

**SCHEDULE B**  
**TABLE OF CONDITIONS**  
**FOR THE**  
**TILBURY MARINE JETTY PROJECT**  
**(PROJECT)**  
**ENVIRONMENTAL ASSESSMENT CERTIFICATE**  
**#T24-01**

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## DEFINITIONS

Indigenous Groups	<p>Refers to the Indigenous Groups identified in Schedule B in the Section 11 and 13 Orders:</p> <ul style="list-style-type: none"><li>• Cowichan Tribes;</li><li>• Halalt First Nation;</li><li>• Kwantlen First Nation;</li><li>• Lake Cowichan First Nation;</li><li>• Lyackson First Nation;</li><li>• Musqueam Indian Band;</li><li>• Penelakut Tribe;</li><li>• Semiahmoo First Nation;</li><li>• Snuneymuxw First Nation;</li><li>• Squamish Nation;</li><li>• Stz'uminus First Nation;</li><li>• Tsawwassen First Nation; and</li><li>• Tseil-Waututh Nation.</li></ul>
Application	<p>Application from WesPac Midstream Vancouver, dated March 20, 2019, 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 on March 20, 2019. The Application includes any supplementary information filed by the Holder for the purposes of completing the assessment of the Project.</p>
Certificate	<p>Environmental Assessment Certificate</p>
Construction	<p>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. For the purposes of this Schedule B, Construction does not include any activities conducted solely for investigative purposes under a valid permit or authorization.</p>
Holder	<p>The person to whom this Certificate has been issued, or, if this Certificate has been transferred in accordance with Section 33 of the Act (2018), the person to whom this Certificate has been transferred.</p>
In-Water Works	<p>Work that occurs below the high water mark.</p>
Operations	<p>The phase of the Project commencing when the permanent jetty as described in the Certified Project Description (CPD) (Schedule A of this Certificate) accepts vessels for loading.</p>
Project	<p>The Tilbury Marine Jetty Project as described in the CPD attached as Schedule A to this Certificate.</p>

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 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 hydrological, ecological, and wildlife lifecycle benefits provided by wetlands.

## ACRONYMS AND ABBREVIATIONS

AIA	Archaeological Impact Assessment
BC EMP	BC Environmental Mitigation Policy, including Procedures for Mitigating Impacts on Environmental Values (May 2014, or as updated or replaced from time to time)
CEMP	Construction Environmental Management Plan
CAS	Climate Action Secretariat
CPD	Certified Project Description
DFO	Fisheries and Oceans Canada
EAO	Environmental Assessment Office
ECCC	Environment and Climate Change Canada
FLNRORD	Ministry of Forests, Lands, Natural Resource Operations and Rural Development
FOR	Ministry of Forests
IEM	Independent Environmental Monitor
IK	Indigenous Knowledge
LWRS	Ministry of Land, Water and Resource Stewardship
Metro Vancouver	Metro Vancouver Regional District
OEMP	Operational Environmental Management Plan
OGC	Oil and Gas Commission
QP	Qualified Professional
TC	Transport Canada
TUS	Traditional Use Study
VFPA	Vancouver Fraser Port Authority

# CONDITIONS

## 1. Document Review and Implementation

- 1.1 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 60 days of receiving a copy of such plan, program, or other document, advise that:
  - a) The Holder may proceed to implement the plan, program, or other document with or without revisions; or
  - b) A revised plan, program, or other document must be provided for approval of the EAO prior to a specified activity or milestone.
- 1.2 If the EAO advises pursuant to paragraphs 1.1(a) or 1.1(b) that changes are required to the plan, program, or other document, then the Holder must follow the instructions of the EAO in that regard.
- 1.3 If the EAO does not advise on paragraphs 1.1(a) or 1.1(b) within 60 days of the EAO receiving a plan, program, or other document, the Holder may proceed to implement the plan, program, or other document.
- 1.4 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:
  - a) Meeting one or more objectives of the plan, program, or other document set out in the relevant condition of this Certificate;
  - b) Having the effects contemplated or intended, as set out in the plan, program, or other document itself;
  - c) Consistent with the Certificate; or
  - d) Consistent with changes in industry best practices or technology.

## 2. Plan Development

- 2.1 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:
  - a) Purpose and objectives of the plan, program, or other document;
  - b) Roles and responsibilities of the Holder, project personnel and contractors;
  - c) Names and, if applicable, professional certifications and professional stamps/seals, of those responsible for the preparation of the plan, program, or other document;
  - d) Schedule for implementing the plan, program, or other document throughout the relevant Project phases;
  - e) Means by which the effectiveness of the mitigation measures will be evaluated including the schedule for evaluating effectiveness;
  - f) An adaptive management plan to address effects of the Project if the monitoring conducted under subsection 2.2. of this condition shows that those effects:

- i. Are not mitigated to the extent contemplated in the Application or any supplementary information filed by the Holder for the purposes of completing the assessment; or
  - ii. Are not predicted in the Application or any supplementary information filed by the Holder for the purposes of completing the assessment;
  - g) Schedules and methods for the submission of reporting to specific agencies, Indigenous Groups, and the public, and the required form and content of those reports;
  - h) Process and timing for updating and revising the plan, program, or other document, including any consultation with agencies and Indigenous Groups that would occur in connection with such updates and revisions; and
  - i) A description of how IK and Indigenous use information, shared with the Holder by Indigenous Groups, has been addressed in the plan, program, or other document.
- 2.2 Where a plan, program, or other document includes monitoring requirements, the plan, program, or other document must include:
- a) Description of baseline information that will be used to support monitoring of the effectiveness of mitigation;
  - b) Methodology, location, frequency, timing and duration of monitoring; and
  - c) Scope, content, and frequency of reporting of the monitoring results.

### **3. Consultation**

- 3.1 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:
- a) Provide written notice to each such party that:
    - i. Includes a copy of the plan, program, or other document;
    - ii. Invites the party to provide its views on the content of such plan, program, or other document; and
    - iii. Indicates:
      - A) 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
      - B) 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;
  - 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 3.1(a);
  - c) Provide a written explanation to each party that provided comments in accordance with a notice given pursuant to paragraph 3.1(a) as to:
    - 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

- ii. Why such views and information have not been addressed in a revised version of the plan, program, or other document;
- d) Maintain a record of consultation with each such party regarding the plan, program, or other document; and
- 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. The copy of such consultation record must be provided to the EAO, relevant party, or both, no later than 15 days after the Holder receives the request for a copy of the consultation record, unless otherwise authorized by the EAO.

#### **4. Schedule for Consultation on Plans**

- 4.1 The Holder must develop a schedule for the minimum timing of consultation on the plans required by this Certificate. The schedule must identify:
  - a) The plans that require consultation;
  - b) Which parties the Holder must develop the plan in consultation with, as required by this Certificate; and,
  - c) When and how the Holder will share the plans for review with the parties identified in paragraph 4.1(b) of this condition for consultation, including consideration of capacity and minimum review periods required by the parties, if provided by the parties.
- 4.2 The Holder must share the schedule with the parties identified in paragraph 4.1(b) of this condition and the EAO 60 days prior to commencement of consultation on any of the plans in paragraph 4.1(b).
- 4.3 If the timing of consultation on the plans changes after the Holder shares the schedule for consultation on plans, the Holder must notify the parties identified in paragraph 4.1(b) in advance of the scheduled consultation on the plans.

#### **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 attention of the EAO and Indigenous Groups on the status of compliance with this Certificate at the following times:
  - a) At least 30 days prior to the planned commencement of Construction;
  - b) On or before January 31 in each year after the start of Construction until the end of Operations.
- 5.3 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.



## **6. Project Status Notification**

- 6.1 The Holder must notify the EAO, the B.C. Oil and Gas Commission (OGC), and Indigenous Groups in writing that the Project is under Construction, when the Project is in Operations, and at the end of Operations. The notification must be received by the EAO and Indigenous Groups within 5 days of the commencement of Construction and Operations, and end of Operations.
- 6.2 The Holder must notify the EAO, OGC, and Indigenous Groups, 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.
- 6.3 Should the primary contact for the Project change, the Holder must notify the EAO, OGC, and Indigenous 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.

## **7. Compliance Notification**

- 7.1 The Holder must notify the EAO, OGC, and Indigenous Groups:
  - a) As soon as practical; and
  - b) 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. Independent Environmental Monitor**

- 8.1 The Holder must retain the services of an Independent Environmental Monitor (IEM). The IEM must be a Qualified Professional (QP) with a minimum of five years experience in monitoring construction, including experience working with Indigenous nations and monitoring construction in aquatic environments. The IEM will:
  - a) Observe, record for, and report to, the EAO on compliance with the Certificate; and
  - b) Provide information to the EAO, Indigenous Groups, and OGC, 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, Indigenous Groups, and OGC.
- 8.2 The Holder must retain the IEM throughout Construction and for at least the first three years of Operations under the conditions of the terms of engagement.
- 8.3 The Holder must develop the terms of engagement for the IEM in consultation with Indigenous Groups and OGC.
- 8.4 The Holder must consult with Indigenous Groups on the list of prospective candidates for the IEM.
- 8.5 No later than 45 days prior to the planned commencement of Construction, the Holder must:

- a) Provide to the EAO for approval the name, organization and qualifications of the proposed IEM and the IEM terms of engagement; and
  - b) Provide to the EAO, the record of consultation required by subsection 8.4 of this Certificate for the consultation with Indigenous Groups on the list of prospective candidates for the IEM;
- 8.6 The Holder must not start Construction until the selection of the IEM and the terms of engagement have been approved by the EAO.
- 8.7 The terms of engagement must include, at a minimum, the following:
- a) The role, responsibilities and qualifications of the IEM;
  - b) The roles, responsibilities and qualifications of any staff or other persons including Indigenous monitors that will assist the IEM with performing the IEM's roles and responsibilities (each an "IEM Support");
  - c) The nature and frequency of monitoring;
  - d) The process whereby the IEM or IEM Support will make recommendations to the Holder to take mitigative or corrective actions to address any non-compliance or potential non-compliance with this Certificate and how the recommendations will be communicated to the EAO;
  - e) Information to be provided to Indigenous Groups;
  - f) The situations in which the IEM will have the authority from the Holder to stop work on part of or all of the project if the IEM determines that:
    - i. The Holder has not, or may have not, complied fully with the requirements of this Certificate; and
    - ii. Stopping work is necessary to prevent or reduce Project-related adverse effects as determined by the IEM or any IEM Support;
  - g) The process and timing for updating the terms of engagement, including any consultation with agencies and Indigenous nations that would occur in connection with such updates; and
  - h) How the IEM or IEM Support will review and provide recommendations on the CEMP and OEMP plans required under conditions 10 and 11 and how the Holder will consider and respond to these recommendations.
- 8.8 On completion of the IEM's last year of engagement for Operations, the IEM must submit a project phase completion report to the EAO. The report must be written by the IEM and must include:
- a) A record of all non-compliances with this Certificate;
  - b) A record of the recommendations made by the IEM to the Holder to prevent or address any non-compliance with this Certificate;
  - c) A record of whether any recommendations from the IEM were implemented and the corresponding outcome of implementation;
  - d) A record of all instances where the IEM required work be stopped for the reasons referred to in paragraph 8.7(f),
  - e) Assessment of the effectiveness of the mitigation measures required by the conditions of this Certificate for Construction and the IEM's last year of engagement for Operations; and
  - f) Recommendations on how to achieve and maintain compliance with the conditions of this Certificate for the next project phase.

## **9. Indigenous Monitors**

- 9.1 The Holder must develop a plan for providing opportunities for the participation of Indigenous Groups in monitoring activities during Construction and Operations. The plan must be developed in consultation with Indigenous Groups.
- 9.2 The plan must include:
- a) Identification of all the monitoring activities required by the conditions in this Certificate;
  - b) How the Holder and Indigenous Groups will work together to identify opportunities for Indigenous nations to participate in the monitoring activities required by the conditions in this Certificate, and the corresponding number of monitors;
  - c) The methods for communicating monitoring opportunities to Indigenous Groups and their members;
  - d) The roles and responsibilities of monitors, including:
    - i. The number of Indigenous Group monitors to participate during Construction and Operations;
    - ii. The nature and frequency of the monitoring activities that will be conducted; and
    - iii. The means and methods by which monitoring activities will be undertaken;
  - e) How the Holder will consider the perspectives, concerns and recommendations of the Indigenous Group monitors;
  - f) Protocols for access to the Project, as defined in the Certified Project Description, Schedule A to this Certificate, and access to monitoring locations by the monitors;
  - g) How the Holder will provide the training, equipment, timely information (including schedules and activities) and support to the monitors to enable the monitoring activities;
  - h) A description of the funds that will be provided to the monitors by the Holder; and,
  - i) If the Holder determines that opportunities for the participation of Indigenous Groups in the monitoring activities described in Section 9.2(a) do not exist, an explanation of how the Holder came to this determination.
- 9.3 Following development, the Holder must provide a draft plan to Indigenous Groups and the EAO for review a minimum of 60 days prior to the planned commencement of Construction.
- 9.4 The plan, and any updates to the plan, must be implemented throughout Construction and Operations and to the satisfaction of the EAO.

## **10. Construction Environmental Management Plan**

- 10.1 The Holder must retain one or more QPs to develop a CEMP for the Marine Terminal Area, as described in the CPD. The plan must be developed in consultation with Ministry of Land, Water and Resource Stewardship (LWRS), City of Delta, Metro Vancouver Regional District (Metro Vancouver), City of Richmond, Environment and Climate Change Canada (ECCC), Transport Canada (TC), Vancouver Fraser Port Authority (VFPA), Canadian Coast Guard (CCG), OGC, and Indigenous Groups. Following development, the Holder must provide a draft plan to the EAO, LWRS, ECCC, TC, CCG, VFPA, Metro Vancouver, the City of Delta, City of Richmond,

and Indigenous Groups for review a minimum of 60 days prior to the planned commencement of Construction.

10.2 The plan must include, at a minimum, the means by which the following will be addressed:

- a) How the Holder will implement the mitigation measures set out in Section 14.1.1 of the Application;
- b) Concrete works management;
- c) Emergency response and spill prevention, including:
  - i. A list of the cultural, socio-economic, ecological and biological resources that are known through publicly available sources or have been shared with the Holder that may be impacted by a spill and the emergency response and spill prevention mitigation measures that will be implemented if a spill that is reportable, under the BC Environmental Management Act, occurs; and
  - ii. Procedures to notify Indigenous Groups, City of Delta, Metro Vancouver, and the City of Richmond of emergencies or spills.
- d) Environmental monitoring;
- e) Erosion and sediment control, including the retention or re-establishment of riparian shrubs and trees within the Riparian Assessment Area, as defined by the Riparian Areas Protection Regulation B.C. Regulation 178/2019 (O.C. 446/2019);
- f) Hazardous materials management;
- g) Health and safety management;
- h) Lighting management, including but not limited to the means by which the potential attraction of birds by light will be mitigated;
- i) Noise and vibration management;
- j) Scour protection management;
- k) Soil management;
- l) Stormwater and wastewater management;
- m) Surface water management;
- n) Temporary laydown areas management;
- o) Waste management including creosote pile removal, hazardous waste and non-hazardous materials management;
- p) Wildlife and wildlife habitat management and monitoring including:
  - i. Pre-construction bird, amphibian and wildlife surveys, which must be carried out by an experienced QP, in consultation with Indigenous Groups, in a manner that protects active bird nests;
  - ii. Procedures to identify and retain sensitive wildlife habitat features;
  - iii. Procedures to salvage and relocate amphibians to suitable habitat prior to Construction;
  - iv. Species-specific sensitive timing windows and setbacks;
  - v. Invasive wildlife species prevention measures, control and management;
  - vi. Human wildlife conflict; and
  - vii. Bird mortality.
- q) How the Holder will inform Indigenous Groups when Construction is anticipated to begin and how the Holder will update Indigenous Groups if that schedule changes.

- 10.3 The plan must include a description of how IK and Indigenous use information, shared with the Holder by Indigenous Groups, has been incorporated into the CEMP.
- 10.4 The Holder must complete the surveys required by paragraph 10.2(p)(i) of this condition prior to the planned commencement of Construction. Survey results must be shared with the EAO, LWRS, OGC, ECCC, TC, Metro Vancouver, the City of Delta, City of Richmond, and Indigenous Groups prior to the planned commencement of Construction and must be utilized in the development of the CEMP.
- 10.5 The plan and any updates to it must be implemented throughout Construction in the Marine Terminal Area under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## **11. Operations Environmental Management Plan**

- 11.1 The Holder must retain one or more QPs to develop an OEMP for the Marine Terminal Area as defined in the Certified Project Description. The plan must be developed in consultation with LWRS, OGC, City of Delta, Metro Vancouver, City of Richmond, TC, CCG, VFPA, ECCC and Indigenous Groups. Following development, the Holder must provide a draft plan to the EAO, LWRS, OGC, TC, CCG, VFPA, ECCC, Metro Vancouver, City of Delta, City of Richmond, and Indigenous Groups for review a minimum of 60 days prior to the planned commencement of Operations.
- 11.2 The plan must address the following:
- a) How the Holder will implement the mitigation measures set out in Section 14.2.1 of the Application;
  - b) Health and safety management;
  - c) Emergency response and spill prevention, including a list of the cultural, socio-economic, ecological and biological resources that are known through publicly available sources or have been shared with the Holder that may be impacted by a spill and the emergency response and spill prevention mitigation measures that will be implemented if a spill, as defined by this plan, occurs;
  - d) Environmental monitoring;
  - e) Erosion and sediment control;
  - f) Non-hazardous waste management;
  - g) Lighting management, including but not limited to the means by which the potential attraction of birds will be mitigated;
  - h) Noise management;
  - i) Stormwater management and pollution prevention and wastewater management;
  - j) Ballast water management;
  - k) Wildlife and wildlife habitat management and monitoring, including invasive species prevention measures, control and management, and monitoring of restored habitat; and
  - l) Scour protection management.
- 11.3 The plan must include a description of how IK and Indigenous use information, shared with the Holder by Indigenous Groups, has been incorporated into the OEMP.
- 11.4 The plan and any updates to it must be implemented throughout Operations under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## 12. Water Quality Management Plan

12.1 The Holder must retain a QP to develop a plan to manage potential effects to water quality during In-Water Works during Construction and Operations in the Marine Terminal Area. The plan must be developed in consultation with LWRS, ECCC, the City of Delta, the City of Richmond, OGC, and Indigenous Groups. Following development, the Holder must provide a draft plan to the EAO, LWRS, ECCC, the City of Delta, the City of Richmond, OGC, and Indigenous Groups no less than 60 days prior to the Holder's planned commencement of In-Water Works for Construction and Operations.

12.2 The plan must include:

- a) Mitigation measures to minimize effects to water quality during In-Water Work, including measures to minimize sediment dispersion;
- b) How the Holder will implement the mitigation measures set out in Section 4.6.4.3.2.3 (the In-Water Works Management Plan) of the Application;
- c) Mitigation measures to manage potential effects to water quality during dredging, including a water quality monitoring program for turbidity with decision criteria and management actions;
- d) The decision criteria and management actions in paragraph 12.2(c) must include the following:
  - i. A structured approach to the management of potential effects to water quality during dredging, including an adaptive management framework;
  - ii. Decision criteria to inform how performance objectives are applied, what management actions are triggered, and when they are triggered, to allow the day-to-day management of potential effects to water quality during dredging; and
  - iii. Consideration of applicable turbidity and total suspended solids thresholds established in British Columbia's Water Quality Guidelines for the Protection of Aquatic Life and the Canadian Water Quality Guidelines for the Protection of Aquatic Life for Total Particulate Matter.
- e) The means by which the mitigation measures in Section 4.6.4.3.2.8 (the Dredging Management Plan) of the Application will be implemented;
- f) Turbidity monitoring in accordance with the BC Ambient Water Quality Guidelines (Criteria) for Turbidity, Suspended and Benthic Sediments (2001, or as replaced or updated from time to time) and the Canadian Water Quality Guidelines for the Protection of Aquatic life for Total Particulate Matter;
- g) Mitigation measures that the Holder will implement if turbidity exceeds the standards set out in the document referred to in paragraph 12.2(e). The mitigation measures must be prepared by a QP; and
- h) The methods for communicating the results of monitoring required by paragraph 12.2(e) with the EAO, LWRS, ECCC, OGC, and Indigenous Groups.

12.3 The plan and any updates to it must be implemented throughout Construction and Operations under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## 13. River Bed Monitoring Plan

- 13.1 The Holder must retain a QP to develop a plan to monitor for and mitigate potential adverse effects to the bed of the Fraser River caused by dredging. The plan must be developed in consultation with OGC, LWRS, City of Delta, City of Richmond, Metro Vancouver, VFPA, and Indigenous Groups. Following development, the Holder must provide a draft plan to the EAO, OGC, LWRS, City of Delta, City of Richmond, Metro Vancouver, VFPA, and Indigenous Groups a minimum of 60 days prior to planned commencement of In Water Works.
- 13.2 The Holder must conduct annual depth soundings of the dredged area during Construction and Operations, under the direction of a QP, starting prior to the commencement of Construction.
- 13.3 The Holder must conduct bathymetry surveys of the entire channel width, as determined by a QP, every five years during Operations, in the area shown in Figure 3.2 of Appendix 4.1-1, Appendix A of the Application.
- 13.4 The plan must include:
- a) How the Holder will implement the monitoring set out in Section 4.1.6 (Monitoring and Follow-Up Programs, River Processes) of the Application;
  - b) A description of riverbed morphological monitoring parameters related to fish habitat as determined by a QP, including scour, erosion, depth, and river-bed morphology;
  - c) A description of the current river bed profile within the area shown in Figure 3.2 of Appendix A of Appendix 4.1-1 of the Application, in the year prior to Construction, to provide a means of identifying any changes in river bed profile following Construction;
  - d) The mitigation measures that the Holder will implement to address effects of the Project, if the monitoring required by paragraph 13.4(a) of this condition demonstrates Project effects; and
  - e) How the Holder will inform Indigenous Groups of the results of monitoring and proposed mitigation measures referred to in this condition.
- 13.5 The plan and any updates to it must be implemented throughout Construction and Operations under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## 14. Cultural and Archaeological Resources Management Plan

- 14.1 An Archaeological Impact Assessment (AIA) must be completed prior to the commencement of Construction in regard to all areas in the Marine Terminal Area where access allows.
- 14.2 The Holder must retain a QP to develop a plan to mitigate impacts of the Project to archaeological resources and cultural sites in the Marine Terminal Area prior to and during Construction, including but not limited to sites and resources protected under the *Heritage Conservation Act*. The plan must be developed in consultation with Indigenous Groups, OGC, and the Ministry of Forests (FOR). Following development, the Holder

must provide a draft plan to the EAO, OGC, FOR, and Indigenous Groups for review a minimum of 60 days prior to the planned commencement of Construction.

14.3 The plan must include:

- a) How the Holder will implement the mitigation measures set out in Section 7.1.4.3 (Heritage Resources Mitigation Measures) of the Application;
- b) Procedures for the identification and treatment of archaeological or cultural resources that may be affected by the Project, and procedures for the preservation and sharing of information regarding these resources with Indigenous Groups and FOR;
- c) Description of Indigenous Groups' involvement in the Project AIA;
- d) The measures to prevent unauthorized access to, and to address access preferences of Indigenous Groups to, archaeological and cultural sites as communicated by Indigenous Groups to the Holder during the completion of the AIA and during Construction;
- e) A prohibition against unauthorized access of the archaeological and cultural sites during Construction and identification of authorized individuals or groups;
- f) Measures for mitigating and monitoring Project impacts on archaeological and cultural sites;
- g) The appropriate storage of archaeological and cultural resources found within the Marine Terminal Area, as defined in the Certified Project Description;
- h) The means by which the Holder will develop and implement chance find procedures with Indigenous Groups, including the means by which the Holder will manage chance finds of archaeological resources and ancestral remains;
- i) How chance find procedures concerning discovered ancestral remains will reflect protocols provided by Indigenous Groups;
- j) How knowledge from the AIA, any TUS, and IK have been incorporated in the plan; and
- k) Provisions for training employees and contractors working on the Project on cultural sensitivity, confidentiality and recognition of heritage values.

14.4 The Holder must not commence Construction until the plan is approved by the EAO, unless otherwise authorized by the EAO.

14.5 The plan and any updates to it must be implemented throughout Construction under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## **15. Public Information**

15.1 The Holder must establish a dedicated Project website or an alternative online medium that provides the same or better access to the Project information as a traditional website. The Holder must make the information required in subsection 15.2 available to the public without online tracking of personal information, or the need for registration, credentials, or payment.

15.2 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) Information in relation to the notification and communication requirements required by the conditions in this Certificate;
- e) Current versions of all plans required to be provided to the EAO by this Certificate;
- f) Information regarding progress in permitting processes that follow the issuance of this Certificate;
- g) Relevant information for the public that would promote safety in and surrounding the Marine Terminal Area, as defined in the Certified Project Description;
- h) Annual reporting on the status of monitoring programs and the results of monitoring programs and activities required by this Certificate;
- i) A description of how to submit questions or concerns about the Project to the Holder;
- j) The means by which the Holder will respond to any questions or concerns submitted about the Project; and
- k) Contact information for the Holder.

15.3 The Holder must establish the website or alternative online medium within 60 days of the issuance of this Certificate. The website or alternative online medium must be maintained throughout all Project phases and updated at least annually, unless otherwise authorized by the EAO.

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

16.1 The Holder must develop an Indigenous Training, Employment and Procurement Plan for the Project. The plan must be developed in consultation with Indigenous Groups. Following development, the Holder must provide the draft plan to the EAO and Indigenous Groups for review a minimum of 60 days prior to the planned commencement of Construction.

16.2 The plan must include:

- a) How the Holder will implement the mitigation measures in Section 5.1.4.3.2.1 (Local and Aboriginal Hiring and Procurement Policies) of the Application;
- b) The methods for communicating training, employment and procurement opportunities to Indigenous Groups and their members;
- c) Measures that the Holder will carry out to provide training opportunities for Indigenous monitors and to promote the hiring and retention of Indigenous Groups and their members;
- d) 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; and
- e) How the Holder will report results of the measures referred to in paragraphs 16.2(c) and 16.2(d) to the EAO and Indigenous Groups.

16.3 The plan and any updates to it must be implemented throughout Construction and Operations under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## 17. Indigenous Cultural Awareness, Recognition and Mitigation

17.1 In consultation with Indigenous Groups, the Holder must identify the scope and content of activities to promote cultural awareness and recognition and Nation-specific measures to mitigate effects of the Project on cultural resources or practices in the Marine Terminal Area, according to the following:

- a) Where specific activities or measures, with respect to cultural awareness, recognition and mitigation, are requested by an Indigenous Group, the Holder must:
  - i. Implement the requested activity or measure including offering the Indigenous Group the opportunity to lead or participate in the activity or measure, or
  - ii. Provide a rationale to the Indigenous Group explaining why the activity or measure is not reasonable or practicable, to the satisfaction of the EAO.

## 18. Vegetation and Wetland Management and Wetland Offsetting Plan

18.1 The Holder must retain one or more QPs to develop a Vegetation and Wetland Management and Wetland Offsetting Plan to manage potential effects to vegetation and wetlands and to offset losses of wetland functions caused by the Project during Construction and Operations. The plan must be developed in consultation with LWRS, ENV, ECCC, OGC, City of Delta, and Indigenous Groups. Following development, the Holder must provide a draft plan to the EAO, OGC, ENV, LWRS, ECCC, City of Delta, and Indigenous Groups no less than 60 days prior to the planned commencement of Construction.

18.2 The plan must include:

- a) Mitigation measures to minimize adverse effects to vegetation and wetlands;
- b) The implementation of the mitigation measures set out in Sections 4.7.4.3.2.2 and 4.7.4.3.2.3 (Wetland Restoration – Enhancement and Creation) of the Application;
- c) Measures to control noxious weeds, as defined under the *Weed Control Act*, prior to the commencement of Construction, and measures to control noxious weeds and invasive plants during Construction;
- d) Pre-construction surveys for rare, culturally significant plants, as communicated by Indigenous Groups to the Holder, and those protected under the *Species at Risk Act* (SARA), that must be completed prior to Construction and in consultation with Indigenous Groups; the survey results must be shared with parties listed in condition 18.1 prior to the commencement of Construction;
- e) Native and SARA-listed plant salvage and relocation;
- f) Measures to incorporate Indigenous stewardship values related to vegetation and wetlands, and establish plant species of cultural significance to Indigenous Groups;
- g) 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*

(FLNRORD 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;
- h) The methods that will be used by the Holder to determine the functions and overall condition of wetlands;
- i) The 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 offsetting measures;
- j) The Holder must undertake offsetting measures to compensate for the loss of wetlands listed pursuant to paragraph 18.2(g), establish performance standards for wetland function, including criteria by which wetland functions will be measured, such that compensatory wetland sites performance standards exceed the level of function of the habitat being compensated and provide higher value and larger area (than the area described in Table 4.7-11 in the Application) than the wetland habitat it is replacing;
- k) The Holder must apply the hierarchy of mitigation measures set out in the BC Procedures for Mitigating Impacts on Environmental Values, dated May 27, 2014 (or as updated or replaced from time to time);
- l) The plan must include a description of how the selection of offsetting measures referred to in paragraphs 18.2(i) and 18.2(j) are informed by the extent to which compensatory wetland sites would provide additional habitat and habitat functions for wildlife;
- m) How information provided by Indigenous Groups with regards to the identification and selection of potential locations for offsetting measures has been considered in the plan; and
- n) How the implementation of the offsetting measures and mitigation measures referred to in this condition 18.2(i) and 18.2(j) will be monitored for effectiveness.

18.3 The plan and any updates to it must be implemented throughout Construction and Operations under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## **19. Air Quality Management Plan**

19.1 The Holder must retain a QP to develop an Air Quality Management Plan for Construction and Operations in the Marine Terminal Area. The plan must be developed in consultation with ENV, OGC, ECCC, Metro Vancouver, City of Delta, City of Richmond, Health Canada, and Indigenous Groups.

19.2 Following development, the Holder must provide this plan to the EAO, ENV, OGC, ECCC, Metro Vancouver, City of Delta, City of Richmond, Health Canada, and Indigenous Groups a minimum of 60 days prior to the planned commencement of Construction.

19.3 The plan must include at least the following:

- a) The mitigation measures that the Holder will implement to reduce adverse effects to air quality during Construction and Operations;

- b) How the Holder will implement the mitigation measures in Sections 4.4.1.6.3 (air quality mitigation measures) of the Application, and Sections 3.0 and 4.0 of the supplemental memo “20191209\_MV\_TWN\_AQ Construction Assessment”, and those required by paragraph 19.3(a) of this condition, and report on the maximum age of construction vehicles in the plan;
- c) How and when the Holder will estimate or measure, using methods determined by a QP, the parameters in Table 4.4.1-4 (Air Quality) of the Application attributable to Project Construction and Operations;
- d) The triggers that would cause the Holder to take corrective action to reduce the parameters in paragraph 19.3(c) and what levels the parameters would be reduced to;
- e) How the Holder will report results of the requirements of this plan to the EAO and Indigenous Groups.

19.4 The plan and any updates to it must be implemented throughout Construction and Operations under the direction of a QP retained by the Holder and to the satisfaction of the EAO.

## **20. Greenhouse Gas Reduction Plan**

20.1 The Holder must retain a Qualified Person to develop a Greenhouse Gas Reduction Plan with respect to greenhouse gas (GHG) emissions from the Project during Operations in the Marine Terminal Area. The plan must be prepared in consultation with CAS, the Ministry of Energy, Mines and Low Carbon Innovation, OGC, ECCC, Metro Vancouver, City of Delta, City of Richmond, and Indigenous Groups. Following development, the Holder must provide this draft plan to the EAO, CAS, the Ministry of Energy, Mines and Low Carbon Innovation, OGC, ECCC, Metro Vancouver, City of Delta, City of Richmond, and Indigenous Groups for review a minimum of 60 days prior to the planned commencement of Operations. The Holder must not implement the plan or commence Operations until the plan has been approved by the EAO, unless otherwise authorized by the EAO.

20.2 The plan must include at least the following:

- a) The mitigation measures that the Holder will implement to reduce greenhouse gases during Operations;
- b) How the Holder will implement the mitigation measures in Sections 4.4.2.4.3 (greenhouse gas mitigation measures) of the Application, and those required by paragraph 20.2 (a) of this condition;
- c) How and when the Holder will estimate or measure projected annual GHG emissions, total GHG emissions for Operations, and GHG emissions over the life of the Project using methods determined by a Qualified Person, the parameters in Table 4.4.2-3 (Greenhouse Gases) of the Application attributable to Project Operations;
- d) The triggers that would cause the Holder to take corrective action to reduce the parameters in paragraph 20.2(c) and what levels the parameters would be reduced to, including a consideration of emission reduction targets and schedules as set out in relevant Provincial statutes and supporting policies;

- e) How the Holder will achieve, during Operations, any greenhouse gas regulations or objectives that are made mandatory for the Project by a municipal, provincial, national or international government with jurisdiction;
- f) A description of the frequency and process by which the Holder will identify additional mitigation measures for greenhouse gases and implement those that the Holder determines are economically feasible and a Qualified Person determines are technically feasible;
- g) Criteria to be used for determining economic feasibility of those additional mitigation measures for greenhouse gases identified in paragraph 20.2(f);
- h) A description and analysis of how the holder will utilize best available technologies and best environmental practices in achieving the greenhouse gas reductions, including a rationale for technologies or practices not being adopted
- i) How the Holder will report results of the requirements of this plan to the EAO and Indigenous Groups.

20.3 The plan and any updates must be implemented throughout Operations under the direction of a Qualified Person retained by the Holder and to the satisfaction of the EAO.

## **21. Cumulative Effects**

21.1 The Holder must participate in any cumulative effects assessment of the Lower Fraser River carried out jointly by First Nations and the Province, or by First Nations, the Province and the federal government, if required by, and to the satisfaction of, the EAO.

21.2 The Holder must carry out, if required by, and to the satisfaction of the EAO, monitoring and mitigation measures that result from any consensus recommendations of an assessment referred to in paragraph 1.1, where the monitoring or mitigation measures relate directly to the Construction or Operation of the Project.

## **22. Renewable Marine Fuels**

22.1 The Holder must retain an independent third party to prepare, and submit to the EAO

- (a) within one year of the issuance of this certificate, and
- (b) every five years following, or within the times reasonably determined by the EAO, reports, satisfactory to the EAO, respecting the demand for and supply of renewable marine fuels in the Port of Vancouver.

22.2 If a report referred to in paragraph 2.1 identifies a viable demand for and supply of renewable marine fuels in the Port of Vancouver, the Holder must apply for an amendment to this Certificate that would authorize modifications to the Project so that it is able to provide fueling services for renewable marine fuels. If the amendment is granted, the Holder must carry out the modifications to the satisfaction of, and within the period required by, the EAO, and make such fueling capacity available to the extent that the demand and supply exist.

22.3 In preparing the reports referred to in paragraph 2.1, the Holder must ensure that the third party consults with CAS, the Ministry of Energy, Mines and Low Carbon Innovation, and the Ministry of Transportation and Infrastructure (or their successor entities) and the EAO.

22.4 First Nations must be consulted before any amendment, referred to in paragraph 2.2, is granted.