

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 Project 6 All-Season Road Linking Manto Sipi Cree Nation, Bunibonibee Cree Nation and God's Lake First Nation (the Designated Project) located in Manitoba for recommendation to the Minister of the Environment (the Minister) 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.

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, until those components are in operation.
- 1.4 *Contact water* means water that has come into contact with any Designated Project components.
- 1.5 *Days* means calendar days.
- 1.6 *Designated Project* means the Project 6 All-Season Road Linking Manto Sipi Cree Nation, Bunibonibee Cree Nation and God's Lake First Nation as described in Schedule 1 to this document.
- 1.7 *Designated Project area* means the geographic area occupied by the components of the Designated Project described in Schedule 1 to this document.
- 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 assessment* means "environmental assessment" as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.10 *Environmental Assessment Report* means the draft report prepared by the Impact Assessment Agency of Canada pursuant to subsection 25(2) of the *Canadian Environmental Assessment Act, 2012* (Canadian Impact Assessment Registry Reference Number 80138).

- 1.11 *Environmental effects* means “environmental effects” as described in section 5 of the *Canadian Environmental Assessment Act, 2012*.
- 1.12 *Environmental Impact Statement* means the April 2019 document entitled *Project 6 – All Season Road Linking Manto Sipi Cree Nation, Bunibonibee Cree Nation and God’s Lake First Nation: Environmental Impact Statement* (Canadian Impact Assessment Registry Reference Number 80138, Document Number 18).
- 1.13 *Fish* means “fish” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.14 *Fish habitat* means “fish habitat” as defined in subsection 2(1) of the *Fisheries Act*.
- 1.15 *Fisheries and Oceans Canada* means the Department of Fisheries and Oceans as established under subsection 2(1) of the *Department of Fisheries and Oceans Act*.
- 1.16 *Follow-up program* means “follow-up program” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.17 *Health Canada* means the Department of Health as established under subsection 2(1) of the *Department of Health Act*.
- 1.18 *Indigenous groups* means the following Indigenous Peoples: Bunibonibee Cree Nation, Garden Hill First Nation, God’s Lake First Nation, Manto Sipi Cree Nation, Norway House Cree Nation, Pimicikamak Okimawin (Cross Lake Band of Indians), Red Sucker Lake First Nation, St. Theresa Point First Nation, Wasagamack First Nation; and Manitoba Métis Federation.
- 1.19 *Migratory bird* means “migratory bird” as defined in subsection 2(1) of the *Migratory Birds Convention Act, 1994*.
- 1.20 *Mitigation measures* means “mitigation measures” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.21 *Operation* means the phase of the Designated Project during which public access to the Designated Project is allowed, including periods during which public access to the Designated Project may be temporarily interrupted.
- 1.22 *Progressive reclamation* means reclamation which is carried out by the Proponent concurrently with construction and operation of the Designated Project to progressively return any physically disturbed areas to a state as close to the baseline as possible, as soon after the disturbance as feasible.
- 1.23 *Proponent* means Manitoba Transportation and Infrastructure and its successors or assigns.
- 1.24 *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.

- 1.25 *Record* means “record” as defined in subsection 2(1) of the *Canadian Environmental Assessment Act, 2012*.
- 1.26 *Relevant authorities* means federal or provincial authorities or both 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.
- 1.27 *Reporting year* means January 1 to December 31 of the same calendar year.
- 1.28 *Structure, site or thing of historical, archeological, paleontological or architectural significance* means a structure, site or thing that is determined by a Qualified Individual, on the basis of heritage value, to be associated with an aspect of the history or culture of the people of Canada, including Aboriginal peoples.

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 affecting what may be required of the Proponent to comply with all applicable legislative or legal requirements. In this document, a reference to a statute shall include every amendment to it, every regulation made under it, every amendment made to a regulation made under it and any law enacted in substitution for, or in replacement of, it.

2 General conditions

- 2.1 The Proponent shall ensure that its actions in meeting the conditions set out in this document during construction and operation of the Designated Project are considered in a careful and precautionary manner, promote sustainable development, are informed by the best information and knowledge available at the time the Proponent takes action, including the most recent version of policies, guidelines and directives and community and Indigenous knowledge, are based on methods and models that are recognized by standard-setting bodies, are undertaken by Qualified Individuals, and have applied the best available technically or economically feasible technologies, or both.

Consultation

- 2.2 The Proponent shall, where consultation is a requirement of a condition set out in this document:
- 2.2.1 provide a written notice of the opportunity for the parties being consulted to present their views and information on the subject matter of the consultation at least 15 days prior to the implementation of condition 2.2.2;
- 2.2.2 provide all available information that is relevant to the scope and the subject matter of the consultation and a reasonable period of time agreed upon with the

parties being consulted, not to be less than 30 days, to prepare their views and information;

2.2.3 undertake an impartial consideration of all views and information presented by the parties being consulted on the subject matter of the consultation; and

2.2.4 advise as soon as feasible in writing the parties being consulted on how the views and information received have, or have not, been integrated into the subject matter of the consultation by the Proponent, including a rationale for why the views have, or have not, been integrated.

2.3 The Proponent shall, where consultation with Indigenous groups is a requirement of a condition set out in this document, provide opportunities for collaboration with each Indigenous group and seek mutual agreement with respect to the manner to satisfy the consultation requirements referred to in condition 2.2, including:

2.3.1 methods of notification;

2.3.2 the type of information, and the period of time to be provided when seeking input;

2.3.3 the period of time and the means to advise Indigenous groups of how their views and information were considered by the Proponent.

Follow-up programs

2.4 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document, develop the follow-up program taking into account any guidance documents provided by the Agency and determine, as part of the development of each follow-up program and in consultation with the parties being consulted during the development of each follow-up program, the following information, unless otherwise specified in the condition:

2.4.1 a description of the effects predictions and mitigation measures that will be evaluated through the follow-up program;

2.4.2 the methodology, location, frequency, timing and duration of monitoring associated with the follow-up program;

2.4.3 the scope, content and frequency of reporting of the results of the follow-up program to the parties consulted for the development of the follow-up program;

2.4.4 the minimum frequency at which the follow-up program must be reviewed and, if necessary, updated;

2.4.5 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 causing the environmental change to be stopped;

2.4.6 the technically and economically feasible mitigation measures to be implemented by the Proponent if monitoring conducted as part of the follow-up program shows that the levels of environmental change referred to in condition 2.4.5 have been reached or exceeded in order to return below the level referred to in condition 2.4.5; and

- 2.4.7 the specific and measurable end points that must be achieved before the follow-up program can end. Those end points should indicate that the accuracy of the environmental assessment has been verified and that the mitigation measures are effective; and
 - 2.4.8 the details of the results of the follow-up program to report to the Agency pursuant to condition 2.7.5.
- 2.5 The Proponent shall update the details determined for each follow-up program pursuant to condition 2.4 during the implementation of each follow-up program, at the minimum frequency determined pursuant to condition 2.4.3 and in consultation with the parties being consulted during the development of each follow-up program.
- 2.6 The Proponent shall provide the information determined for each of the follow-up programs referred to in conditions 3.8, 5.4, and 6.9, including the information determined for each follow-up program pursuant to condition 2.4, to the Agency and to the 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 2.4.8 to the Agency and to the parties being consulted during the development of each follow-up program within 30 days of the follow-up program being updated.
- 2.7 The Proponent shall, where a follow-up program is a requirement of a condition set out in this document:
- 2.7.1 implement the follow-up program according to the information determined pursuant to condition 2.4 and any requirement specified in conditions specific to each follow-up program;
 - 2.7.2 conduct monitoring and analysis to verify the accuracy of the environmental assessment predictions as it pertains to the particular condition and to determine the effectiveness of any mitigation measure;
 - 2.7.3 determine whether modified or additional mitigation measure(s) are required based on the monitoring and analysis undertaken pursuant to condition 2.7.2; and
 - 2.7.4 if modified or additional mitigation measure(s) are required pursuant to condition 2.7.3, develop and implement these mitigation measure(s) as soon as feasible and monitor them pursuant to condition 2.7.2. The Proponent shall notify the Agency in writing 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 2.4.8, the Proponent shall submit a detailed description of the measure(s) to the Agency within 7 days of their implementation; and
 - 2.7.5 report all results of the follow-up program, including whether assessment predictions are accurate and mitigation measures are effective to the Agency no later than 3 months following each reporting year during which the follow-up program is implemented and, subject to information determined pursuant to 2.4.3, to the parties being consulted during the development of the follow-up program.

- 2.8 Where consultation with Indigenous groups is a requirement of a follow-up program, the Proponent shall discuss the follow-up program with each group and shall determine, in consultation with each group, opportunities for participation and resources required to support their participation in the implementation of the follow-up program, including the conduct of monitoring, the analysis and reporting of follow-up results and the determination of whether modified or additional mitigation measure(s) are required, as set out in condition 2.7.

Annual reporting

- 2.9 The Proponent shall prepare an annual report for each reporting year that sets out:
- 2.9.1 the activities undertaken by the Proponent to comply with each of the conditions set out in this document;
 - 2.9.2 how the Proponent complied with condition 2.1, including;
 - 2.9.2.1 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;
 - 2.9.2.2 the information referred to in conditions 2.4 for each follow-up program and any update to that information made pursuant to condition 2.7;
 - 2.9.2.3 a summary of the information reported pursuant to condition 2.7.5 for each follow-up program;
 - 2.9.2.4 for any plan that is a requirement of a condition set out in this document, any update(s) to the plan that have been made during the reporting year; and
 - 2.9.2.5 any modified or additional mitigation measure implemented or proposed to be implemented by the Proponent, as determined pursuant to condition 2.7.
- 2.10 The Proponent shall submit the annual report referred to in condition 2.9 to the Agency, including a plain language executive summary in both official languages, no later than 3 months following the reporting year to which the annual report applies.
- 2.11 The first reporting year for which the Proponent shall prepare an annual report pursuant to condition 2.9 shall start on the day the Minister of the Environment issues the Decision Statement pursuant to subsection 54 (1) of the *Canadian Environmental Assessment Act, 2012*.

Information sharing

- 2.12 The Proponent shall publish on the Internet, or any medium which is readily publicly available, the annual reports and the executive summaries referred to in conditions 2.9 and 2.10, the reports related to accidents and malfunctions referred to in condition 10.3.3, the communication plan for accident and malfunction referred to in condition 10.4, the schedules referred to in conditions 2.17 and 2.18, and any update or revision to the above documents, upon submission of these documents to the parties consulted for the respective conditions. The Proponent shall keep these documents publicly available for 25 years following their publication. The Proponent shall notify the Agency and Indigenous

groups in writing of the availability of these documents within 3 business days of their publication.

- 2.13 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 implementation, unless otherwise required through the condition.

Change of Proponent

- 2.14 The Proponent shall notify the Agency and Indigenous groups in writing no later than 30 days after the day on which there is any transfer of ownership, care, control or management of the Designated Project in whole or in part.

Change to the Designated Project

- 2.15 If the Proponent is proposing to carry out the Designated Project in a manner other than described in condition 1.6, the Proponent shall notify the Agency in writing in advance of carrying out the proposed activities. As part of the notification, the Proponent shall provide:
- 2.15.1 a description of the proposed change(s) to the Designated Project and the environmental effects that may result from the proposed change(s);
 - 2.15.2 any modified or additional measure to mitigate any environmental effect that may result from the proposed change(s) and any modified or additional follow-up requirement; and
 - 2.15.3 an explanation of how, taking into account any modified or additional mitigation measure referred to in condition 2.15.2, the environmental effects that may result from the proposed change(s) may differ from the environmental effects of the Designated Project identified during the environmental assessment; and
 - 2.15.4 the results of consultation with Indigenous groups on the proposed changes, if the proposed changes may adversely affect those Indigenous groups.
- 2.16 The Proponent shall provide to the Agency any additional information required by the Agency about the proposed change(s) referred to in condition 5, which may include the results of consultation with relevant authorities on the proposed change(s) and environmental effects referred to in condition 2.15.1 and the modified or additional mitigation measures and follow-up requirements referred to in condition 2.15.2.

Schedules

- 2.17 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities, and no later than 60 days prior to the start of construction, a schedule outlining all activities planned to fulfill each condition set out in this document, including consultation activities pursuant to condition 2.2. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration for each of these activities.
- 2.18 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities, and no later than 60 days prior to the start of construction, a schedule outlining

all activities required to carry out construction and operation of the Designated Project. The schedule shall indicate the commencement and estimated completion month(s) and year(s) and duration of each of these activities.

- 2.19 The Proponent shall submit to Indigenous groups, the Agency and any other relevant authorities in writing an update to schedules referred to in conditions 2.17 and 2.18 every year no later than March 31, until completion of all activities referred to in each schedule.

Record keeping

- 2.20 The Proponent shall maintain all records relevant to the implementation of the conditions set out in this document. The Proponent shall retain the records and make them available to the Agency during construction and operation, and for 25 years following the end of operation. The Proponent shall provide the aforementioned records to the Agency upon demand within a timeframe specified by the Agency.
- 2.21 The Proponent shall retain all records referred to in condition 2.20 at a facility in Canada and shall provide the address of the facility to the Agency. The Proponent shall notify the Agency in writing 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.
- 2.22 The Proponent shall notify the Agency in writing of any change to the contact information of the Proponent within 30 days of the change in contact information.

3 Fish and fish habitat

- 3.1 The Proponent shall collect contact water, including groundwater seepage, that discharges into the environment from quarry and borrow areas used for the Designated Project during all phases of the Designated Project, and monitor and treat contact water, as necessary, prior to release into the receiving environment. When treating contact water, the Proponent shall take into account Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* and the *Manitoba Water Quality Standards, Objectives, and Guidelines*.
- 3.2 The Proponent shall implement and maintain, at a minimum, the following mitigation measures to control sedimentation, runoff and erosion in the Designated Project area, as appropriate, during construction and operation while taking into account Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life*. In doing so, the Proponent shall, at a minimum:
- 3.2.1 stabilize all erodible areas (including excavated materials) and regularly inspect the stability of these areas until they are permanently stable;
 - 3.2.2 conduct any dewatering gradually to prevent sediment resuspension and bank destabilization;

- 3.2.3 maintain an undisturbed vegetated buffer zone of 30 metres between areas of on-land activity and the high-water mark of any waterbody, excluding in-stream structures;
 - 3.2.4 isolate in-water activities from the receiving fish bearing waters to mitigate intensity, spatial scale and duration of sedimentation in fish habitat taking into account Fisheries and Oceans Canada's *Interim standard: in-water site isolation*; and
 - 3.2.5 install control measures to reduce scouring and sedimentation in aquatic areas intended to receive concentrated drainage, including blocks, riprap, silt fencing as appropriate.
- 3.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement during construction and operation, an explosive and blasting management plan when using explosives in or around fish-bearing waters. In doing so, the Proponent shall:
- 3.3.1 avoid the use of ammonium nitrate explosives within 30 metres of fish-bearing watercourses or watercourses with known use by Indigenous Peoples as a drinking water source;
 - 3.3.2 ensure that the following thresholds in Fisheries and Oceans Canada's *Guidelines for the use of explosives in or near Canadian fisheries waters* are not exceeded:
 - 3.3.2.1 an overpressure of 100 kilopascals (kPa) in fish habitat; and
 - 3.3.2.2 peak particle velocity of 13 millimeters per second in a spawning bed during the period of egg incubation.
- 3.4 The Proponent shall implement measures for the management of acid-generating, potentially acid-generating, and metal-leaching material, including but not limited to:
- 3.4.1 characterize the acid rock drainage and metal-leaching potential of quarry and borrow areas to be used for the Designated Project prior to construction, while considering the methodologies provided in the Mine Environment Neutral Drainage program's *Prediction Manual for Drainage Chemistry from Sulphidic Geologic Materials (2009)*;
 - 3.4.2 taking into account results of geochemical testing, implement the following measures, including:
 - 3.4.2.1 manage the use or development of materials or sites characterized as acid generating, potentially acid-generating, and metal leaching by limiting oxidation reactions in materials characterized as acid generating, potentially-acid generating, and metal leaching or, which may include the use of covers; and
 - 3.4.2.2 remediate quarry and borrow areas that are no longer required for construction or operation with alkaline materials applied to the cut surfaces or to removed aggregate, based on appropriate acid-base accounting and in a manner determined by a Qualified Individual.

- 3.5 The Proponent shall have a Qualified Individual design all crossings of fish-bearing watercourses required for the Designated Project in a manner that minimizes disturbance of watercourse beds, banks and riparian vegetation; maintains movement and migration of fish; and takes into account Fisheries and Oceans Canada's *Code of Practice: Clear Span Bridges*, or updated equivalent guidance available at the time the crossings are designed. The Proponent shall implement the watercourse crossings as designed.
- 3.6 The Proponent shall identify, prior to construction and in consultation with Indigenous groups, Fisheries and Oceans Canada, and other relevant authorities, timing windows of reduced risk for in-water work and conduct in-water work within these reduced risk windows, unless otherwise approved by Fisheries and Oceans Canada. In doing so, the Proponent shall take into account *Manitoba Restricted Activity Timing Windows of the Protection of Fish and Fish Habitat*. The Proponent shall notify, prior to construction, the Agency of these reduced risk windows.
- 3.7 The Proponent shall develop and implement a protocol to rescue and relocate fish, in consultation with Indigenous groups and taking into account Fisheries and Oceans Canada's *Interim standard: in-water site isolation*, prior to conducting any activity requiring the removal of fish habitat. In doing so, the Proponent shall:
- 3.7.1 give preference to relocating fish within the same waterbody, outside of the zone of impact;
 - 3.7.2 if relocating fish within the same waterbody is not technically feasible, relocate fish within the same watershed where suitable habitat exists and the fish species are already present, outside of the work area; and
 - 3.7.3 offer opportunities to Indigenous groups to participate in any fish rescue and relocation.
- 3.8 The Proponent shall develop, in consultation with Indigenous groups and relevant authorities, and implement, during construction and for at least the first five years of operation, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to effects to fish and fish habitat. In doing so, the Proponent shall:
- 3.8.1 monitor surface water quantity and quality, including by:
 - 3.8.1.1 monitoring upstream, downstream, and at watercourse crossings on Magill Creek, God's River, and the unnamed tributaries listed on Table 6.15 of the Environmental Impact Statement;
 - 3.8.1.2 monitoring instantaneous flows, total suspended solids; acidity (pH); electrical conductivity; and concentrations of sulphates, nitrates, and heavy metals, including aluminum, arsenic, copper, iron, lead, manganese, nickel, and zinc;
 - 3.8.1.3 developing and implementing a procedure to stop work if monitoring results indicate exceedances of Manitoba's *Water Quality Standards, Objectives, and Guidelines*, and the Canadian Council of Ministers of the Environment's *Canadian Water Quality Guidelines for the Protection of Aquatic Life* for turbidity. The procedure shall require the Proponent to

resume work only under the direction of a Qualified Individual or after water quality is within guidelines;

- 3.8.2 monitor groundwater quantity and quality in locations that may be affected by quarry or borrow areas used for the Designated Project for as long as Designated Project-related quarry and borrow areas are operational, including by:
 - 3.8.2.1 monitoring acidity (pH), sulphates, and heavy metals including aluminum, arsenic, copper, iron, lead, manganese, nickel, and zinc;
 - 3.8.2.2 monitoring groundwater elevation seasonally.
- 3.8.3 monitor for signs (i.e. orange colour) of acid rock drainage and metal leaching at quarries, borrow areas, and blasting sites used for the Designated Project that have potentially acid generating material;
- 3.8.4 monitor potential effects to lake sturgeon and other fish species, determined in consultation with Fisheries and Oceans Canada and Indigenous groups, including by:
 - 3.8.4.1 verifying the presence of lake sturgeon and other fish species in all waterbodies that may be affected by the Designated Project including those in Table 6.14 of the Environmental Impact Statement; and
 - 3.8.4.2 in waterbodies where presence of fish is confirmed, monitoring changes to fish spawning, fish abundance, and fish movement.

4 Migratory birds

- 4.1 The Proponent shall carry out the Designated Project in a manner that protects migratory birds and avoids capturing, killing, taking, injuring or harassing migratory birds or destroying, taking or disturbing their eggs, or damaging, destroying, removing or disturbing nests protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act* or both, while taking into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.
- 4.2 The Proponent shall determine, as determined by and under the direction of a Qualified Individual and using non-intrusive methods, the presence, or likely presence of migratory bird nest(s) protected under the *Migratory Birds Convention Act, 1994* and its regulations and residences protected under the *Species at Risk Act* that may be adversely affected by any Designated Project activity prior to initiating the activity. The Proponent shall use non-intrusive methods to determine the presence or likely presence of migratory bird nests.
- 4.3 The Proponent shall establish and delineate, as determined by and under the direction of a Qualified Individual, set back distances around the nest(s) whose presence or likely presence is determined pursuant to condition 4.2 within which that activity shall not occur while those nests are protected under the *Migratory Birds Convention Act, 1994* and its regulations or the *Species at Risk Act*, or both. When establishing set back distances, the Proponent shall take into account Environment and Climate Change Canada's *Guidelines to avoid harm to migratory birds*.

5 Health and socio-economic conditions of Indigenous Peoples

- 5.1 The Proponent shall perform blasting activities only on weekdays between 9:00 a.m. and 4:00 p.m. and avoid blasting on statutory holidays and days of cultural importance as identified in consultation with Indigenous groups.
- 5.2 The Proponent shall establish, prior to construction, and implement, during construction, a process for receiving and addressing complaints related to noise and vibration. As part of the process, the Proponent shall address complaints within 48 hours of the complaint being received and implement corrective actions to reduce exposure in a timely manner.
- 5.3 The Proponent shall implement measures to mitigate fugitive dust emissions attributable to the Designated Project, including by applying non-chemical dust suppressants, including water, on Designated Project roads during construction and operation when dust is expected or is occurring, such as periods of drought and high winds.
- 5.4 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and other relevant authorities, a follow-up program to verify the accuracy of the environmental assessment and to determine the effectiveness of mitigation measures with respect to effects to health of Indigenous Peoples. The Proponent shall implement the follow-up program during construction and for at least the first two years of operation. In doing so, the Proponent shall:
 - 5.4.1 monitor noise and vibration, including by:
 - 5.4.1.1 verifying baseline noise and vibration levels within the Designated Project area and local assessment area described in Figure 6-1 in the Environmental Impact Statement by taking into account Health Canada's *Guidance on Evaluating Human Health Impacts in Environmental Assessment: Noise* prior to construction;
 - 5.4.1.2 periodically monitoring noise and vibration at key receptor locations where effects to the health of Indigenous Peoples may occur within the Designated Project area and local assessment area during construction; and
 - 5.4.1.3 comparing results of monitoring in condition 5.4.1.2 with thresholds identified in Health Canada's *Guidance on Evaluating Human Health Impacts in Environmental Assessment: Noise* to determine whether modified or additional mitigation measures are required for exceedances attributable to the Designated Project.
 - 5.4.2 monitor air quality, including by:
 - 5.4.2.1 verifying baseline air quality in the Designated Project area and local assessment area described in Figure 6-1 prior to construction, including for total suspended particulates, PM2.5, PM10, CO, SOx, NO₂, VOCs prior to construction;
 - 5.4.2.2 monitoring ambient total suspended particulates, PM2.5, PM10, CO, SOx, NO₂, VOCs, and ammonium nitrate and fuel oil particulate at locations upwind and downwind of the Designated Project area; and

- 5.4.2.3 comparing results of monitoring in condition 5.4.2.2 with the *Canadian Ambient Air Quality Standards* and the *Manitoba Ambient Air Quality Criteria* to determine whether modified or additional mitigation measures are required to mitigate contaminants in country foods for exceedances attributable to the Designated Project.

6 Current use of lands and resources for traditional purposes

- 6.1 The Proponent shall conduct, in consultation with Indigenous groups, progressive reclamation of areas disturbed by the Designated Project. In doing so, the Proponent shall:
 - 6.1.1 identify in consultation with Indigenous groups plant species native to the region and plant species used for traditional purposes to use for revegetation, including trees, shrubs and herbs; and
 - 6.1.2 invite Indigenous groups to participate in the planting or reclamation activities.
- 6.2 The Proponent shall develop, in consultation with Indigenous groups, and implement, during construction and operation, measures to avoid the introduction or propagation of invasive alien terrestrial and aquatic species in the Designated Project area. At a minimum, the Proponent shall clean Designated Project related vehicles and machinery before they enter the Designated Project area.
- 6.3 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, a communication plan for the purpose of sharing information with Indigenous groups about activities that may affect the current use of lands and resources by Indigenous Peoples. The Proponent shall implement and maintain the communication plan during construction of the Designated Project. The communication plan shall include:
 - 6.3.1 procedures for Indigenous groups to communicate information to the Proponent about timing, duration and location of key use periods;
 - 6.3.2 procedures for the Proponent to communicate information, including requirements of conditions 2.17 to 2.19, about timing, duration and location of construction activities, including:
 - 6.3.2.1 maps showing location of Designated Project activities in relation to use areas as provided by Indigenous groups; and
 - 6.3.2.2 schedule of Designated Project activities including access restrictions that considers the timing of key use periods as provided by Indigenous groups and minimizes disturbances on those key use periods.
- 6.4 The Proponent shall prohibit Designated Project employees and contractors from fishing, hunting, trapping, plant gathering and using off-road vehicles for recreation purposes within the Designated Project area or using the Designated Project area to access surrounding areas for these purposes unless an employee or contractor is provided access by the Proponent for traditional purposes or the exercising of Indigenous rights, to the extent that such access is safe.

- 6.5 The Proponent shall, during operation, establish no stopping zones for vehicles, along the Designated Project and adjacent to all watercourses, to limit access to fish-bearing watercourses.
- 6.6 The Proponent shall, in consultation with Indigenous groups, decommission winter roads and temporary access roads, when they are no longer required for the construction of the Designated Project, in order to limit vehicular access to fishing and recreational areas.
- 6.7 The Proponent shall maintain, during construction, access to sites of importance for Indigenous groups in the Designated Project area or accessed via the Designated Project area, including registered traplines, except where physical components of the Designated Project are located and subject to safety requirements. The Proponent shall share information about access in accordance with condition 6.3.
- 6.8 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and registered trapline holders within Indigenous Land and Resource Use Local Assessment Area identified in Figure 6-17 of the Environmental Impact Statement, and implement mitigation measures for traplines that will be impacted by the Designated Project.
- 6.9 The Proponent shall develop, prior to construction in consultation with Indigenous groups and relevant authorities, and implement during construction, a follow-up program to verify the accuracy of the environmental assessment and determine the effectiveness of mitigation measures as it pertains to the quality and quantity of resources used by Indigenous Peoples. In doing so, the Proponent shall:
 - 6.9.1 identify locations for monitoring potential changes in the quality and quantity of resources in consultation with Indigenous groups and based on traditional knowledge.

7 Physical and cultural heritage of, and structures, sites or things of historical, archaeological, paleontological or architectural significance to, Indigenous Peoples

- 7.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups, and implement during construction, mitigation measures for physical and cultural heritage resources and sites of significance within the Designated Project area that could be affected by the Designated Project. In doing so, the Proponent shall:
 - 7.1.1 identify and map locations of physical and cultural heritage resources and sites of significance that could be affected by the Designated Project;
 - 7.1.2 offer opportunities for Indigenous groups to access and visit the locations identified in condition 7.1.1 and conduct ceremonies prior to construction;
 - 7.1.3 participate in ceremonies, if requested by Indigenous groups; and
 - 7.1.4 discuss opportunities to further investigate physical and cultural heritage resources and sites of significance.

8 Independent environmental monitor

- 8.1 The Proponent shall retain, prior to construction, the services of a third-party independent environmental monitor, who is a Qualified Individual as it pertains to environmental monitoring in Manitoba, to independently observe and record on the implementation of the conditions set out in this document during construction and to report findings to the Proponent and the Agency.
- 8.2 The Proponent shall require the independent environmental monitor to report to the Agency, in writing, prior to or concurrent with reporting to the Proponent, if, in their view, any Designated Project activity does not comply with any condition set out in this document. The Proponent shall require the independent environmental monitor to report the information to the Agency at a frequency and in a format determined in consultation with the Agency.

9 Indigenous monitors

- 9.1 The Proponent shall retain, prior to construction, the services of Indigenous monitor(s) to participate in the implementation of follow-up programs. Prior to retaining the services of Indigenous monitor(s), the Proponent shall undertake a collaborative process to determine, in consultation with Indigenous groups, the scope, purpose and objectives of the participation of Indigenous monitors and shall provide that information to the Agency prior to construction. As part of that process, the Proponent shall determine:
 - 9.1.1 how each Indigenous monitor shall be involved in monitoring their areas of interest, including the location, frequency, timing and duration of their participation; and
 - 9.1.2 how the Proponent shall support the participation of Indigenous monitors.

10 Accidents and malfunctions

- 10.1 The Proponent shall develop, prior to construction and in consultation with Indigenous groups and relevant authorities, and implement an accidents and malfunctions response plan in relation to construction and operation of the Designated Project. The accidents and malfunctions response plan shall include:
 - 10.1.1 a description of the types of accidents and malfunctions, including accidents and malfunctions as a result of changes to permafrost and wildfires, that may cause adverse environmental effects during any phase of the Designated Project;
 - 10.1.2 the measures to be implemented in response to each type of accident and malfunction referred to in condition 10.1.1 to mitigate any adverse environmental effect caused by the accident or malfunction; and
 - 10.1.3 for each type of accident and malfunction referred to in condition 10.1.1, the roles and responsibilities of those involved in the implementation of the measures referred to in condition 10.1.2, including the Proponent, each relevant authority,

and any other party that may be called upon to respond to an accident or malfunction.

- 10.2 The Proponent shall maintain the accidents and malfunctions response plan referred to in condition 10.1 up to date during the phase to which it pertains. The Proponent shall submit any updated accidents and malfunctions response plan to the Agency and to parties consulted for the development of the plan within 30 days of the plan being updated.
- 10.3 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 10.1.1, the Proponent shall immediately implement the measures appropriate to remedy the accident or malfunction, including any measure referred to in condition 10.1.2, and shall:
 - 10.3.1 notify relevant authorities with responsibilities related to emergency response (including environmental emergencies) in accordance with applicable legislative and regulatory requirements;
 - 10.3.2 notify, as soon as feasible and pursuant to the communication plan referred to in condition 10.4, Indigenous groups of the accident or malfunction, and notify the Agency in writing no later than 24 hours following the accident or malfunction. When notifying Indigenous groups and the Agency, the Proponent shall specify:
 - 10.3.2.1 the date and time when and location where the accident or malfunction occurred;
 - 10.3.2.2 a summary description of the accident or malfunction;
 - 10.3.2.3 a list of any substance potentially released into the environment as a result of the accident or malfunction; and
 - 10.3.2.4 a description of the relevant authorities notified pursuant to condition 10.3.1 and of the relevant authorities engaged in response to the accident or malfunction.
 - 10.3.3 submit a written report to the Agency no later than 60 days after the day on which the accident or malfunction occurred. The written report shall include:
 - 10.3.3.1 a detailed description of the accident or malfunction and of its adverse environmental effects;
 - 10.3.3.2 a description of the measures that were taken by the Proponent to mitigate the adverse environmental effects caused by the accident or malfunction;
 - 10.3.3.3 any view from Indigenous groups 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;
 - 10.3.3.4 a description of any residual adverse environmental effect and a description of any modified or additional measure required by the Proponent to mitigate or monitor residual adverse environmental effects;

10.3.3.5 a description of any changes made to avoid a subsequent occurrence of the accident or malfunction; and

10.3.3.6 details concerning the implementation of the accidents and malfunctions response plan referred to in condition 10.1.

10.4 The Proponent shall develop, in consultation with Indigenous groups, a communication plan for accidents and malfunctions 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 construction and operation of the Designated Project. The plan shall include:

10.4.1 the types of accidents and malfunctions requiring the Proponent to notify the Indigenous groups;

10.4.2 the manner by which Indigenous groups shall be notified by the Proponent of an accident or malfunction identified pursuant to condition 10.4.1 and of any opportunity for the Indigenous groups to assist in the response to the accident or malfunction; and

10.4.3 the names and contact information of the Proponent and Indigenous group representatives for the purposes of notifying pursuant to condition 10.4.2.

Draft Description of the Designated Project

The Designated Project is the construction and operation of an all-season road on provincial Crown land. The project is a 2-lane gravel public highway consisting of three sections of intersecting road totalling approximately 141 km located on the east side of Lake Winnipeg, Manitoba (Figure 1). Road sections would begin at the reserve boundaries of the Manto Sipi Cree Nation, the Bunibonibee Cree Nation and God's Lake First Nation.

The Designated Project includes the following physical activities and components.

Physical activities

- Construction
 - Site preparation including clearing and grading
 - Development of quarry and borrow areas
 - Reclamation of temporary components
 - Decommissioning of the existing winter road linking Manto Sipi Cree Nation, Bunibonibee Cree Nation, God's Lake First Nation reserves
- Operation (indefinite)
 - Road maintenance including culvert maintenance
 - Operation of up to six quarries to supply materials for on-going maintenance

Project components:

- Approximately 141 km of two-lane gravel road with a right of way of approximately 60 metres and clearing of up to 100 metres
- Temporary and permanent bridges over watercourses
- Culverts, including equalization culverts
- Quarry and borrow areas and associated infrastructure
- Temporary construction and laydown areas
- Temporary construction camps and associated infrastructure including sanitary and solid waste storage
- Temporary access roads to quarries, borrow areas, laydown areas, and construction camps

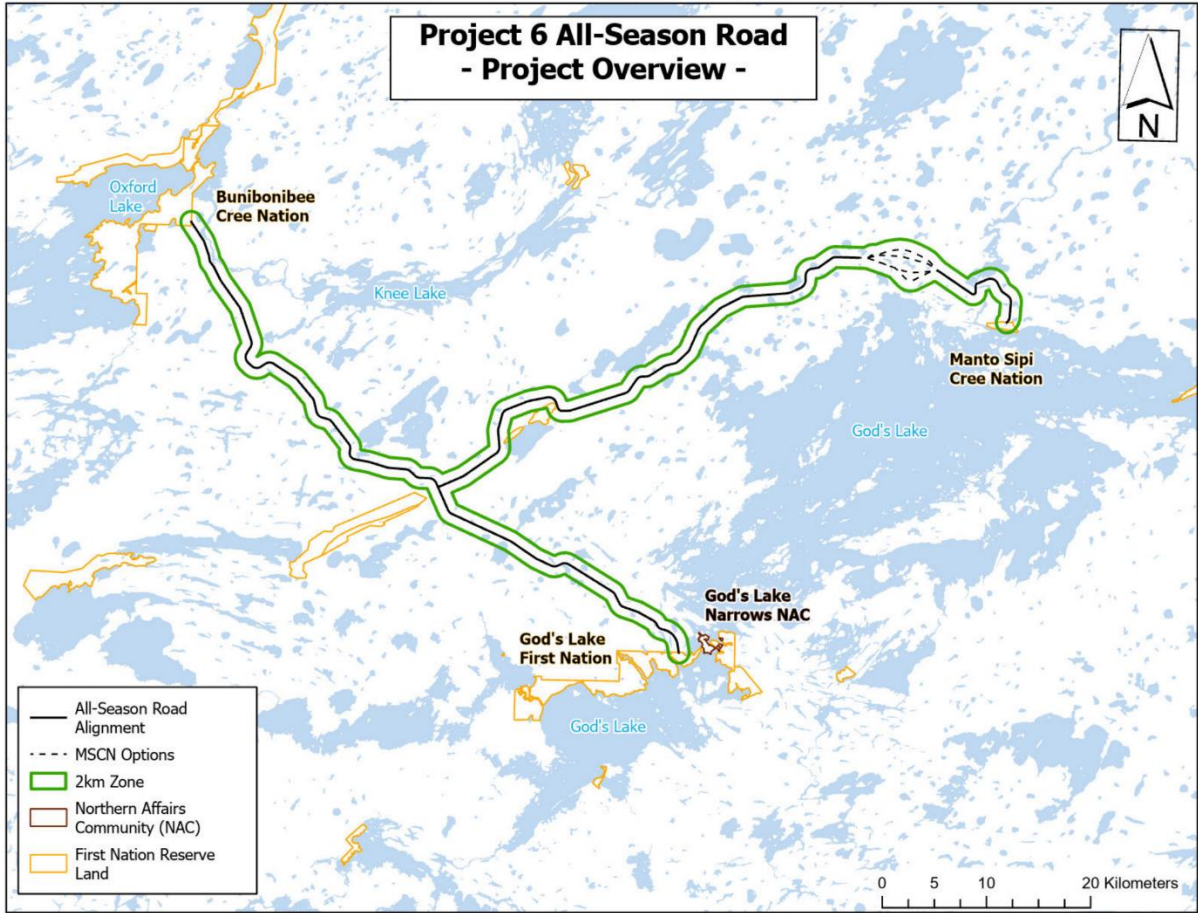


Figure 1: Project overview