

**BURNCO AGGREGATE PROJECT**

**SCHEDULE B**

**TABLE OF CONDITIONS**

**FOR**

**AN ENVIRONMENTAL ASSESSMENT CERTIFICATE**

## DEFINITIONS

Aboriginal Groups	Squamish Nation, Tsleil-Waututh Nation and Musqueam Indian Band.
Application	Application from BURNCO Rock Products Ltd., dated August 4, 2016 to the Environmental Assessment Office applying for an Environmental Assessment Certificate, pursuant to Section 16 of the <i>Environmental Assessment Act</i> , accepted for review on August 4, 2016.
Care and Maintenance	The period when Construction or Operations cease for more than 90 days. For the purposes of the conditions in this Certificate, Care and Maintenance is not a Project phase.
Certificate	This Environmental Assessment Certificate.
Closure	The phase of the Project starting when commercial production of sand, gravel and rock has ceased.
Construction	The phase of the Project during which physical alteration of land, vegetation or any other aspect of the natural environment occurs. For the purposes of this Schedule B, Construction: (i) does not include any activities conducted solely for investigative purposes under a valid permit or authorization; and (ii) includes upgrading, repairing, replacing or removing, any existing work or infrastructure.
Decommissioning	The phase of the Project starting when commercial production of rock, sand and gravel has ceased.
Holder	BURNCO Rock Products Ltd. or, if this Certificate has been transferred in accordance with the conditions below, the person to whom this Certificate has been transferred in accordance with such conditions.
Holiday	Means Sunday, Christmas Day, Boxing Day, Good Friday, Easter Monday, Victoria Day, Canada Day, British Columbia Day, Labour Day, Remembrance Day, New Year's Day and any day set by the Parliament of Canada or by the Legislature as a public holiday.

Operations	The phase of the Project during which the production of sand, gravel or rock are extracted for the purposes of commercial production commences in accordance with an approved permit issued under the <i>Mines Act, RSBC 1996, Chapter 293</i> .
Progressive Reclamation Activities	Reclamation activities undertaken before permanent Closure as required by condition 23 of this Certificate. For the purposes of the conditions in this Certificate, Progressive Reclamation Activities are not a Project phase.
Project	The BURNCO Aggregate Project as described in the Certified Project Description attached as Schedule A to this Certificate.
Qualified Professional	A person who has training, experience and expertise in a discipline relevant to the field of practice set out in the condition, and who is registered with the appropriate professional organization in British Columbia, is acting under that organization's code of ethics and is subject to disciplinary action by that organization.

## **ACRONYMS AND ABBREVIATIONS**

CAG	Community Advisory Group
DFO	Fisheries and Oceans Canada
EAO	Environmental Assessment Office
EFN	Environmental Flow Needs
FLNR	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
IEM	Independent Environmental Monitor
EMPR	Ministry of Energy, Mines and Petroleum Resources
ENV	Ministry of Environment and Climate Change Strategy
QP	Qualified Professional
WC	Water Course

## TABLE OF CONDITIONS

No.	Condition
1.	<p><b>Document Review and Implementation</b></p> <p>Where a condition of this Certificate requires the Holder to provide a plan, program or other document, the Holder must provide the plan, program or other document to the Environmental Assessment Office (EAO) in the timeframe referenced in such condition, unless otherwise approved by the EAO. The EAO may, within 45 days of receiving a copy of such plan, program or other document, advise that:</p> <ul style="list-style-type: none"> <li>a) The Holder may proceed to implement the plan, program or other document with or without revisions; or</li> <li>b) A revised plan, program or other document must be provided for approval of the EAO prior to a specified activity or milestone.</li> </ul> <p>If the EAO advises pursuant to paragraphs (a) or (b) that changes are required to a plan, program, or other document, then the Holder must follow the instructions of the EAO in that regard.</p> <p>If the EAO does not advise on a) or b) within 45 days of the EAO receiving a plan, program, or other document, the Holder may proceed to implement the plan, program or other document.</p> <p>The Holder may, or the EAO may require the Holder to, revise any plan, program or other document if the Holder or the EAO determines that the implementation of the plan, program or other document is not:</p> <ul style="list-style-type: none"> <li>c) Meeting one or more objectives of the plan, program or other document set out in the relevant condition of this Certificate;</li> <li>d) Having the effects contemplated or intended, as set out in the plan, program or other document itself;</li> <li>e) Consistent with the Certificate; or</li> <li>f) Consistent with changes in industry best practices or technology.</li> </ul>
2.	<p><b>Plan Development</b></p> <ul style="list-style-type: none"> <li>a) Where a condition of this Certificate requires the Holder to develop a plan, program or other document, any such plan, program or other document must, at a minimum, include the following information: <ul style="list-style-type: none"> <li>i) Purpose and objectives of the plan, program or other document;</li> <li>ii) Roles and responsibilities of the Holder, project personnel and contractors;</li> <li>iii) Names and, if applicable, professional certifications and professional stamps/seals, of those responsible for the preparation of the plan, program, or other document;</li> <li>iv) Schedule for implementing the plan, program or other document</li> </ul> </li> </ul>

No.	Condition
	<p>throughout the relevant Project phases;</p> <ul style="list-style-type: none"> <li>v) Means by which the effectiveness of the mitigation measures will be evaluated, including the schedule for evaluating effectiveness;</li> <li>vi) Adaptive management plan to address effects of the Project if the monitoring conducted under paragraph (b) of this condition shows that those effects: <ul style="list-style-type: none"> <li>i. Are not mitigated to the extent contemplated in the Application; or</li> <li>ii. Are not predicted in the Application;</li> </ul> </li> <li>vii) Schedules and methods for the submission of reporting to specific agencies, Aboriginal Group(s) and the public and the required form and content of those reports; and</li> <li>viii) Process and timing for updating and revising the plan, program or other document, including any consultation with agencies and Aboriginal Groups that would occur in connection with such updates and revisions.</li> </ul> <p>b) Where a plan, program or other document includes monitoring requirements, the plan, program or other document must include:</p> <ul style="list-style-type: none"> <li>i) Description of baseline information that will be used to support monitoring of the effectiveness of mitigation;</li> <li>ii) Methodology, location, frequency, timing and duration of monitoring; and</li> <li>iii) Scope, content and frequency of reporting of the monitoring results.</li> </ul>
3.	<p><b>Consultation</b></p> <p>Where a condition of this Certificate requires the Holder to consult a particular party or parties regarding the content of a plan, program or other document, the Holder must, to the satisfaction of the EAO:</p> <ul style="list-style-type: none"> <li>a) Provide written notice to each such party that it: <ul style="list-style-type: none"> <li>i) Includes a copy of the plan, program or other document;</li> <li>ii) Invites the party to provide its views on the content of such plan, program or other document; and</li> <li>iii) Indicates: <ul style="list-style-type: none"> <li>i. If a timeframe providing such views to the Holder is specified in the relevant condition of this Certificate, that the party may provide such views to the Holder within such time frame; or</li> <li>ii. If a timeframe providing such views to the Holder is not specified in the relevant condition of this Certificate, specifies a reasonable period during which the party may submit such views to the Holder;</li> </ul> </li> </ul> </li> <li>b) Undertake a full and impartial consideration of any views and other information provided by a party in accordance with the timelines specified in a notice given pursuant to paragraph (a);</li> </ul>

No.	Condition
	<ul style="list-style-type: none"> <li>c) Provide a written explanation to each such party that provided comments in accordance with a notice given pursuant to paragraph (a) as to:               <ul style="list-style-type: none"> <li>i) How the views and information provided by such party to the Holder have been considered and addressed in a revised version of the plan, program or other document; or</li> <li>ii) Why such views and information have not been addressed in a revised version of the plan, program or other document;</li> </ul> </li> <li>d) Maintain a record of consultation with each such party regarding the plan, program or other document; and</li> <li>e) Provide a copy of such consultation record to the EAO, the relevant party, or both, promptly upon the written request of the EAO or such party.</li> </ul>
4.	<p><b>Compliance Verification and Reporting</b></p> <p>The Holder must provide any document, data or information requested by the EAO for the purposes of compliance inspection and verification.</p> <p>The Holder must submit a report to the attention of the EAO on the status of compliance with this Certificate at the following times:</p> <ul style="list-style-type: none"> <li>a) At least 30 days prior to the start of Construction;</li> <li>b) On or before March 31 in each year after the start of Construction;</li> <li>c) At least 30 days prior to the start of Operations;</li> <li>d) On or before March 31 in each year after the start of Operations;</li> <li>e) At least 30 days prior to the start of Closure; and</li> <li>f) On or before March 31 in each year after the start of Closure until the end of Closure.</li> </ul> <p>The reports must be in a form satisfactory to the EAO. The EAO may adjust or extend this reporting requirement by providing written notice to the Holder.</p>
5.	<p><b>Project Status Notification</b></p> <p>The Holder must notify the EAO and Aboriginal Groups, in writing, three months prior to commencing Construction, Operations and Closure.</p> <p>Should the primary contact for the Project change, the Holder must notify the EAO and Aboriginal Groups, in writing, within 30 days of such change and provide the physical address, email address and phone number(s) of the new primary contact.</p>
6.	<p><b>Compliance Notification</b></p> <p>The Holder must notify the EAO:</p>

No.	Condition
	<ul style="list-style-type: none"> <li>a) As soon as practical; and</li> <li>b) In any event, no more than 72 hours;</li> </ul> <p>after the Holder determines that the Holder has not, or may not have, fully complied with this Certificate.</p>
7.	<p><b>Independent Environmental Monitor</b></p> <p>The Holder must retain the services of an Independent Environmental Monitor (IEM). The IEM must be a Qualified Professional (QP), unless otherwise approved by the EAO, with a minimum of five years experience in monitoring construction in British Columbia. The IEM will :</p> <ul style="list-style-type: none"> <li>a) Observe and record for, and report to the EAO on compliance with the Certificate; and</li> <li>b) Provide information to the EAO, Ministry of Energy Mines and Petroleum Resources (EMPR), Ministry of Environment and Climate Change Strategy (ENV), Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNR) and Aboriginal Groups;</li> </ul> <p>as directed by the EAO. Subject to any exceptions set out in the terms of engagement for the IEM, when providing information or reports to the EAO, the IEM must not provide such information or reports to the Holder in advance of providing such information or reports to the EAO.</p> <p>The Holder must retain the IEM throughout Construction and Operations. The Holder must develop the terms of engagement for the IEM in consultation with EMPR, ENV, FLNR and Aboriginal Groups.</p> <p>Not less than 45 days prior to the planned commencement of Construction, the Holder must:</p> <ul style="list-style-type: none"> <li>c) Submit to the EAO for review the name, organization and qualifications of the proposed IEM and the IEM terms of engagement; and</li> <li>d) Provide notice to Aboriginal Groups of the name, organization and qualifications of the proposed IEM.</li> </ul> <p>The Holder must not start Construction until the selection of the IEM and the terms of engagement have been approved by the EAO.</p> <p>The terms of engagement must include, at a minimum, the following:</p> <ul style="list-style-type: none"> <li>e) The role, responsibilities and qualifications of the IEM;</li> <li>f) The roles, responsibilities and qualifications of any staff or other persons that will assist the IEM with performing the IEM's roles and responsibilities (each an "IEM Support");</li> <li>g) The nature and frequency of monitoring;</li> <li>h) The process whereby the IEM or an IEM Support will make recommendations</li> </ul>



No.	Condition
	<p>to the Holder to take mitigative or corrective actions to address any non-compliance or potential non-compliance with this Certificate;</p> <ul style="list-style-type: none"> <li>i) The process by which the recommendations in section g) above will be communicated to the EAO and the Holder;</li> <li>j) The situations in which the IEM will have the authority to stop work on part of or all of the Project if the IEM determines that: <ul style="list-style-type: none"> <li>i) The Holder has not, or may have not have, complied fully with the requirements of this Certificate; and</li> <li>ii) Stopping work is necessary to prevent or reduce Project-related adverse effects as determined by the IEM or any IEM support.</li> </ul> </li> <li>k) The details of reports to be submitted to the EAO upon completion of Construction and Operations. The reports must be written by the IEM and include, but is not necessarily limited to: <ul style="list-style-type: none"> <li>i) A record of all non-compliances with this Certificate;</li> <li>ii) A record of the recommendations made by the IEM to the Holder to prevent or address any non-compliance with this Certificate;</li> <li>iii) A record of whether any such recommendations from the IEM were implemented and the corresponding outcome of implementation;</li> <li>iv) A record of all stop work orders issued to prevent or address a non-compliance with this Certificate and any other Provincial or Federal legislation or authorization applicable to the Project;</li> <li>v) Assessment of the effectiveness of the mitigation measures for Construction and Operations; and</li> <li>vi) Recommendations on how to achieve and maintain compliance with the conditions of this Certificate for the next project phase.</li> </ul> </li> <li>l) A requirement that a detailed Construction work plan and Operations work plan be submitted to EAO for approval prior to the start of the relevant project phase. The work plans must describe the frequency of inspections and rationale, the manner in which IEM identified non-compliances will be communicated to the EAO and the Holder, and the format and frequency of IEM reports.</li> </ul>
8.	<p><b>Construction Environmental Management Plan</b></p> <p>The Holder must retain one or more QPs to develop and implement a construction environmental management plan. The plan must be developed in consultation with Fisheries and Oceans Canada (DFO), the EAO, EMPR, FLNR and Aboriginal Groups.</p> <p>The construction environmental management plan must include, at a minimum, the means by which the following will be addressed:</p> <ul style="list-style-type: none"> <li>a) Human-wildlife conflict;</li> <li>b) Invasive plants management;</li> </ul>

No.	Condition
	<ul style="list-style-type: none"> <li>c) Erosion and sediment control;</li> <li>d) Site restoration;</li> <li>e) Material storage, handling and waste management;</li> <li>f) Spill prevention and response for hydrocarbon storage and leaks or other accidental emissions from machinery or equipment;</li> <li>g) Revegetation;</li> <li>h) Pile construction;</li> <li>i) Access management;</li> <li>j) Archaeology and heritage resources chance find management; and</li> <li>k) Emergency response.</li> </ul> <p>The Holder must provide the construction environmental management plan to the EAO, EMPR, FLNR and Aboriginal Groups for review a minimum of 45 days prior to the planned commencement of Construction.</p> <p>The plan, and any amendments thereto, must be implemented to the satisfaction of a QP throughout Construction and to the satisfaction of the EAO.</p>
9.	<p><b>Care and Maintenance Plan</b></p> <p>The Holder must retain one or more QPs to develop a plan for temporary closure when Construction or Operation cease for more than 90 days. This plan must cover Care and Maintenance periods for indefinite or definite time frames. The plan must be developed in consultation with the ENV, FLNR and Aboriginal Groups.</p> <p>The plan must include, at a minimum, the means by which the following will be addressed:</p> <ul style="list-style-type: none"> <li>a) Spill prevention and response for hydrocarbon storage and leaks or other accidental emissions from machinery or equipment;</li> <li>b) Sediment and erosion control;</li> <li>c) Building maintenance;</li> <li>d) Mitigation of adverse wildlife effects and wildlife monitoring; and</li> <li>e) Access management.</li> </ul> <p>The plan must also include a list of documents that this plan cancels and replaces during the Care and Maintenance period.</p> <p>The plan must identify and describe how each condition in this Certificate will either:</p> <ul style="list-style-type: none"> <li>f) Apply in full or in part during Care and Maintenance period; or</li> <li>g) Cease to apply during a Care and Maintenance period.</li> </ul> <p>The Holder must provide the plan to the EAO, ENV, FLNR and Aboriginal Groups within one year of the commencement of Construction. This plan must be updated in</p>

No.	Condition
	<p>consultation with the ENV, FLNR and Aboriginal Groups prior to any temporary Closure period as described above, unless otherwise authorized by the EAO.</p> <p>The plan, and any amendments thereto, must be implemented during temporary closure from the start of Construction to the completion of Operations under the supervision of a QP and to the satisfaction of the EAO.</p>
10.	<p><b>Hours of Construction and Operation</b></p> <p>The Holder must comply with the following hours during Construction and Operations to manage noise and visual effects:</p> <ul style="list-style-type: none"> <li>a) On workdays that are not holidays, construction and operations may only occur during seasonal daylight hours between 7:00 am and 9:00 pm;</li> <li>b) On workdays that are holidays, Construction and Operations may only occur during seasonal daylight hours between 9:00 am and 6:00 pm; and</li> <li>c) The loading of barges is only permitted to occur Monday to Friday on workdays that are not holidays. Barges must not be loaded on holidays.</li> </ul> <p>The following activities such as, routine maintenance work, office work, non-Construction activities and activities that do not involve the extraction of sand, rock and gravel, that do not generate excessive noise or light emissions are exempt from these requirements.</p>
11.	<p><b>Marine Mammals</b></p> <p>The Holder must retain a QP to develop a plan for the management of potential effects on marine mammals during Construction. The plan must be developed in consultation with DFO and Aboriginal Groups.</p> <p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) Identification of the geographic areas where, and periods of time when, underwater noise monitoring in the marine area will be conducted;</li> <li>b) Specification of the role of a QP in observing and reporting marine mammal presence during Construction in areas where marine mammals may be exposed to underwater noise at levels that can result in potential injury;</li> <li>c) Identification of the Construction activities which must stop or not start if a marine mammal is sighted in areas where marine mammals may be exposed to underwater noise at levels that can result in physical injury, and not re-start until the marine mammal has moved out of the relevant area, to the satisfaction of the QP; and</li> <li>d) Specification of mitigation measures for Construction underwater noise that will prevent or reduce behavioural change or injury to marine mammals.</li> </ul>

No.	Condition
	<p>The Holder must provide the plan to the EAO, DFO and Aboriginal Groups for review a minimum 45 days prior to the planned commencement of Construction. The plan and any amendments thereto, must be implemented throughout Construction under the supervision of a QP and to the satisfaction of the EAO.</p>
12.	<p><b>Fish and Fish Habitat Plans</b></p> <p>The Holder must retain a QP to develop fish and fish habitat plans pertaining to fish habitat and fish population monitoring, fisheries offsetting, and fisheries management. These plans must be developed in consultation with DFO, FLNR, EMPR and Aboriginal Groups.</p> <p>The plans must include at least the following:</p> <ul style="list-style-type: none"> <li>a) A fish habitat and fish population monitoring program for adjacent reaches of McNab Creek, Watercourse (WC) 2 through WC 5 and Harlequin Creek. This program must include sufficient baseline data collection and subsequent monitoring of habitat and fish populations for each water body in order to detect changes over the life of the Project. Example metrics should include, but not be limited to: <ul style="list-style-type: none"> <li>i) Changes in surface water temperature; and</li> <li>ii) Change in juvenile coho salmon per m<sup>2</sup>.</li> </ul> Monitoring results will be used to trigger adaptive management strategies if unplanned negative effects result from the Project. </li> <li>b) A fisheries offsetting plan which conforms to DFO's <i>Fisheries Productivity Investment Policy: A Proponents Guide to Offsetting</i> to account for the permanent alteration or destruction of fish habitat (as defined by the Federal <i>Fisheries Act</i>) from Project activities;</li> <li>c) A fish management plan to identify: <ul style="list-style-type: none"> <li>i) Reduced risk work windows for fish and fish habitat, and the work that will occur within these windows;</li> <li>ii) Work that will occur outside of the reduced-risk work windows and measures to mitigate impacts of such works to fish and fish habitat; and</li> <li>iii) Differentiate between construction-related and operations-related project impacts and mitigations for each phase.</li> </ul> </li> <li>d) Aboriginal traditional knowledge and Aboriginal traditional use information, shared with the Holder by Aboriginal Groups, must be incorporated into each plan and program.</li> </ul> <p>The Holder must submit the fish management plan to the EAO, DFO, FLNR and Aboriginal Groups 60 days prior to the planned commencement of Construction. The Holder must not commence Construction until the plan has been prepared to the satisfaction of the EAO.</p>

No.	Condition
	<p>The plans and programs and any amendments thereto, must be implemented to the satisfaction of the QP and to the satisfaction of the EAO throughout all Project phases.</p> <p>The baseline component of the fish habitat and fish population monitoring program must be implemented, and the final baseline report of the program submitted to the EAO a minimum of 60 days prior to the installation of the plug leading to the obstruction of the upper portion of WC 2.</p>
13.	<p><b>Environmental Flow Needs Plan</b></p> <p>The Holder must retain a QP to develop an environmental flow needs (EFN) plan for McNab Creek, and all other hydraulically connected streams in the Certified Upland Area as defined in the Certified Project Description.</p> <p>The plan must be developed in consultation with DFO, FLNR and Aboriginal Groups.</p> <p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) The means by which baseline data will be collected for McNab Creek when no surface flow is present;</li> <li>b) The schedule for implementing the EFN report;</li> <li>c) The content and frequency for reporting on the status of the implementation of the EFN report and identify which agencies will receive EFN reports; and</li> <li>d) The frequency for updates to the EFN report throughout Operations.</li> </ul> <p>The Holder must provide the EFN report to the EAO, DFO, FLNR and Aboriginal Groups for review a minimum of 45 days prior to the planned commencement of Construction.</p> <p>The Holder must provide the final EFN report to the EAO a minimum of 45 days prior to any planned sand, gravel or rock extraction occurring where the existing upper portion of WC 2 is located.</p> <p>The EFN report, and any amendments thereto, must be implemented to the satisfaction of a QP and to the satisfaction of the EAO throughout all Project phases.</p>
14.	<p><b>Water Management Plan</b></p> <p>The Holder must retain a QP to develop a water management plan for Construction and Operations. The plan must be developed in consultation with DFO, EMPR, FLNR and Aboriginal Groups.</p>

No.	Condition
	<p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) The means by which the pit lake elevation will be used to manage base flows in the natural groundwater watercourses below the pit lake;</li> <li>b) The means by which the pit lake elevation will be used to manage changes to groundwater flows so that Operations does not adversely affect McNab Creek baseline flows;</li> <li>c) The means by which results of the EFN report developed pursuant to condition 13 of this Certificate will be incorporated into the water management plan;</li> <li>d) A water management strategy that describes how water will be managed on the mine site; and</li> <li>e) A monitoring program, including monitoring locations and frequencies, that is designed to systematically collect data to supplement baseline data and to monitor effectiveness of mitigation measures.</li> </ul> <p>The Holder must provide the plan to the EAO, a minimum of 45 days prior to the planned commencement of Construction. At the time of submitting the plan to the EAO, the Holder must also submit a copy to DFO, EMPR and FLNR.</p> <p>The plan and any amendments thereto, must be implemented to the satisfaction of a QP and to the satisfaction of the EAO throughout all Project phases.</p>
15.	<p><b>Wildlife Protection Plan</b></p> <p>The Holder must retain a QP to develop a wildlife protection plan for the protection of terrestrial wildlife and wildlife habitat during Construction and Operations. The plan must be developed in consultation with EMPR, FLNR and Aboriginal Groups.</p> <p>The wildlife protection plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) Means by which mitigation measures to minimize adverse effects to wildlife and wildlife habitat will be implemented;</li> <li>b) Identification of reduced-risk work windows and the work that will occur within these windows;</li> <li>c) Identification of any work that will occur outside of the reduced-risk work windows, and measures to mitigate impacts to wildlife and wildlife habitat;</li> <li>d) Confirmation of the end land-use objective of the Certified Upland Area (as defined in the Certified Project Description), including but not limited to, wildlife habitat and Roosevelt elk winter habitat, and a description of the restoration plan and revegetation strategy proposed to achieve the end land-use objective;</li> <li>e) A habitat compensation plan to offset Project-related losses of amphibian breeding habitat, Roosevelt elk winter habitat and western screech-owl</li> </ul>

No.	Condition
	<p>habitat. The Habitat Compensation Plan must describe how the Holder will:</p> <ul style="list-style-type: none"> <li>i) Establish amphibian compensation ponds with suitable vegetation buffers during Construction to offset the loss of amphibian breeding habitat;</li> <li>ii) Maintain wildlife habitat during Construction and Operations to enable Roosevelt elk access to foreshore habitat within the Certified Upland Area;</li> <li>iii) Restore terrestrial habitat within the Certified Upland Area to achieve an end land-use objective that provides functional habitat for Roosevelt elk post-closure; and</li> <li>iv) Survey mature forest prior to clearing for trees that would provide suitable nesting opportunities for western screech-owl and placing nesting boxes for western screech-owl as determined by a QP. This habitat enhancement must establish two nest boxes for every natural suitable nest tree lost.</li> </ul> <p>f) Amphibian salvage requirements and methods as determined by a QP.</p> <p>The Holder must provide the plan to the EAO a minimum of 45 days prior to the planned commencement of Construction. At the same time as submitting the plan to the EAO, the Holder must also submit a copy to EMPR, FLNR and Aboriginal Groups.</p> <p>The plan and any amendments thereto, must be implemented throughout Construction and Operations to the satisfaction of a QP and to the satisfaction of the EAO.</p>
16.	<p><b>Noise Management Plan</b></p> <p>The Holder must retain QP with a Board Certification in noise control with the Institute of Noise Control Engineering of the United States of America (INCE-USA), unless otherwise approved by the EAO, to develop a plan for noise management. For the purposes of this condition, noise does not include vibration attributable to the Project.</p> <p>The plan must be developed in consultation with the Community Advisory Group (CAG) pursuant to condition 21 of this Certificate, and Aboriginal Groups.</p> <p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) The means by which the Holder will, under the supervision of a QP, monitor and mitigate noise resulting from Construction and Operations as identified by a QP;</li> <li>b) A community and stakeholder communication program to inform communities potentially affected by Project-related noise during Construction and Operations, which includes a process for receiving and addressing complaints and inquiries from the public and Aboriginal Groups; and</li> </ul>

No.	Condition
	<p>c) A noise monitoring and follow-up program with respect to Project-related noise effects during Construction and Operations, which includes the geographic locations where, and times when, and the conditions under which, noise monitoring will be conducted.</p> <p>The Holder must provide the plan to the EAO, Aboriginal Groups and the CAG a minimum of 45 days prior to the planned commencement of Construction.</p> <p>The plan and any amendments thereto, must be implemented to the satisfaction of a QP and to the satisfaction of the EAO during Construction and Operations.</p>
17.	<p><b>Air Quality Management and Monitoring Plan</b></p> <p>The Holder must retain a QP to develop an air quality management and monitoring plan. The plan must be developed in consultation with ENV, EMPR, the CAG referenced in condition 21 and Aboriginal Groups.</p> <p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) The means by which the Holder will, under the supervision of the QP implement mitigation measures to prevent and reduce air emissions and fugitive dust emissions during Construction, Operations and Closure, including the use of best available control technology for emission sources and best management practices;</li> <li>b) The contaminants, and corresponding levels of those contaminants, that would cause the Holder to take action, up to and including the curtailment of Operations, to reduce contaminant levels and what level the contaminants must be reduced to before Operations can commence or resume;</li> <li>c) The locations of monitoring stations and the equipment that will be used to conduct monitoring;</li> <li>d) A requirement for the Holder to notify the EAO, ENV, EMPR, the CAG, Aboriginal Groups, the IEM, and the public in the event that the contaminant levels identified as required by paragraph (b) of this condition are exceeded; and</li> <li>e) The approach for ensuring timely public access to monitoring data and reports.</li> </ul> <p>The Holder must provide the plan to the EAO, ENV, EMPR, the CAG and Aboriginal Groups, a minimum of 45 days prior to the planned commencement of Construction.</p> <p>The plan, and any amendments thereto, must be implemented to the satisfaction of the QP and to the satisfaction of the EAO during Construction, Operations and Closure.</p>



No.	Condition
18.	<p><b>Visual Quality</b></p> <p>The Holder must maintain a treed foreshore buffer of at least 25 metres in width and up to 250 metres in length along the foreshore between Howe Sound and the Certified Project Area as defined in the Certified Project Description.</p> <p>Any proposed changes to the treed foreshore buffer must be approved by the EAO prior to implementation.</p>
19.	<p><b>Marine Transportation</b></p> <p>Tug and barge vessels transiting to or from the BURNCO Project must use Ramillies Channel as the primary Certified Marine Transportation Route as defined in the Certified Project Description. If the Captain of the tug determines that, due to poor weather conditions or for other exceptional circumstances, the tug must use Thornbrough Channel, then any variation from the primary Certified Marine Transportation Route will be recorded and the reason for the deviation posted on the Project website required by condition 22 within seven days of that deviation.</p>
20.	<p><b>Marine Access Plan</b></p> <p>The Holder must develop a plan for marine access management for Construction and Operations within the Certified Marine Transportation Route as defined in the Certified Project Description. The plan must be developed in consultation with Aboriginal Groups.</p> <p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) A description of how the Holder will avoid or mitigate any disruption caused by the Project to access for members of Aboriginal Groups to carry out marine-based traditional use activities that have been identified and communicated by Aboriginal Groups to the Holder in relation to this and other relevant plans;</li> <li>b) Methods to monitor the effects of the Holder's marine-based activities on Aboriginal marine users during Construction and Operations;</li> <li>c) A description of how Aboriginal traditional knowledge and Aboriginal traditional use information, shared with the Holder by Aboriginal Groups, has been incorporated into the plan; and</li> <li>d) A complaint resolution process for loss or damage to commercial traps, nets and other fishing equipment, and anchors and other vessel-related gear used by Aboriginal Groups due to interactions with Project-related marine vessels.</li> </ul> <p>The Holder must provide the plan to the EAO and Aboriginal Groups no less than</p>

No.	Condition
	<p>45 days prior to the Holder's planned date to commence Construction. The Holder must implement the plan throughout Construction and during Operation to the satisfaction of the EAO.</p>
21.	<p><b>Community Engagement</b></p> <p>The Holder must establish and maintain a CAG for the Construction, Operations and Closure phases of the Project. The purpose of the CAG is to provide a mechanism for communication and engagement between the Holder, local governments and local stakeholder groups, as identified in the Terms of Reference required by this condition.</p> <p>For the CAG, the Holder must invite representative participation from at least the following groups: residents of the McNab Creek Strata and the Community of Douglas Bay; Sunshine Coast Regional District; Aboriginal Groups; Gambier Island Local Trust Committee; and Thunderbird and Burrard Yacht Clubs.</p> <p>The Holder must, in consultation with the CAG, develop a Terms of Reference that must include at a minimum:</p> <ul style="list-style-type: none"> <li>a) The purpose and objectives;</li> <li>b) The scope of topics and issues to be addressed;</li> <li>c) The proposed frequency, timing and location of meetings;</li> <li>d) Membership;</li> <li>e) Roles and responsibilities;</li> <li>f) The initiatives the Holder will undertake, including technical, logistical and financial support, including access to independent technical expertise, to give effect to the purpose and objectives required by a) of this condition;</li> <li>g) The means by which the CAG will be consulted on plans, documents and programs required by the conditions of this Certificate;</li> <li>h) The process by which the CAG will identify issues related to Construction, Operations and Closure and the means by which the issues will be considered and resolved by the CAG; and</li> <li>i) The means by which the CAG will communicate its progress, the issues identified and any associated actions taken, to the public.</li> </ul> <p>The Holder may review the need for the CAG every year, in consultation with the CAG. Following the review the Holder may submit a request to the EAO for approval to dissolve the CAG.</p> <p>The Holder must provide the Terms of Reference to the EAO 45 days prior to the planned commencement of Construction. The Terms of Reference, and any amendments thereto, must be implemented to the satisfaction of the EAO.</p>

No.	Condition
22.	<p><b>Public Communication</b></p> <p>At least 45 days prior to the planned commencement of Construction, the Holder must establish a dedicated Project website and at update it at least quarterly as new information becomes available, throughout all Project phases. The website must, subject to availability:</p> <ul style="list-style-type: none"> <li>a) Provide general information regarding the Project and Project status;</li> <li>b) Provide information regarding progress in permitting processes that follow the issuance of this Certificate;</li> <li>c) Provide information about Project activities during all phases of the Project, including the Holder's marine transportation schedule;</li> <li>d) Include information that would promote safety within and surrounding the Project area, including information for safe public access and recreation near McNab Creek;</li> <li>e) Provide annual reporting on the status of monitoring programs and the results of monitoring programs and activities required by the conditions of the Certificate;</li> <li>f) Provide the terms of reference and meeting summaries of the CAG required by condition 21; and</li> <li>g) Describe the process for receiving and addressing complaints and inquiries from the public.</li> </ul> <p>The Holder must maintain a record of public engagement for the Project, and provide it to the EAO when requested. The public engagement record must include:</p> <ul style="list-style-type: none"> <li>h) The name of the individual or organization that the Holder engaged with;</li> <li>i) The method(s), date(s) and location(s) of engagement activities;</li> <li>j) A summary of issues or concerns raised; and</li> <li>k) The measures taken by the Holder, or that will be taken, to address or respond to issues or concerns raised, or the Holder's rationale for taking no further action.</li> </ul>
23.	<p><b>Reclamation Management</b></p> <p>The Holder must retain a QP to develop a reclamation and closure plan. The plan must be developed in consultation with EMPR, FLNR and Aboriginal Groups.</p> <p>The plan must include at least the following:</p> <ul style="list-style-type: none"> <li>a) The areas to be reclaimed;</li> <li>b) Progressive reclamation activities and the timing of those activities;</li> <li>c) Actions the Holder will take to reclaim areas;</li> <li>d) Actions the Holder will take to develop a functional ecosystem in the freshwater pit lake;</li> <li>e) The actions the holder will take to provide grizzly bear habitat in the areas</li> </ul>

No.	Condition
	<p>required to be reclaimed by section a) of this condition; and</p> <p>f) Describe how traditional use information provided by Aboriginal Groups has been considered, and the extent it has been possible to incorporate this information in the design and siting of specific reclamation measures for traditional use plants, cultural use sites, and wildlife species of cultural importance to Aboriginal Groups.</p> <p>The Holder must provide the plan to the EAO, EMPR, FLNR and Aboriginal Groups for review a minimum of 45 days prior to the planned commencement of Construction.</p> <p>The plan, and any amendments thereto, must be implemented to the satisfaction of the EAO.</p>
24.	<p><b>Transfer of Certificate</b></p> <p>a) Except as provided below, neither this Certificate nor any interest in it may be transferred to any person. This Certificate will be effectively transferred if the proposed Holder acknowledges that, upon transfer, it will be responsible for complying with the conditions of the Certificate, and both the proposed Holder and the Holder:</p> <ul style="list-style-type: none"> <li>i) Obtain consent for the transfer from the Executive Director;</li> <li>ii) Apply under Section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer; and</li> <li>iii) Confirm by written notice to the Executive Director, within 14 days of the completion of all aspects of the transfer transaction other than this notice, that the transfer has been completed.</li> </ul> <p>b) An interest in this Certificate may be transferred by way of a grant of security to lenders or financiers without consent.</p> <p>c) A transfer of this Certificate to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale, or as part of a court approved arrangement under the <i>Company Creditors Arrangement Act</i> may occur without consent.</p> <p>d) If this Certificate is transferred without consent, the new and former Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.</p>

No.	Condition
25.	<p data-bbox="316 241 727 275"><b>Transfer of Interest in Project</b></p> <ul style="list-style-type: none"> <li data-bbox="365 321 1393 426">a) Except in connection with the granting of security to Project lenders or financiers, prior to the Holder transferring a significant interest in the Project, the Holder and proposed transferee must: <ul style="list-style-type: none"> <li data-bbox="459 436 1328 470">i) Obtain consent for the transfer from the Executive Director; and</li> <li data-bbox="459 474 1377 621">ii) Apply under Section 19 of the Act for such amendments to this Certificate, if any, as the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.</li> </ul> </li> <li data-bbox="365 632 1414 737">b) A transfer to a trustee in bankruptcy, by a receiver or a trustee in bankruptcy pursuant to a court approved sale or as part of a court approved arrangement under the <i>Company Creditors Arrangement Act</i> may occur without consent.</li> <li data-bbox="365 747 1419 968">c) If a significant interest in the Project is transferred without consent, the Holder must notify the Executive Director within 30 days of the transfer and apply within the time specified by the Executive Director for any amendments to this Certificate that the Executive Director deems necessary to ensure compliance with and enforceability of this Certificate and to otherwise reflect the proposed transfer.</li> </ul>