

**SCHEDULE B**

**TABLE OF PROVINCIAL CONDITIONS**

**FOR THE**

**ROBERTS BANK TERMINAL 2 PROJECT**

**(PROJECT)**

**ENVIRONMENTAL ASSESSMENT CERTIFICATE # T23-01**

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## DEFINITIONS

Application	Application from the Vancouver Fraser Port Authority dated March 2015, to the Environmental Assessment Office applying for an Environmental Assessment Certificate, pursuant to section 16 of the <i>Environmental Assessment Act</i> (2002), accepted for review in October 2015. The Application includes any supplementary information filed by the Holder for the purposes of completing the assessment, including the Marine Shipping Addendum submitted in 2016 and the response to the federal Minister's Information Request submitted in 2021 and other documents posted on the Canadian Impact Assessment Registry, Reference number 80054.
Construction	The phase of the Project during which physical alteration of land, vegetation or any other aspect of the natural environment occurs, including upgrading, repairing, replacing, or removing, any existing work or infrastructure. Construction does not include any activities conducted solely for investigative purposes under a valid permit or authorization.
Holder	The person to whom this Certificate has been issued, or, if this Certificate has been transferred in accordance with section 33 of the <i>Environmental Assessment Act</i> (2018), the person to whom this Certificate has been transferred.
In-Water Works	Project activities undertaken in water frequented by fish.
Indigenous Nations – All	All Indigenous nations included in Indigenous Nations – Roberts Bank, Indigenous nations – Fraser River and Indigenous nations – Marine Shipping.
Indigenous Nations – Roberts Bank	Cowichan Tribes; Halalt First Nation; Huu-ay-aht First Nations; Ka:'yu:'k't'h'/Che:k'tles7et'h; Lyackson First Nation; Malahat First Nation; Musqueam Indian Band; Pauquachin First Nation; Penelakut Tribe; Semiahmoo First Nation; Snuneymuxw First Nation; Stz'uminus First Nation; Toquaht Nation; Ts'uubaa-asatx First Nation; Tsartlip First Nation; Tsawout First Nation; Tsawwassen First Nation; Tseycum First Nation; Tseil-Waututh Nation; Uchucklesaht Tribe; and, Yuul'u?it?ath First Nations.

Indigenous Nations – Fraser River	Aitchelitz First Nation; Chawathil Band; Cheam First Nation; Kwantlen First Nation; Kwaw-kwaw-Apilt First Nation; Leq’á:mel First Nation; Matsqui First Nation; Popkum First Nation; Seabird Island Band; Shxw’ow’hamel First Nation; Shxwhá:y Village; Skawahlook First Nation; Skowkale First Nation; Skwah First Nation; Soowahlie First Nation; Sq’éwlets First Nation; Squiala First Nation; Sumas First Nation; Tzeachten First Nation; Yakweakwioose First Nation; and, Yale First Nation.
Indigenous Nations – Marine Shipping	Ditidaht First Nation; Esquimalt Nation; Pacheedaht First Nation; Scia’new First Nation; Songhees Nation; and, T’Sou-ke Nation.
Operations	The phase of the Project during which vessels are accepted for berthing and cargo transfer. This phase includes periods when vessel berthing and vessel cargo transfer may temporarily cease. This phase includes any activities associated with commissioning the marine terminal in whole or in part.
Qualified Person	A person who has the training, experience and expertise in a discipline relevant to the field of practice set out in the condition.
Qualified Professional	A person who has the 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.
Wetland function	The natural processes and derivation of benefits and values associated with wetland ecosystems, including economic production, fish and wildlife habitat, organic carbon storage, water supply and purification (e.g., groundwater recharge, flood control, maintenance of flow regimes, shoreline erosion buffering), and soil and water conservation, as well as tourism, heritage, recreational, educational, scientific, and aesthetic opportunities.

## ACRONYMS AND ABBREVIATIONS

CAS	Climate Action Secretariat
CCG	Canadian Coast Guard
CEMP	Construction Environmental Management Plan
Certificate	Environmental Assessment Certificate
DFO	Fisheries and Oceans Canada
EAO	Environmental Assessment Office
ENV	Ministry of Environment and Climate Change Strategy
ECCC	Environment and Climate Change Canada
FOR	Ministry of Forests
GHG	Greenhouse gas
MOH	Ministry of Health
MOTI	Ministry of Transportation and Infrastructure
NO <sub>2</sub>	Nitrogen dioxide
OEMP	Operations Environmental Management Plan
PM <sub>2.5</sub>	Particulate matter with particles that have a diameter less than or equal to 2.5 microns
PM <sub>10</sub>	Particulate matter with particles that have a diameter less than or equal to 10 microns
WLRS	Ministry of Water, Lands and Resource Stewardship

# CONDITIONS

## 1. Document Review

- 1.1 The requirements within this condition apply to all plans, programs or other documents required under this Certificate.
- 1.2 The EAO may, within 45 days, or another period if a condition in this Table provides otherwise, of receiving a document required by a condition notify the Holder that:
  - a) The Holder may implement the actions in the document with or without revisions;  
or
  - b) A revised document must be provided for approval of the EAO.
- 1.3 If a notification provided by the EAO to the Holder sets out revisions that are required to the document, the Holder must change the document in accordance with the notification.
- 1.4 If the EAO does not provide a notification to the Holder within the period referred to in subsection 1.1, the Holder may implement the actions in the document, unless a condition in this Table provides otherwise.

## 2. Document Updates

- 2.1 The requirements within this condition apply to all plans, programs, or other documents required under this Certificate.
- 2.2 The Holder may, or the EAO may require the Holder, to make changes to any document if the EAO determines that the implementation of the document is not:
  - a) Meeting one or more objectives set out in the relevant condition of this Certificate or the purpose and objectives set out in the document, as required by paragraph 3.2(a);
  - b) Having the effects, set out in the document, that are contemplated or intended; or
  - c) Consistent with changes in industry best practices or technology.

## 3. Plan Development

- 3.1 The requirements within this condition apply to all plans, programs, or other documents required under this Certificate.
- 3.2 At a minimum, documents must include the following information:
  - a) Purpose and objectives of document;
  - b) Roles and responsibilities of the Holder, Project personnel and any contractors employed for the purposes of implementing the plan;
  - c) Names and, if applicable, professional certifications and professional stamps, of those responsible for the preparation of the document;
  - d) Schedule for implementing the actions in the document throughout the relevant Project phases;

- e) How the effectiveness of any mitigation measures will be evaluated including the schedule for evaluating effectiveness;
- f) How the Holder will implement adaptive management to address effects of the Project if the monitoring conducted under subsection 3.3 shows that those effects:
  - i. Are not being mitigated to the extent contemplated in the Application; or
  - ii. Are different than those predicted in the Application;
- g) Schedules and methods for the submission of reporting to specific agencies and Indigenous nation(s) and notification to the public, and the form and content of those reports; and
- h) Process and timing for updating the document, including any consultation with agencies and Indigenous nations specified in the relevant condition that would occur in connection with such updates.

3.3 Where a document includes monitoring requirements, the document must include:

- a) A description of baseline information that will be used to support monitoring of the effectiveness of mitigation;
- b) Methods, location, frequency, timing and duration of monitoring; and
- c) Scope, content and frequency of reporting of the monitoring results.

## 4. Consultation

4.1 Where a condition of this Certificate requires the Holder to consult a party or parties regarding the content of a document, the Holder must, to the satisfaction of the EAO:

- a) Provide written notice to each such party that:
  - i. Includes a draft of the document;
  - ii. Invites the party to provide its views on the content of the document; and
  - iii. Indicates:
    - A) If a timeframe for providing views to the Holder is specified in the relevant condition of this Certificate, that timeframe; or
    - B) If a timeframe for providing views to the Holder is not specified in the relevant condition of this Certificate, a reasonable period during which the party may submit views to the Holder;
- b) Undertake a full and impartial consideration of the views and other information provided by a party;
- c) Provide a written explanation to each such party that provided views as to:
  - i. How the views and information provided by the party have been considered and addressed in a revised version of the document; or
  - ii. Why the views and information have not been addressed in a revised version of the document;
- d) Maintain a record of consultation with each party regarding the document; and
- e) Provide a copy of the consultation record to the EAO, the relevant party, or both, upon the written request of the EAO or the party no later than 15 days after the Holder receives the request, unless otherwise authorized by the EAO.

## **5. Compliance Verification and Reporting**

- 5.1 The Holder must provide to the EAO any document, data or information requested by the EAO for the purposes of compliance inspection and verification. The Holder must provide any document, data or information requested within the timeframe and in the manner specified by the EAO.
- 5.2 The Holder must submit a report to the EAO on the status of compliance with this Certificate at the following times, unless otherwise authorized by the EAO:
  - a) At least 30 days prior to the planned commencement of Construction; and,
  - b) On or before March 31 in each year after the start of Construction until the end of Operations.
- 5.3 The report referred to in subsection 5.2 must be in a form satisfactory to the EAO.

## **6. Project Status Notification**

- 6.1 The Holder must notify the EAO and Indigenous nations – in writing and at a minimum of 30 days in advance, of the planned commencement of Construction.
- 6.2 The Holder must notify the EAO and Indigenous nations – All in writing that the Project is in Construction and Operations. The notification must be received by the EAO and Indigenous nations – All within 30 days of the commencement of Construction and Operations.
- 6.3 The Holder must notify the EAO and Indigenous nations – All in writing, within 30 days after the issuance of this Certificate, of the primary contact for the Project and provide the physical address, email address and phone number(s) of the primary contact.
- 6.4 Should the primary contact for the Project change, the Holder must notify the EAO and Indigenous nations – All in writing within 30 days of the change and provide the physical address, e-mail address and phone number(s) of the new primary contact.

## **7. Compliance Notification**

- 7.1 The Holder must notify the EAO as soon as practicable, and in any event no more than 72 hours, after the Holder determines that the Holder has not, or may not have, fully complied with this Certificate.

## **8. Construction Environmental Management Plan**

- 8.1 The Holder must retain one or more Qualified Professionals to develop a CEMP. The plan must be developed in consultation with MOTI, WLRS, ENV, MOH, DFO, ECCC, Transport Canada, Fraser Health Authority, Health Canada, Metro Vancouver, City of Delta, City of Richmond and Indigenous nations – Roberts Bank, and for 8.2(d), Indigenous nations – Marine Shipping. Following development, the Holder must provide a draft plan to the EAO for review a minimum of 60 days prior to the planned commencement of Construction, or as otherwise authorized by the EAO.



- 8.2 The CEMP must include, at a minimum, how the following will be addressed:
- a) How the mitigation measures defined as part of the CEMP will be implemented;
  - b) Erosion and sediment control;
  - c) Waste management including hazardous and non-hazardous material management;
  - d) Emergency response and spill prevention mitigation measures, including procedures to notify Indigenous Nations – All, CCG, City of Delta, Fraser Health Authority, Metro Vancouver, and the City of Richmond of emergencies or spills; and
  - e) Noise and vibration management;
  - f) Health and safety management, including public safety, but excluding workplace safety;
  - g) Human health effects;
  - h) Traffic management for land and marine traffic; and
  - i) How Indigenous knowledge and Indigenous use information, shared with the Holder by Indigenous Nations – All, has been considered for the CEMP.

- 8.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Construction under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.

## **9. Operations Environmental Management Plan**

- 9.1 The Holder must retain one or more Qualified Professionals to develop an OEMP. The plan must be developed in consultation with MOTI, WLRS, ENV, MOH, DFO, ECCC, Transport Canada, Fraser Health Authority, Health Canada, Metro Vancouver, City of Delta, City of Richmond and Indigenous nations – Roberts Bank. Following development, the Holder must provide a draft plan to the EAO for review a minimum of 60 days prior to the planned commencement of Operations, or as otherwise authorized by the EAO.

- 9.2 The OEMP must include, at a minimum, how the following will be addressed:
- a) How the mitigation measures defined as part of the OEMP will be implemented;
  - b) Erosion and sediment control;
  - c) Waste management including hazardous and non-hazardous materials management;
  - d) Emergency response and spill prevention mitigation measures, including procedures to notify Indigenous Nations – All, CCG, City of Delta, Fraser Health Authority, Metro Vancouver, and the City of Richmond of emergencies;
  - e) Noise management;
  - f) Environmental monitoring;
  - g) Stormwater management and wastewater management;
  - h) Health and safety management, including public safety but excluding workplace safety; and
  - i) How Indigenous knowledge and Indigenous use information has been incorporated into the OEMP.

9.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Operations under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.

## **10. Public Information**

10.1 The Holder must establish a dedicated Project website or an alternative online medium that provides Project information. The Holder must make the information required in subsection 10.2 available to the public without online tracking, or the need for registration, credentials, or payment.

10.2 The Holder must include the following information on the website or alternative online medium:

- a) Copy of the current version of this Certificate and any amendments thereto;
- b) A description of the Project and the current Project status;
- c) Descriptions of activities related to each Project phase;
- d) The date of the last update of the website or alternative online medium;
- e) Contact information for the Holder;
- f) Annual reporting on the status of monitoring programs and the results of monitoring programs and activities required by this Certificate;
- g) A description of how to submit questions or concerns about the Project to the Holder;
- h) The means by which the Holder will respond to any questions or concerns submitted about the Project;
- i) Current versions of all plans required to be provided to the EAO by this Certificate; and
- j) Relevant information for the public that will promote safety in and surrounding the Marine Terminal Area, as defined by the Certified Project Description.

10.3 The Holder must establish the website or alternative online medium at least 60 days prior to the planned commencement of Construction. The website or alternative online medium must be maintained throughout all Project phases and updated at least annually unless otherwise authorized by the EAO.

## **11. Marine Water and Sediment Quality Management Plan**

11.1 The Holder must retain a Qualified Professional to develop a plan to manage potential effects to marine water quality and marine sediment quality during In-Water Works in the Marine Terminal Area, excluding direct or indirect effects on marine water quality from placement of dredged material, and effects on marine sediment quality where those effects are limited to seabed or foreshore owned by Canada. The plan must be developed in consultation with MOTI, WLRS, ECCC, the City of Delta, City of Richmond, and Indigenous Nations – Roberts Bank. Following development, the Holder must provide a draft plan to the EAO, MOTI, WLRS, ECCC, City of Delta, City of Richmond, and Indigenous nations – Roberts Bank for review a minimum of 60 days prior to the planned commencement of In-Water Works for Construction, or as otherwise authorized by the EAO.

11.2 The plan must include at least the following:

- a) The methods by which sediment quality and marine water quality will be monitored during Construction;
- b) The methods by which marine water quality will be monitored during Operations; and
- c) How the mitigation measures in the Water and Sediment Quality Management Plan will be implemented.

11.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Construction and Operations under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.

## **12. Cultural and Archaeological Resources Management Plan**

12.1 The Holder must retain a Qualified Person with at least five years of relevant experience to develop a plan to mitigate effects of the Project on cultural and archaeological resources and their locations in the Marine Terminal Area, including but not limited to resources protected under the *Heritage Conservation Act*. The plan must be developed in consultation with Indigenous nations – Roberts Bank and FOR. Following development of the plan, the Holder must provide a draft plan to the EAO, Indigenous nations – Roberts Bank and FOR for review a minimum of 60 days prior to the planned commencement of Construction, or as otherwise authorized by the EAO.

12.2 The plan must include at least the following:

- a) A description of how the mitigation measures will be implemented;
- b) Procedures for the identification and treatment of cultural and archaeological resources that may be affected by the Project and procedures for the preservation and sharing of information regarding these resources with Indigenous Nations – Roberts Bank and FOR;
- c) Measures for mitigating and monitoring Project effects on cultural and archaeological resources;
- d) The appropriate storage of cultural and archaeological resources found within the Marine Terminal Area;
- e) The means by which the Holder will develop and implement chance find procedures with Indigenous Nations – Roberts Bank, including the means by which the Holder will manage chance finds of cultural and archaeological resources;
- f) How chance find procedures concerning discovered cultural and archaeological resources will be developed in consultation with Indigenous Nations – Roberts Bank and reflect any culturally appropriate protocols;
- g) How information from traditional use studies, Indigenous knowledge and culturally appropriate protocols have been considered and incorporated in the plan; and
- h) Provisions for training employees and contractors working on the Project on cultural sensitivity, confidentiality, and recognition of heritage values.

12.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Construction under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.

## **13. Indigenous Training, Employment and Procurement Plan**

13.1 The Holder develops an Indigenous Training, Employment and Procurement Plan in consultation with Indigenous Nations – Roberts Bank. Following development, the Holder must provide a draft plan to the EAO and these Indigenous Nations for review a minimum of 60 days prior to the planned commencement of Construction, or as otherwise authorized by the EAO.

13.2 The plan must include at least the following:

- a) The methods for communicating training, employment and procurement opportunities to Indigenous Nations – Roberts Bank and their members;
- b) Measures that the Holder will carry out to provide training opportunities for Indigenous monitors and to promote the hiring and retention of Indigenous Nations – Roberts Bank and their members; and
- c) Measures that the Holder will use to support the procurement of goods and services from businesses owned partly or wholly by, or who partner with, Indigenous people or an Indigenous entity.

13.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Construction and Operations and to the satisfaction of the EAO.

## **14. Terrestrial Vegetation and Wildlife Management Plan**

14.1 The Holder must retain a Qualified Professional to develop a plan to mitigate effects of the Project on terrestrial vegetation and wildlife. The plan must be developed in consultation with WLRs, FOR, ENV, ECCC, City of Delta and Indigenous Nations – Roberts Bank. Following development, the Holder must provide a draft plan to the EAO, WLRs, FOR, ENV, ECCC, City of Delta and Indigenous nations – Roberts Bank for review a minimum of 60 days prior to the planned commencement of Construction, or as otherwise authorized by the EAO.

14.2 The plan must include at least the following:

- a) Mitigation measures to minimize adverse effects of the Project on terrestrial vegetation and wildlife;
- b) Measures to control noxious weeds as defined under the *Weed Control Act*, and invasive plants prior to the commencement of Construction and during Construction;
- c) The methods that will be used by the Holder to monitor for terrestrial bird mortality related to the Project; and
- d) Invasive terrestrial wildlife species prevention and management, and monitoring of enhanced and created habitat.

14.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Construction and Operations under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.

## **15. Wetlands Management and Offsetting Plan**

15.1 The Holder must retain a Qualified Professional to develop a plan to mitigate effects of the Project on wetlands. The plan must be developed in consultation with WLRS, FOR, ENV, ECCC, City of Delta and Indigenous Nations – Roberts Bank. Following development, the Holder must provide a draft plan to the EAO, WLRS, FOR, ENV, ECCC, City of Delta and Indigenous Nations – Roberts Bank for review a minimum of 60 days prior to the planned commencement of Construction, or as otherwise authorized by the EAO.

15.2 The plan must include at least the following:

- a) Mitigation measures to minimize adverse effects of the Project on wetlands;
- b) A detailed list of the wetlands that will be lost or altered as a result of the Project, including:
  - i. An assessment of each wetland and wetland function that will be lost or altered based on Wetlands of British Columbia: A Guide to Identification (2004, or as updated or replaced from time to time) and the Canadian Wetland Classification System (National Wetlands Working Group 1997, or as updated or replaced from time to time); and,
  - ii. The location and extent of the wetlands;
- c) The methods that will be used by the Holder to determine the functions and overall condition of wetlands;
- d) The wetland offsetting measures that will be implemented by the Holder, including the amount and type of offsets required, the selection of offset sites, and a schedule and timeline for implementation of wetland offsetting measures;
- e) Mitigation measures and monitoring for effects to wetlands within the Roberts Bank Wildlife Management Area;
- f) Invasive terrestrial wildlife species prevention and management, and monitoring of enhanced and created habitat;
- g) A description of how the selection of offsetting and mitigation measures referred to in paragraph 15.2(d) is informed by the extent to which compensatory wetland sites would provide additional habitat and habitat functions for wildlife; and
- h) How information provided by Indigenous Nations – Roberts Bank with regards to the identification and selection of potential locations for offsetting measures has been considered.

15.3 The plan, and any updates made pursuant to subsection 2.2 or paragraph 3.2(h), must be implemented throughout Construction and Operations under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.

## **16. Greenhouse Gas Reduction Plan**

16.1 The Holder must retain a Qualified Person to develop a Greenhouse Gas Reduction Plan with respect to greenhouse gas (GHG) emissions for the Marine Terminal Area. The plan must be developed in consultation with the Climate Action Secretariat (CAS), Metro Vancouver, City of Delta, ECCC and Indigenous Nations. Following development,

the Holder must provide a draft plan to the EAO for review a minimum of 60 days prior to the planned commencement of Operations, or as otherwise authorized by the EAO.

16.2 The plan must include at least the following:

- a) An estimation of projected annual direct GHG emissions, total direct GHG emissions for Operations and total direct GHG emissions over the Project's lifetime. The estimated Project GHG emissions must be equal to or lower than the estimates provided in the Application;
- b) A consideration of emission reduction targets and schedules as set out in relevant Provincial statutes and supporting policies;
- c) An analysis of best available technologies, practices and processes to minimize GHG emissions, including the technical and economic feasibility of GHG reductions and a GHG reduction potential analysis;
- d) An explanation for the technologies and measures that the Holder intends to implement, as well as technologies and measures not implemented; and
- e) A summary of how the Holder will achieve net-zero GHG emissions by 2050.

16.3 The plan must be updated during Operations in consultation with Indigenous nations – All and CAS every five years following the commencement of Operations.

16.4 The plan, and any updates made pursuant to subsection 2.2, paragraph 3.2(h) or subsection 16.3, must be implemented throughout Operations under the direction of a Qualified Professional retained by the Holder and to the satisfaction of the EAO.