles and equipment required for the Designated Project to ensure the vehicles and equipment are maintained in a state of good repair and in accordance with the manufacturers' specifications, and document the results of any inspection and/or maintenance activity conducted.
- 8.18.1. The Proponent shall not remove emission control technologies from mobile vehicles and equipment, unless removal is required for repair or maintenance activities, in which case the Proponent shall reinstall or replace the technologies before the Proponent returns the mobile vehicles and equipment to service.

## **9. Community Feedback Protocol**

- 9.1. The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement, during all phases of the Designated Project, a community feedback protocol with respect to adverse federal effects. As part of the development of the community feedback

protocol, the Proponent shall identify how feedback will be ranked and responded to according to the anticipated level of impacts. The Proponent shall provide the community feedback protocol to the Agency and Indigenous groups prior to construction. As part of the implementation of the community feedback protocol, the Proponent shall:

- 9.1.1. communicate the details of the community feedback protocol to Indigenous groups, using targeted communication procedures designed in consultation with Indigenous groups during the development of the community feedback protocol, including details on how a person may provide feedback, how the Proponent will handle the feedback received and how the Proponent may implement modified or additional mitigation measure(s) and/or follow-up requirement(s) in response to the feedback received;
- 9.1.2. record any feedback received as soon as feasible, no later than 48 hours after receiving the feedback;
- 9.1.3. implement, as soon as technically feasible, any modified or additional mitigation measure and/or follow-up requirement that the Proponent deems necessary to respond to the feedback received;
- 9.1.4. prepare and provide to Indigenous groups, at a frequency determined during the development of the community feedback protocol, summary report(s) of the feedback received during the reporting period, including any location-specific information available in relation to the feedback received, a description of any modified or additional mitigation measure and/or follow-up requirement implemented by the Proponent in response to the feedback and the time interval taken by the Proponent to implement the mitigation measure(s) and/or follow-up requirement(s), or, if the Proponent determined that no technically and economically feasible mitigation measure(s) and/or follow-up requirement(s) under its care and control can be implemented in response to the feedback, a justification for that determination;
- 9.1.5. offer to meet with each Indigenous group to discuss the summary report(s) referred to in condition 9.1.4 and any change required to the community feedback protocol to improve its implementation, and hold any requested meeting at the convenience of Indigenous groups; and
- 9.1.6. if the Proponent makes any change to the community feedback protocol to improve its implementation, provide the updated community feedback protocol to Indigenous groups.

## **10. Terrestrial Environment**

- 10.1. The Proponent shall delineate, prior to construction, areas within which the Proponent shall not undertake any construction activity, including vegetation clearing, unless required to meet the safety and design requirements of the Designated Project, as determined by a Qualified Professional.
- 10.2. The Proponent shall develop, prior to construction and in consultation with Haisla Nation and relevant authorities, and implement, during all phases of the Designated Project, measures to limit the establishment and spread of invasive plant species (including their seed, plant parts or propagules) within the local assessment area for vegetation (marine terminal) shown on Figure



- 7.4.1 of the Application and to and from this area. The Proponent shall provide these measures to the Agency prior to implementing them.
- 10.3. The Proponent shall conduct progressive reclamation of areas on Crown land temporarily disturbed by the Designated Project once they are no longer required for the Designated Project. In doing so, the Proponent shall identify, in consultation with Haisla Nation, plant species of interest to Indigenous peoples for use in establishing self-sustaining vegetation communities where active reclamation is to occur on Crown land.
- 10.4. The Proponent shall have a Qualified Professional determine if measures are required to reduce windthrow (including tree uprooting and stem breakage) along forest edges within old forest communities located in the local assessment area for vegetation (marine terminal) shown on Figure 7.4.1 of the Application. If the Qualified Professional determines that any such measure is required, the Proponent shall implement the measure(s) and provide the measure(s) to the Agency prior to their implementation.
- 10.5. Prior to undertaking any activity required for the Designated Project (including vegetation clearing, grubbing and grading) that may adversely affect western toad (*Anaxyrus boreas*) during the breeding and post-breeding dispersal periods for the species, the Proponent shall undertake surveys, under the direction of a Qualified Professional, to identify the location of breeding site(s) for western toad (*Anaxyrus boreas*) within the local assessment area for wildlife (marine terminal) shown on Figure 7.5.1 of the Application.
- 10.6. If any breeding site for western toad (*Anaxyrus boreas*) is identified during the surveys undertaken in accordance with condition 10.5, the Proponent shall give preference to not undertaking any activity required for the Designated Project that may adversely affect such site and that is planned within 30 metres of each site during the breeding and post-breeding dispersal periods for the species.
- 10.6.1. Where the Proponent must undertake any activity required for the Designated Project that may adversely affect western toad (*Anaxyrus boreas*) within the spatial and temporal restrictions referred to in condition 10.6, the Proponent shall have a Qualified Professional develop additional species-specific measures to mitigate adverse effects on western toad (*Anaxyrus boreas*), including a salvage program that considers the recommendations for salvage operations set out in British Columbia's *Best Management Practices for Amphibian and Reptile Salvages in British Columbia*. The Proponent shall implement any such measure before and during the activity and provide the measure(s) to the Agency prior to their implementation.
- 10.7. Prior to undertaking any activity required for the Designated Project (including vegetation clearing, grubbing and grading) that may adversely affect coastal tailed frog (*Ascaphus truei*), the Proponent shall undertake surveys, under the direction of a Qualified Professional, to identify any watercourse occupied by coastal tailed frog (*Ascaphus truei*) at all times of the year within the local assessment area for wildlife (marine terminal) shown on Figure 7.5.1 of the Application.
- 10.8. If any watercourse occupied by coastal tailed frog (*Ascaphus truei*) at all times of the year is identified during the surveys undertaken in accordance with condition 10.7, the Proponent shall give preference to not undertaking any activity required for the Designated Project that may adversely affect such watercourse within a minimum of 30 metres of that watercourse. The

Proponent shall have a Qualified Professional determine the width of the restricted area for each watercourse.

- 10.8.1. Where the Proponent must undertake any activity required for the Designated Project that may adversely affect watercourse(s) occupied by coastal tailed frog (*Ascaphus truei*) at all times of the year within a minimum of 30 metres of that watercourse, the Proponent shall have a Qualified Professional develop additional species-specific mitigation measures, including a salvage program that considers the recommendations for salvage operations set out in British Columbia's *Best Management Practices for Amphibian and Reptile Salvages in British Columbia*. The Proponent shall implement any such measure before and during the activity and provide the measure(s) to the Agency prior to their implementation.
- 10.9. The Proponent shall develop, prior to construction and in consultation with Haisla Nation and Environment and Climate Change Canada, and implement, during all phases of the Designated Project, a follow-up program with respect to adverse effects on western toad (*Anaxyrus boreas*) and coastal tailed frog (*Ascaphus truei*). The Proponent shall take into account the recommendations for post-salvage monitoring set out in British Columbia's *Best Management Practices for Amphibian and Reptile Salvages in British Columbia* when developing and implementing the follow-up program. As part of the implementation of the follow-up program, the Proponent shall:
  - 10.9.1. monitor changes to habitat for western toad (*Anaxyrus boreas*) and coastal tailed frog (*Ascaphus truei*) caused by the Designated Project and their use of relocations sites referred to in condition 10.6.1 and 10.8.1 and any restored, enhanced or created wetland referred to in condition 10.12.1.2.
- 10.10. The Proponent shall give preference to avoiding vegetation clearing required for the Designated Project during risk timing windows for little brown myotis (*Myotis lucifugus*) set out in British Columbia's *Compendium of Wildlife Guidelines for Industrial Development Projects in the North Area, British Columbia*. Where the Proponent plans to undertake vegetation clearing during these periods, the Proponent shall conduct pre-vegetation clearing surveys, under the direction of a Qualified Professional, to identify if any roost, hibernacula or maternity roost site is present in any of the areas to be cleared.
  - 10.10.1. If any roost, hibernacula or maternity roost site is identified in any of the areas to be cleared during the surveys undertaken in accordance with condition 10.10, the Proponent shall have a Qualified Professional determine if additional or modified species-specific mitigation measures are required to protect little brown myotis (*Myotis lucifugus*). The Proponent shall implement any such measure before and during vegetation clearing occurring in that area and provide the measure(s) to the Agency prior to their implementation.
- 10.11. The Proponent shall develop, prior to construction and in consultation with Haisla Nation and Environment and Climate Change Canada, and implement, during construction, a follow-up program with respect to adverse effects on little brown myotis (*Myotis lucifugus*) and their habitat.

10.12. The Proponent shall develop, prior to construction and in consultation with Haisla Nation and relevant authorities (including Environment and Climate Change Canada), and implement a follow-up program with respect to adverse federal effects on wetlands and their functions. In doing so, the Proponent shall:

10.12.1. as part of the development of the follow-up program:

- 12.12.1.1. validate the areal extent of wetlands (including by size, wetland function(s) and distribution in the landscape) that may be directly or indirectly adversely affected by the Designated Project, taking into account the final design of the Designated Project;
- 12.12.1.2. determine whether the Proponent will implement wetland compensation for residual adverse federal effects on wetlands and their functions that cannot be avoided or minimized (including habitat functions for migratory birds and listed species at risk), taking into account any applicable published guidance by Environment and Climate Change Canada. If the Proponent determines that wetland compensation is required, the Proponent shall implement wetland compensation by prioritizing wetland restoration over enhancement and wetland enhancement over creation, and consult Indigenous groups and Environment and Climate Change Canada to determine how wetland compensation will be implemented;
- 12.12.1.3. if the Proponent determines in accordance with condition 10.12.1.2 that wetland compensation is not required, provide a justification for that determination when providing the information about the follow-up program in accordance with condition 2.7;

10.12.2. as part of the implementation of the follow-up program:

- 12.12.2.1. monitor, annually during construction, the integrity (including their wetland function(s)) of the residual wetlands that are directly or indirectly affected by the Designated Project (including residual wetlands left for natural revegetation); and
- 12.12.2.2. monitor the integrity (including the wetland function(s)) of any restored, enhanced or created wetland that the Proponent is implementing in accordance with condition 10.12.1.2.

## **11. Independent Environmental Monitor**

11.1. The Proponent shall retain, prior to construction and in consultation with Haisla Nation and relevant authorities, the services of a third-party independent environmental monitor, who is a Qualified Professional with experience conducting environmental monitoring in British Columbia, to independently observe and record on the implementation in the Facility Area and the Transmission Line Corridor (Figure 2 of Schedule 1 of the Decision Statement) of the conditions set out in this Decision Statement during construction and the first year of operation.

11.2. The Proponent shall require the independent environmental monitor to report to the Agency, in writing, prior to or concurrent with reporting to the Proponent, about the implementation of any condition set out in this Decision Statement during construction and the first year of operation.

The Proponent shall require the independent environmental monitor to report the information to the Agency at a frequency and in a format determined in consultation with the Agency.

- 11.3. The Proponent shall require the independent environmental monitor to retain the information reported to the Agency and the Proponent pursuant to condition 11.2 for at least five years following reporting.

## **12. Accidents and Malfunctions**

- 12.1. The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse federal effects, and shall mitigate adverse federal effects from accidents and malfunctions that do occur. As part of these measures, the Proponent shall:
- 12.1.1. design the onshore infrastructure required for the Designated Project to specified seismic design criteria in applicable codes and standards, as certified by a Qualified Professional;
  - 12.1.2. refuel vehicles and equipment required for the Designated Project only within designated refueling areas to reduce potential fuel spills into the marine environment, and conduct any refueling activity under constant supervision and in a manner to prevent drippings onto the ground; and
  - 12.1.3. implement, during operation, a regular inspection and maintenance program for the floating LNG facility to ensure the facility's equipment and infrastructure are maintained in a state of good repair and in accordance with the manufacturers' specifications, and document the results of any inspection and/or maintenance activity conducted.
- 12.2. The Proponent shall consult, prior to construction, Indigenous groups and relevant authorities about the measures to be implemented to prevent accidents and malfunctions.
- 12.3. The Proponent shall develop, in consultation with Indigenous groups and relevant authorities (including Canadian Coast Guard), and implement an Accident and Malfunction Response Plan for each phase of the Designated Project. The Proponent shall develop each Plan prior to the phase to which it pertains, and provide each plan to the Agency prior to that phase. As part of the development of the Plan applicable to operation, the Proponent shall demonstrate how the Designated Project is consistent with the Canadian Standards Association's CSA Z246.2 standard for emergency preparedness and response for petroleum and natural gas industry systems. As part of each Plan, the Proponent shall describe:
- 12.3.1. a description of the types of accidents and malfunctions that may cause adverse federal effects during that phase;
  - 12.3.2. the measures to be implemented in response to each type of accidents and malfunctions referred to in condition 12.3.1 to mitigate any adverse federal effects caused by the accident or malfunction; and
  - 12.3.3. for each type of accident and malfunction referred to in condition 12.3.1, the roles and responsibilities of the Proponent and each applicable relevant authority or other party

that may be called upon to respond to an accident or malfunction in implementing the measures referred to in condition 12.3.2.

- 12.4. The Proponent shall maintain each Accident and Malfunction Response Plan referred to in condition 12.3 up-to-date during the phase to which it pertains. The Proponent shall submit any updated plan to the Agency and to parties consulted for the development of the Plan within 30 days of the Plan being updated.
- 12.5. The Proponent shall provide training to all relevant Designated Project employees on the measures referred to in condition 12.1 to prevent accidents and malfunctions that may result in adverse federal effects and on the response measures included in the Accident and Malfunction Response Plan referred to in condition 12.3. The Proponent shall document the participation of employees in the training.
- 12.6. The Proponent shall participate, at the request of a relevant federal authority, in regional initiatives related to the development of shipping-related spill response plans or other agreements subject to the requirements of the *Canada Shipping Act, 2001* and its regulations. In doing so, the Proponent shall:
  - 12.6.1. facilitate the involvement of any interested Indigenous group in any such initiative, in a manner determined by the Proponent;
  - 12.6.2. implement any technically and economically feasible mitigation measure or follow-up program, within the care and control of the Proponent, identified through any such initiative; and
  - 12.6.3. provide to the Agency, as part of the annual report referred to in condition 2.10, and to Indigenous groups, a description of its participation in any such initiative during the reporting year, including a description of how the Proponent has facilitated the participation of Indigenous groups in accordance with condition 12.6.1 and of any mitigation measure or follow-up program implemented (or proposed to be implemented) pursuant to condition 12.6.2.
- 12.7. In the event of an accident or malfunction with the potential to cause adverse federal effects, the Proponent shall immediately implement the measures appropriate to the accident or malfunction, including any measure referred to in condition 12.3.2, and shall:
  - 12.7.1. implement the Accident and Malfunction Communication Plan referred to in condition 12.8;
  - 12.7.2. notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislative and regulatory requirements;
  - 12.7.3. notify, as soon as possible and pursuant to the Accident and Malfunction Communication Plan referred to in condition 12.8, Indigenous groups of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying Indigenous groups and the Agency, the Proponent shall specify:

- 14.7.3.1. the date and time when and location where the accident or malfunction occurred;
  - 14.7.3.2. a summary description of the accident or malfunction;
  - 14.7.3.3. a list of any substance potentially released into the environment as a result of the accident or malfunction; and
  - 14.7.3.4. a description of the relevant authorities notified pursuant to condition 12.7.2;
- 12.7.4. 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:
  - 14.7.4.1. a detailed description of the accident or malfunction and of its adverse federal effects;
  - 14.7.4.2. a description of the measures that were taken by the Proponent to mitigate the adverse federal effects caused by the accident or malfunction;
  - 14.7.4.3. any view from Indigenous groups and advice from relevant authorities received with respect to the accident or malfunction, its adverse federal effects and the measures taken by the Proponent to mitigate these adverse federal effects;
  - 14.7.4.4. a description of any residual adverse federal effects and any modified or additional measure required by the Proponent to mitigate residual adverse federal effects; and
  - 14.7.4.5. details concerning the implementation of the Accident and Malfunction Response Plan referred to in condition 12.3;
- 12.7.5. submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred, taking into account the information submitted in the written report referred to in condition 12.7.4, that includes:
  - 14.7.5.1. a description of the changes made to avoid a subsequent occurrence of the accident or malfunction;
  - 14.7.5.2. a description of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse federal effects and to carry out any required progressive reclamation; and
  - 14.7.5.3. all additional views from Indigenous groups and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 12.7.4.3 were received by the Proponent.
- 12.8. The Proponent shall develop, in consultation with Indigenous groups, an Accident and Malfunction Communication Plan. The Proponent shall develop the Plan prior to construction and shall implement and keep it up to date during all phases of the Designated Project. The Plan shall include:
  - 12.8.1. the types of accidents and malfunctions requiring the Proponent to notify each Indigenous group;
  - 12.8.2. the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunity for the Indigenous groups to assist in the response to the accident or malfunction; and

- 12.8.3. the contact information that Indigenous groups may use to communicate with the Proponent and the contact information for each Indigenous group that the Proponent shall use to provide notification.

### **13. Schedules**

- 13.1. The Proponent shall submit to the Agency and Indigenous groups a schedule for all conditions set out in this Decision Statement no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this Decision Statement and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 13.2. The Proponent shall submit to the Agency and Indigenous groups a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.
- 13.3. The Proponent shall submit to the Agency and Indigenous groups in writing an update to schedules referred to in conditions 13.1 and 13.2 every year no later than March 31, until completion of all activities referred to in each schedule.

### **14. Record Keeping**

- 14.1. The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement. The Proponent shall retain the records and make them available to the Agency throughout construction and operation and for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 14.2. The Proponent shall retain all records referred to in condition 14.1 at a facility in Canada, and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide the address of the new location to the Agency.
- 14.3. The Proponent shall notify the Agency of any change to the contact information of the Proponent included in this Decision Statement.