

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

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

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

### **1 Definitions**

- 1.1 *Agency* means the Impact Assessment Agency of Canada.
- 1.2 *Baseline* means the environmental conditions prior to initiating construction of the Designated Project.
- 1.3 *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.
- 1.4 *Cree Nation Government* means the “Cree Nation Government” as defined in section 2 of the *Act Respecting the Cree Nation Government*.
- 1.5 *Cree Nation of Waswanipi* means the Cree First Nation of Waswanipi.
- 1.6 *Days* means calendar days.
- 1.7 *Decommissioning* means the phase of the Designated Project during which the Proponent permanently ceases commercial production and commences the removal from service of any components of the Designated Project, and that continues until the Proponent completes the removal from service of all elements of the Designated Project.
- 1.8 *Deleterious substance* means “deleterious substance” as defined in subsection 34(1) of the *Fisheries Act*.
- 1.9 *Designated Project* means the Mine Rose Lithium-Tantalum Project as described in section 2 of the draft environmental assessment report prepared by the Impact Assessment Agency of Canada (Canadian Impact Assessment Registry Reference Number 80005).

- 1.10 *Designated Project area* means the geographic area occupied by the Designated Project infrastructures identified on Figure 5 of the draft environmental assessment report.
- 1.11 *Effluent* means “effluent” as defined in subsection 1(1) of the *Metal and Diamond Mining Effluent Regulations*.
- 1.12 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.13 *Environmental assessment* means “environmental assessment” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.14 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.15 *Environmental impact statement* means the February 2019 document entitled *Rose Lithium – Tantale Project – Update of the Environmental Impact Statement* (Canadian Impact Assessment Registry Reference Number 80005 Document Number 18), including supplementary material submitted by the Proponent during the course of the environmental assessment.
- 1.16 *First Nations* means the following Indigenous groups: the Cree Nation of Eastmain, the Cree Nation of Waskaganish and the Cree Nation of Nemaska.
- 1.17 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.18 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.19 *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*.
- 1.20 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.21 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 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 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.24 *Ministère de la Culture et des Communications* means the Ministère de la Culture et des Communications, as designated in the Act respecting the Ministère de la Culture et des Communications.
- 1.25 *Ministère de l’Environnement et de la Lutte contre les changements climatiques* means the Ministère du Développement durable, de l’Environnement et des Parcs, as designated in the *Loi*

sur le ministère du Développement durable, de l'Environnement et des Parcs and by Order 1280-2018 dated October 18, 2018.

- 1.26 *Ministère des Forêts, de la Faune et des Parcs* means the Ministère de l'Énergie et des Ressources naturelles, as designated in the *Act respecting the Ministère des Ressources naturelles et de la Faune* and by Order 1290-2018 of October 18, 2018.
- 1.27 *Mitigation measures* means "mitigation measures" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.28 *Monitoring* means observation of the environmental effects of the Designated Project, performed in the context of a follow-up program set out in this Decision Statement in order to verify the accuracy of the environmental assessment and/or determine the effectiveness of any mitigation measure.
- 1.29 *Offsetting plan* means "offsetting plan" as described in Schedule 1 of the *Authorizations Concerning Fish and Fish Habitat Protection Regulations*.
- 1.30 *Operation* means the phase of the Designated Project during which the commercial production takes place, including periods during which commercial production may temporarily cease, and which continues until the start of decommissioning.
- 1.31 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with all phases of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.32 *Proponent* means Critical Elements Lithium Corporation and its successors or assigns.
- 1.33 *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.
- 1.34 *Record* means "record" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.35 *Relevant authorities* means federal and/or provincial and/or regional and/or municipal authorities that are in possession of specialist or expert information or knowledge, or that have a responsibility for the administration of a law or regulation, with respect to the subject matter of a condition set out in this document.
- 1.36 *Reporting year* means April 1 of a calendar year through March 31 of the subsequent calendar year.
- 1.37 *Security perimeter* means an area of 1 kilometre around the infrastructures associated with the Designated Project.
- 1.38 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined by a qualified individual, on the basis of

heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Indigenous groups.

- 1.39 *Water frequented by fish* means “water frequented by fish” as defined in subsection 34(1) of the *Fisheries 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.

### **Potential Conditions**

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

## **2 General conditions**

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

### **Consultation**

- 2.3 The Proponent shall, where consultation is a requirement of a condition set out in this document:
  - 2.3.1 provide a written notice of the opportunity for the party or parties being consulted to present their views and information on the subject of the consultation;

- 2.3.2 provide all information available and relevant to the scope and the subject matter of the consultation and a period of time agreed upon with the party or parties being consulted, not to be less than 15 days, to prepare their views and information;
  - 2.3.3 undertake an impartial consideration of all views and information presented by the party or parties being consulted on the subject matter of the consultation; and
  - 2.3.4 advise in a timely manner the party or parties being consulted on how the views and information received have been considered by the Proponent, including a rationale for why the views have, or have not, been integrated.
- 2.4 The Proponent shall, where consultation with First Nations or the Cree Nation of Waswanipi is a requirement of a condition set out in this document, communicate with each Nation with respect to the manner to satisfy the consultation requirements referred to in condition 2.3, including methods of notification, the type of information and the period of time to be provided when seeking input, the process to be used by the Proponent to undertake impartial consideration of all views and information presented on the subject of the consultation, and the period of time and the means to advise First Nations or the Cree Nation of Waswanipi of how their views and information were considered by the Proponent.
- 2.5 The Proponent shall develop, prior to construction and in consultation with First Nations, a glossary of place names to identify geographic locations within the Designated Project area and shall identify on a map all locations included in the glossary. The Proponent shall submit the glossary and the map to the Agency, the Cree Nation Government and the First Nations.

***Follow-up***

- 2.6 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, determine, as part of the development of each follow-up program and in consultation with the party or parties being consulted during the development, the following information:
- 2.6.1 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;
  - 2.6.2 the scope, content and frequency of reporting of the results of the follow-up program;
  - 2.6.3 the frequency at which the follow-up program must be updated, unless the frequency is specified in the condition;
  - 2.6.4 the levels of environmental change relative to baseline that would require the Proponent to implement modified or additional mitigation measure(s), including instances where the Proponent may require Designated Project activities to be stopped; and
  - 2.6.5 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.6.4 have been reached or exceeded.
- 2.7 The Proponent shall update the information determined for each follow-up program pursuant to condition 2.6 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.6.3 and in consultation with the party or parties being consulted during the development of each follow-up program.

- 2.8 The Proponent shall provide the follow-up programs referred to in conditions 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 4.11, 5.4, 6.5, 7.10, 8.10 et 8.11, including the information determined for each follow-up program pursuant to condition 2.6, 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 2.7 to the Agency and to the party or parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.9 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.9.1 implement the follow-up program according to the information determined pursuant to condition 2.6;
  - 2.9.2 conduct monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the particular condition and/or to determine the effectiveness of any mitigation measure;
  - 2.9.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.9.2; and
  - 2.9.4 if modified or additional mitigation measures are required pursuant to condition 2.9.3, develop and implement these mitigation measure(s) in a timely manner and monitor them pursuant to condition 2.9.2. The Proponent shall notify the Agency within 24 hours of any modified or additional mitigation measure being implemented. If the Proponent implements any additional or modified mitigation measure not previously submitted to the Agency pursuant to condition 2.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within seven days of their implementation;
  - 2.9.5 report all results of the follow-up program including all data collected, analyses, and monitoring reports to the Agency no later than June 30 following any reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.6.2, to the party or parties being consulted for the development of the follow-up program.
- 2.10 Where consultation with First Nations or the Cree Nation of Waswanipi is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each Nation and shall determine, in consultation with each Nation, opportunities for their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and whether modified or additional mitigation measure(s) are required, as set out in condition 2.9.

***Annual reporting***

- 2.11 The Proponent shall prepare an annual report that sets out, for each reporting year:
- 2.11.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this document;
  - 2.11.2 how the Proponent complied with condition 2.1;

- 2.11.3 for conditions set out in this document for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
  - 2.11.4 for conditions set out in this document for which consultation with First Nations is a requirement, the list of people consulted, the dates, locations, topics and objectives of consultation activities and the communication methods;
  - 2.11.5 the information referred to in conditions 2.6 and 2.7 for each follow-up program;
  - 2.11.6 the results of the follow-up program requirements identified in conditions 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 4.11, 5.4, 6.5, 7.10, 8.10 and 8.11;
  - 2.11.7 for any plan that is a requirement of a condition set out in this document, any updates to the plan made;
  - 2.11.8 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.9; and
  - 2.11.9 any change to the Designated Project for which the Proponent determined that conditions 2.17 and 2.18 did not apply, including a justification for that determination, and any change to the Designated Project for which the Proponent determined that conditions 2.17 and 2.18 did not apply.
- 2.12 The Proponent shall submit to the Agency the annual report referred to in condition 2.11, including a plain language executive summary in both official languages, no later than June 30 following the reporting year to which the annual report applies.
- 2.13 The first reporting year the Proponent prepare an annual report pursuant to condition 2.10 starts the day the Minister of the Environment issue the Decision Statement to the Proponent under paragraph 54(1) of the *Canadien Environmental Assessment Act, 2012*.

***Information sharing***

- 2.14 The Proponent shall publish on the Internet the annual reports and the executive summaries referred to in conditions 2.11 and 2.12, the action plan referred to in condition 5.1, the communication plan referred to in condition 8.9, the archaeological and heritage protection plan referred to in condition 9.2, the accident and malfunction response plan referred to in condition 10.3, the reports related to accidents and malfunctions referred to in conditions 11.5.3 and 11.5.4, the accident and malfunction communication plan referred to in condition 11.5, the schedules referred to in conditions 12.1 and 12.2, and any update or revision to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 15 years following their publication. The Proponent shall notify the Agency, the Cree Nation Government and First Nations of the availability of these documents within 48 hours of their publication.
- 2.15 When the development of any plan is a requirement of a condition set out in this document, the Proponent shall submit the plan to the Agency prior to construction, unless otherwise required through the condition.

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

- 2.16 The Proponent shall notify the Agency and First Nations 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***

- 2.17 The Proponent shall when carrying out the Designated Project, do so as described in condition 1.9. If the Proponent plans to carry out the Designated Project in a manner that would result in a change to the description of the Designated Project included in this document or that may result in environmental effect(s), the Proponent shall:

- 2.17.1 describe the proposed change(s) to the Designated Project and notify the Agency in writing of the proposed change(s);
- 2.17.2 assess environmental effect(s) that may result from the change(s) referred to in condition 2.17.1 and identify measures to mitigate any environmental effects;
- 2.17.3 consult with First Nations and relevant authorities on the change(s) referred to in condition 2.17.1 and on the environmental effects and mitigation measures referred to in condition 2.17.2; and
- 2.17.4 provide the Agency with the information referred to in conditions 2.17.1 and 2.17.2 and with the results of the consultation required pursuant to condition 2.17.3.

## **3 Fish and fish habitat**

- 3.1 The Proponent shall implement, during all phases of the Designated Project, control measures for erosion and sedimentation in the Designated Project area in order to prevent effects on the quality of water frequented by fish, in accordance with the requirements of the *Fisheries Act*. The Proponent shall maintain the measures during all phases of the Designated Project. In doing this, the Proponent shall:
- 3.1.1 stabilize the shore with a stone bed at the outlets of the pumping pipes in Lakes 3, 4 and 6; and
  - 3.1.2 stabilize the slopes of the embankments of the waste rock and overburden piles at the end of their accumulation.
- 3.2 The Proponent shall comply with the *Metal and Diamond Mining Effluent Regulations* and with the pollution prevention provisions of the *Fisheries Act*.
- 3.3 The Proponent shall manage the mine effluents before their deposit in the receiving environment. For this purpose, the Proponent shall collect the contact water, including the water from the waste rock piles, the overburden and tailings pile, the ore pile and any other mining infrastructure, as well as the mine water and runoff water, in a sedimentation pond and treat it before their release into the environment.

- 3.4 The Proponent shall maintain suspended solids concentrations below 10 milligrams per litre at all effluent discharge points.
- 3.5 The Proponent shall measure concentrations of total and dissolved tantalum in Watercourse A, groundwater, surface water and sediment prior to the commencement of construction and develops and implements, in consultation with Environment and Climate Change Canada and other jurisdictions of authority, measures to maintain concentrations of total and dissolved tantalum below 0.1 micrograms per litre at the final effluent treatment plant effluent discharge point identified in Figure 6 of the draft environmental assessment report.
- 3.6 The Proponent shall not use any waste rock containing sulphide minerals for the construction of the Designated Project.
- 3.7 The Proponent shall place waste rock containing sulphide minerals in the waste rock pile so that it is not exposed to the open air.
- 3.8 The Proponent shall manage the overburden in accordance with the *Directive 019 sur l'Industrie minière* of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatique. In doing so, the Proponent shall characterize the acidogenic potential of the overburden prior to its use in the construction of the Designated Project.
- 3.9 The Proponent shall develop, prior to construction, and implement measures to maintain the water flows of Watercourse A and Lakes 3, 4 and 6 during all phases of the Designated Project at plus or minus 10% of the mean flows estimated by the Proponent in Table 4 presented in response to question CCE-26B in the *Answers to the non-compliance of the second information Request and to requests for clarification from the IAAC* (Canadian Impact Assessment Registry Reference Number 80005, Document Number 33).
- 3.10 The Proponent shall flood the pit and install a spillway to watercourse A at the start of decommissioning.
- 3.11 As part of progressive reclamation, the Proponent shall restore the bed and the shores of the water bodies and watercourses affected by the Designated Project to their initial state in accordance with Fisheries and Oceans Canada's *Measures to protect fish and fish habitat*.
- 3.12 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with First Nations, any offsetting plan related to the alteration, disturbance or destruction of fish habitat, and the death of fish associated with the carrying out of the Designated Project. The Proponent shall implement the offsetting plan and submit any final offsetting plan to the Agency before implementing it.
- 3.13 For any fish habitat compensation measure proposed in any offsetting plan referred to in condition 3.12 that could result in adverse environmental effects that were not taken into account in the environmental assessment, the Proponent shall develop and implement, after consulting the First Nations and the relevant authorities, measures to mitigate these effects. The Proponent shall present these measures to the Agency before implementing them.
- 3.14 The Proponent shall develop, prior to construction and in consultation with First Nations and Fisheries and Oceans Canada, measures to protect fish and fish habitat when undertaking in- or

near-water activities, taking into account Fisheries and Oceans Canada's *Measures to protect fish and fish habitat*. In doing so, the Proponent shall:

- 3.14.1 not carry out any in-water construction activities outside of the timing windows for carrying out work in fish habitat defined for the region of the Designated Project in Fisheries and Oceans Canada's *Timing Windows for Carrying out Work in Fish Habitat According to Quebec Administrative Regions*, unless otherwise authorised by Fisheries and Oceans Canada; and
- 3.14.2 maintain fish passage in Watercourse E and at the culvert under the Nemiscau-Eastmain-1 Road during all phases of the Designated Project.
- 3.15 The Proponent shall maintain, during all phases of the Designated Project, a buffer zone of undisturbed vegetation along the edge of water bodies and watercourses affected by the Designated Project, except for disturbed zones required for the construction of Designated Project components.
- 3.16 The Proponent shall design, install and operate the water intake structures in the watercourses where fish live in a manner to mitigate accidental catches of fish by entrainment and impingement, and shall employ, for this purpose, a fish screen of appropriate size, which accounts for Fisheries and Oceans Canada's *Interim code of practice: End-of-pipe fish protection screens for small water intakes in freshwater* and complies with the *Fisheries Act* and its regulations.
- 3.17 The Proponent shall carry out blasting activities taking into account Fisheries and Oceans Canada's *Guidelines for the use of explosives in or near Canadian fisheries waters*.
- 3.18 The Proponent shall not discharge any debris into watercourses that may cause adverse environmental effects on fish or fish habitat during any phase of the Designated Project.
- 3.19 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to acid mine drainage from potentially acid-generating waste rock piles into the aquatic environment. As part of the development of the follow-up program, the Proponent shall determine the frequency and duration of the follow-up.
- 3.20 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Nation Government, Environment and Climate Change Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish of changes to surface water quality caused by the Designated Project. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
  - 3.20.1 monitor continuously during operation the stability of the littoral zone of Watercourse A and Lakes 3, 4 and 6;
  - 3.20.2 monitor water quality in Watercourse A and Lakes 3, 4, 6, 18 and 19, including concentrations of lithium, tantalum, dissolved oxygen, temperature and hydrogen

potential, prior to discharge to Lakes 3, 4 and 6, and Lakes 18 and 19, once a week from the start of operation;

- 3.20.3 monitor total and dissolved tantalum concentrations in sediments in Watercourse A and in water at all effluent discharge points during operation and decommissioning; and
  - 3.20.4 if the tantalum concentrations in the water measured in accordance with Condition 3.20.3 demonstrate concentrations greater than 0.1 microgram per litre for total tantalum or 1 microgram per litre for dissolved tantalum, determine, in consultation with the parties involved in the development of the follow-up program, whether the source of the tantalum increase is attributable to the Designated Project and develop and implement modified or additional mitigation measures for such exceedances. Additional measures shall include measures to reduce the amount of suspended solids in the effluent.
- 3.21 The Proponent shall develop, in consultation with the First Nations, the Cree Nation Government and the relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to judge the effectiveness of the mitigation measures as it pertains to the adverse environmental effects of the modifications to groundwater quality on fish caused by the Designated Project. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
- 3.21.1 monitor the concentrations of lithium, tantalum, fluoride, arsenic, cadmium, chromium and copper in the observation wells surrounding the pit and identified on Map 1 of the Proponent's responses to the Agency's second request for information (Canadian Impact Assessment Registry Reference Number 80005, Document Number 30) prior to their discharge into Lakes 3, 4 and 6, once a week from the start of operation;
  - 3.21.2 monitor the concentrations of substances measured by the Proponent to complete the baseline groundwater quality during the environmental assessment and presented in Sectoral Report 3 R5-3 of the environmental impact statement at the observation wells for groundwater located upstream and downstream hydraulically from the mining infrastructures and identified in Map 1 of Appendix CCE-21 of the document *Answers to the non-compliance of the second information request and to requests for clarification from the IAAC* (Canadian Impact Assessment Registry Reference Number 80005, Document Number 33); and
  - 3.21.3 if the concentrations measured in accordance with condition 3.21.2 show levels higher than those measured by the Proponent to complete the baseline groundwater quality, develop and implement modified or additional mitigation measures.
- 3.22 The Proponent shall develop, prior to operation and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the geochemical characterization of the mining materials and the adverse environmental effects associated with the management of the mining materials on surface and groundwater quality. The Proponent shall implement the follow-up program throughout operation and decommissioning. As part of the follow-up program, the Proponent shall:
- 3.22.1 monitor, during operation and decommissioning, the physicochemical quality of the sediments of Watercourse A upstream and downstream from the effluent release point; and

- 3.22.2 characterize the ore extracted during operation, and the waste rock and tailings during operation and decommissioning. If the characterization results differ from the results of the initial characterization performed by the Proponent as part of the environmental assessment and indicated in Appendix G of the Environmental Impact Statement, the Proponent shall determine, in consultation with relevant authorities, if modified or additional mitigation measures are necessary and update the decommissioning plan referred to in condition 8.8.
- 3.23 The Proponent shall develop, in consultation with First Nations, Fisheries and Oceans Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish and fish habitat in Lake 3 caused by the Designated Project. As part of the development of the follow-up program, the Proponent shall determine the fish species to be monitored, in addition to lake whitefish (*Coregonus clupeaformis*), and the sampling frequency and method for each fish species monitored. The Proponent shall compare the monitoring results to the baseline conditions completed by the Proponent and presented in Sectoral Report 8 of the environmental impact statement. The Proponent shall implement the follow-up program during all phases of the Designated Project.
- 3.24 The Proponent shall develop, in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures as it pertains to the adverse environmental effects on fish from changes to water flows caused by the Designated Project. The Proponent shall implement the follow-up program during all phases of the Designated Project. As part of the follow-up program, the Proponent shall:
- 3.24.1 monitor flows, including low flows, in Watercourses A, C, N, M, F and E at least once in the spring, summer and fall of each year during operation at locations identified in consultation with First Nations. The Proponent shall identify the locations where it conducts monitoring on a map;
  - 3.24.2 monitor the water flows continuously in Watercourse A and Lakes 3, 4 and 6 during construction and operation;
  - 3.24.3 monitor the water levels continuously in the observation wells drilled by the Proponent as part of the environmental assessment and identified on Map 1 of Appendix CCE-21 of the document *Answers to the non-compliance of the Second Information Request and to requests for clarification from the IAAC* (Canadian Impact Assessment Registry Reference Number 80005, Document Number 33) and in the open pit;
  - 3.24.4 monitor the water flows pumped daily at pumps PP1 to PP9 identified on Map 03-03 of Appendix CCE-30 of the document *Answers to the non-compliance of the Second Information Request and to requests for clarification from the IAAC* (Canadian Impact Assessment Registry Reference Number 80005, Document Number 33);
  - 3.24.5 monitor the flow and the direction of flow of water at the mining site during decommissioning; and
  - 3.24.6 develop and implement modified or additional mitigation measures if the results of the monitoring referred to in conditions 3.24.1 to 3.24.5 demonstrate that modified or additional mitigation measures are necessary.

#### **4 Birds (including Migratory Birds)**

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing them or destroying, removing or disturbing their nests or eggs. For this purpose, the Proponent shall meet Environment and Climate Change Canada's *Guidelines to reduce risk to migratory birds* in order to reduce the risk to migratory birds. The Proponent's actions when carrying out the Designated Project shall comply with the *Migratory Birds Convention Act, 1994*, the *Migratory Birds Regulations* and the *Species at Risk Act*.
- 4.2 The Proponent shall not undertake any activity associated with the Designated Project that could hinder nesting of migratory birds and birds that are listed species at risk in order to avoid the destruction of nests, eggs and chicks. In doing this, the Proponent shall:
  - 4.2.1 determine the dates of the nesting period for any year during which activities associated with the Designated Project that may adversely affect bird nesting are carried out and submit those dates, including a justification for those dates, to the Agency prior to carrying out any activity. The justification includes the determination of activities according to the nesting periods determined for all species of migratory birds and birds that are listed as species at risk; and
  - 4.2.2 if it is not technically feasible to carry out any activity that could adversely affect the nesting of migratory birds and birds that are listed species at risk outside the nesting period determined in accordance with condition 4.2.1 in a given year, submit a justification to the Agency and develop and implement additional mitigation measures, including the use of non-intrusive monitoring methods, to avoid adverse effects on migratory birds during nesting, including nests, eggs and chicks. The Proponent shall submit these measures to the Agency prior to their implementation.
- 4.3 The Proponent shall not store any construction material in the Designated Project area during the migratory bird and birds that are listed species at risk nesting period identified in accordance with condition 4.2 during construction.
- 4.4 The Proponent shall limit vegetation clearing to the Designated Project area.
- 4.5 If active migratory bird nests are identified during construction, the Proponent shall establish and implement, in consultation with relevant authorities, mitigation measures to avoid the destruction, disturbance or removal of nests, including by the deployment of setback buffer zones. The Proponent shall establish any buffer zone taking into account the intensity, duration, frequency and proximity of the activity associated with the Designated Project that may adversely affect bird nesting.
- 4.6 The Proponent shall develop and implement, in consultation with Environment and Climate Change Canada and taking into account Environment and Climate Change Canada's *Beneficial Management Practices*, measures to prevent migratory birds from using the accumulation ponds during operation. The Proponent shall submit these measures to the Agency prior to their implementation.
- 4.7 The Proponent shall control the lighting necessary for the Designated Project's activities during all phases of the Designated Project, including its orientation, duration of use and intensity, to

mitigate the adverse effects of the Designated Project on migratory birds caused by light-induced sensory disturbances, while complying with the operational health and safety requirements.

- 4.8 The Proponent shall not exceed the noise limits established in the *Directive 019 sur l'Industrie minière* and the *Note d'instruction 98-01 sur le Traitement des plaintes sur le bruit et exigences aux entreprises qui le génèrent* of the Quebec's Ministère de l'Environnement et de la Lutte contre les changements climatiques during operation.
- 4.9 The Proponent shall develop, prior to construction, and implement, during all phases of the Designated Project, a policy prohibiting the operation of engine brakes for all vehicles in the Designated Project area. The Proponent shall require and ensure that everyone complies with this policy, unless there are technical constraints or constraints related to health or safety.
- 4.10 The Proponent shall develop and implement, in consultation with Environment and Climate Change Canada, measures to favour the use of the waste rock and tailings pile and the overburden pile by the common nighthawk (*Chordeiles minor*) during operation and decommissioning.
- 4.11 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec's Ministère des Forêts, de la Faune et des Parcs and First Nations, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment and judge the effectiveness of the mitigation measures implemented by the Proponent to avoid causing adverse environmental effects on migratory birds and birds that are listed species at risk, their eggs, nests and chicks. The follow-up program includes the mitigation measures implemented to satisfy conditions 4.1 to 4.10. As part of the follow-up program, the Proponent shall:
  - 4.11.1 have a qualified individual conduct surveys, every five years from the beginning of operation, to confirm the presence of migratory birds and birds that are listed species at risk, including the Canada warbler (*Cardellina canadensis*), the olive-sided flycatcher (*Contopus cooperi*), the rusty blackbird (*Euphagus carolinus*), the common nighthawk (*Chordeiles minor*) and the short-eared owl (*Asio flammeus*). The Proponent shall have the surveys conducted in the Designated Project area and the security perimeter and use the mapping of potential habitats for the species at risk completed by the Proponent as part of the environmental assessment and identified on Map 7-7 of the environmental impact statement to locate the inventory stations. The Proponent shall have diurnal surveys conducted at listening points for the Canada warbler (*Cardellina canadensis*), the olive-sided flycatcher (*Contopus cooperi*) and the rusty blackbird (*Euphagus carolinus*) and nocturnal surveys for the common nighthawk (*Chordeiles minor*) and the short-eared owl (*Asio flammeus*).

## **5 Listed Species at Risk**

- 5.1 The Proponent shall develop, prior to construction and in consultation with relevant authorities, and implement, during all phases of the Designated Project, an action plan for caribou (*Rangifer tarandus*). As part of the implementation of the plan, the Proponent shall:

- 5.1.1 develop, in consultation with the Cree Nation Government, the Ministère des Forêts, de la Faune et des Parcs du Québec and other relevant authorities, mitigation measures to be implemented in case of the presence of caribou (*Rangifer tarandus*) within a four-kilometre radius of the Designated Project area to mitigate the adverse environmental effects of the Designated Project on caribou caused by sensory disturbances and risks of collisions with vehicles, particularly by modifying the frequency, schedule and conditions of the mining and ore transportation activities;
  - 5.1.2 offer regular awareness training on the precarious situation of the caribou to all employees and contractors associated with the Designated Project who may encounter caribou (*Rangifer tarandus*) in the Designated Project area, and on how to detect signs of their presence and the measures to take in the event of the presence of caribou or signs of their presence;
  - 5.1.3 develop a communication mechanism to be informed of the presence of caribou and to report to employees and contractors of the Designated Project, including ore haul truck drivers, any presence of caribou;
  - 5.1.4 notify the employees and the contractors associated with the Designated Project, including the ore transportation truck drivers, of any presence of caribou (*Rangifer tarandus*) in the Designated Project area and on the mining site access roads;
  - 5.1.5 if the Proponent notices or is informed of the presence of caribou (*Rangifer tarandus*) in the Designated Project area or on the ore transportation road, immediately implement the measures developed in accordance with condition 5.1.1;
  - 5.1.6 if the Proponent notices or is informed of the presence of caribou (*Rangifer tarandus*) within a 500-metre radius of the Designated Project area, cease all blasting activity and not resume these activities before confirmation that no caribou is present within a 500-metre radius of the Designated Project area; and
  - 5.1.7 if the Proponent notices or is informed of the presence of caribou (*Rangifer tarandus*) within a four-kilometre radius of the Designated Project area, determine, in consultation with First Nations and relevant authorities, if modified or additional mitigation measures are necessary, and inform the tallyman of trapline RE01 of the presence of caribou.
- 5.2 The Proponent shall develop and implement measures to prevent bears from accessing the waste containers stored in the Designated Project area.
  - 5.3 The Proponent shall conduct a survey to establish the presence of maternity sites within the Designated Project area prior to undertaking any deforestation or building dismantling activity during the breeding period of the little brown myotis (*Myotis lucifugus*) or the Northern myotis (*Myotis septentrionalis*).
  - 5.4 If maternity sites for the little brown myotis (*Myotis lucifugus*) or the Northern myotis (*Myotis septentrionalis*) are identified in accordance with condition 5.3, the Proponent shall establish a 100-metre radius non-disturbance area around each maternity site and maintain the areas for the duration of the breeding period.
  - 5.5 The Proponent shall develop, prior to construction and in consultation with Environment and Climate Change Canada, the Quebec's Ministère des Forêts, de la Faune et des Parcs and First Nations, and implement a follow-up program during all phases of the Designated Project to verify

the accuracy of the environmental assessment and judge the effectiveness of the mitigation measures to avoid causing adverse environmental effects on caribou (*Rangifer tarandus*). The follow-up program shall include the mitigation measures implemented to satisfy conditions 5.1 and 5.2.

- 5.6 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of the mitigation measures to avoid harmful effects for the little brown myotis (*Myotis lucifugus*) and the Northern myotis (*Myotis septentrionalis*). The Proponent shall implement the follow-up program during construction and operation. As part of the implementation of the follow-up program, the Proponent shall have a qualified individual:
- 5.6.1 monitor the use of any maternity site identified in accordance with condition 5.3 during any deforestation or building dismantling activity undertaken during construction;
  - 5.6.2 monitor, twice a month during construction and operation, the ambient noise and nocturnal brightness during the breeding period of the little brown myotis (*Myotis lucifugus*) and the northern myotis (*Myotis septentrionalis*) at the maternity sites identified in accordance with condition 5.3; and
  - 5.6.3 perform a characterization of the potential habitat of the little brown myotis (*Myotis lucifugus*) and the Northern myotis (*Myotis septentrionalis*) at the sites where monitoring is conducted in accordance with condition 5.6.2.

## **6 Wetlands**

- 6.1 The Proponent shall establish mitigation measures in a wetland compensation plan, for the adverse environmental effects of the Designated Project on wetlands that cannot be avoided or minimized. The Proponent shall develop the wetland compensation plan prior to construction and in consultation with First Nations, the Cree nation Government, Environment Climate Change Canada and other relevant authorities, taking into account the *Federal policy on wetland conservation* and the *Operational Framework for Use of Conservation Allowances* of Environment and Climate Change Canada. When it determines the mitigation measures, the Proponent shall choose restoration of wetlands instead of their development, as well as improvement of wetlands instead of creation of wetlands. The Proponent shall begin implementation of the wetland compensation plan before the wetlands have suffered adverse effects.
- 6.2 The Proponent shall mitigate the adverse environmental effects of machinery on wetlands during construction.
- 6.3 The Proponent shall maintain the drainage profiles of any wetland located within 100 metres of the Designated Project area.
- 6.4 The Proponent shall implement measures, during all phases of the Designated Project, to avoid the introduction or propagation of invasive alien species in the Designated Project area. In doing this, the Proponent shall:
- 6.4.1 delineate, before construction, areas containing invasive alien plant species within the Designated Project area;

- 6.4.2 clean the vehicles and machinery before they enter the Designated Project area; and
  - 6.4.3 clean any vehicle and any machinery that have circulated in any area containing invasive alien plant species delimited in accordance with condition 6.4.1 before exiting this area.
- 6.5 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Nation Government, Environment and Climate Change Canada and other relevant authorities, and implement, during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment for the adverse environmental effects of the Designated Project on the functions of the wetlands, including the adverse environmental effects caused by invasive alien plant species, and the effectiveness of the mitigation measures for wetlands. As part of the implementation of the follow-up program, the Proponent shall:
- 6.5.1 monitor the presence of invasive alien plant species in the Designated Project area for a minimum of two years after the end of construction; and
  - 6.5.2 monitor the effectiveness of the compensation plan referred to in condition 6.1 for at least five years after the completion of construction and determine, in consultation with the parties consulted in the development of the follow-up program, whether additional monitoring is required.

## **7 Human health**

- 7.1 The Proponent shall develop, prior to construction and in consultation with First Nations, a complaint management protocol regarding exposure to noise generated by the Designated Project and the shared use of the land and resources by First Nations and by the employees and contractors associated with the Designated Project. The Proponent shall respond to any complaint received within 48 hours after receipt of the complaint and implement corrective actions in a timely manner. The Proponent shall develop the corrective actions in consultation with First Nations and the Cree Nation Government and shall implement the protocol during all phases of the Designated Project.
- 7.2 The Proponent shall develop, prior to construction and in consultation with First Nations, the Cree Board of Health and Social Services and other relevant authorities, measures to mitigate dust emissions generated by the Designated Project, which take into account air quality standards and criteria set out in the *Canadian Ambient Air Quality Standards* of the Canadian Council of Ministers of the Environment and the *Clean Air Regulation* of the Government of Quebec. In doing this, the Proponent shall:
- 7.2.1 use dust suppressants that comply with standard NQ 2410-300 of the Bureau de Normalisation du Québec [Quebec standards bureau] for all activities that may generate emissions;
  - 7.2.2 limit the speed of vehicles to 24 kilometres per hour on roads within the Designated Project area and requires any person to respect this limit;
  - 7.2.3 use drilling equipment fitted with dust control devices and keep these devices in good working order; and
  - 7.2.4 use blasting mats during blasting activities.

- 7.3 The Proponent shall use amphibolite or any other non-friable and non-clayey aggregate containing 1% or less of crystalline silica for the construction of the roads associated with the Designated Project.
- 7.4 The Proponent shall use dust extraction systems in the crushing circuit, the drying circuit and the loading silos. The Proponent shall maintain the dust extraction systems in good working order and maintain the emissions of the dust extractors of the crushing circuit below 20 milligrams per cubic metre.
- 7.5 The Proponent shall use electric vehicles for the transport of employees during all phases of the Designated Project and shall prioritize the use of electric equipment during operation, or equipment that meet United States Environmental Protection Agency Tier 4 emission standards if electric equipment is unavailable or its use is not technically or economically feasible. If the Proponent determines that equipment meeting Tier 4 emission standards is unavailable or its use is not technically or economically feasible, the Proponent shall submit a justification to the Agency for this determination before using the equipment.
- 7.6 The Proponent shall develop, prior to construction and in consultation with relevant authorities, a policy to reduce the fuel consumption of equipment and vehicles associated with the Designated Project. In doing so, the Proponent shall:
  - 7.6.1 prohibit idling of all equipment and vehicles in the Designated Project area. The Proponent shall require and ensure that any person complies with this policy during all phases of the Designated Project, unless there are technical constraints or constraints related to health or safety; and
  - 7.6.2 provide regular training in the effective management of acceleration and deceleration to ore haul truck drivers associated with the Designated Project.
- 7.7 The Proponent shall prohibit the blasting of waste rock, do not handle any granular material and cover the piles during operation when the winds are blowing in the direction of the Cree camp identified in Figure 14 of the draft environmental assessment report.
- 7.8 The Proponent shall dispose of wood waste and debris by shredding, unless it is not technically or economically feasible to do so.
- 7.9 The Proponent shall use white noise backup alarms for the vehicles and equipment operated by the Proponent as part of the Designated Project, except for 10-wheel dump trucks associated with the Designated Project.
- 7.10 The Proponent shall develop, prior to construction and in consultation with First Nations, Health Canada and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to adverse environmental effects to human health caused by changes to air quality, water quality and soil quality caused by the Designated Project. As part of the implementation of the follow-up program, the Proponent shall:
  - 7.10.1 monitor, during all phases of the Designated Project, total particulate (TPM), fine particulate matter (PM<sub>2.5</sub>), inhalable particulate matter (PM<sub>10</sub>) and crystalline silica at no

less than one location in the Designated Project area, one location along the Route du Nord and one location along the Nemiscau-Eastmain-1 Road;

- 7.10.2 monitor nitrogen dioxide emissions during blasting activities;
- 7.10.3 monitor concentrations of arsenic, cadmium, mercury and lead in water and soil during all phases of the Designated Project and for a period of time after the end of the decommissioning determined in consultation with First Nations and relevant authorities;
- 7.10.4 if the results of the monitoring conducted in accordance with conditions 7.10.1, 7.10.2 and 7.10.3 show concentrations exceeding criterion A of Quebec's *Guide d'intervention – Protection des sols et réhabilitation des terrains contaminés* (Intervention guide - Soil protection and rehabilitation of contaminated land), or the concentrations predicted in the assessment of the risk of contamination of traditional food carried out by the Proponent and presented in Appendix ACEE-136 of the document *Response to information request for the environmental impact statement information study* (Canadian Impact Assessment Registry Reference Number 80005, Document Number 22), the Proponent shall:
  - 7.10.4.1 determine, in consultation with the Cree Board of Health and Social Services and the First Nations, whether monitoring of contaminants in traditional food is required. If monitoring is required, the Proponent shall have a qualified person, in consultation with the First Nations, carry out the monitoring of contaminant levels in foods taken from the wild. The Proponent shall identify the foods to be monitored, the locations where monitoring is to be carried out, the frequency with which monitoring is to be carried out and the contaminants to be monitored, which shall include, at a minimum, arsenic, cadmium, mercury and lead.

## **8 Current Use of Lands and Resources for Traditional Purposes**

- 8.1 The Proponent shall develop, to the satisfaction of Fisheries and Oceans Canada and in consultation with First Nations and other relevant authorities, a plan to recover the fish before the dewatering of Lake 1. As part of the implementation of the plan, and if authorized to do so under the *Fisheries Act* and its regulations, the Proponent shall recover the fish and offer them to First Nations, or relocate them, as applicable, in compliance with the authorization.
- 8.2 The Proponent shall develop and implement, in consultation with the tallyman of trapline RE01, a beaver management plan to mitigate the adverse environmental effects of the Designated Project on beaver trapping activities for First Nations. As part of the implementation of the management plan, the Proponent shall allow intensive beaver trapping within the safety perimeter of the Designated Project, at least one winter before the beginning of construction.
- 8.3 The Proponent shall relocate, in consultation with the tallyman of trapline RE01, the camp identified on Map 3 of the environmental impact statement. The Proponent shall, at the request of the tallyman of trapline RE01, provide access, at the new camp location, to a source of water of equivalent or better quality than that available at the camp identified on Map 3 of the Environmental Impact Statement.

- 8.4 The Proponent shall develop, prior to construction and in consultation with First Nations and the Cree Nation of Waswanipi, a management protocol for transportation activities associated with the Designated Project during all phases of the Designated Project. The Proponent shall submit to the Agency and the Cree Nation Government a copy of the protocol and any subsequent updates at a frequency determined in consultation with the First Nations and the Cree Nation of Waswanipi. The protocol shall include:
- 8.4.1 the frequency of heavy truck traffic at the different times of day;
  - 8.4.2 measures to mitigate the adverse environmental effects of road traffic associated with the Designated Project on First Nations traditional activities practised near the Designated Project area, including the presence of Cree camps;
  - 8.4.3 the selection, through a tender process, of third-party ore hauling contractors whose trucks meet the criteria identified in consultation with First Nations and the Cree Nation of Waswanipi, including truck width and model. If third-party ore hauling contractor that meets the criteria is not available or its use is not technically or economically feasible, the Proponent shall provide a rationale for that determination to First Nations, the Cree Nation of Waswanipi and the Agency;
  - 8.4.4 a complaint management protocol regarding transportation activities associated with the Designated Project; and
  - 8.4.5 the use by employees and contractors associated with the Designated Project of radio communication systems in the transportation trucks associated with the Designated Project.
- 8.5 The Proponent shall develop and implement, in consultation with First Nations, measures to mitigate the effects of the Designated Project on the current use of lands and resources for traditional purposes. In doing so, the Proponent shall:
- 8.5.1 consult, prior to construction, the users of traplines RE01, R16 and R19 on goose and moose harvest rates, on the quality of harvests and on access to camps and traplines via the Nemiscau-Eastmain-1 Road and Route du Nord roads during goose and moose hunting periods;
  - 8.5.2 carry out a maximum of one blasting per day and 100 round-trip truck passage per week, distributed so as not to exceed 15 round trip truck passages per day, during goose and moose hunting periods. The Proponent shall confirm the beginning and end of each hunting period in consultation with the First Nations;
  - 8.5.3 perform blasting activities in the open pit only between 10:00 a.m. and 4:00 p.m. on non-holiday weekdays and submit the schedule of blasting activities to Hydro-Québec; and
  - 8.5.4 consult, during all phases of the Designated Project, the users of traplines RE01, R16 and R19 on the adverse environmental effects of blasting and the transportation of heavy trucks associated with the Designated Project on access to traplines RE01, R16 and R19, on goose and moose harvesting rates and on the quality of these harvests.
- 8.6 The Proponent shall undertake the progressive reclamation of the areas disturbed by the Designated Project, except for the pit. In doing this, the Proponent shall identify, in consultation with relevant authorities and tallymen of traplines RE01, R16 and R19, the plant species to be

used for the revegetation necessary for this progressive reclamation and that support the creation of favorable habitat for migratory birds and listed species at risk, including caribou (*Rangifer tarandus*).

- 8.7 The Proponent shall prohibit the employees and contractors associated with the Designated Project from fishing, hunting and trapping in the security perimeter for any purpose not associated with the Designated Project during all phases of the Designated Project or when implementing conditions set out in this document.
- 8.8 The Proponent shall develop a mine decommissioning plan in consultation with the tallyman of trapline RE01. The Proponent shall submit the final decommissioning plan approved by the *Ministère des Forêts, de la Faune et des Parcs* du Québec and the expected residual changes to the territory to the Cree Nation of Eastmain and to the tallymen of trapline R10 of the First Nation of Waskaganish and traplines R16 and R19 of the Cree Nation of Nemaska.
- 8.9 The Proponent shall develop, prior to construction, a communication plan to disseminate information regarding the Designated Project to the First Nations and the Cree Nation of Waswanipi. The Proponent shall develop, implement an annually review the communication plan in consultation with the First Nations and the Cree users of traplines RE01, R16, R19, R10, A52, A54, W01, W03, W07, W13 and W53. As part of the development of the communication plan, the Proponent shall determine the types of activities (including blasting) requiring a notice to the First Nations and the schedule of these notices, which shall indicate the place and schedule for each activity. As part of the implementation of the communication plan, the Proponent shall communicate the results of the follow-up programs referred to in conditions 3.19, 3.20, 3.21, 3.22, 3.23, 3.24, 4.11, 5.4, 6.5, 7.10, 8.10 and 8.11 to the Cree users of traplines RE01, R16, R19 and R10 and to First Nations.
- 8.10 The Proponent shall develop, prior to construction and in consultation with the First Nations, a follow-up program to verify the accuracy of the environmental assessment and the effectiveness of the mitigation measures as it pertains to adverse environmental effects of the Designated Project on the current use of lands and resources for traditional purposes. As part of the development of the follow-up program, the Proponent shall characterize the state of the resources and the goose and moose harvests on traplines RE01, R10, R16 and R19. The Proponent shall implement the follow-up program during construction and at least the first six years of operation and determine, before the end of the sixth year of operation and in consultation with the Environment Committee of the Pihkuutaau Agreement and the tallymen of trapline RE01 of the Cree Nation of Eastmain and traplines R16 and R19 of the Cree Nation of Nemaska, if additional monitoring is required after the sixth year of operation and the frequency at which this monitoring must be performed. As part of the implementation of the follow-up program, the Proponent shall:
  - 8.10.1 consult the tallymen of traplines RE01, R16 and R19 on the adverse environmental effects of the Designated Project on trapping activities for traditional purposes;
  - 8.10.2 consult the tallymen of traplines RE01, R16 and R19 on the adverse environmental effects of blasting and heavy truck transport associated with the Designated Project on access to traplines RE01, R16 and R19 and on the goose and moose hunting activities for traditional purposes on traplines RE01, R16 and R19, including the goose and moose harvest rates and the quality of the harvests;

- 8.10.3 determine if modified or additional mitigation measures are necessary in accordance with condition 2.9 and according to the results of the consultation conducted in accordance with conditions 8.10.1 and 8.10.2; and
  - 8.10.4 submit the results of the follow-up program to the Environment Committee of the Pihkuutaau Agreement.
- 8.11 The Proponent shall develop, prior to construction and in consultation with First Nations, Environment and Climate Change Canada and other relevant authorities, a follow-up program to assess the effectiveness of the reclamation referred to in condition 8.6. The Proponent shall conduct monitoring for a minimum of 5 years following the completion of decommissioning.

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

- 9.1 The Proponent shall conduct, prior to construction and in consultation with the First Nations, an assessment of the adverse environmental effects in the areas presenting archaeological potential identified in Chapter 6.3 of the draft environmental assessment report before conducting any activity disturbing the soil in these areas. The Proponent shall present the results of the assessment of adverse environmental effects to the Agency before the start of construction. The Proponent shall apply the archaeological and cultural resources protection plan referred to in condition 9.2 to the construction, sites or things of historical, archaeological, paleontological or architectural importance or to the physical or cultural heritage resources discovered in the Designated Project area.
- 9.2 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, an archaeological and cultural resources protection plan for any construction, site or thing of historical, archaeological, paleontological or architectural importance not yet inventoried and discovered in the Designated Project area. The Proponent shall implement the measures during all phases of the Designated Project. As part of the implementation of the plan, the Proponent shall:
- 9.2.1 inform the employees and contractors associated with the Designated Project about the procedure to be followed in case of accidental discoveries set out in condition 9.2.2;
  - 9.2.2 develop a procedure and apply it in the event that constructions, sites or things of historical, archaeological, paleontological or architectural importance not yet inventoried are discovered by the Proponent or brought to the Proponent's attention by another party during any phase of the Designated Project. In doing this, the Proponent shall:
    - 9.2.2.1 immediately stop the work at the site of the discovery, except for the work necessary for protection of the discovery's integrity;
    - 9.2.2.2 delineate an area of at least 30 metres around the discovery as a no-work zone;
    - 9.2.2.3 inform the Agency, the tallyman of trapline RE01, the Cree Nation Government, First Nations, the Aanischaaukamikw Cree Cultural Institute, the Ministère de la Culture et des Communications du Québec (Quebec Department of Culture and Communications) and any other relevant authority within 24 hours after the discovery, and allow the tallyman of trapline RE01 and the

Aanischaaukamikw Cree Cultural Institute to monitor the archaeological work at the site of the discovery;

9.2.2.4 give a qualified person, who is an archaeologist, the responsibility for conducting an assessment at the site of the discovery in accordance with the Quebec's *Cultural Heritage Act*; and

9.2.2.5 consult First Nations and the relevant authorities on all applicable legislative or legal requirements and associated regulations and protocols with respect to the discovery, registration, transfer and safeguarding of construction, sites or things of historical, archaeological, paleontological or architectural importance not yet inventoried, and comply with them.

## **10 Independent Environmental Monitor**

10.1 The Proponent shall retain, prior to construction, the services of an independent environmental monitor, who is a qualified individual as it pertains to environmental monitoring in Quebec, to observe and record the implementation of the follow-up programs set out in this document for the duration of each of the follow-up program, and to report the results of the observations to the Proponent and the Agency.

10.2 The Proponent shall require the independent environmental monitor to report in writing to the Proponent on the implementation of each follow-up program. The Proponent shall require the independent environmental monitor to submit to the Proponent in writing the measures he considers relevant and that the Proponent shall implement to meet the requirements of each follow-up program identified in this document.

10.3 The Proponent shall require the independent environmental monitor to submit to the Agency, at a frequency determined in consultation with the Agency, the reports submitted to the Proponent in accordance with condition 10.2 at the same time the Proponent receive the reports.

10.4 The Proponent shall require the independent environmental monitor to retain the reports referred to in condition 10.2 during five years after their submission to the Agency.

## **11 Accidents and malfunctions**

11.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and to mitigate any adverse environmental effect from accidents and malfunctions that do occur. As part of these measures, the Proponent shall:

11.1.1 keep emergency kits for the recovery of petroleum products and hazardous materials readily accessible at all times on the worksite, as well as absorbent materials in each construction equipment; and

11.1.2 delineate confined and out-of-pit and off-road petroleum product transfer areas.

11.2 The Proponent shall consult, prior to construction, First Nations and relevant authorities on the measures to be implemented to prevent accidents and malfunctions.

- 11.3 The Proponent shall develop, prior to construction and in consultation with First Nations and relevant authorities, an accident and malfunction response plan in relation to, and for all phases of the Designated Project. The accident and malfunction plan shall include:
- 11.3.1 a description of the types of accidents and malfunctions that may cause adverse environmental effects during any phase of the Designated Project, including spills, hydrocarbure spills and overtopping, failure or breach of the auxiliary spillway and pipeline rupture;
  - 11.3.2 the measures to be implemented in response to each type of accident and malfunction referred to in condition 11.3.1 to mitigate any adverse environmental effect caused by the accident or malfunction; and
  - 11.3.3 for each type of accident and malfunction referred to in condition 11.3.1, the roles and responsibilities (including in terms of measures to be implemented and equipment to be mobilized) of each authority concerned participating in the response in case of accident or malfunction.
- 11.4 The Proponent shall maintain the accident and malfunction response plan referred to in condition 11.3 up-to-date during all phases of the Designated Project. The Proponent shall submit any updated accident and malfunction response plan to the Agency and to the parties being consulted during the development of the plan within 30 days of the plan being updated.
- 11.5 In the event of an accident or malfunction with the potential to cause adverse environmental effects, including an accident or a malfunction referred to in condition 11.3.1, the Proponent shall immediately implement the measures appropriate to respond to the accident or malfunction, including any measure referred to in condition 11.3.2, and shall:
- 11.5.1 implement the communication plan referred to in condition 11.6 as it relates to accidents and malfunctions;
  - 11.5.2 notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable regulatory and legislative requirements;
  - 11.5.3 notify, as soon as possible, First Nations and Hydro-Québec of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. For the notification to First Nations and the Agency, the Proponent shall specify:
    - 11.5.3.1 the date and time when and location where the accident or malfunction occurred;
    - 11.5.3.2 a summary description of the accident or malfunction; and
    - 11.5.3.3 a list of any substance potentially released into the environment as a result of the accident or malfunction.
  - 11.5.4 submit a written report to the Agency and to the Cree Nation Government no later than 30 days after the day on which the accident or malfunction occurred. The written report shall include:
    - 11.5.4.1 a detailed description of the accident or malfunction and of its adverse environmental effects;

- 11.5.4.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
  - 11.5.4.3 any view from First Nations and potentially affected parties and advice from relevant authorities received with respect to the accident or malfunction, its adverse environmental effects and the measures taken by the Proponent to mitigate these adverse environmental effects;
  - 11.5.4.4 a description of any residual adverse environmental effect and any modified or additional measure required by the Proponent to mitigate residual adverse environmental effects; and
  - 11.5.4.5 details concerning the implementation of the accident or malfunction response plan referred to in condition 11.3.
- 11.5.5 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction occurred that includes a description of the changes made to avoid a subsequent occurrence of the accident or malfunction and of the modified or additional measure(s) implemented by the Proponent to mitigate and monitor residual adverse environmental effects and to carry out any required progressive reclamation, taking into account the information submitted in the written report pursuant to condition 10.5.3. The report shall include all additional views from First Nations and potentially affected parties and advice from relevant authorities received by the Proponent since the views and advice referred to in condition 11.5.3.3 were received by the Proponent.
- 11.6 The Proponent shall develop, in consultation with First Nations, a communication plan for accidents and malfunctions occurring in relation to the Designated Project. The Proponent shall develop the communication plan prior to construction and shall implement and keep it up-to-date during all phases of the Designated Project. The plan shall include:
- 11.6.1 the types of accidents and malfunctions requiring the Proponent to notify First Nations and Hydro-Québec;
  - 11.6.2 the manner by which First Nations and Hydro-Québec shall be notified by the Proponent of an accident or malfunction and of any opportunity to assist in the response to the accident or malfunction; and
  - 11.6.3 the contact information of the representatives of the Proponent that First Nations may contact and of the representatives of each First Nations to which the Proponent shall provide notification.

## **12 Schedules**

- 12.1 The Proponent shall submit to the Agency and to the Cree Nation Government a schedule for all conditions set out in this document no later than 60 days prior to the start of construction. This schedule shall detail all activities planned to fulfill each condition set out in this document and the commencement and estimated completion month(s) and year(s) for each of these activities.
- 12.2 The Proponent shall submit to the Agency a schedule outlining all activities required to carry out all phases of the Designated Project no later than 60 days prior to the start of construction. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities, including the commencement and estimated completion of

each of the three construction phases, the commencement of the operation phase and the commencement of the operation phase at which the Designated Project operates at its full operational capacity.

- 12.3 The Proponent shall submit to the Agency in writing an update to schedules referred to in conditions 12.1 and 12.2 every year no later than June 30.
- 12.4 The Proponent shall provide First Nations and potentially affected parties with the schedules referred to in conditions 12.1 and 12.2, and any update to the initial schedule made pursuant to condition 12.3 at the same time the Proponent provides these documents to the Agency.

### **13 Record keeping**

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