APPENDIX K -

BURIAL SITE PROTOCOL
The steps set forth in this Burial Site Protocol must be observed with respect to existing or potential Tsuut’ina Nation (“TTN”) burial sites on:

- the portion of the Lands related to the Priority New Infrastructure; and
- reserve lands, including designated lands, to be used or accessed pursuant to a permit under section 28(2) of the Indian Act (Canada), as amended from time to time, for the PNI Project (collectively the “PNI Lands”).

Any human remains encountered on the PNI Lands shall be dealt with in a respectful manner and all appropriate steps shall be taken to minimize disturbance of such remains. In the event that remains are encountered or disturbed, proper steps shall be taken to ensure that the remains are respectfully recovered and removed.

The TTN’s Culture Department has conducted a Historical Resources Impact Assessment to assess the PNI Lands and inventory all sites of potential historical or cultural significance, including burial sites. Based on this preliminary assessment, the Culture Department does not believe that the PNI Lands contain burial sites. However, if areas are discovered that contain or may contain burial sites (“Affected Land”), the Culture Department will initiate a ceremony open to those who will be involved in the construction or who might otherwise become involved in the disturbance of burial sites. In addition, the Culture Department will conduct pre-construction awareness and recognition training for construction personnel to ensure that they will know how to identify a potential future discovery of a burial site and what steps are required of them in such circumstances. The Contractor is required to arrange for its applicable employees and its applicable subcontractors’ employees to attend such training provided by the TTN and carry out the requirements conveyed at the training.

During any construction on the PNI Lands, the Department will retain or employ a person selected by the TTN (the "Nation Liaison") to be available on a 24/7 call-up basis to monitor construction in high risk or sensitive areas. Where the Nation Liaison, in consultation with the Culture Department, deems it necessary, a modified construction practice consisting of "layer peeling" will be implemented at specified sites during the early stages of construction to ensure that burial sites are not be inadvertently damaged or destroyed.

If during construction the Contractor, the Nation Liaison or TTN suspects that a burial site has been encountered at a particular location, construction work must stop immediately, the site must be secured, and the following formal process must be observed. The Contractor shall notify the Department of any burial site encounters immediately in writing.

**Formal process**

If the Culture Department confirms the existence of burial sites on the PNI Lands during the Construction Period or the Operating Period, or if it is suspected during construction that a burial site has been encountered, the Contractor shall accommodate the TTN in conducting a ceremony reflecting and maintaining the integrity of the values and traditions of the TTN.
Following the ceremony, the Culture Department will notify TTN Police Services who will in turn contact the RCMP. The RCMP will investigate under the *Fatalities Inquiries Act* and determine whether the location represents a crime scene, an unrecorded but non-criminal burial site, or an archaeological site.

The RCMP may involve the Office of the Chief Medical Examiner (the "OCME") if required to assist in examining the remains and may recover the remains if considered necessary for its investigations.

If the remains remain in place and the RCMP and the OCME conclude that they have no continuing legal interest in them, the TTN will require the Department and the Contractor to take all steps required to obtain the release of the site and the remains to the TTN.

If remains must be retained by the Province as part of a criminal investigation and cannot be released to the TTN, the Contractor shall accommodate the TTN in conducting an appropriate ceremony at the site where the remains were found.

Notwithstanding any other obligations under the DBFO Agreement, if a burial site is encountered and a subsequent stoppage of work is required at the burial site, the Contractor shall provide written notice of the work stoppage to the Department within two days of commencement of the work stoppage. This written notice shall include an anticipated duration of the work stoppage. The Contractor shall also provide written notice upon termination of the work stoppage indicating the actual duration of the work stoppage and the impact of the work stoppage on the Project.