

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

to  
Black Point Aggregates Incorporated  
c/o Frank Lieth, Vice President

1969 Upper Water Street Suite 1300, Purdy's Wharf Tower II  
Halifax, Nova Scotia  
B3J 3R7

for the  
**Black Point Quarry Project**

**Description of the Designated Project**

Black Point Aggregates Incorporated, a wholly owned subsidiary of Vulcan Materials Company, is proposing the construction, operation and decommissioning of a granite quarry at Black Point in Guysborough County, Nova Scotia, and the construction and operation of a 200 metre-long marine terminal and load-out facility, adjacent to the quarry, in Chedabucto Bay. The quarry is expected to have a production capacity of up to 7.5 million tonnes of granite per year, over a mine life of approximately 50 years.

**Conduct of the environmental assessment**

The Canadian Environmental Assessment Agency (the Agency) conducted an environmental assessment of the Designated Project in accordance with the requirements of the *Canadian Environmental Assessment Act, 2012*. The Agency commenced the environmental assessment on April 28, 2014 and submitted its report to me in my capacity as Minister of Environment and Climate Change.

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

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

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

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

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

- The Minister of Fisheries and Oceans may issue authorization(s) under paragraph 35(2)(b) of the *Fisheries Act*.
- 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 the *Canadian Environmental Assessment Act, 2012*, after considering the report of the Agency on the Designated Project and the implementation of mitigation measures that I consider appropriate, I have determined that the Designated Project is not likely to cause significant adverse environmental effects referred to in subsection 5(2) of the *Canadian Environmental Assessment Act, 2012*.

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

**1 Definitions**

- 1.1 *Agency* means the Canadian Environmental Assessment Agency.
- 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 when site preparation, building or installation of any components of the Designated Project are undertaken by the Proponent.
- 1.4 *Days* means calendar days.
- 1.5 *Decommissioning* means the phase of the Designated Project where the Proponent has permanently ceased commercial production and has commenced removal from service of any components of the Designated Project, and continues until the site is restored.
- 1.6 *Deleterious substance* means “deleterious substance” as defined in section 34 of the *Fisheries Act*.
- 1.7 *Designated Project* means the Black Point Quarry Project as described in section 2 of the environmental assessment report prepared by the Canadian Environmental Assessment Agency (Canadian Environmental Assessment Registry Reference Number 80064).
- 1.8 *Environment and Climate Change Canada* means the Department of the Environment as established under subsection 2(1) of the *Department of the Environment Act*.

- 1.9 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.11 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.12 *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*.
- 1.13 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.14 *Heritage value* means the aesthetic, historic, scientific, cultural, social or spiritual importance or significance for past, present or future generations.
- 1.15 *Indigenous groups* means Membertou, Glooscap, Acadia, Annapolis Valley, Eskasoni, L’sitkuk (Bear River), Millbrook, Paqtnekek, Pictou Landing, Potlotek, Wagmatcook and Waycobah Mi’kmaq First Nations, represented by the Kwilmu’kw Maw-klusuaqn (Mi’kmaq Rights Initiative) Negotiation Office, and Sipekne’katik First Nation in Nova Scotia.
- 1.16 *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*.
- 1.17 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.18 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.19 *Offsetting plan* means “offsetting plan” as defined in section 1 of the *Applications for Authorization under Paragraph 35(2)(b) of the Fisheries Act Regulations*.
- 1.20 *Operation* means the phase of the Designated Project during which the commercial production takes place.
- 1.21 *Progressive reclamation* means a planned approach to reclamation which is carried out 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.
- 1.22 *Project area* means the geographic area occupied by the Designated Project.
- 1.23 *Proponent* means Black Point Aggregates Incorporated and its successors or assigns.
- 1.24 *Qualified individual* means someone who, through education, experience and knowledge relevant to a particular matter, may be relied on by the Proponent to provide advice within his or her area of expertise.

- 1.25 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.26 *Reporting year* means from April 1 of a calendar year through March 31 of the subsequent calendar year.
- 1.27 *Species of importance* means species harvested for traditional, medicinal and subsistence purposes by Indigenous groups as well as wood and wood products, including caraway seeds (*Carum carvi*), hazelnuts (*Corylus avellana*), chokecherries (*Prunus virginiana var. virginiana*), strawberries, (*Fragaria vesca*), blueberries (*Vaccinium corymbosum*), cranberries (*Vaccinium oxycoccos*), fox berries (*Vaccinium vitis-idaea*), Labrador tea (*Ledum groenlandicum*), maple (*Acer spp.*) and birch bark (*Betula spp.*).
- 1.28 *Structure, site or thing of historical, archaeological, paleontological or architectural significance* means a structure, site or thing that is determined, on the basis of heritage value, to be directly associated with an important aspect or aspects of human history or culture.
- 1.29 *Wetlands* means 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).
- 1.30 *Wetland functions* means 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 of the federal, provincial, or local governments. Nothing in this Decision Statement shall be construed as reducing, increasing, or otherwise affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements.

## **2 General conditions**

- 2.1 The Proponent shall, throughout all phases of the Designated Project, ensure that its actions in meeting the conditions set out in this Decision Statement are considered in a careful and precautionary manner, promote sustainable development, are informed by the best available information and knowledge, including community and Indigenous traditional knowledge, are based on validated methods and models, are undertaken by qualified individuals and have applied the best available economically and technologically feasible mitigation measures.

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this Decision Statement:
- 2.2.1 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;
  - 2.2.2 provide sufficient information and a reasonable period of time to permit the party or parties being consulted to prepare their views and information;
  - 2.2.3 provide a full and impartial consideration of any views and information presented by the party or parties being consulted; and
  - 2.2.4 advise the party or parties that have provided comments on how the views and information received have been considered by the Proponent.
- 2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this Decision Statement, and prior to initiating that consultation, communicate with each Indigenous group to determine the manner by which to satisfy the consultation requirements referred to in condition 2.2, including methods of notification, the type of information and the period of time to be provided when seeking input, the process for full and impartial consideration of any views and information presented and the means by which each Indigenous group will be informed of how the views and information received have been considered by the Proponent.
- 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 particular condition and/or to determine the effectiveness of any mitigation measure(s);
  - 2.4.2 determine whether additional mitigation measures are required based on the monitoring and analysis undertaken pursuant to condition 2.4.1; and
  - 2.4.3 if additional mitigation measures are required pursuant to condition 2.4.2, implement the additional mitigation measures and monitor them pursuant to condition 2.4.1.
- 2.5 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss with each Indigenous group opportunities for the participation of that Indigenous group in the implementation of the follow-up program as set out in condition 2.4.
- 2.6 The Proponent shall, commencing in the reporting year that implementation of the conditions set out in this Decision Statement begins, prepare an annual report that sets out:
- 2.6.1 the activities undertaken in the reporting year to comply with each of the conditions set out in this Decision Statement;
  - 2.6.2 how the Proponent complied with condition 2.1;

- 2.6.3 for conditions set out in this Decision Statement for which consultation is a requirement, how the Proponent considered any views and information that the Proponent received during or as a result of the consultation;
  - 2.6.4 the results of the follow-up program requirements identified in conditions 3.2, 3.8, 4.7, 5.7, 5.8 and 5.9; and
  - 2.6.5 any additional mitigation measures implemented or proposed to be implemented by the Proponent, as determined under condition 2.4.
- 2.7 The Proponent shall submit to the Agency the annual report referred to in condition 2.6, including an executive summary in both official languages, no later than June 30 following the reporting year to which the annual report applies.
  - 2.8 The Proponent shall publish on the Internet, or any medium which is widely publicly available, the annual report and the executive summaries referred to in conditions 2.6 and 2.7, the plan to offset the loss of fish and fish habitat referred to in condition 3.3, the communication plans referred to in conditions 5.3 and 7.5, the cultural resource management plan referred to in condition 6.1, the reports referred to in conditions 7.4.3 and 7.4.4 and the implementation schedule referred to in condition 8.1 and any update(s) or revision(s) to the above documents, upon submission of these documents to the parties referenced in the respective conditions. The Proponent shall keep these documents publicly available for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency and Indigenous groups of the availability of these documents once they are published.
  - 2.9 The Proponent shall notify the Agency and Indigenous groups 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.
  - 2.10 The Proponent shall consult with Indigenous groups prior to initiating any material change(s) to the Designated Project that may result in adverse environmental effects, and shall notify the Agency in writing no later than 60 days prior to initiating the change(s).
  - 2.11 In notifying the Agency pursuant to condition 2.10, the Proponent shall provide the Agency with an analysis of the adverse environmental effects of the change(s) to the Designated Project, as well as the results of the consultation with Indigenous groups.

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

- 3.1 The Proponent shall implement all reasonable measures to prevent and mitigate adverse environmental effects on fish and fish habitat from changes to water quality during all phases of the Designated Project in compliance with the *Fisheries Act* regarding the deposition of a deleterious substance and taking into account the Nova Scotia *Pit and Quarry Guidelines*. The measures shall include:
  - 3.1.1 measures to control erosion and limit run-off;
  - 3.1.2 measures to capture and treat run-off prior to discharge into the environment; and

- 3.1.3 a 30-metre minimum distance from the overburden stockpiles, the fuel and chemical storage facilities, and the construction equipment to any water body.
- 3.2 The Proponent shall develop and implement, in consultation with the relevant federal and provincial authorities, a surface water follow-up program to verify the effectiveness of the mitigation measures referred to in condition 3.1.
- 3.3 The Proponent shall develop and implement any required offsetting plan related to the loss of fish and fish habitat associated with the carrying out of the Designated Project in consultation with Fisheries and Oceans Canada, local commercial fishers and Indigenous groups. The Proponent shall develop the offsetting plan prior to construction. The plan shall identify the timelines for reporting the results of the offsetting activities to Indigenous groups and local commercial fishers.
- 3.4 For any fish habitat offset areas proposed in any offsetting plan under condition 3.3, and prior to submitting the offsetting plan to Fisheries and Oceans Canada, the Proponent shall determine whether there are adverse effects on:
  - 3.4.1 migratory birds and their habitats;
  - 3.4.2 listed species at risk and their habitats;
  - 3.4.3 the current use of lands and resources for traditional purposes;
  - 3.4.4 the flow rates, water depths or water widths that may affect the passage of a vessel, including a vessel used by Indigenous Peoples in the context of their current use of lands and resources for traditional purposes; and
  - 3.4.5 physical and cultural heritage and structure, site or thing that is of historical, archaeological, paleontological or architectural significance.
- 3.5 The Proponent shall, if there are adverse effects on any of the elements set out in conditions 3.4.1 to 3.4.5 avoid or lessen those effects.
- 3.6 For Designated Project-related vessels transiting between shipping lanes and the marine terminal, the Proponent shall implement measures to mitigate the risk of collisions with whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles taking into account the *Notice for Mariners General Guidelines for Aquatic Species at Risk and Important Marine Mammal Areas*. The measures shall include:
  - 3.6.1 conducting and recording observations for whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles;
  - 3.6.2 requiring that vessels respect speed profile applicable to the operation of the Designated Project subject to navigational safety, to prevent or reduce the risk of collisions between vessels and whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles; and
  - 3.6.3 reporting collisions with whales, Harbour Porpoise (*Phocoena phocoena*) and sea turtles within 2 hours to the Canadian Coast Guard, and notifying Indigenous groups in writing.

- 3.7 The Proponent shall, unless otherwise authorized under the *Fisheries Act*, implement measures to prevent or avoid the destruction of fish, or any potentially harmful effects to fish habitat, during all phases of the Designated Project when using explosives in or around water frequented by fish and shall conduct blasting by taking into consideration Fisheries and Oceans Canada's *Measures to Avoid Causing Harm to Fish and Fish Habitat* and the *Nova Scotia Pit and Quarry Guidelines*.
- 3.8 The Proponent shall develop and implement a follow-up program in consultation with Fisheries and Oceans Canada and Indigenous groups, to verify the Designated Project will not result in loss of fish or fish habitat in Reynolds Brook upstream of Hendsbee Lake. The follow-up program shall include:
- 3.8.1 a pre-construction fish and fish habitat field survey in Reynolds Brook upstream of Hendsbee Lake. If the presence of fish or fish habitat is confirmed, the Proponent shall:
- 3.8.1.1 determine the water flow and water levels, including seasonal variations, that are required to maintain fish habitat in Reynolds Brook upstream of Hendsbee Lake; and
- 3.8.1.2 monitor water flow and water levels in Reynolds Brook upstream of Hendsbee Lake during construction and operation phases, and implement any measures required to maintain the water flow and water levels determined in 3.8.1.1.

#### **4 Migratory birds**

- 4.1 The Proponent shall carry out all phases of the Designated Project in a manner that protects migratory birds and avoids harming, killing or disturbing migratory birds or destroying, disturbing or taking their nests or eggs. In this regard, the Proponent shall take into account Environment and Climate Change Canada's *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*.
- 4.2 The Proponent shall not clear vegetation within 30 metres of the coastal high water mark with the exception of the location where the ship loading conveyor and the marine terminal transect this area. The Proponent shall also not clear vegetation in the control zone between 30 and 75 metres from the coastal high water mark except where needed to install and maintain erosion and sediment discharge control measures, for the access road, the ship loading conveyor, and the marine terminal.
- 4.3 The Proponent shall mitigate the adverse environmental effects of the Designated Project on wetland functions that support migratory birds. The Proponent shall give preference to avoiding the loss of wetlands over minimizing the effects on wetlands and to minimizing the effects on wetlands over compensating for lost or adversely affected wetlands. For effects on wetlands that cannot be avoided or minimized, the Proponent shall, in consultation with Indigenous groups and relevant provincial and federal authorities, compensate for wetland functions lost.

- 4.4 The Proponent shall control lighting required for the construction, operation and decommissioning of the Designated Project including direction, timing, and intensity to avoid effects on migratory birds, while meeting health and safety requirements.
- 4.5 The Proponent shall install line marking devices along the transmission line connecting the Designated Project to the existing transmission line.
- 4.6 The Proponent shall take into consideration Environment and Climate Change Canada's *Best practices for stranded birds encountered offshore Atlantic Canada* when stranded birds are encountered on Designated Project-related vessels.
- 4.7 The Proponent shall develop prior to construction and implement, during all phases of the Designated Project, a follow-up program to determine the effectiveness of the mitigation measures used to avoid harm to migratory birds, their eggs and nests, including the measures used to comply with conditions 4.1 to 4.6.

## **5 Current use of lands and resources for traditional purposes and socio-economic conditions**

- 5.1 The Proponent shall notify Indigenous groups and local commercial fishers at least 30 days in advance of in-water construction activities.
- 5.2 The Proponent shall, prior to operation and in consultation with Indigenous groups and local commercial fishers, establish transportation routes for Designated Project-related vessels between the shipping lanes and the marine terminal in order to avoid shrimp trap areas.
- 5.3 The Proponent shall develop and implement a plan for communicating with Indigenous groups to minimize interaction between Designated Project-related vessels and Indigenous groups. The plan shall be developed prior to construction and include procedures and practices for sharing information on the following:
  - 5.3.1 location and timing of Designated Project-related activities;
  - 5.3.2 location and timing of traditional fishing activities by Indigenous groups; and
  - 5.3.3 ways in which Indigenous groups can provide feedback to the Proponent about adverse environmental effects related to Designated Project-related marine traffic.
- 5.4 The Proponent shall notify Indigenous groups at least 60 days in advance of vegetation clearing to allow Indigenous groups to catalogue, harvest, and transplant species of importance.
- 5.5 The Proponent shall, in consultation with Indigenous groups, undertake progressive reclamation of the habitats impacted by the Designated Project by using species that typified the plant communities prior to construction, including plant species of importance to Indigenous groups.
- 5.6 The Proponent shall implement noise and dust reduction measures during all phases of the Designated Project including:

- 5.6.1 restricting operating hours for the quarry and processing plants to no more than 16 hours per day;
  - 5.6.2 restricting blasting to daytime hours and weekdays;
  - 5.6.3 applying dust suppressant on all disturbed areas and roads during activities with the potential for generating dust; and
  - 5.6.4 suspending activities during periods of sustained winds greater than 30 kilometres per hour where fugitive dust emissions cannot be controlled.
- 5.7 The Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to dust and noise levels. The Proponent shall consider the methodologies described in the *Nova Scotia Pit and Quarry Guidelines* when developing and implementing the program.
- 5.8 The Proponent shall develop and implement a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on mainland moose (*Alces alces americana*). The Proponent shall conduct field surveys in consultation with the Indigenous groups to monitor the presence of mainland moose (*Alces alces americana*) and its habitat use in the Project area.
- 5.9 The Proponent shall develop prior to construction and implement during all phases of the Designated Project, a follow-up program to verify the accuracy of the environmental assessment as it pertains to the effects of the Designated Project on fisheries used for food, social and ceremonial purposes by Indigenous groups. The Proponent shall develop and implement the follow-up program in consultation with Indigenous groups, and shall report the results to Indigenous groups.

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

- 6.1 Prior to construction, the Proponent shall develop, in consultation with Indigenous groups and the province of Nova Scotia, a cultural resource management plan to conduct additional archaeological work in the areas that may be disturbed during construction. The Proponent shall outline the methodologies and timing of the additional archeological work in the plan and shall implement it during all phases of the Designated Project.
- 6.2 In the event that archaeological and heritage resources are discovered, the Proponent shall:
- 6.2.1 immediately halt work at the location of the discovery;
  - 6.2.2 have a qualified individual conduct an assessment at the location of the discovery;
  - 6.2.3 inform, forthwith, in writing, Indigenous groups of the discovery, and allow for monitoring by Indigenous groups during archeological work; and
  - 6.2.4 comply with any legislative or legal requirements respecting the discovery of archaeological and heritage resources.

## **7 Accidents or malfunctions**

- 7.1 The Proponent shall take all reasonable measures to prevent accidents or malfunctions that may result in adverse environmental effects.
- 7.2 The Proponent shall, prior to construction, consult with Indigenous groups on the measures to be implemented to prevent accidents or malfunctions.
- 7.3 The Proponent shall, prior to construction and in consultation with relevant federal and provincial authorities and Indigenous groups, develop an emergency response plan in relation to the Designated Project.
- 7.4 In the event of an accident or malfunction with the potential to cause adverse environmental effects, the Proponent shall implement the emergency response plan referred to in condition 7.3 and shall:
  - 7.4.1 notify relevant federal and provincial authorities and Indigenous groups of the accident or malfunction as soon as possible and, in writing, the Agency;
  - 7.4.2 implement immediate measures to mitigate any adverse environmental effects associated with the accident or malfunction;
  - 7.4.3 submit a written report to the Agency no later than 30 days after the day on which the accident or malfunction took place. The written report shall include:
    - 7.4.3.1 a description of the accident or malfunction and of its adverse environmental effects;
    - 7.4.3.2 the measures that were taken by the Proponent to mitigate the adverse environmental effects of the accident or malfunction;
    - 7.4.3.3 any views received from relevant federal and provincial authorities and Indigenous groups with respect to the accident or malfunction, its adverse environmental effects or measures taken by the Proponent to mitigate adverse environmental effects;
    - 7.4.3.4 a description of any residual adverse environmental effects, and any additional measures required by the Proponent to mitigate residual adverse environmental effects; and
    - 7.4.3.5 details concerning the implementation of the emergency response plan referred to in condition 7.3.
  - 7.4.4 submit a written report to the Agency no later than 90 days after the day on which the accident or malfunction took place, on the changes made to avoid a subsequent occurrence of the accident or malfunction, and on the implementation of any additional measures to mitigate residual adverse environmental effects taking into account the information in the written report submitted pursuant to condition 7.4.3.
- 7.5 The Proponent shall develop and implement a communication plan in consultation with Indigenous groups. The communication plan shall be developed prior to construction and shall be implemented and maintained up to date during all phases of the Designated Project. The plan shall include:

- 7.5.1 the types of accidents or malfunctions requiring a notification by the Proponent to the respective Indigenous groups;
- 7.5.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction and of any opportunities for the Indigenous groups to assist in the response to the accident or malfunction; and
- 7.5.3 the contact information of the representatives of the Proponent that the Indigenous groups may contact and of the representatives of the respective Indigenous groups to which the Proponent provides notification.

## **8 Implementation schedule**

- 8.1 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 the start of construction. The implementation schedule shall indicate the commencement and completion dates for each activity relating to conditions set out in this Decision Statement.
- 8.2 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.
- 8.3 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 material change(s) occur from the initial schedule referred to in condition 8.1 or any subsequent update(s). The Proponent shall provide the revised implementation schedule at least 30 days prior to the implementation of the change.

## **9 Record keeping**

- 9.1 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this Decision Statement, including any records that the Agency or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012* may consider relevant. The proponent shall provide the aforementioned records to the Agency, or anyone designated pursuant to section 89 of the *Canadian Environmental Assessment Act, 2012*, upon demand within a timeframe specified by the Agency or the designated person.
- 9.2 The Proponent shall retain all records referred to in condition 9.1 at a facility in Canada. The records shall be retained and made available for 25 years following the end of operation or until the end of decommissioning of the Designated Project, whichever comes first. The Proponent shall notify the Agency at least 30 days prior to any change to the physical location of the facility where the records are retained, and shall provide the address of the new location.

**Issuance**

This Decision Statement is issued in Ottawa, Ontario by:

<Original signed by>

\_\_\_\_\_  
**The Honourable Catherine McKenna**

Minister of the Environment

April 26, 2016

Date \_\_\_\_\_