

## **SCHEDULE B**

### **TSAWWASSEN EELGRASS PROJECT**

#### **TABLE OF CONDITIONS FOR ORDER UNDER SECTION 10(1)(b)**

##### **INTERPRETATION**

In this Schedule, Column 3 (Project Phase), in the table below is for convenience of reference only, and does not form a part of the condition.

##### **DEFINITIONS**

Aboriginal Groups	Cowichan Tribes, Lyackson First Nation, Semiahmoo First Nation, Tsawwassen First Nation, and Tsleil-Waututh Nation.
Aboriginal Interests	Asserted or determined Aboriginal rights, including title.
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.
Proponent	Vancouver Fraser Port Authority.
Post Construction	The phase of the Project following the establishment of the eelgrass bed during which transplanting, maintenance and monitoring activities are implemented.
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, if determined necessary, by that organization.
Officer of the Bridge	Person designated as the representative of the Captain of the ship.
Order	Order pursuant to Section 10(1)(b) of the <i>Environmental Assessment Act</i> .

Request	Request from the Vancouver Fraser Port Authority, dated July 31, 2015, to the Environmental Assessment Office pursuant to Section 10(1)(b) of the <i>Environmental Assessment Act</i> , for an Environmental Assessment Certificate exemption, and accepted for review on September 30, 2015.
Safety Zone	Precautionary project-specific zone of 1,000 m radius around construction activities taking place in designated critical habitat for Southern Resident Killer Whales (SRKW) monitored to reduce the low potential risk of acoustic disturbance to SRKW and within which construction activities must be stopped if SRKW are present and will only resume after SRKW have not been observed for >30 minutes.
Southern Resident Killer Whale Critical Habitat	As designated by the <i>Species At Risk Act</i> in the trans-boundary areas of southern British Columbia and Washington State, including Haro Strait and Boundary Pass and the adjoining areas in the Strait of Georgia and the Strait of Juan de Fuca.

## Acronyms

DFO	Department of Fisheries and Oceans Canada
EAO	Environmental Assessment Office
EM	Environmental Monitor
EPP	Environmental Protection Plan
PCMP	Post-Construction Monitoring Plan
SRKW	Southern Resident Killer Whale
VFPA	Vancouver Fraser Port Authority

No.	Condition
1.	<p><b>Compliance Verification</b></p> <p>The Proponent must provide any document, data or information requested by EAO for the purposes of compliance inspection and verification.</p>
2.	<p><b>Project Status Notification</b></p> <p>The Proponent must notify EAO Compliance and Enforcement, in writing, at least 14 days prior to commencing Construction.</p> <p>Should the primary contact person for the Project change, the Proponent must notify EAO (to the attention of EAO Compliance and Enforcement), in writing, within 30 days of such change and provide the physical address, email address and phone number(s) of the new primary contact person.</p>
3.	<p><b>Compliance Notification</b></p> <p>The Proponent must notify EAO:</p> <ul style="list-style-type: none"> <li>a) as soon as practical; and</li> <li>b) In any event, no more than 72 hours, after the Proponent determines that the Proponent has not, or may not have, fully complied with this Order.</li> </ul>
4.	<p>Prior to commencing Construction, the Proponent must ensure that the services of a Qualified Professional as the Environmental Monitor (EM) are retained. The purpose of the EM will be to assist the Proponent in identifying and mitigating potential adverse effects of the Project to environmental, health, economic, social or heritage values and maintaining compliance with this Order.</p> <p>The EM must have a minimum five years demonstrated experience and knowledge of environmental monitoring for major construction projects in British Columbia. The EM must be retained throughout the Construction phase of the Project and for any follow-up maintenance activities involving physical works (if applicable).</p> <p>Prior to the start of Construction, the Proponent must develop terms of engagement between the Proponent and the EM and provide a copy of the terms of engagement to EAO. EAO may require changes to the terms of engagement related to items a) to e) below.</p> <p>Such terms of engagement must include, at a minimum, the following:</p>

	<ul style="list-style-type: none"> <li>a) roles and responsibility of the EM;</li> <li>b) required monitoring frequency;</li> <li>c) required reporting to the Proponent, EAO, Aboriginal groups, and other regulatory agencies, on the Proponent's compliance with this Order and, where mitigation measures are required, the effectiveness of the Proponent's mitigation measures carried out by the Proponent pursuant to this Order;</li> <li>d) the types of situations in which the EM will have the authority to stop work on part or all of the Project if the EM determines that: <ul style="list-style-type: none"> <li>i) the Proponent has not, or may have not, complied fully with the requirements of this Order; and</li> <li>ii) stopping work is necessary to prevent or reduce adverse effects caused by that non-compliance;</li> <li>iii) the types of situations in which the EM will have the authority to require mitigation or corrective actions be taken by the Proponent and report on the effectiveness of the mitigation or corrective actions.</li> </ul> </li> </ul> <p>Reports by the EM must be provided in a format, frequency, and level of detail that is to the satisfaction of EAO.</p> <p>The EM must notify EAO:</p> <ul style="list-style-type: none"> <li>a) as soon as practical; and</li> <li>b) in any event, no more than 72 hours, after the EM determines that the Proponent has not, or may not have, fully complied with this Order.</li> </ul>
5.	<p>Prior to the start of Construction, the Proponent must develop a site-specific Environmental Protection Plan (EPP) that includes requirements for:</p> <ul style="list-style-type: none"> <li>• Mitigation for conducting any high-risk in-water work on Roberts Bank in the Vancouver Area that pose unacceptable risk, as determined by the Qualified Professional, to protect juvenile salmonids (i.e. least risk work window of August 16 to February 28);</li> <li>• Ensuring that construction would be conducted with mitigation and monitoring in place, to the satisfaction of a Qualified Professional, to minimize any potential Construction-related effects on aquatic species and fish habitat that may currently use the site; and,</li> <li>• Specific actions and monitoring to prevent spills of deleterious substances including mitigation in the case of any spills</li> </ul> <p>The EPP must be implemented throughout the Construction and Post-Construction phases of the Project under the direction of a Qualified Professional.</p>
6.	<p>The Proponent may conduct in-water fill placement (including but not limited to riprap) in depths greater than -5.0 metres Chart Datum (CD) at daily low water during the least-risk work window for female egg-bearing Dungeness crab (April 1 to October 14). If the Proponent conducts in-water fill placement outside of this least-risk work window, an underwater survey must first be conducted by a Qualified Professional. If recommended by the Qualified Professional, salvage and relocation of adult Dungeness crabs must be completed in advance of fill material placement.</p>
7.	<p>The Proponent must establish and monitor a Safety Zone of 1,000 m radius around construction activities taking place in designated critical habitat for Southern Resident Killer Whales (SRKW).</p>

	<p>During the least-risk work window for SRKW of November 1 to April 31 of any year, monitoring of the Safety Zone may be carried out by an Officer of the Bridge. Outside of the least-risk work window for SRKWs, the duties must be carried out by a Qualified Professional.</p> <p>Construction activities must be stopped if SRKW are present and will only resume after SRKW have not been observed for &gt;30 minutes. Notification must also be provided to the DFO Observe, Records and Report Line at 1-800-465-4336 (or as amended or replaced from time to time).</p>
8.	<p>If Construction occurs when visibility is reduced such that the monitor conducting observations cannot visually observe the entire Safety Zone, the SRKW observations must be conducted using a hydrophone.</p> <p>All activities and works must be conducted and monitored in such a way that there is no sustained underwater noise over 160dB to minimize disturbance to SRKWs.</p>
9.	<p>The Proponent must engage the services of an eelgrass transplant expert for direction for eelgrass donor site selection and transplant methodology.</p>
10.	<p>Within 24 months of Construction completion, the Proponent must establish eelgrass through transplantation within a timeframe and manner as directed by a Qualified Professional. For these purposes, a Qualified Professional is considered an eelgrass transplant expert for direction on eelgrass donor site selection and transplant methodology. The Proponent must consult with DFO in the development of an eelgrass transplanting plan.</p>
11.	<p>The Proponent must implement a formal monitoring program Post-Construction in accordance with the Post-Construction Monitoring Plan (PCMP) for VFPA's Habitat Enhancement Program.</p>