

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

to  
LNG Canada Development Inc.  
c/o Scot MacKillop, Regulatory and Permitting Lead

400- 4<sup>th</sup> Ave SW  
Calgary, Alberta  
T2P 2H5

for the  
**LNG Canada Export Terminal Project**

**Description of the Designated Project**

LNG Canada Development Inc. is proposing the construction and operation of a natural gas liquefaction facility and marine terminal for the export of liquefied natural gas (LNG) in the District of Kitimat, British Columbia. The Designated Project would convert natural gas to LNG, approximately 26 million tonnes per annum, for export to global markets. The Designated Project is expected to have a life of at least 25 years.

**Conduct of the environmental assessment**

The Canadian Environmental Assessment Agency (the Agency) commenced an environmental assessment of the Designated Project under the *Canadian Environmental Assessment Act, 2012* (CEAA 2012) on May 21, 2013 and, on that same date, the Minister of the Environment, under the authority of section 32 of CEAA 2012, granted the substitution of the environmental assessment process set out in British Columbia's *Environmental Assessment Act* for the CEAA 2012 process.

British Columbia's Environmental Assessment Office (the EAO) conducted an environmental assessment of the Designated Project in accordance with the substitution conditions set out in subsection 34(1) of CEAA 2012, including those additional conditions set by the Minister of the Environment, and in consideration of the Memorandum of Understanding on Substitution of Environmental Assessments (2013) entered into by the Agency and the EAO. The EAO submitted its report to the Agency on May 6, 2015.

**Decision on environmental effects referred to in subsection 5(1) of CEAA 2012**

In accordance with paragraph 52(1)(a) of CEAA 2012, after considering the report of the EAO on the Designated Project and the implementation of mitigation measures that I consider appropriate, I

determined that the Designated Project is likely to cause significant adverse environmental effects referred to in subsection 5(1) of CEAA 2012.

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

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

In accordance with subsection 53(1) of CEAA 2012, I have established the conditions below in relation to the environmental effects referred to in subsection 5(1) of CEAA 2012, with which LNG Canada Development Inc. must comply.

### **Decision on environmental effects referred to in subsection 5(2) of CEAA 2012**

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

- The Minister of Fisheries and Oceans may issue an authorization under paragraph 35(2)(b) of the *Fisheries Act*;
- The Minister of the Environment may issue a permit for disposal at sea under subsection 127(1) of the *Canadian Environmental Protection Act, 1999*; and
- The Minister of Transport may approve works in and about navigable waters under subsection 6(1) of the *Navigation Protection Act*.

In accordance with paragraph 52(1)(b) of CEAA 2012, after considering the report of the EAO on the Designated Project and the implementation of mitigation measures that I consider appropriate, I determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of CEAA 2012.

In accordance with subsection 53(2) of CEAA 2012, I have established the conditions below in relation to the environmental effects referred to in subsection 5(2) of CEAA 2012, with which LNG Canada Development Inc. must comply.

## **1 Definitions**

1.1 *Aboriginal groups* – Haisla Nation, Gitga'at First Nation, Kitselas, Kitsumkalum, Gitxaala Nation, Lax Kw'alaams, Metlakatla, and Métis Nation British Columbia.

1.2 *Agency* – Canadian Environmental Assessment Agency.

- 1.3 *Construction* – the phase of the Designated Project during which physical activities in connection with site preparation, building or installation of any component of the Designated Project are undertaken by the Proponent prior to operation.
- 1.4 *Days* – calendar days.
- 1.5 *Decommissioning* – the phase of the Designated Project where the Proponent has permanently ceased commercial production and has commenced actions to remove from service any component of the Designated Project, and continues these actions until site restoration activities are complete.
- 1.6 *Designated Project* – the LNG Canada Export Terminal Project as described in the Certified Project Description in Schedule A of the Environmental Assessment Certificate issued by the Government of British Columbia (Canadian Environmental Assessment Registry Reference Number 80038).
- 1.7 *Ecologically important wetlands* – wetlands and estuarine wetland communities that are red-listed or blue-listed by the British Columbia Conservation Data Centre.
- 1.8 *Environment Canada* – the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.
- 1.9 *Fish* – as defined in subsection 2(1) of the *Fisheries Act*, includes (a) parts of fish; (b) shellfish, crustaceans, marine animals and any parts of shellfish, crustaceans or marine animals; and (c) the eggs, sperm, spawn, larvae, spat and juvenile stages of fish, shellfish, crustaceans and marine animals.
- 1.10 *Fish habitat* – as defined in subsection 2(1) of the *Fisheries Act*, means spawning grounds and any other areas, including nursery, rearing, food supply and migration areas, on which fish depend directly or indirectly in order to carry out their life processes.
- 1.11 *Fisheries and Oceans Canada* – the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.12 *Follow-up program* – as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*, means a program for (a) verifying the accuracy of the environmental assessment of a designated project; and (b) determining the effectiveness of any mitigation measures.
- 1.13 *Initial dilution zone* – the area adjacent to an effluent outfall where the effluent is deposited and mixes with water in the receiving environment.
- 1.14 *Liquefied Natural Gas (LNG)* – a fluid in a liquid state that is composed predominately of methane and that may contain minor quantities of ethane, propane, nitrogen or other components found in natural gas.
- 1.15 *Migratory bird* – as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*, means a migratory bird referred to in the Convention, and includes the sperm, eggs, embryos, tissue cultures and parts of the bird.

- 1.16 *Mitigation measures* – as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*, means measures for the elimination, reduction or control of the adverse environmental effects of a designated project, and includes restitution for any damage to the environment caused by those effects through replacement, restoration, compensation or any other means.
- 1.17 *Navigation impacts* – include impacts on water depths and water widths that affect the passage of a vessel, including a vessel used by Aboriginal people in the context of their current use of lands and resources for traditional purposes.
- 1.18 *Operation* – the phase of the Designated Project during which the commercial production takes place.
- 1.19 *Progressive reclamation* – a planned approach carried out concurrently with Designated Project activities aimed at progressively returning any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as practical.
- 1.20 *Project footprint* – the land area physically disturbed by activities related to the construction, operation, decommissioning or abandonment of the Designated Project.
- 1.21 *Proponent* – LNG Canada Development Inc. or any other party, and their successors or assigns, that assume ownership, care, control or management of the Designated Project.
- 1.22 *Qualified individual* – someone who, through education, experience and knowledge relevant to a particular matter, may be relied on to provide advice within his or her area of expertise.
- 1.23 *Reporting year* – April 1 of a calendar year through March 31 of the subsequent calendar year.
- 1.24 *Species at risk* – as defined in subsection 2(1) of the *Species at Risk Act*, means an extirpated, endangered or threatened species or a species of special concern.
- 1.25 *Transport Canada* – the Department of Transport as established under subsection 3(1) of the *Department of Transport Act*.
- 1.26 *Wetland* – land saturated with water long enough to promote formation of water altered soils, growth of water-tolerant vegetation and various kinds of biological activity that is adapted to the wet environment and separated into five classes: fen, bog, marsh, swamp and shallow open water wetlands (includes open water areas less than two metres deep with wetland characteristics).
- 1.27 *Wetland functions* – include the natural processes and derivation of benefits and values associated with wetland ecosystems, 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 traditional use, tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

## **Conditions**

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

### **2 General conditions**

- 2.1 The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this Decision Statement are informed by the best available information and knowledge, are based on validated methods and models, are undertaken by qualified individuals, and have applied the best available economically and technologically feasible strategies.
- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
  - 2.2.1 provide written notice of the opportunity for the party or parties to present their views on the subject of the consultation;
  - 2.2.2 provide sufficient information and a reasonable period of time to permit the party or parties to prepare their views;
  - 2.2.3 provide a full and impartial consideration of any views presented; and
  - 2.2.4 advise the party or parties that have provided comments on how the views and information received have been considered.
- 2.3 The Proponent shall, where consultation with Aboriginal groups is a requirement of a condition set out in this Decision Statement, and prior to the initiation of consultation, communicate with each Aboriginal group on the most appropriate manner in which to satisfy the consultation requirements referred to in condition 2.2.
- 2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this Decision Statement:
  - 2.4.1 undertake monitoring and analysis to verify the accuracy of the environmental assessment as it pertains to the condition and/or to determine the effectiveness of any mitigation measure(s);
  - 2.4.2 where the results of the monitoring and analysis indicate issues with respect to the accuracy of the environmental assessment or the effectiveness of any mitigation measures that may lead to adverse environmental effects, identify the means by which it will determine whether additional mitigation measures are required, including the need for consultation with other parties in reaching that determination; and
  - 2.4.3 implement additional mitigation measures, as appropriate.

- 2.5 The Proponent shall, from the reporting year where construction starts, submit to the Agency an annual report, including an executive summary of the annual report in both official languages. The annual report is to be submitted by the Proponent no later than June 30 following the reporting year. The Proponent shall document in the report:
- 2.5.1 implementation activities undertaken in the reporting year for each of the conditions;
  - 2.5.2 how it has considered and incorporated the factors set out in condition 2.1 in the implementation of the conditions set out in this Decision Statement;
  - 2.5.3 for conditions set out in this Decision Statement for which consultation is a requirement, how it has considered any views and information received during or as a result of the consultation;
  - 2.5.4 the results of the follow-up program requirements identified in conditions 3.14, 4.2.4, 4.5, 5.3, 6.3.6 and 7.2; and
  - 2.5.5 any additional mitigation measures implemented or proposed to be implemented, as determined under condition 2.4.
- 2.6 The Proponent shall publish on the Internet, or any similar medium, the annual report, the executive summary referred to in condition 2.5, the Wetland Compensation Plan referred to in condition 4.3, the plan to offset the loss of fish and fish habitat referred to in condition 3.11, the Archaeological and Heritage Resources Management Plan referred to in condition 8.1, the Decommissioning Plan referred to in condition 9.1, and the implementation schedule referred to in condition 11, following submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for twenty-five years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first.
- 2.7 The Proponent shall notify the Agency in writing no later than 60 days after the day on which there is a transfer of ownership, care, control or management of the Designated Project in whole or in part.
- 2.8 In the event that there is a transfer of ownership, care, control or management of the Designated Project from LNG Canada Development Inc. to another party, that party becomes the Proponent of the Designated Project and is bound by the conditions found in this Decision Statement.

### **3 Fish and fish habitat**

- 3.1 The Proponent shall implement erosion control measures and sediment control measures during all phases of the Designated Project.
- 3.2 The Proponent shall revegetate disturbed riparian areas, using native vegetation, as soon as practicable after construction.
- 3.3 The Proponent shall isolate construction activities from adjacent freshwater fish habitat.
- 3.4 The Proponent shall salvage and relocate fish during in-water work requiring isolation of freshwater fish habitat.

- 3.5 The Proponent shall design the water intake for the Designated Project to avoid or reduce injury to and mortality of fish, including the risk of entrainment of eulachon larvae. The Proponent shall install the water intake that is so designed and shall monitor the operation of that intake to determine whether or not injury to and mortality of fish is avoided or reduced. Based on the monitoring results, the Proponent shall, as appropriate, modify the water intake or implement other measures to avoid or reduce injury to and mortality of fish.
- 3.6 The Proponent shall apply low-noise methods or sound dampening technologies to reduce adverse effects to fish and marine mammals from exposure to underwater noise during pile installation. In doing so, the Proponent shall:
- 3.6.1 minimize impulsive noise emitted by construction activities, including by giving preference to the use of vibratory pile-driving over impact pile-driving unless not technically feasible;
  - 3.6.2 report annually the occurrence(s) when impact pile-driving was implemented including a description of why vibratory pile driving was not technically feasible; and
  - 3.6.3 use sound attenuation device(s) when impact pile-driving underwater.
- 3.7 The Proponent shall, prior to the start of in-water construction activities; establish the location and timing of sensitive life stages and habitat occupancy for fish (including marine mammals) in consultation with Fisheries and Oceans Canada and Aboriginal groups; advise the Agency of that information; and shall conduct in-water construction activities during the timing windows of least risk to those life stages and habitat occupancy, unless otherwise authorized by Fisheries and Oceans Canada.
- 3.8 When conducting in-water construction activities outside the timing windows of least risk referred to in condition 3.7, the Proponent shall implement additional mitigation measures following consultation with Fisheries and Oceans Canada, including sediment containment when dredging and using sediment disposal methods and equipment that will limit re-suspension of sediments.
- 3.9 To avoid detrimental behavioural change in or injury to marine mammals, the Proponent shall implement a marine mammal detection and response plan during all construction activities that pose a risk to marine mammals. In doing so, the Proponent shall:
- 3.9.1 identify the construction activities that generate underwater noise levels greater than 160 and 180 decibels at a reference pressure of one micropascal and the periods of time when those activities will occur;
  - 3.9.2 for cetaceans, establish the boundary of the exclusion zone for each construction activity identified in condition 3.9.1 at the distance from the activity that the underwater noise level reaches 160 decibels;
  - 3.9.3 for all other marine mammals, including pinnipeds, establish the boundary of the exclusion zone for each construction activity identified in condition 3.9.1 at the distance from the activity that the underwater noise level reaches 180 decibels or at a distance of 150 metres, whichever is the greater distance;

- 3.9.4 employ a marine mammal observer and specify the role of that person in observing and reporting marine mammals in the exclusion zone(s) identified in conditions 3.9.2 and 3.9.3 during construction activities identified in condition 3.9.1;
  - 3.9.5 stop construction activities identified in condition 3.9.1 if marine mammals are observed within the exclusion zone(s) or reasonably appear to be about to enter the exclusion zone(s) identified in condition 3.9.2 and 3.9.3;
  - 3.9.6 start or restart activities only once it has been visually confirmed that the marine mammal(s) are not within the exclusion zone(s) or if a minimum of 30 minutes has elapsed since the marine mammal was last sighted within the exclusion zone(s); and
  - 3.9.7 specify mitigation measures, such as sound dampening technology and soft-start procedures to reduce construction noise levels in the exclusion zone.
- 3.10 LNG carriers associated with the Designated Project shall respect speed profiles applicable to the operation of the Designated Project, subject to navigational safety, to prevent or reduce the risks of collisions between LNG carriers and marine mammals and shall report any collision with marine mammals to Fisheries and Oceans Canada, and notify Aboriginal groups.
- 3.11 The Proponent shall mitigate impacts to fish and fish habitat and, in consultation with Fisheries and Oceans Canada, develop and implement a plan to offset the loss of fish and fish habitat associated with the carrying out of the Designated Project.
- 3.12 For any fish habitat offsets area proposed in any offsetting plan under condition 3.11, and prior to submitting the offsetting plan to Fisheries and Oceans Canada, the Proponent shall determine whether there are adverse effects:
- 3.12.1 on migratory birds and their habitats;
  - 3.12.2 on terrestrial species, including amphibians and reptiles, and their habitats;
  - 3.12.3 on species at risk and their habitat;
  - 3.12.4 on the current use of lands and resources for traditional purposes by Aboriginal peoples;
  - 3.12.5 on navigation; and
  - 3.12.6 from potential sources of contamination including polycyclic aromatic hydrocarbons, dioxins, furans, copper and zinc on the receiving environment.
- 3.13 The Proponent shall, if there are adverse effects on any of the elements of condition 3.12, avoid or lessen those adverse effects.
- 3.14 In consultation with Fisheries and Oceans Canada and Aboriginal groups, the Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures identified under conditions 3.1 to 3.11 and 3.13.
- 3.15 The Proponent shall participate in regional initiatives relating to cumulative effects monitoring and the management of marine shipping, should there be any such initiatives during the construction and operation phases of the Designated Project.



#### **4 Wetlands**

- 4.1 The Proponent shall mitigate the adverse environmental effects of the Designated Project on wetland functions that support migratory birds, species at risk or the current use of lands and resources for traditional purposes by Aboriginal people. The Proponent shall give preference to avoiding the loss of wetlands over minimizing the adverse effects on wetlands and for managing the effects on wetlands over compensating for lost or adversely affected wetlands.
- 4.2 To avoid loss of wetlands or to manage adverse effects on wetlands impacted by the Designated Project footprint and adverse effects on wetland function on and for those wetlands adjacent to the Designated Project footprint, the Proponent shall:
- 4.2.1 delineate clearing boundaries prior to the commencement of construction and respect those boundaries during construction;
  - 4.2.2 maintain, where practicable, tidal flow and wildlife passage in the LNG loading line corridor between the LNG processing and storage site and the marine terminal;
  - 4.2.3 manage surface water and avoid erosion or sedimentation to maintain hydrology of adjacent wetlands and protect water quality; and
  - 4.2.4 conduct follow-up monitoring prior to and during construction to detect potential unanticipated loss of wetland functions and implement adjustments to mitigate loss of those wetland functions.
- 4.3 For effects on ecologically important wetlands that cannot be avoided or minimized, mitigation measures shall be set out in a Wetland Compensation Plan that shall be prepared by the Proponent in consultation with Aboriginal groups. The mitigation measures to be set out in the Wetland Compensation Plan shall include:
- 4.3.1 implementing a 2:1 ratio of compensation area to the loss of ecologically important wetland area;
  - 4.3.2 identifying sites to compensate for the lost wetlands referred to in 4.3.1, that are as close to Kitimat as possible and that reflect similar wetland types and functions to those that are lost;
  - 4.3.3 a preference for wetland restoration over enhancement, and wetland enhancement over creation; and
  - 4.3.4 whenever possible, using traditional plants in the enhancement or creation of the compensation sites referred to in 4.3.2 and providing access to those sites to Aboriginal people for the purposes of gathering traditional use plants.
- 4.4 The Proponent shall implement the wetland compensation plan within five years of the date of the start of construction.

- 4.5 The Proponent shall implement a follow-up program to verify that the compensation wetland sites are fulfilling the functions of the wetlands they are replacing and shall implement corrective actions in respect of the compensation wetlands if the latter do not fulfill those functions. The follow-up program shall include monitoring of the compensatory wetland sites to verify that lost habitat is being restored at or on those sites, in year one, and in years three, five, and ten following the enhancement or creation of the compensating wetlands.

## **5 Migratory birds**

- 5.1 The Proponent shall carry out all phases of the Designated Project in a manner that protects and avoids harming, killing or disturbing migratory birds or destroying or taking their nests or eggs. In this regard, the Proponent shall take into account Environment Canada's *Avoidance Guidelines*. The Proponent's actions in applying the *Avoidance Guidelines* shall be in compliance with the *Migratory Birds Convention Act, 1994* and with the *Species at Risk Act*.
- 5.2 The Proponent shall:
- 5.2.1 restrict flaring of vented emissions to the minimum required for maintenance activities or to manage emergencies;
  - 5.2.2 minimize flaring during night time and during periods of bird vulnerability; and
  - 5.2.3 adjust operational lighting to avoid attracting migratory birds.
- 5.3 The Proponent shall develop and implement a follow-up program to determine the effectiveness of the mitigation measures used to avoid harm to migratory birds, their eggs and nests during all phases of the Designated Project.
- 5.4 The Proponent shall avoid or lessen, and monitor effects on the habitat of the Marbled Murrelet (*Brachyramphus marmoratus*), a species that appears on Schedule 1 of the *Species at Risk Act*. The Proponent shall compensate for the loss of habitat of the Marbled Murrelet as a result of the Designated Project, taking into account Environment Canada's *Operational Framework for Use of Conservation Allowances*.

## **6 Human health**

- 6.1 The Proponent shall incorporate noise and air emission reduction measures in the design of the Designated Project, and implement noise and air emission reduction measures during all phases of the Designated Project to avoid or reduce potential effects on human health, including:
- 6.1.1 complying with the *Waste Discharge Regulation* under British Columbia's *Environmental Management Act* for operational air emissions;
  - 6.1.2 applying best management practices and guidance for construction noise from the British Columbia Oil and Gas Commission's *Noise Control Best Practices Guidelines*; and
  - 6.1.3 complying with the operational noise requirement of the British Columbia Oil and Gas Commission's *Liquefied Natural Gas Facility Regulation*.

- 6.2 The Proponent shall develop and implement a mechanism for receiving noise complaints, in consultation with Aboriginal groups and other parties who may be adversely affected by the noise caused by the Designated Project and during all phases of the Designated Project, and respond in a timely manner to any noise complaint received.
- 6.3 The Proponent shall implement measures related to marine water quality and sediment quality , including:
- 6.3.1 prior to the commencement of dredging, establishing a shellfish and groundfish tissue baseline and using it to complete a human health risk assessment for the consumption of fish;
  - 6.3.2 conducting an assessment of the risks and potential duration of any exceedances of Canadian Council of Ministers of the Environment's *Water Quality and Interim Sediment Quality Guidelines*, and British Columbia's *Water Quality Guidelines* and *Working Sediment Quality Guidelines* that could occur during dredging and other in-water construction activities, and identify mitigation measures to avoid such exceedances;
  - 6.3.3 implementing mitigation measures to minimize sediment dispersion during in-water construction activities, including isolation methods;
  - 6.3.4 conducting onsite sediment and water quality monitoring in relation to the re-suspension and bioavailability of polycyclic aromatic hydrocarbons, dioxins and furans during in-water construction activities;
  - 6.3.5 communicating any exceedances of the Canadian Council of Ministers of the Environment's *Water Quality and Interim Sediment Quality Guidelines*, and British Columbia's *Water Quality Guidelines* and *Working Sediment Quality Guidelines* to regulatory authorities in accordance with legislative requirements and to Aboriginal groups, and implementing mitigation measures identified in condition 6.3.2 to remedy those exceedances or to reduce associated risks to human health; and
  - 6.3.6 developing and implementing a post-dredging follow-up program, in consultation with Aboriginal groups, to confirm the human health risk assessment predictions, including additional sampling of the shellfish and groundfish tissue to confirm the assessment predictions regarding the bioavailability and bioaccumulation of contaminants in fish consumed by humans. The Proponent shall communicate the results of the follow-up program to Aboriginal groups.
- 6.4 The Proponent shall, during operation, treat any effluent discharge from the facility marine outfall pipe to meet subsection 36(3) of the *Fisheries Act* and British Columbia's *Water Quality Guidelines* for the protection of marine life measured at the edge of the initial dilution zone.

## **7 Current use of lands and resources for traditional purposes**

- 7.1 The Proponent shall develop and implement, in consultation with Aboriginal groups, a communication protocol for all phases of the Designated Project. The communication protocol shall include procedures and practices for sharing information and facilitating communication between the Proponent and the Aboriginal groups and other local marine users on the following:
- 7.1.1 location and timing of Designated Project-related construction activities;

- 7.1.2 location and timing of traditional activities by Aboriginal groups;
  - 7.1.3 safety procedures, such as navigation aids and updated navigational charts;
  - 7.1.4 location of areas where navigation is restricted for safety reasons;
  - 7.1.5 operational speed requirements under the *Canada Shipping Act, 2001* or its regulations, and general schedules of the operation of LNG carriers associated with the Designated Project; and
  - 7.1.6 ways in which to provide feedback to the Proponent on adverse effects related to navigation experienced by Aboriginal groups and other local marine users.
- 7.2 The Proponent shall develop and implement, in consultation with Aboriginal groups, a follow-up program to verify the accuracy of the predictions made during the environmental assessment in relation to the effects of the wake generated by the Designated Project on the current use of lands and resources for traditional purposes by Aboriginal groups. The follow-up program shall include:
- 7.2.1 monitoring during the first two years of operation of the degree of wake generation by Designated Project-related vessels and of any adverse effects on harvesters caused by vessel wake attributable to Designated Project-related vessels at key harvest sites and during key harvest periods identified in consultation with Aboriginal groups; and
  - 7.2.2 providing the results of the follow-up program and any corrective actions taken to Aboriginal groups.
- 7.3 The Proponent shall provide Aboriginal groups with the implementation schedule, updates or revisions to the implementation schedule pursuant to condition 11 at the same time these documents are provided to the Agency.

## **8 Physical and cultural heritage and structure, site or thing of historical, archaeological, paleontological or architectural significance**

- 8.1 The Proponent shall, in consultation with Aboriginal groups and local historical societies, develop and implement an Archaeological and Heritage Resources Management Plan for the Designated Project prior to construction. The Archaeological and Heritage Resources Management Plan shall take into account British Columbia's *Handbook for the Identification and Recording of Culturally Modified Trees*. The Archaeological and Heritage Resources Management Plan shall include:
- 8.1.1 a description of structures, sites or things of historical, archaeological, paleontological or architectural significance (including Culturally Modified Trees) that may be encountered by the Proponent during construction;
  - 8.1.2 procedures and practices for on-site monitoring of construction activities that may affect a structure, site or thing of historical, archaeological, paleontological or architectural significance (including Culturally Modified Trees) and for the identification and removal of these resources; and
  - 8.1.3 a Chance Find Protocol if a previously unidentified structure, site or thing of historical, archaeological, paleontological or architectural significance (including Culturally Modified

Trees) is discovered by the Proponent or brought to the attention of the Proponent by an Aboriginal group or another party during construction.

## **9 Decommissioning**

9.1 The Proponent shall develop and submit to the Agency a Decommissioning Plan at least one year prior to the end of operation, consistent with any statutory or regulatory requirements in effect at that time. The Decommissioning Plan shall include a description of:

- 9.1.1 any consultation undertaken during the development of the Decommissioning Plan, including any issues raised by Aboriginal groups and other parties and how they were resolved by the Proponent;
- 9.1.2 the components of the Designated Project that will be decommissioned by the Proponent;
- 9.1.3 the desired end-state objectives of the areas that will be decommissioned by the Proponent and those that will not be decommissioned;
- 9.1.4 the components of the environment that may be adversely affected by decommissioning activities or by components of the Designated Project that continue in their state at the end of operation;
- 9.1.5 how the Proponent will monitor and mitigate adverse environmental effects from decommissioning activities;
- 9.1.6 how the Proponent will conduct in-water and land-based decommissioning activities (including the location, the scheduling and sequencing of activities);
- 9.1.7 a strategy for progressive reclamation, if appropriate; and
- 9.1.8 an approach to consulting Aboriginal groups and federal and provincial authorities throughout the decommissioning phase.

9.2 The Proponent shall from the reporting year in which decommissioning begins until the end of decommissioning, submit to the Agency a written report no later than June 30 of the following reporting year. The written report shall include a description of:

- 9.2.1 the decommissioning activities that took place during the reporting year;
- 9.2.2 any adverse environmental effects identified by the proponent with respect to those decommissioning activities;
- 9.2.3 a description of the mitigation measures that were implemented by the Proponent to mitigate or reduce those adverse effects, and
- 9.2.4 consultation activities.

## **10 Accidents or Malfunctions**

- 10.1 The Proponent shall take all reasonable measures to prevent accidents and malfunctions that may result in adverse environmental effects and shall implement the emergency response procedures and contingencies developed in relation to the Designated Project.
- 10.2 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall:
- 10.2.1 notify relevant federal and provincial authorities, including the Agency of the occurrence as soon as possible;
  - 10.2.2 implement measures to minimize any adverse environmental effects associated with the occurrence as soon as possible;
  - 10.2.3 submit a written report to the Agency as soon as possible in the circumstances, but at the latest 30 days after the day on which the accident or malfunction took place. The written report must include:
    - 10.2.3.1 the measures that were taken to mitigate the effects of the occurrence;
    - 10.2.3.2 a description of any residual environmental effects, and any additional measures required to address residual environmental effects; and
    - 10.2.3.3 if an emergency response plan was implemented, details concerning its implementation.
  - 10.2.4 as soon as possible, but no later than 90 days after the day on which the accident or malfunction took place, submit a written report to the Agency on the changes made to avoid a subsequent occurrence of the accident or malfunction.
- 10.3 The Proponent shall prepare and implement a communication strategy in consultation with Aboriginal groups that shall include:
- 10.3.1 the types of accident or malfunction requiring a notification to the respective Aboriginal groups;
  - 10.3.2 the manner by which Aboriginal groups shall be notified of an accident or malfunction and of any opportunities to assist in the response; and
  - 10.3.3 points of contact for the Proponent and for the respective Aboriginal groups.

## **11 Implementation schedule**

- 11.1 The Proponent shall submit an implementation schedule for conditions contained in this Decision Statement to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, at least 30 days prior to construction. The implementation schedule shall indicate the commencement and completion dates for each activity relating to conditions set out in this Decision Statement.
- 11.2 The Proponent shall submit an update to this implementation schedule in writing to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, every two years on or before June 30, until completion of the activities.

- 11.3 The Proponent shall provide the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, with a revised implementation schedule if any change occurs from the initial schedule or any subsequent updates. The Proponent shall provide the revised implementation schedule at least 30 days prior to the implementation of the change.

## 12 Record keeping

- 12.1 The Proponent shall maintain a written record, or a record in an electronic format compatible with that used by the Agency, and retain and make available that record to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, at a facility close to the Designated Project (local facility). The record shall include information related to the implementation of the conditions set out in this Decision Statement, and the results of all monitoring, including:
- 12.1.1 the place, date and time of any sampling, as well as techniques, methods or procedures used;
  - 12.1.2 the dates and the analyses that were performed;
  - 12.1.3 the analytical techniques, methods or procedures used in the analyses;
  - 12.1.4 the names of the persons who collected and analyzed each sample and documentation of any professional certifications relevant to the work performed that they might possess; and
  - 12.1.5 the results of the analyses.
- 12.2 The Proponent shall retain and make available upon demand to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, the information contained in condition 12.1 at a facility close to the Designated Project (or at a location within Canada and agreed upon by the Agency, should the local facility no longer be maintained). The information shall be retained and made available throughout construction and operation, and for twenty-five years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first.

### Issuance

This Decision Statement is issued in Ottawa, Ontario by:

<Original signed by>

June 17, 2015

\_\_\_\_\_

Date \_\_\_\_\_

**The Honourable Catherine McKenna**

Minister of the Environment

**Amendment**

This Decision Statement is amended in Ottawa, Ontario by:

**<Original signed by>**

Date April 6, 2021

✓

**The Honourable Jonathan Wilkinson**

Minister of the Environment