

APPENDIX 13-A
Summary of Comments, Issues and Concerns Raised by Aboriginal Groups and Proponent Responses

| Topic | Comments, Issues and Concerns | Proponent Response and Actions |
|---|---|--|
| Review of draft AIR/EIS Guidelines | | |
| Skwxwú7mesh Nation | | |
| Aboriginal Consultation | Requested that Pre-application and Application/EIS review phase consultation information is developed jointly between Skwxwú7mesh Nation and the Proponent. | <p>Proponent agreed to develop the summary of consultation activities for the Pre-Application period, as well as outline proposed activities for EAC Application/EIS Review period with input from Skwxwú7mesh Nation and provide it to Skwxwú7mesh Nation for review and comment in advance of submission of the final EAC Application/EIS to the EAO and CEA Agency.</p> <p>The Proponent responded that any disagreements regarding the content in the summary will be resolved prior to finalization and outstanding issues would be clearly identified.</p> |
| Aboriginal Rights and Interests | Requested that Skwxwú7mesh Nation's Land Use Plan "Xay Temixw" be included in the Land Use section of the draft Application Information Requirements. | <p>The Proponent revised Section 2.6 revised to include:</p> <p><i>"Identification of the land and resource management plans that the Proposed Project overlaps, including existing plans developed by First Nations. This will also include a list of the management objectives of the Land and Resource Management Plans"</i></p> |
| Aboriginal Rights and Interests | <p>Requested that First Nations Rights be included as a Social VC.</p> <p>Requested that Traditional Land Use (e.g., First Nations access, hunting, fishing and gathering) should be included as a Social VC.</p> | <p>The Proponent revised Table 3, Section 4.2 to include a "First Nations" section, comprising:</p> <p>Discipline / Theme:</p> <ul style="list-style-type: none"> ▪ First Nations Consultation / Interests <p>Valued Component(s):</p> <ul style="list-style-type: none"> ▪ Past, present, and anticipated future uses of the Project area for traditional purposes, including the identification of specific asserted Aboriginal rights / title; and ▪ Other Aboriginal interests relative to potential social, economic, environmental, heritage, and / or health effects of the Project (to the extent not already identified above). <p>Definition and/or Supporting Rationale: To identify potential effects of the Proposed Project to Aboriginal rights and interests, and proposed mitigation to avoid or minimize adverse effects and/or to enhance benefits.</p> |

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| Aboriginal Rights and Interests | <p>Noted that there is no mention of Traditional Use Studies being completed.</p> <p>Requested that information used for the effects assessment on <i>Skwxwú7mesh</i> Nation Aboriginal Rights be developed jointly with <i>Skwxwú7mesh</i> Nation.</p> <p>Noted the importance that <i>Skwxwú7mesh</i> Nation's occupation and use of this area be appropriately acknowledged in the relevant sections of the Application/EIS.</p> <p>Noted importance that a study to identify <i>Skwxwú7mesh</i> Nation's interests would need to be broader than a typical TUS. <i>Skwxwú7mesh</i> utilizes an "Aboriginal Interest and Use Study" approach which incorporates TUS, among other information.</p> <p>Requested that Part C addresses economic and social information for First Nations in comparable way to the "non-aboriginal" sections of the EIS/Application.</p> | <p>The Proponent committed to funding a <i>Skwxwú7mesh</i> Nation-led study intended to identify <i>Skwxwú7mesh</i> Nation interests in the project area and potential adverse project effects to those interests, as well as co-developing mitigation measures to offset potential adverse effects to identified interests. These elements together are meant to largely address Part C, First Nations Information Requirements.</p> <p>The Proponent noted that its expectation was that First Nations would provide the information needed to support Part C, and that First Nations would work with the Proponent to assess and mitigate potential effects of the Proposed Project on First Nations interests, as well as to identify potential benefits.</p> <p>Mitigation to address potential effects of the Proposed Project to First Nations rights and interests, including through CEMPs and OEMPs, will be, to the extent possible, developed jointly with First Nations. It is the Proponent's intention to work with First Nations to sufficiently advance these plans so that they can be relied upon, where appropriate, as mitigation to offset potential effects to First Nations rights and interests.</p> |
| Aboriginal Rights and Interests | <p>Noted that the draft AIR/EIS Guidelines does not specify how the information will be considered in the Application.</p> <p>Requested that the Proponent include the commitment to conduct a TUS in the AIR/EIS Guidelines, and that the Proponent include information from the TUS in the assessment of the proposed Project's impacts on <i>Skwxwú7meshs'</i> rights in the Application.</p> | <p>Section 11 of the AIR/EIS Guidelines requires the EAC Application/EIS to provide a non-confidential summary of past, present, and anticipated future uses of lands and resources in the Proposed Project area by Aboriginal groups including but not limited to current use of lands and resources for traditional purposes.</p> |
| Aboriginal Rights and Interests | <p>Requested opportunity to review sections 7.3 and Part C to assess accuracy and completeness.</p> | <p>The Proponent committed to providing a draft of Part C and other relevant sections of the EAC Application/EIS to First Nations for review and comment in advance of submission of the final EAC Application/EIS to the EAO and CEA Agency.</p> |
| Aboriginal Rights and Interests | <p>Requested that summaries of potential residual effects of the proposed project on <i>Skwxwú7mesh</i> Nation rights and interests be developed jointly with <i>Skwxwú7mesh</i> Nation.</p> | <p>Summaries of potential residual effects of the Proposed Project on First Nations rights and interests will be, to the extent possible, developed jointly with First Nations, and will be presented in Part C.</p> <p>First Nations will be provided the applicable summaries in draft for review and comment in advance of submission of the final EAC Application/EIS to the EAO and CEA Agency. The Proponent's intention is that disagreements regarding the summaries of potential residual effects would be resolved prior to finalization and outstanding issues would be clearly identified.</p> |

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| Aboriginal Rights and Interests | <p>Requested that the AIR/EIS Guidelines explicitly require the Proponent to identify the extent to which information regarding <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation's interests in the Application has been jointly developed with the <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation in sections 3.2 (Aboriginal Information Distribution and Consultation) and 9.2.7 (Residual and Cumulative Effects Assessment, and Part C) of the AIR/EIS Guidelines.</p> <p>Requested that the AIR/EIS Guidelines require that the Proponent set out what information regarding our rights and interests, involvement in the EA and consultation, <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation agrees or disagrees with.</p> | <p>Section 3.2 of the AIR/EIS Guidelines requires the development of a summary of consultation activities undertaken, including key issues identified and the degree to which Aboriginal groups' issues are considered resolved and/or addressed by the Proponent.</p> <p>Summaries of potential residual effects of the Proposed Project on First Nations rights and interests will be presented in Section 11. First Nations will be provided the applicable summaries in draft for review and comment in advance of submission of the final EAC Application/EIS to the EAO and CEA Agency. It is the Proponent's intention that any disagreements regarding the summaries of potential residual effects will be resolved prior to finalization. Outstanding issues will be clearly identified.</p> <p>Similarly, Section 13 of the AIR/EIS Guidelines will require the Proponent to describe current uses of lands and resources for traditional purposes, as well as potential effects of changes to the environment resulting from the Proposed Project on these uses. <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation will be provided an opportunity to review this information. Comments received from the Aboriginal groups in response to the information provided will be summarized and presented in the EAC Application/EIS.</p> |
| Economic and Social Effects on Aboriginal Groups | <p>Requested that the analysis of socio-economic impacts of the Project on <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation and its members be disaggregated from the general socio-economic analysis as First Nations generally experience a greater socio-economic burden than benefit from industrial development in comparison to settler communities. The AIR/EIS Guidelines should require a separate analysis in Part B, sections 6.0 (Assessment of Potential Economic Effects) and 7.0 (Assessment of Potential Social Effects) specific to socio-economic impacts on the <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation, and other affected First Nations, rather than including this analysis in Part C of the Application. <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation's experience is that the analysis in Part C is not as fulsome as the 'non-aboriginal' sections of the Application.</p> | <p>In accordance with prevailing provincial guidance, First Nations economic and social information and interests relative to potential project effects and benefits will be assessed separately in Part C, First Nations Information Requirements. Based on discussions with <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation, the Proponent understands that it is <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation's preference to provide the information needed to support Part C; therefore, the Proponent will work with <i>S̓k̓w̓x̓w̓ú7mesh</i> Nation to enable the preparation of a fulsome assessment, as well as to identify potential benefits.</p> |
| Accidents and Malfunctions | <p>Requested that release of hydrocarbons be specifically mentioned.</p> | <p>An assessment of potential accidents and malfunctions, including fuel or hydrocarbon spills, will be included in the EAC Application/EIS.</p> <p>The Construction Environmental Management Programme and the Operational Environmental Management Programme include provisions for Spill Prevention and Emergency Response Procedures and Materials Storage, Handling and Waste Management.</p> |

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| Cumulative Effects | Requested that clear cut logging by Canfor and others be addressed in cumulative effects assessment. Noted that the distance for future forestry operations (2 to 10 km) is too small an area. | <p>Logging activities included as an activity to be considered as part of the cumulative effects assessment.</p> <p>Noted that the list of projects in the draft AIR/EIS Guidelines is a preliminary list of past, present and future projects and activities to be considered for the cumulative effects assessment, and the distance of 2 to 10 km represents the distance of anticipated future logging activities from the Proposed Project site. A more detailed analysis of projects will be considered in the cumulative effects assessment.</p> |
| Cumulative Effects | Requested that a cumulative effects assessment be developed jointly as an adjunct to this EA to ensure that effects are assessed and recommendations implemented. Requested that the cumulative effects assessment is a stand-alone section. | <p>The proposed approach and methodology for a cumulative effects assessment are consistent with provincial and federal guidance. The Proponent commits to providing opportunities to work jointly with applicable First Nations to identify potential residual project effects, including cumulative project effects, to First Nations rights or interests.</p> <p>A summary of predicted residual effects, including both direct and cumulative effects, will be presented in Part F Conclusions and Commitments.</p> |
| Cumulative Effects | <p>Noted that the draft AIR/EIS Guidelines does not address <i>Skw̓wú7mesh</i> Nation's concerns with respect to a cumulative effects assessment. Existing guidance and policy on the assessment of cumulative effects will not result in adequate characterization of the erosion of VCs resulting from historic Crown decisions authorizing development in <i>Skw̓wú7mesh</i> territory, coupled with planned future development decisions. Such decisions have already resulted in significant adverse effects to <i>Skw̓wú7mesh</i> Nation lands and waters and to valued species.</p> <p>Requested that a cumulative effects assessment take place either through a stand-alone section of the Proponent's Application, or outside the existing provincial and federal EA framework.</p> | <p>The EAC Application/EIS will consider cumulative effects for each VC that is determined to have a project-related residual effect. AIR/EIS Guidelines revised to reference the CEA Agency's Operational Policy Statement related to addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act, in addition to associated guidance documents.</p> <p>Section 4.5.4 revised as follows: The following policy statements and guidance documents guidelines and standards will be used:</p> <ul style="list-style-type: none"> ▪ Operational Policy Statement: Addressing Cumulative Environmental Effects under the Canadian Environmental Assessment Act (CEA Agency 2007); ▪ Addressing Cumulative Environmental Effects. A Reference Guide for the Canadian Environmental Assessment Act (CEA Agency 1994); ▪ Cumulative Effects Practitioners Guide (CEA Agency 1999); and ▪ Guideline for the Selection of Valued Components and Assessment of Potential Effects (BCEAO 2013). <p>CEA Agency 2007 added to Section 21 References.</p> |

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| Cumulative Effects | Noted that the use of "context" as a factor to analyze residual effects of the proposed Project is insufficient as it provides far too much discretion to the Proponent in gathering baseline data essential to the residual effects assessment. Requested that the decision of what constitutes appropriate "context" should not be left to the Proponent as it is far too vague and imprecise an information requirement to ensure <i>Skw̓xwú7mesh</i> Nation's concerns with respect to cumulative effects are addressed. | Context is considered one of the most critical factors when evaluating the importance of residual effects and refers primarily to the current and future sensitivity and resilience of the VC to project-related changes (BCEAO 2013). Other criteria considered in characterizing residual effects are magnitude, extent, duration, reversibility and frequency of potential effects. The Proponent has selected Golder Associates, an independent professional engineering and environmental services firm, to conduct the required studies and prepare the EAC Application/EIS. Selected components of the EAC Application/EIS will be subject to third party review which will be documented in the submission. A Technical Working Group consisting of federal, provincial and local government agencies and First Nations has been established to review the Proposed Project. |
| Environmental Assessment Methodology | Requested that limitations associated with the various approaches taken to data collection and the assessment of potential Project effects should be described in the Application and the AIR/EIS Guidelines should be amended to ensure this occurs. | Section 4.5.3 of the AIR/EIS Guidelines requires that potential project-related residual effects be characterized as the basis for determining the significance of potential residual adverse effects for each VC. The level of confidence for each predicted effect will be discussed to characterize the level of uncertainty associated with both the significance and likelihood determinations. The sources and nature of uncertainty associated with residual effect predictions will be described to provide the basis for the stated level of confidence. |
| Environmental Management Programme | Requested that direction be given to ensure CEMPs and OEMPs are fully developed, and their terms included as certificate commitments and assurances (should a certificate issue), before the EA for this proposed project is concluded. | Comment acknowledged. |
| Environmental Management Programme | Specific management plans for bears should be included in the construction/operational Environmental Management Programs. | Bear management planning will be specifically addressed in Fish, Vegetation and Wildlife Protection, as part of the Construction and Operational Environmental Management Programs. |
| Environmental Management Programme | Requested that a monitoring and follow-up program is included as part of an environmental assessment certificate. <i>Skw̓xwú7mesh</i> Nation will be seeking to implement a monitoring and follow-up program that will be conducted by the <i>Skw̓xwú7mesh</i> and fully funded by the proponent for the life of the project and beyond as necessary to monitor residual effects. | The Proponent plans to implement a robust monitoring program and to meet all related commitments and assurances that would form conditions of an EA Certificate, if issued. The Proponent commits to discussing the development and implementation of this program with <i>Skw̓xwú7mesh</i> Nation. |

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| Environmental Management Programme | <p>Noted concern that commitments made by the Proponent to will not be fleshed out early enough in the EA process or will be vaguely framed in the Application and therefore difficult to enforce.</p> <p>Requested that all commitments made by the Proponent for development and implementation of Construction and Operation Environmental Management Programs, monitoring and follow-up programs are presented in an implementable and verifiable way that allows the Crown to ensure the terms and conditions are included in an EA decision.</p> <p>Requested that the AIR/EIS Guidelines be amended to make such framing a requirement.</p> | <p>Section 17 includes requirements to outline a monitoring and reporting structure that will be adopted to verify the accuracy of the EA and to monitor the implementation of the effectiveness of proposed mitigation.</p> <p>Section 4.5.2 includes provisions to describe practical measures proposed to mitigate to an acceptable level potential adverse environmental, economic, social, heritage or health effects of the proposed Project on selected VCs. Descriptions of proposed mitigation measures in the EAC Application/EIS will include:</p> <ul style="list-style-type: none"> ▪ Their suitability for project- and site-specific application; ▪ Their technical and economic feasibility; and ▪ The extent to which their effectiveness can be measured and verified, including linkages to the Environmental Monitoring and Follow-up Program where appropriate. |
| Fisheries and Freshwater Habitat | <p>Requested that a full assessment of baseline conditions on freshwater fish habitat is necessary, including freshwater benthic communities (flora and fauna) by adding this as a VC. This is essential to a fulsome EA, given the importance of McNab Creek and the importance of baseline data (e.g. on freshwater benthic communities) to the assessment of Project effects on freshwater fish habitat.</p> | <p>AIR/EIS Guidelines revised to incorporate a discussion of VCs suggested by Aboriginal groups and rationale for their exclusion of as selected VCs, where appropriate. This discussion and the corresponding rationales will be carried forward to the EAC Application/EIS.</p> <p>Water quality (including nutrients and chlorophyll) and fish distribution and habitat use are critical indicators of potential effects. There are no proposed discharges to / withdrawals from McNab Creek. Potential adverse impacts to McNab Creek are not anticipated. Notwithstanding, marine and freshwater benthic samples have been/are being collected.</p> <p>Aquatic Health is also being assessed as a VC under Surface Water Resources. Appendix A of Rev 3.1 (03Dec2014) revised to contain "Preliminary Valued Component and Study Area Rationale".</p> |

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| Geotechnical and Natural Hazards | Requested that stability of pit and the hydraulic berm during and post-operation be addressed. | <p>Section 5.3.5 Effects Assessment includes provisions for the following studies that will done for Geotechnical and Natural Hazards VCs:</p> <ul style="list-style-type: none"> ▪ Stability evaluations of the Proposed Project for both static and seismic cases and consider several options for development / sequencing of the site to confirm facilities are developed in a safe manner; ▪ Evaluation of existing or potential natural hazard conditions which could impact the sequencing of excavation and development of the pit slopes, stockpile locations or heights, and the stability of the adjacent McNab Creek channel sides slopes; and ▪ A review of the potential impact of changes in surface water and groundwater seepage into or from the Project site. |
| Hydraulic Training Berm | Requested that impacts of the hydraulic training berm (past and proposed additional works) be considered in the physical (groundwater resources) and aquatic habitat studies (compensation channel habitat) | Within the scope of the groundwater resource and fisheries and aquatic habitat studies and will be assessed. |
| Involvement in the Effects Assessment | <p>Noted that a number of species identified by <i>Skwxwú7mesh</i> Nation as important have not been included as VCs, including freshwater benthic communities, moose, deer, elk, black bear, raptors (including Great Blue Heron, Bald Eagle, Osprey), northern abalone and traditional use and medicinal plants. The draft AIR/EIS Guidelines proposes to identify wildlife species to be considered for assessment through consultation with interested Aboriginal groups in Part C of the Application. Requested that the rationale for excluding what <i>Skwxwú7mesh</i> Nation views to be key species as VCs, should be required by the AIR/EIS Guidelines.</p> <p>The exclusion of these key species from the VC analysis calls into question the extent to which the Application will effectively assess Project impacts on <i>Skwxwú7mesh</i> rights and interests.</p> | <p>AIR/EIS Guidelines revised to incorporate a discussion of VCs suggested by Aboriginal groups and rationale for their exclusion of as selected VCs, where appropriate. This discussion and the corresponding rationales will be carried forward to the EAC Application/EIS.</p> <p>The Proponent committed to funding a <i>Skwxwú7mesh</i> Nation-led study intended to identify <i>Skwxwú7mesh</i> Nation interests in the project area and potential adverse project effects to those interests, as well as co-developing mitigation measures to offset potential adverse effects to identified interests. These elements together are meant to largely address Part C, First Nations Information Requirements.</p> |
| Involvement in the Effects Assessment | Noted that <i>Skwxwú7mesh</i> Nation rights and interests are integrally connected to environmental values and cannot be effectively addressed without <i>Skwxwú7mesh</i> involvement in determining assessment methodology, VCs, the spatial and temporal boundaries of the VCs, the relevant background information necessary to assessing impacts to VCs, the assessment of effects to VCs, mitigation, and residual and cumulative effects. | Acknowledged. First Nations involvement in the EA will be described in Section 3.3. |

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| Involvement in the Effects Assessment | Noted that the 'site history' recorded in the Application/EIS beginning with logging circa 1900 is an oversight and offensive to the <i>Skwxwú7mesh</i> Nation. Noted that an accurate site history must address <i>Skwxwú7mesh</i> Nation use and occupation for thousands of years, in a manner acceptable to the <i>Skwxwú7mesh</i> . | Text updated to reflect that section intended to provide a brief overview of the history of industrial interests at the site. A fuller review of land and resource use relative to the project area to be included in Section 7.3, Non-Traditional Land and Resource Use, and Part C, First Nations Information Requirements. |
| Marine Resources | Requested that Northern abalone be considered as a Marine benthic VC. Northern Abalone is on the federal list of species-at-risk (Threatened) and is Red-listed in BC. | While Northern abalone is a SARA-listed species, there are no known occurrences within the Proposed Project area and it has not been identified as a species that may potentially occur at the site. As a result, it has not been included as a VC. Careful study and assessment of existing marine habitat conditions has been undertaken for the project. |
| Marine Resources | Requested that effects of sub-marine noise and boat traffic on marine mammals be specifically addressed. | Section 5.1.5 revised to include the following: <i>"Direct and indirect effects on marine mammals and birds associated with shipping activities, including underwater noise."</i> |
| Marine Traffic Effects | Requested information on spill response plan to deal with accidental fuel or hydrocarbon spills. | No spills are anticipated. An assessment of potential accidents and malfunctions, including fuel or hydrocarbon spills, will be included in the EAC Application/EIS. Sections 12.1 Construction Environmental Management Programme and 12.2 Operational Environmental Management Programme include provisions for Spill Prevention and Emergency Response Procedures and Materials Storage, Handling and Waste Management. |
| Marine Traffic Effects | Spillage of aggregate and scouring or other changes due to boat and barge traffic should be anticipated. How will this be monitored if there is no baseline of the nearshore bathymetry? Such a baseline should be developed so that these events and changes can be tracked and addressed. | There are existing bathymetric and geophysics studies in the nearshore of the project site. Tug activity will be limited and within normal thruster limits while recovering and leaving barges. A detailed marine and marine underwater video and habitat mapping survey has been undertaken in the existing water lease area. The area is being used as an existing log dump area for crownland forest harvest activities. No impacts to existing habitats are anticipated related to tug and barge operations. Tug activities will be limited to once every two days. |
| Pit Pond | Requested that assumption related to the pit being filled with natural groundwater should be confirmed with field studies to ensure that surface flow from McNab Creek will not be captured by the pit. Requested that this be addressed as part of the effects assessment, not just through follow up monitoring. | Potential effects on groundwater and surface water quantity and quality (including storm events) will be assessed using predictive models calibrated with empirical data. The Application will include a description of how model predictions were used to assess potential effects and how monitoring data was used to inform predictive modelling. Section 13 Environmental Monitoring and Follow-up Programs will include a monitoring and reporting structure to verify the accuracy of the environmental assessment, including the implementation of measures taken to mitigate adverse environmental effects. |

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| Pit Pond | Requested that proposed use of the groundwater channel to recharge the pit pond be scoped into the groundwater and aquatic habitat studies. | Within the scope of the groundwater resource and fisheries and aquatic habitat studies and will be assessed. |
| Removal of Existing Infrastructure | Requested that removal of the existing dock be scoped in as an effect to marine habitat because of the biota which will have colonized the structure since its construction. | The scope of the proposed project includes the removal of the existing small craft dock. It will be considered as part of the assessment of effects on marine resources. |
| Scope of the Environmental Assessment | Requested that spatial boundaries for cumulative effects need be defined. | Section 4.7.4 includes provisions to establish spatial and temporal boundaries for potential cumulative effects interactions and overlap with the Proposed Project. |
| Scope of the Environmental Assessment | Requested that study area boundaries for wildlife, fisheries and marine LSAs be expanded. | <p>For wildlife, the LSA was established to assess species with small home ranges while the RSA allows for the assessment of species with larger home ranges. The LSA is delineated by a 500 m buffer surrounding the Proposed Project site and encompasses similar habitat within the McNab Valley (633 ha). The LSA encompasses the home range of species with smaller home ranges such as amphibians. The RSA (30,034 ha) is large enough to encompass seasonal home ranges of large fauna, such as grizzly bear and is considered appropriate for other large mammals such as deer and elk.</p> <p>The marine LSA includes has been defined to include intertidal and subtidal areas potentially effected by on-site components of the Proposed Project, including the proposed marine terminal facilities in Thornbrough Channel (barge loader, conveyor and mooring buoy). Additional survey work has been undertaken at a marine sampling reference site to ensure a meaningful comparison is undertaken for the effects assessment.</p> <p>The marine RSA includes the shipping route from the Proposed Project site through Ramillies, Thornbrough and Queen Charlotte channels in Howe Sound to the mouth of the north arm of the Fraser River. Text revised to specifically include potential effects on marine mammals, including effects of underwater noise.</p> |
| Scope of the Environmental Assessment | Requested that the rationale for excluding species (e.g., species at risk or species of management concern) potentially occurring in the project area be provided. | <p>To clarify, Section 5.2.3.1 revised to include:</p> <p><i>"Rationale for excluding species potentially occurring in the project area from the list of selected VCs will be provided."</i></p> |

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| Scope of the Environmental Assessment | It must be confirmed that the marine barging component of the proposed project as scoped includes the end points of the barging routes in Langley and Burnaby. (Maps and figures were not available to this reviewer to confirm same.) | The spatial boundary for marine transportation assessment includes the shipping route from the Proposed Project site through Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel in Howe Sound and through to the north arm of the Fraser River. Project-related marine barge traffic will replace marine barge traffic from existing sites. Only incremental increases in marine traffic over baseline conditions will be assessed. The use of existing facilities at Langley and Burnaby are not within the scope for the assessment. The barge shipping route will involve existing navigation shipping routes. |
| Terrestrial Resources | Requested that Barn Swallow be considered as a terrestrial wildlife and vegetation VC because it is a Blue-listed species, identified as Threatened by COSEWIC, and has been identified on the Property. Requested that Great Blue Heron, other raptor species (e.g., Bald Eagle, osprey), and their nests be included as VCs. The nests of these species are protected year-round and Great Blue Heron is a species-at-risk and is known to occur on the Property. If they are included as a VC this will lead to necessary mitigation (i.e., pre-clearing nest surveys). | Some VCs were selected because they are particularly vulnerable or represent a biological niche that is representative of other species. For example, Common nighthawk was selected as a representative insectivorous bird species. Notwithstanding, all species at-risk identified for the Proposed Project area will be discussed in the EAC Application/EIS, with a more detailed level of analysis being provided for selected VCs which may be representative of other species. Raptors and their nests will be considered in the assessment. The presence/absence of known observations was calibrated by field surveys throughout the Proposed Project site during which one eagle's nest was observed. Rationale for excluding species potentially occurring in the project area from the list of selected VCs will be provided. Limited clearing will be required. Construction Environmental Management Planning will include provisions for pre-clearing nest surveys. |
| Terrestrial Resources | Requested that coastal tailed frog be considered as a VC as it is a species-at-risk and is known to occur in Harlequin Creek. | Coastal tailed frog included as a VC (Amphibian Species-at-Risk). |
| Terrestrial Resources | Requested that moose, deer and black bear be included in the effects assessment due to their importance to First Nations. Requested that plants used by First Nations (traditional use, medicinal plants) be included as a VC. <i>Skwxwú7mesh</i> will provide a list of traditional use and medicinal plants for inclusion as a VC. | In Section 4.2, supporting rationale for the identification of Terrestrial Wildlife and Vegetation VCs in Table 3 will be revised to include: <i>"Species and communities of importance to First Nations that are not otherwise identified, where this information is made available through consultation."</i> The importance of moose, deer, elk and black bear to First Nations is acknowledged. Roosevelt Elk have been included as a VC and are considered to represent other ungulate species. Moose range in British Columbia does not include the South Coast environment (Blood 2000). Deer and black bear will be considered in the assessment and have been reviewed as part of the wildlife surveys and study. Rationale for excluding species potentially occurring in the project area from the list of selected VCs will be provided. |

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| Terrestrial Resources | Requested that effects of noise on wildlife (terrestrial and marine) be included in the noise assessment on humans. The effect of noise on Roosevelt Elk is an important issue for First Nations. | The Terrestrial Wildlife and Vegetation Assessment (Section 5.2.5 Effect Assessment) includes sensory disturbance for wildlife i.e., " <i>potential for effects from alterations to noise and light regimes</i> ". |
| Terrestrial Resources | Requested that ephemeral streams and vernal pools be considered in the assessment of vegetation resources as they can provide important habitat for wildlife (e.g., amphibians). | Ephemeral streams and vernal pools, and associated wildlife species, are included in the terrestrial wildlife and vegetation assessment. |
| Terrestrial Resources | Requested that a species specific RSA be identified for Roosevelt Elk as this species is of high importance both to the province and the <i>Skwúwú7mesh</i> Nation. The RSA for Roosevelt Elk should encompass the entire range of the relocated herd. | Roosevelt elk are recognized as a VC and will be discussed in detail in the effects assessment. The terrestrial resources RSA encompasses sufficient area on which to base an assessment of effects to Roosevelt elk. There have been ongoing discussions with FLNRO regarding the range and habitat preferences of the Roosevelt elk population. The RSA as defined encompasses sufficient land base for assessment of cumulative effects on population and habitat of the elk herd. |
| Terrestrial Resources | Requested that background information for wildlife VCs include a brief description of life history, highlighting any sensitive stages. | Life history of wildlife VCs, including sensitive stages, will be included baseline study. |
| Terrestrial Resources | Requested that legislation be included, as well as inventory methods for ungulates. | Legislation related to Terrestrial Wildlife and Vegetation will be discussed in Section 5.2.2. Inventory methods for ungulates will be included. |
| Water Quality | Requested confirmation that wash water will be discharged to the pit. Will there be any sediment treatment before that discharge? | Wash water will not be discharged into the pit lake. The recycled wash water will be processed, screened and pressed to remove the sediment. Fines and silt will be mechanically dried. The resulting cakes of sediment will be mixed with organic overburden material and used for the construction of the north berm, as well as for progressive revegetation and reclamation activities. Text revised accordingly. |
| Tsleil-Waututh Nation | | |
| Environmental Assessment Methodology | Requested revision to Section 4.5.3 of Part C. | Section 4.5.3 revised as follows: " <i>The significance of potential residual adverse effects will be determined for each VC based on the residual effects criteria and the likelihood of a potential residual effect occurring, a review of background information and available field study results, consultation with government agencies, First Nations, and other experts, and professional judgement.</i> " |
| Environmental Management Programme | Requested description of for stormwater management and the quality and quantity of runoff from the site. | The Environmental Management Programme will include Sediment, Erosion and Drainage Control and Water Management Plans for construction and operational phases of the Project. |

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| Topic | Comments, Issues and Concerns | Proponent Response and Actions |
|----------------------------------|--|---|
| Fisheries and Freshwater Habitat | Noted concern with conclusion that the Project will have positive effects on fish habitat and Project effects to salmonids. Stated they will be forwarding comments on the Fish Habitat Offset Plan. Requested the Proponent to forward relevant studies, or reference appropriate sections of the Application. | Section 11.3 Assessment of Potential Effects in the EAC Application/EIS refers the reader to Sections 5.1 and 5.2 for the results of the effects assessment on salmonids. |
| Heritage Resources | Requested further information on: <ul style="list-style-type: none"> ▪ Baseline studies that summarize known heritage sites within the project footprint and its vicinity. ▪ Steps taken to ensure that the extent of known heritage sites within the project footprint is verified. ▪ Steps taken to identify unknown heritage sites within the project footprint. | Section 8.1.4 describes the assessment of baseline conditions as follows: <i>“The baseline assessment will be conducted in accordance with the requirements of the Heritage Conservation Act (HCA). The baseline assessment will provide a review of background information, environmental setting and characteristics for each heritage resource VC. Moreover, the baseline will be characterized using the following methods and approaches:</i> <ul style="list-style-type: none"> ▪ Literature and map reviews; ▪ Review of readily available archival documentation; ▪ Heritage Resource Overview Assessment (HROA); ▪ Heritage Resource Impact Assessment (HRIA); ▪ Comparison of heritage information in LSA to RSA; and ▪ Completion of Heritage Conservation Act (HCA) Section 14 Inspection Permit obligations”. |
| Heritage Resources | Describe the scales of significance applied to these sites. | Significance is defined as per the BC Archaeological Impact Assessment Guidelines, which include criteria for scientific, public, ethnic, historic, and economic criteria to be considered when evaluating archaeological resources. |
| Heritage Resources | Describe the potential impact of this project to known heritage sites within the project footprint and proposed mitigation strategies for such heritage sites. | Section 8.1.6 of the EAC Application/EIS will identify and evaluate potential adverse effects of all phases of the Proposed Project on heritage resource VCs, as well as measures to mitigate potential effects on heritage resources, including a discussion of their effectiveness and limitations. |
| Intangible Cultural Heritage | Tsleil-Waututh is concerned that intangible cultural heritage will be impacted due to increased numbers of non-native people accessing the area and request that stronger mitigation and adaptation options are more clearly suggested. Requested working with the Proponent to refine them. | The Proponent looks forward to working with Tsleil-Waututh on refining the suggested mitigation activities outlined in the Application. |
| Pit Pond | Requested that the impact on surface water from pond evaporation should be evaluated as part of the review. | The effects of pond evaporation will be considered in assessing potential effects on surface water. Referenced case studies will be reviewed and considered. |

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Summary of Comments, Issues and Concerns Raised by Aboriginal Groups and Proponent Responses

| Topic | Comments, Issues and Concerns | Proponent Response and Actions |
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| Review of July 2014 Layout | | |
| Tsleil-Waututh Nation | | |
| Project Footprint | Tsleil-Waututh is concerned that the processing area and stockpiles have increased significantly since previous review. Requested information on the percentage of second growth forest that will be fallen, as well as the additional number of trees to be fallen from the July 2014 revisions, in comparison to what was planned in September 2013. | Refinements were made to the size and orientation of the processing area components of the BURNCO Aggregate Project (the Project). The nature, extent and rationale for these changes were presented in our August 5, 2014 memo. In response to your specific question about the increase in mature second growth forest that will be removed compared to the September 2013 conceptual layout, we have calculated that an additional 6.85 acres will be cleared. |
| Scope of the Environmental Assessment | Requested that all estuaries within the region of the proposed Project and marine waters be included within the study area. Also requested that a water circulation and sediment transport model be required, to determine if water quality in English Bay and Burrard Inlet may be affected. | <p>The Local Study Area for the marine resources assessment includes the intertidal and subtidal areas within the Proposed Project footprint including the proposed marine terminal facilities in Thornbrough Channel (barge loader and conveyor). The Regional Study Area includes the shipping route from the Proposed Project site through Howe Sound via Ramillies Channel, Thornbrough Channel and Queen Charlotte Channel to south of Passage Island.</p> <p>The Proposed Project will not enter or impact in Burrard Inlet and English Bay. The scope of the assessment of the marine shipping component was confirmed by the CEA Agency in a letter to BURNCO dated November 12, 2013.</p> |
| Shipping Route | Requested that the Strait of Georgia and Fraser River shipping routes be included in the scope of the proposed Project, including existing routes and increases planned in the near future. | <p>The Proponent's operations currently transport sand and gravel by barge from Treat Creek (northwest of Powell River), and as far away as Port McNeil on northern Vancouver Island, to existing facilities along the Fraser River in Burnaby and Langley. The development of the proposed Project would replace the need to transport aggregate from these sites. Instead, the Proponent would tow aggregate-filled barges (on average, one barge every two days) from the marine loading facility in Howe Sound through Queen Charlotte Channel to the Fraser River via both Thornbrough Channel (regular route) and Ramillies Channel (bad weather route). Beyond this point, Project-related shipping would fully replace existing barge traffic currently associated with existing BURNCO facilities, resulting in no change in the Proponent's contribution to existing marine traffic levels. The scope of the assessment of the marine shipping component has been defined as barge traffic in Howe Sound, Ramillies Channel, Thornbrough Channel, and Queen Charlotte Channel to south of Passage Island. The scope does not include shipping from where the barges meet the existing shipping lanes in the Strait of Georgia and in the Fraser River to BURNCO's existing facilities in Burnaby and Langley.</p> <p>On October 4, 2013, the Proponent provided CEA Agency with information on the incremental effects of barging from the sand and gravel pit site at McNab Creek to BURNCO's existing load-out facilities in Burnaby and</p> |

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| | | <p>Langley, B.C. The analysis of the incremental changes to existing barge traffic indicated that there would be:</p> <ul style="list-style-type: none"> ▪ 0% net change from south of Passage Island, along the Strait of Georgia, to the North and South Arms of the Fraser River, and ▪ 0% net change along the Fraser River to the load-out facilities in Burnaby and Langley. ▪ The scope of the assessment of the marine shipping component was confirmed by the CEA Agency in a letter to BURNCO dated November 12, 2013. |
| Wash Water | Specify the source of the proposed wash water. | The wash plant will be fed using recycled water from two large storage tanks supplemented with make-up water by a groundwater well. |
| Wash Water | Requested an evaluation of how use of wash water will affect surface water and groundwater. | Potential effects of wash water will be addressed in the assessments of Surface Water Resources and Groundwater Resources. |
| Wash Water | Requested detailed description of proposed wastewater treatment and disposal. | <p>Wash water will be processed for removal of fines and silt in a 95% efficient wash plant to be fed using recycled water from two large storage tanks. The 5% loss (via retention, evaporation and absorption) will be supplemented with make-up water by a groundwater well. The recycled wash water will be processed, screened and pressed to remove the sediment. Fines and silt will be mechanically dried. The resulting cakes of sediment will be mixed with organic overburden material and used for the construction of the north berm, as well as for progressive revegetation and reclamation activities. No wash water will be discharged.</p> <p>Household waste, and industrial solid waste, and liquid waste pumped from portable washroom facilities will be barged off-site and disposed of in approved facilities.</p> <p>The following has been added to Section 2.2.4:</p> <p><i>"The EAC Application/EIS will include a description of proposed wastewater treatment and disposal processes and facilities."</i></p> |
| Draft Application Review – Part C Aboriginal Information Requirements | | |
| Cowichan Tribes | | |
| Aboriginal Use | Under the section "hunting/trapping", please include that the Cowichan peoples also historically trapped and hunted beaver and sea otter. | <p>The following text added to 11.3.2.4.2 Harvesting of Terrestrial Resources:</p> <p><i>"Cowichan peoples also historically trapped and hunted beaver and sea otter."</i></p> |

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| Topic | Comments, Issues and Concerns | Proponent Response and Actions |
|---|---|---|
| Penelakut Tribe | | |
| Aboriginal Consultation | Expressed concerns regarding the Proponent consultation efforts with Penelakut Tribe. | CEA Agency had previously communicated with the Penelakut Tribe with respect to the BURNCO Aggregate Project when the Agency provided the Approved EAC AIR/EIS Guidelines. The Agency held primary responsibility with respect to consultation on this Project and procedural aspects had not been delegated to the Proponent. The Proponent provided the materials to First Nations for review and comment before submitting the EAC Application for review, as required. |
| Use of Existing Information for Assessment of Aboriginal Rights and Interests | Informed the Proponent that Penelakut Tribe has not provided permission to use existing information without Penelakut engagement for the purposes of this or any consultation. Directed the Proponent to include the email stating their opposition to use of existing information, but not other documents about Penelakut not provided by Penelakut. | The Proponent has made notations in the relevant sections of the EAC Application/EIS stating that Penelakut Tribe has not provided information and does not support the use of publicly-available information in the EAC Application/EIS. The content of the email from Penelakut Tribe is included in the Aboriginal Consultation section. |
| Tsleil-Waututh Nation | | |
| Aboriginal Consultation | Noted the need to see more detailed information on proposed mitigation of effects. Want to work with the Proponent to refine suggestions as needed. | The Proponent looks forward to working with Tsleil-Waututh on refining the suggested mitigation activities outlined in the Application. |
| Aboriginal Consultation | Provided Tsleil-Waututh's views on activities or communications that should not be considered part of the consultation process. Noted that there must be ongoing dialogue between the Proponent and Tsleil-Waututh in which each group has enough time to consider the information provided, incorporate views, and respond to each other. | The summary of Pre-Application Consultation with Tsleil-Waututh in was updated as follows: <i>"The following summary of consultation activities between Tsleil-Waututh Nation was written by the Proponent and reviewed by Tsleil-Waututh Nation. Following their review, Tsleil-Waututh Nation provided clarification that they do not consider the following activities or communications to be part of the consultation process (inclusive of information sharing):</i> <ul style="list-style-type: none"> ▪ <i>Communications unrelated to the Project;</i> ▪ <i>Interactions with Tsleil-Waututh members or staff not identified as part of Tsleil-Waututh's consultation team;</i> ▪ <i>Interactions with Tsleil-Waututh field crews; and</i> ▪ <i>Any involvement with Tsleil-Waututh-owned businesses, such as Inlailwatash."</i> |
| Aboriginal Rights and Interests | Requested addition of text to Part C Assessment of Potential Effects on Tsleil-Waututh Nation Aboriginal Rights: <i>"Part C and this EAC Application does not, in any way, abrogate or derogate from any Aboriginal, treaty, title or other rights or freedoms that pertain to Aboriginal peoples."</i> | The Proponent added suggested statement. |

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| Aboriginal Rights and Interests | Noted the Proponent acknowledged that the Project has a high likelihood of impact to the quality of current use experience in the area. Requested to see stronger mitigation and adaptation options identified to lessen this impact during the construction and operation phases at the very least. | Mitigation measures proposed in Marine Transport (Section 7.2), Visual Resource (Section 7.4) and Noise (Section 9.2) will be designed to minimize Project effects on use of Howe Sound and reduce the effects on the visual quality when experiencing Howe Sound. The additional consultation activities proposed as mitigation in Section 11.3.5 will focus on addressing the incremental effects on Tsleil-Waututh Nation's quality of current use experience. It is expected that stronger mitigation and adaptation options to lessen the effects on Tsleil-Waututh Nation's quality of current use experience will be identified during these consultation activities. The Proponent looks forward to working with Tsleil-Waututh on refining the suggested mitigation activities outlined in the Application. |
| Confidentiality of Shared Information | Requested addition of text to sections on future consultation activities regarding the confidentiality of information shared by Aboriginal groups. | <p>Added to Section 13.2 Proposed Consultation Activities During Application Review:</p> <p><i>"Where and when formally requested, the Proponent will respect Aboriginal groups' requests to keep information confidential. Where needed, the Proponent will work with Aboriginal groups to develop suitable terms or agreements to protect confidentiality, while ensuring that the Proponent can fulfill requirements to provide information to regulators for review of the EAC Application/EIS. The Proponent will seek approval, not just review, from the relevant Aboriginal group before sharing information with BC EAO."</i></p> <p>Added to Section 13.3 Proposed Consultation Post-Environmental Assessment Certificate:</p> <p><i>"Where and when formally requested, the Proponent will respect Aboriginal groups' requests to keep information confidential. Where needed, the Proponent will work with Aboriginal groups to develop suitable terms or agreements to protect confidentiality, while ensuring that the Proponent is able to comply with conditions of the EAC related to provision of information. The Proponent will seek approval, not just review, from the relevant Aboriginal group of information before sharing with the EAO."</i></p> |
| Confidentiality of Shared Information | Requested that the Proponent obtain permission from Tsleil-Waututh Nation, in writing, before posting responses on websites or sharing otherwise (other than the BCEAO website). | The Proponent agreed to discuss with Tsleil-Waututh the posting or sharing of information on a case-by-case basis. |

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| Topic | Comments, Issues and Concerns | Proponent Response and Actions |
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| <p>Incorporation of Feedback from Aboriginal Groups</p> | <p>Requested addition of a statement, indicating that the Proponent will demonstrate where they have incorporated feedback of Aboriginal Groups within all phases of the Project, and provide a rationale for instances where feedback was not incorporated.</p> <p>Requested that the Proponent update the consultation plan to reflect gaining Aboriginal Group approval, not just review, before sharing with the EAO.</p> | <p>The following text has been added to Section 13.2 Proposed Consultation Activities During Application Review:</p> <p><i>"The Proponent will demonstrate where they have incorporated feedback of Aboriginal Groups during the review of the EAC Application/EIS, and provide a rationale for instances where feedback was not incorporated."</i></p> <p>The following text has been added to Section 13.3 Proposed Consultation Post-Environmental Assessment Certificate:</p> <p><i>"The Proponent will demonstrate where they have incorporated feedback of Aboriginal Groups within all phases of the Project, and provide a rationale for instances where feedback was not incorporated."</i></p> |
| <p>Decision Making Framework</p> | <p>Requested addition of a statement requiring a decision-making framework be established between the proponent and Aboriginal Groups to enable consistent and fair dialogue, while facilitating minor dispute resolution.</p> | <p>Added to Section 13.2 Proposed Consultation Activities During Application Review:</p> <p><i>"The Proponent will seek to develop a decision-making framework for consultation meetings with Skwxwú7mesh Nation and Tsleil-Waututh Nation to enable consistent and fair dialogue, while facilitating any minor dispute resolution at preliminary stages of discussions."</i></p> |