

3. INFORMATION DISTRIBUTION AND CONSULTATION

3.1 INTRODUCTION

Yellowhead Mining Inc. (YMI) has been consulting, and continues to consult, on behalf of HCMC, its wholly owned subsidiary, for the proposed Harper Creek Project (the Project). YMI initiated consultations with Aboriginal groups in 2006 and 2007¹ and non-Aboriginal communities in 2010, prior to formally entering the environmental assessment (EA) process in September 2008.² This chapter describes the information distribution and consultation or engagement activities that YMI has undertaken during the EA process until July 31, 2014 with Aboriginal groups (Section 3.5), government agencies (Section 3.6), and the public (Section 3.7). The chapter also outlines YMI's plan for continuing engagement with Aboriginal groups, government agencies, and the public during the review of the Application for an Environmental Assessment Certificate/Environmental Impact Statement (Application/EIS). [Appendices 3-A to 3-L](#) include examples of information distribution materials, tables summarizing YMI's communications, tables identifying issues raised during consultation and YMI's responses, and copies of the Aboriginal consultation plan and the public consultation plan. This chapter takes into consideration relevant screening comments provided in the Table of Concordance and by separate cover from the British Columbia Environmental Assessment Office (BC EAO) and the EA Working Group³ following the 2013 screening review of the Application (BC EAO 2013c), as well as the BC EAO's assessment of YMI's public consultation (BC EAO 2013b).

3.1.1 Information Distribution and Consultation Objectives

Beyond simply complying with provincial and federal requirements related to public and Aboriginal consultation, the objectives of YMI's information distribution and consultation activities are as follows:

- consultations will be inclusive, accessible, and timely, including opportunities for Project information sharing, and opportunities to provide feedback;
- Project information will be readily accessible and accurate, and distributed in a timely manner;
- Aboriginal, government, and public input has been, and will continue to be, considered and incorporated as feasible into the Application/EIS and Project design; during the

¹ The exception is consultation with the Métis Nation BC (MNBC), whom YMI first engaged in early 2012.

² Consultation was suspended between early 2009 until late 2010 when the Project was put on hold. Consultation activities resumed in early 2011 when the BC Environmental Assessment Office (BC EAO) and Canadian Environmental Assessment Agency (CEA Agency) accepted the updated Project Description.

³ The EA Working Group is established by the BC EAO and the CEA Agency. EA Working Group members review and provide input and comments on key technical documents produced during the EA. The EA Working Group comprises representatives of provincial, federal, and local governments, and Aboriginal groups.

Construction, Operation, Closure, and Post-Closure phases of the Project; and into the consultation process itself;

- information will be sought from Aboriginal groups to understand how Aboriginal rights and interests could potentially be affected, and to discuss measures to mitigate or accommodate these effects with relevant Aboriginal groups (see Chapter 23, Assessment of Effects on Aboriginal Rights and Related Interests, for more detail);
- sufficient time will be provided to Aboriginal groups to review Project documents; and
- consultation approaches will be informed by the issues raised by Aboriginal groups and the public.

3.2 CONSULTATION REQUIREMENTS

3.2.1 Provincial Requirements

Public consultation requirements for the British Columbia (BC) EA process are set out in the BC *Environmental Assessment Act* (2002) Public Consultation Policy Regulation (B.C. Reg. 373/2002). The Regulation includes provisions for giving public notice, providing public access to information, establishing formal public comment periods, and engaging the public (see Figure 2.3-1 in Chapter 2, Assessment Process, for an overview of the EA process, including public comment periods). These requirements are reflected in the section 11 Order issued for the Project by the BC EAO (2011c) on September 9, 2011. The section 11 Order sets out the proponent's obligations pertaining to public consultation, as follows:

- provide public notice at the start of any public comment period about the availability of the draft Application Information Requirements (AIR) for review and comment, associated time limits for the comment period, and the availability of the Application/EIS for review and comment, as well as the date, time, and location of any open houses or public meetings (sections 5 and 15.2);⁴
- incorporate comments from local governments into the draft AIR as confirmed by BC EAO (section 9.3);
- respond to public comments received during the public comment period and further comments made by local governments as confirmed by BC EAO and revise the draft AIR as appropriate (sections 9.4 and 11.3);
- consult with local governments on an individual basis and collectively through the EA Working Group with respect to their issues and concerns (section 12.1);
- include a summary and evaluation of public consultation activities and a proposal for continued public consultation during the review of the Application/EIS (section 15.1);

⁴ The section references given in brackets at the end of each bulleted line in Section 3.2.1 refer to the corresponding sections in the section 11 Order.

- undertake additional public consultation activities on the Application within time limits set by the BC EAO (section 15.4);
- complete the public consultation program for the Application review stage, including additional measures that may be identified by the BC EAO, during time limits set by the BC EAO (sections 15.5 and 17.1);
- during Application review, provide a report to the BC EAO on the results of public consultation and the identification of views, issues, and concerns raised by the public and how these are addressed (section 17.3);
- provide copies of the Application/EIS to local governments (section 18.1);
- where requested, and within time limits set by the BC EAO, respond to issues identified in comments submitted by local governments and the public that are received during the review of the Application and considered by the BC EAO to be within the scope of the assessment (section 19.1); and
- where requested, and within any time limits set by the BC EAO, provide specified additional information in relation to, or to supplement, information provided in the Application to address issues identified during the course of the Application review (section 19.2).

The section 11 Order also specifies Aboriginal consultation requirements related to the Simpcw First Nation (SFN) and Adams Lake Indian Band (ALIB) during the pre-Application stage and Application review stages (see Figure 2.3-1 in Chapter 2, Assessment Process, for an overview of when Aboriginal consultation activities are initiated and end in the provincial EA process). A section 13 Order issued by the BC EAO on October 15, 2012 amended the section 11 Order to include the Neskonlith Indian Band (NIB) and Little Shuswap Lake Indian Band (LSIB) as First Nations to be consulted by YMI (BC EAO 2012). Additionally, the section 13 Order specified that the BC EAO would consult with the Tk'emlups Indian Band with respect to their Aboriginal interests. The BC EAO included the Tk'emlups Indian Band in the section 13 Order for the consultation process to consider potential effects on their Aboriginal interests arising from potential downstream impacts of the Project. The BC EAO provided capacity funding to SFN, ALIB, NIB, and LSIB to participate in the EA process.

The section 11 Order sets out YMI's obligations pertaining to Aboriginal consultation, as follows:

- incorporate into the draft AIR any First Nations' comments the BC EAO deems are within the scope of the assessment and submit the revised draft AIR to BC EAO for the public comment period (section 9.3);
- respond to comments received during the public comment period from First Nations that the BC EAO deems are within the scope of the assessment and revise the draft AIR as appropriate prior to submitting to the BC EAO (section 9.4);
- consult with First Nations with respect to potential effects of the Project on their Aboriginal interests (section 10.1);
- seek advice from First Nations on the means of consultation and incorporate their comments and recommendation in the AIR (section 10.2);

- include a summary and evaluation of public consultation activities and a proposal for continued public consultation during the review of the Application and provide to First Nations for review and comment prior to submitting the Application (sections 14.1 and 14.2);
- undertake additional First Nations consultation activities during the review of the Application if deemed necessary by the BC EAO (sections 14.3 and 14.4);
- provide copies of the Application to First Nations (section 16.1);
- consult with First Nations during the Application review stage in the manner proposed in the Application, subject to any modifications specified by the BC EAO (section 16.2);
- advise the BC EAO if circumstances arise that may prevent the Proponent from implementing the planned First Nations consultation activities (section 16.3);
- by mutual agreement, arrange consultation meetings with First Nations and seek to identify specific Aboriginal interests that may be potentially affected by the Project, and measures to avoid, mitigate, or otherwise accommodate for the potential adverse effects (section 16.4);
- provide a report to the BC EAO on the results of First Nations consultation and the identification of views, issues, and concerns raised by First Nations, including the potential for adverse environmental, economic, social, health, and heritage effects to impact Aboriginal interests, and how these are addressed (section 16.5);
- implement additional measures for consultation and accommodation with First Nations as required by the BC EAO and in consultation with First Nations (section 16.6);
- at the request of the BC EAO, provide information the BC EAO considers relevant with respect to the province's legal duties of consultation and accommodation (section 16.7);
- where requested, and within time limits set by the BC EAO, respond to issues identified in comments submitted by First Nations that are received during the review of the Application and considered by the BC EAO to be within the scope of the assessment (section 19.1); and
- where requested, and within any time limits set by the BC EAO, provide specified additional information in relation to, or to supplement, information provided in the Application to address issues identified during the course of the review of the Application (section 19.2).

YMI's consultation approach has been informed by the BC EAO (2010, 2013a) guidance documents: *Proponent Guide for Providing First Nation Consultation Information (Non-Treaty First Nations)* and the *Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process*.

The section 11 Order also contains provisions for considering, responding to, and incorporating comments from government agencies on the draft AIR (sections 9.3 and 9.4).

3.2.2 Federal Requirements

The Project is undergoing a comprehensive study under the *Canadian Environmental Assessment Act*⁵ (1992) which promotes communication and cooperation with Aboriginal peoples with respect to EAs (section 4[d]⁶) and ensures that opportunities are provided for meaningful public participation during an EA (sections 21 to 23, and 36). Two purpose statements in the *Canadian Environmental Assessment Act* (1992) speak to public and Aboriginal consultation. Section 4.1(b.3) refers to promoting "...communication and cooperation between responsible authorities and Aboriginal peoples with respect to environmental assessment," and section 4.1(d) refers to ensuring "...that there be opportunities for timely and meaningful public participation throughout the environmental assessment process." Figure 2.3-2 in Chapter 2, Assessment Process, provides an overview of how Aboriginal and public consultation activities are integrated into the federal comprehensive study EA process. Section 16 of the *Canadian Environmental Assessment Act* (1992) identifies the factors that must be considered in comprehensive studies. Section 16(1)(c) requires a comprehensive study to consider comments from the public in accordance with the *Canadian Environmental Assessment Act* (1992) and the regulations. Section 16.1 indicates that community knowledge and Aboriginal traditional knowledge may be considered in conducting an EA. Support for the participation of Aboriginal groups and the public is provided under the Participant Funding Program (section 58.1.1)).

By way of letter notification in 2011, the CEA Agency indicated that consultation activities with the SFN, the ALIB⁷, the LSIB, and the MNBC are required for the Project. The notification letters invited each Aboriginal group to participate in the federal environmental assessment (EA) process and described the Crown's approach⁸ to consultation based on a preliminary review of available ethnographic information and the updated Harper Creek Project Description (YMI 2011a). The CEA Agency letters outline the types of consultation activities that need to be undertaken by the Crown with the SFN and ALIB as follows:

- Federal notification and correspondence regarding the federal EA process;
- Offer to participate on Project technical working committees;
- Seeking review and provision of comments from Aboriginal groups on:
 - the draft Application Information Requirements/Environmental Impact Statement (EIS) guidance document;
 - the Application/EIS;
 - the Comprehensive Study Report;

⁵ Projects undergoing a comprehensive study at the time when the *Canadian Environmental Assessment Act, 2012* came into effect, continue under the requirements of the former Act.

⁶ The section references in parentheses in Section 3.2.2 of the chapter refer to sections in the Act.

⁷ The August 2011 letter to the ALIB refers to the understanding by the CEA Agency that the Adams Lake Band as part of the Sexqelkemoc Lakes Division represents the Neskonlith Indian Band (NIB). The NIB changed their approach to consultation with YMI in 2012 and asked that consultation and engagement be undertaken directly with the NIB and that ALIB was no longer representing them.

⁸ Unlike the provincial ability to delegate procedural aspects of the duty to consult to project proponents provided for in the *BC Environmental Assessment Act*, there are no similar provisions in the *Canadian Environmental Assessment Act* (1992).

- Exchanging information with the federal government;
- Responding to queries about the EA process and/or the Project;
- Providing opportunities to provide submissions to the federal Minister of the Environment; and
- Setting up additional meetings to address concerns as appropriate.

Beyond these activities, additional consultation measures the CEA Agency proposed to undertake specific to the Simpcw First Nation include:

- One-on-one meetings to discuss the potential adverse impacts of the Project on Simpcw's asserted Aboriginal rights;
- Encouraging issues to be addressed through consultation on all aspects of the EA and utilizing EA mitigation measures related to environmental effects to respond to Simpcw's concerns as appropriate;
- Collaborating with Simpcw to identify potential adverse impacts and generate options for minor or major changes to the Project plan or other forms of accommodation as appropriate;
- Inviting the Simpcw First Nation on site visits;
- Considering changing proposed government action, as appropriate (e.g., attaching terms and conditions to permits or authorizations); and
- Providing written reasons for decisions, if appropriate.

In 2011, the CEA Agency provided capacity funding to the SFN, the ALIB, and the Métis Nation BC (MNBC). In January 2013, the CEA Agency wrote to the LSIB informing them that, due to a lack of expressed interest from the LSIB, they have reached a conclusion that LSIB does not wish to participate in the review of the Project.

3.2.3 Application Information Requirements

The EA Working Group had the opportunity to review early versions of the draft AIR. Comments received from EA Working Group members are summarized in Sections 3.5.1.3 (comments by Aboriginal groups) and 3.6.1.1 (comments by government agencies). YMI revised the draft AIR based on the comments received and provided formal responses to comments on the draft AIR in a comment tracking table available on the BC EAO's public registry, the electronic Project Information Centre (e-PIC) website (YMI 2011b).

The BC EAO and CEA Agency jointly held a 30-day public comment period on the draft AIR between May 31, 2011 and June 30, 2011. Hard copies of the draft AIR were available in the following locations for the duration of the comment period:

- Kamloops Public Library (#100-465 Victoria Street, Kamloops);
- Clearwater Public Library (422 Murtle Crescent, Clearwater); and
- District of Clearwater Office (132 Station Road, Clearwater).

Section 3.7.1.2 summarizes comments received during the public comment period and discusses the open house held during the public comment period, as well as the comments raised during that open house. The BC EAO issued the final approved AIR on October 21, 2011 (BC EAO 2011b).

3.2.3.1 *Notification of June 2011 Open House and Draft Application Information Requirements Public Comment Period*

The BC EAO placed a notice on the e-PIC website on May 24, 2011 inviting the public to attend the open house and to comment on the draft AIR ([Appendix 3-A](#), Notice of Open House and Invitation to Comment). The notice identified the dates, locations, and times of the open houses and the date of the draft AIR public comment period. The notice also identified where copies of the draft AIR were available for viewing and how to submit comments.

YMI published the notice advertising the dates of the open houses, and the locations and timing of the public comment period in the following newspapers and radio stations for a two-week period:

- Kamloops Daily News (daily paper; ran May 24 to June 1, 2011);
- Clearwater Times (weekly paper; ran weeks of May 24 and May 31, 2011);
- 97.5 FM Radio, Kamloops (The River, CKRV; May 24 to May 30, 2011); and
- 610 AM Radio, Kamloops (Radio NL AM; May 24 to May 30, 2011).

The stipulation that the proponent must give a minimum of seven days-notice prior to a public comment period and/or open house including publicizing the location, date, and time of the open house, as set out in section 5, “public notice” of the section 11 Order, was met.

3.2.4 **Project Description and Federal Public Comment Period on Background Information Scoping Document**

After accepting the Project Description for review in January 2011, the CEA Agency provided copies of the Project Description to potentially affected Aboriginal groups as a means of notifying them of the Project and to invite their participation in the federal EA process (CEA Agency 2011). The CEA Agency posted the notice of commencement for the EA on April 27, 2011. On April 28, 2011, the CEA Agency posted a background document⁹ containing information on the proposed project to the CEA Agency Registry Internet Site (CEARIS), inviting the public to comment on the potential effects of the Project on the environment and on the scope of the assessment. At the same time, the CEA Agency also notified the public that \$50,000 was available under the Participant Funding Program to assist groups and individuals to participate in the EA (CEA Agency 2011). The CEA Agency accepted public comments and funding applications for consideration until May 30, 2011. The background document confirms that public comments will be considered by responsible authorities and the federal Minister of the Environment, and a record of how comments have been considered and incorporated into the

⁹ The background document “ contains information on the proposed project, the federal requirements of a comprehensive study, the co-operative assessment process with the Province of B.C., and the proposed environmental components to be considered in the review of the project” (CEA Agency 2011).

EA will be prepared. The background document states the CEA Agency will provide a minimum of three public comment periods¹⁰ throughout the federal comprehensive study process.

The background document provides information describing Aboriginal and public consultation requirements, stating the CEA Agency is the federal Crown consultation coordinator and will work with federal authorities; the BC EAO; the proponent; and potentially affected Aboriginal groups, which include the SFN, ALIB, LSIB, NIB, Tk'emlups Indian Band, Secwepemc, Skeetchestn, Tsq'escen' (Canim Lake), and MNBC. The term "Aboriginal groups" is used throughout the chapter where the term is meant to be inclusive of First Nations, including Treaty Nations, and Métis. In later correspondence and in accordance with the section 11 and 13 Orders issued by the BC EAO, it was determined that consultation activities for the Project will focus on the SFN, ALIB, LSIB, NIB, and MNBC.

3.3 HARPER CREEK PROJECT WORKING GROUP

The BC EAO established the Harper Creek Project Working Group in 2011 and invited representatives of First Nations listed in the section 11 Order (ALIB and SFN), and local, provincial, and federal government agencies to be members (Table 3.3-1). Following the BC EAO's issuance of the section 13 Order, BC EAO invited the LSIB and NIB to join the EA Working Group (October 2012).

Table 3.3-1. Working Group Members

Type	Organization
Provincial agencies	BC EAO
	British Columbia Ministry of Forests, Lands and Natural Resource Operations (BC MFLNRO)
	British Columbia Ministry of Energy and Mines (BC MEM)
	British Columbia Ministry of Environment (BC MOE)
	British Columbia Ministry of Transportation and Infrastructure (BC MOTI)
	Interior Health Authority (IHA)
Federal agencies	CEA Agency
	Environment Canada (EC)
	Fisheries and Oceans Canada (DFO)
	Natural Resources Canada (NRCan)
	Major Projects Management Office (MPMO)
	Aboriginal Affairs and Northern Development Canada (AANDC)
	Health Canada, BC Region (HC)
Local government	District of Clearwater
	District of Barriere

(continued)

¹⁰ The CEA Agency will provide comment periods on the EIS Guidelines/ AIR, the EIS itself, and on the comprehensive study report, in that order.

Table 3.3-1. Working Group Members (completed)

Type	Organization
First Nations	SFN
	ALIB
	NIB
	LSIB
	Tk'emlups Indian Band

Table 3.3-2 documents the four EA Working Group meetings that took place during the reporting timeframe as well as the subsequent EA Working Group meeting held on September 17, 2014. Though outside of the reporting timeframe, issues raised at this EA Working Group meeting are included in issues tracking tables appended to this chapter ([Appendices 3-F](#) and [3-J](#)). YMI attended each meeting to provide information on the Project, describe the results of environmental baseline studies, the potential effects of the Project and mitigation measures, and to present and seek comments on the draft AIR. YMI organized a site tour for EA Working Group members on August 17, 2011.

Table 3.3-2. Summary of Working Group Meeting Dates, Locations, Topics, and Participants

Meeting Date (Location)	Topics	Aboriginal Groups	Government Agencies	Local Government
April 7, 2011 (Kamloops, BC)	<ul style="list-style-type: none"> EA process Project overview Baseline studies 	<ul style="list-style-type: none"> SFN ALIB (also on behalf of NIB) 	BC EAO BC MEM BC MFLNRO BC MOE BC MOTI CEA Agency DFO EC HC MPMO NRCan TC	
August 17-18, 2011 (Kamloops, BC)	<ul style="list-style-type: none"> Site visit (August 17) Review of draft AIR 	<ul style="list-style-type: none"> SFN (meeting and site visit) ALIB (also on behalf of NIB; meeting and site visit) NIB (site visit only) 	BC EAO BC MFLNRO BC MOE BC MOTI CEA Agency DFO EC HC IHA INAC MPMO NRCan TC	District of Clearwater

(continued)

Table 3.3-2. Summary of Working Group Meeting Dates, Locations, Topics, and Participants (completed)

Meeting Date (Location)	Topics	Aboriginal Groups	Government Agencies	Local Government
May 14 -15, 2012 (Kamloops, BC)	<ul style="list-style-type: none"> Review of baseline studies (e.g., fisheries, water quality) 	<ul style="list-style-type: none"> SFN ALIB NIB Tk'emlups te Secwepemc (May 14) 	<ul style="list-style-type: none"> BC EAO BC MEM BC MFLNRO CEA Agency DFO (May 14) EC IHA (May 14) NRCan 	District of Clearwater
November 1, 2012 (Kamloops, BC)	<ul style="list-style-type: none"> Project update Review of information in the Application prior to submission (geochemistry and water quality; hydrology, fish, and aquatic species; wildlife and vegetation) 	<ul style="list-style-type: none"> SFN ALIB NIB Tk'emlups te Secwepemc 	<ul style="list-style-type: none"> BC MOE BC MFLNRO BC MOTI CEA Agency EC IHA 	District of Clearwater District of Barriere
September 17, 2014 (Kamloops, BC)	<ul style="list-style-type: none"> Project update Review of information in the Application prior to submission (geochemistry and water quality; hydrology, fish, and aquatic species; wildlife and vegetation; heritage and archaeology; human health; and management plans) 	<ul style="list-style-type: none"> SFN ALIB NIB 	<ul style="list-style-type: none"> BC EAO BC MEM BC MFLNRO BC MOE CEA Agency DFO EC IHA 	District of Clearwater

3.4 PROJECT MATERIALS AND INFORMATION DISSEMINATION

YMI has developed and distributed information materials to help increase public awareness and understanding of the Project. These materials are summarized as follows, with copies provided in appendices as indicated:

- Yellowhead Mining Inc. corporate website (<http://www.yellowheadmining.com/s/Home.asp>):
 - corporate information including business strategy, and a news page;
 - Project-related information – Harper Creek Project Page (<http://www.yellowheadmining.com/s/HarperCreekProject.asp>):
 - History;
 - Technical Reports;
 - Project Photos;
- Project brochure ([Appendix 3-B](#));

- Project posters ([Appendix 3-C](#)); and
- YMI PowerPoint presentations ([Appendix 3-D](#)).

3.5 ABORIGINAL INFORMATION DISTRIBUTION AND CONSULTATION

YMI consulted with SFN, ALIB, NIB, and LISB in accordance with the section 11 Order and section 13 Order. The section 13 Order specifies that the BC EAO will consult with Tk'emlups Indian Band with respect to their Aboriginal interests. Guided by current federal policy under the CEA Agency, YMI also informed MNBC about the Project and requested information about potential Project interactions with Métis rights and interests. Records of YMI's communications with Aboriginal groups until July 31, 2014 are included in [Appendix 3-E](#).

The Project is located within the traditional territory of the Secwepemc (Shuswap) Nation (Figure 3.5-1; Shuswap Cultural Education Society 2007). The Secwepemc Nation asserts interests to Secwepemcul'ecw territory, an area that encompasses approximately 145,000 km² of the central interior region of the province. The Secwepemc Nation is composed of divisions with stewardship responsibilities for areas within the Nation. The SFN, ALIB, NIB, and LSIB are all members of the Secwepemc Nation. The LSIB, ALIB, and NIB were all members of the historical Shuswap Lakes Division (Figure 3.5-2; Teit 1909). The ALIB, NIB and the Splats'in First Nation form the Sexqeltkemoc (contemporary Lakes Division).

The SFN, ALIB, and NIB are members of the Shuswap Nation Tribal Council, an administrative organization working on matters of common concern to member First Nation bands. Member Nations have their own governments, based on elected Chief and Council. The LSIB is an independent Band, participating in independent discussions with the Government of British Columbia outside of the treaty process and is not affiliated with any tribal council or treaty group. As such, YMI consults with the LSIB independently of the other members of the Shuswap Lakes Division.

In a letter dated July 21, 2011, ALIB advised YMI that it was acting on behalf of the Lakes Division Bands (ALIB, NIB and Splats'in First Nation). In September 2012, the NIB informed YMI that they wished to be independently consulted. Prior to September 2012, YMI was providing information and meeting directly with NIB regarding the Project. The BC EAO issued a section 13 Order adding NIB as a First Nation for consultation purposes to the section 11 Order and YMI adjusted its consultation approach as each First Nation is self-representing for the purposes of consultation for the Project.

Within the Secwepemc Territory, the Project Site footprint is located within SFN traditional territory (Figure 3.5-3; SFN 2010). In 1996, the three member bands of the historical Shuswap Lakes Division (LSIB, ALIB, and NIB) submitted a collective Reserve Claim for lands that encompass Monte Creek, Scotch Creek, Adams Lake, and an area north to Dunn Peak, forming the geographic boundaries of the Neskonlith Douglas Reserve claim (Figure 3.5-4; Indian Claims Commission 2008).

Figure 3.5-1

Secwepemc Nation Traditional Territory in Relation to the Project

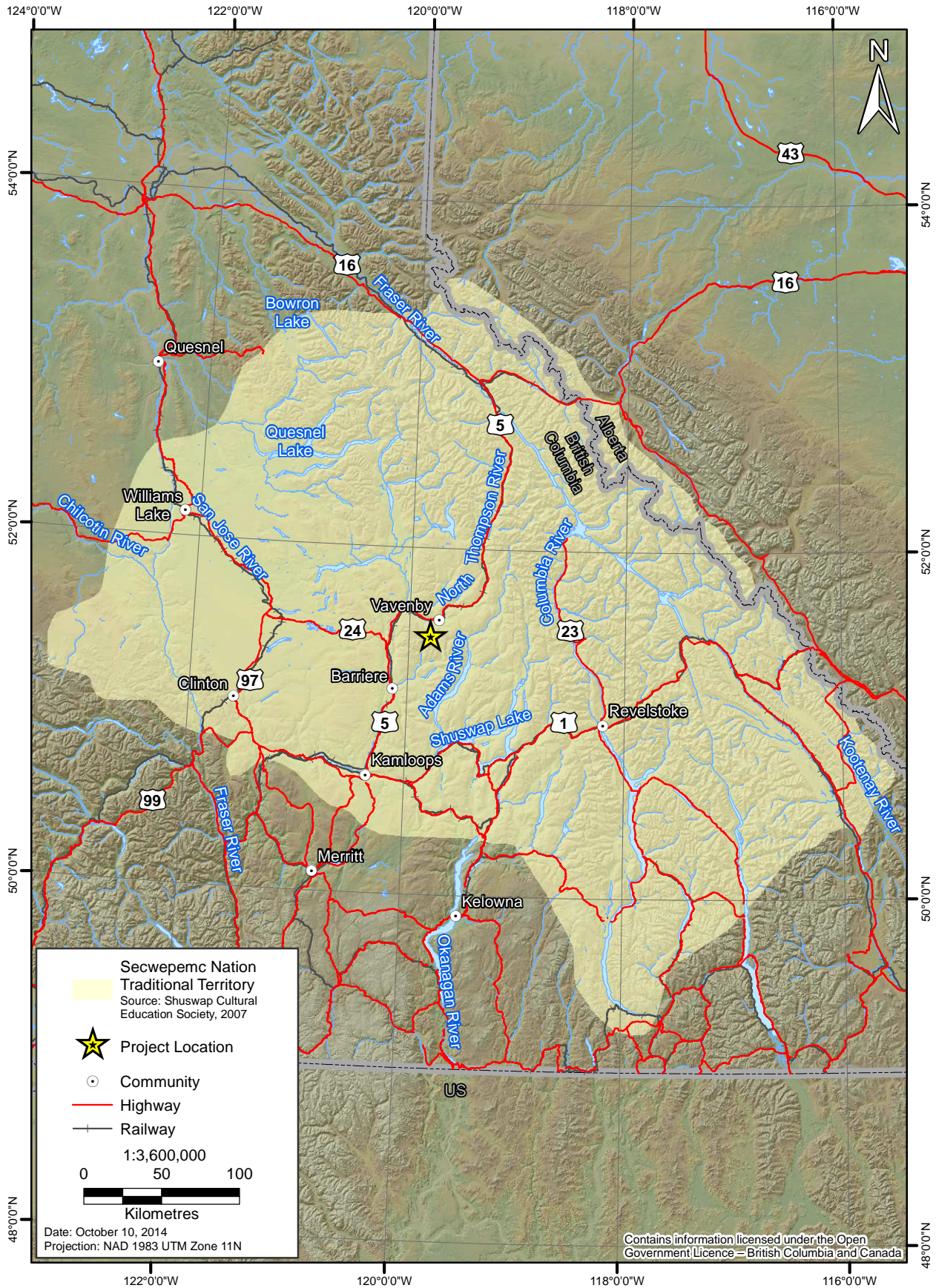


Figure 3.5-2

Historical Divisions within Secwepemc Traditional Territory in Relation to the Project

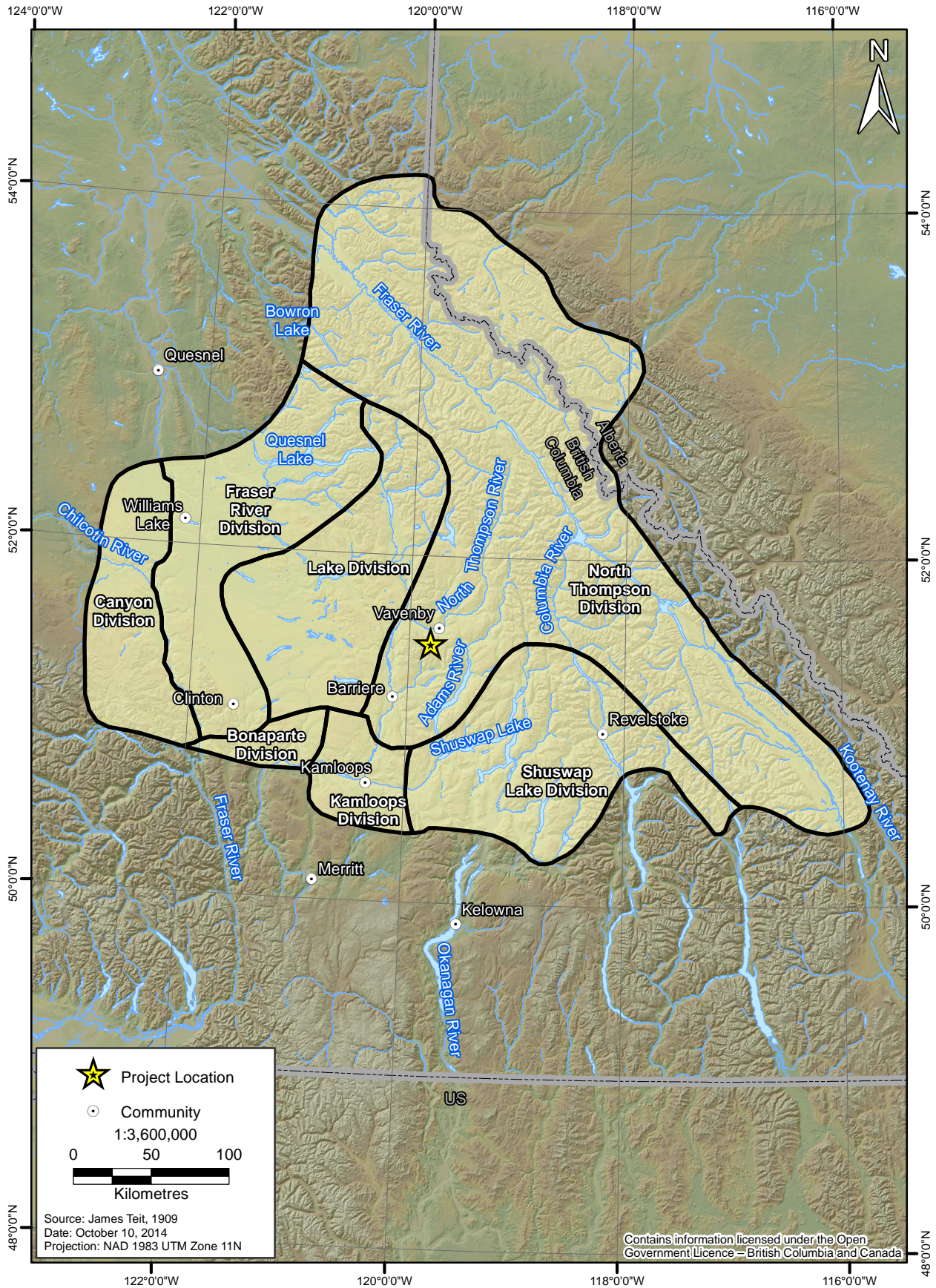
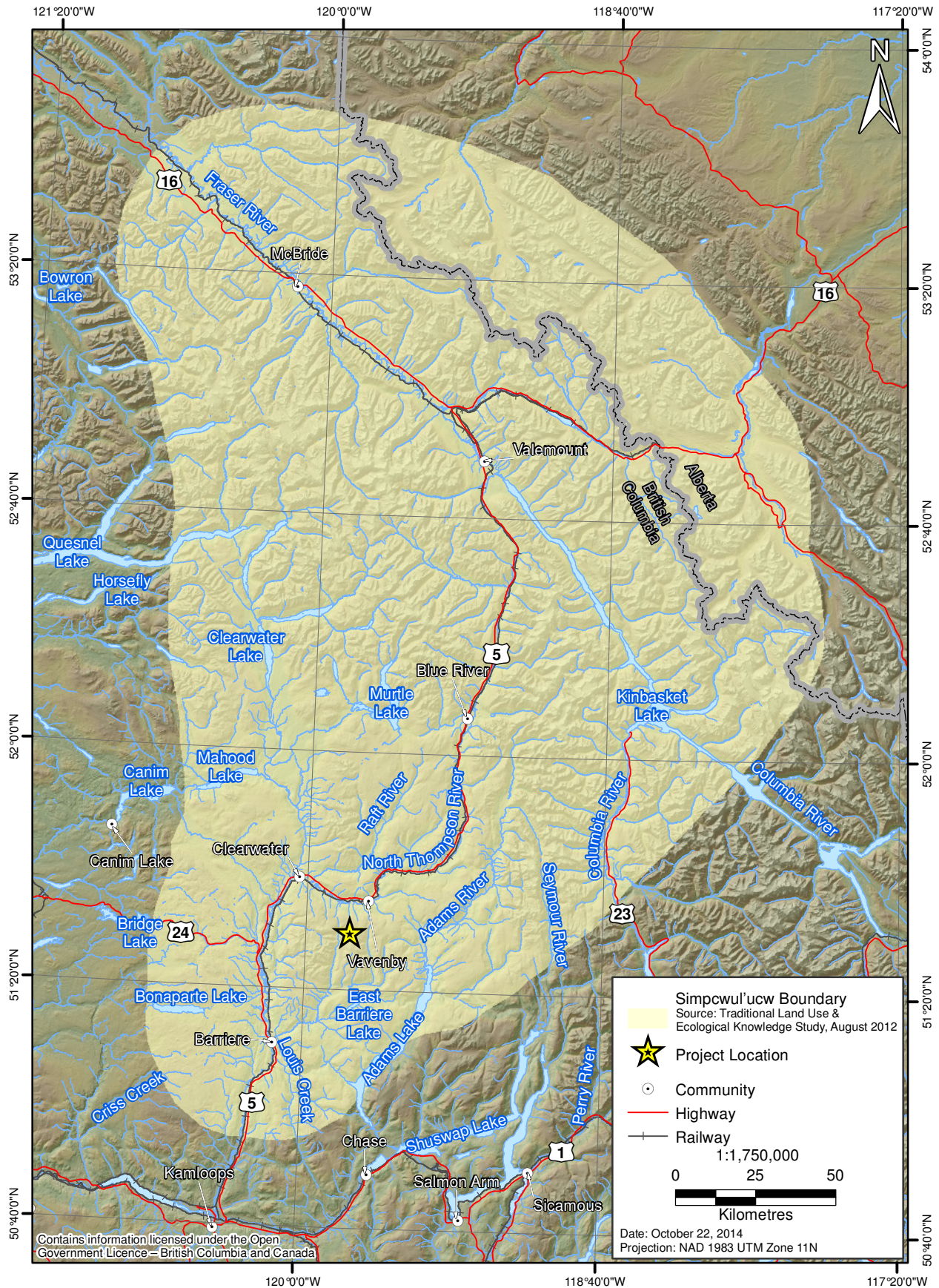


Figure 3.5-3

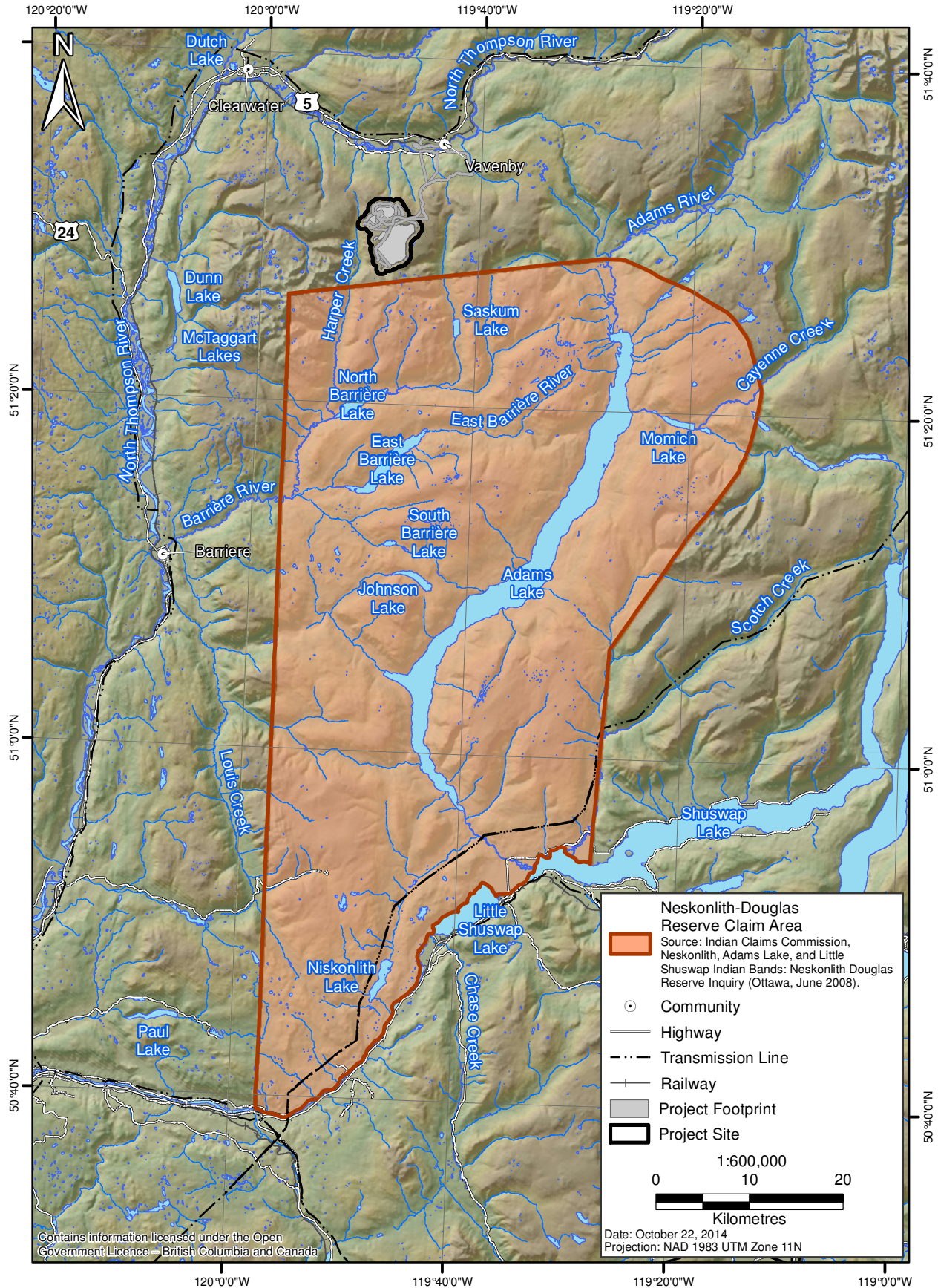
Simpchw First Nation Traditional Territory in Relation to the Project



Contains information licensed under the Open Government Licence – British Columbia and Canada

Figure 3.5-4

Neskonlith-Douglas Reserve Claim Area in Relation to the Project



Although located several kilometres south of the Project Site, the northwest corner of the Neskonlith Douglas Reserve claim area is part of the Harper Creek and North Barrière Lake watershed, which could potentially be affected by downstream effects of the Project. However, available ethno-historical information does not provide evidence of hunting, fishing, or gathering at the time of contact within the Project Site footprint. The Project Site footprint is outside of the boundary attributed to the historical Shuswap Lakes Division (Figure 3.5-2) as well as the Douglas Reserve claim area (Figure 3.5-4).

On March 28, 2013, HCMC filed the Application for the proposed Project with the BC EAO for evaluation against the approved AIR (October 2011). In the Application (Section 11.6.5 of Chapter 11), YMI committed to further consultation with First Nations to identify:

- any additional First Nation interests which may be potentially adversely affected by the Project, based on traditional use studies and/or other sources of information provided by First Nations within a reasonable time period; and
- any additional measures to avoid or mitigate the potential adverse effects of the Project and/or to otherwise address First Nations concerns.

In a letter dated May 16, 2013, the BC EAO outlined the additional consultation requirements to be completed prior to re-submitting the Application as follows.

1. *Contact Chiefs and Council of all First Nations with a request for a meeting to discuss: past and current Aboriginal interests in the vicinity of or in relation to the area in which the proposed Project would be situated; what are the potential impacts of the proposed Project on those Aboriginal interests; and, what measures could be used in the proposed Project's design or operation to avoid, mitigate, or otherwise address those potential impacts.*
2. *Develop a revised First Nations consultation plan for Application Review with specific details about First Nations community meetings and opportunities for First Nations to participate during the Application Review.*
3. *Submit a report to the BC EAO about the meetings that have occurred, the issues that were raised, how those issues will be addressed, and the proposed mitigation that will be in the Application and provide a copy of this report to each of the First Nations.*

YMI responded to this direction with a series of consultation activities which are included in Section 3.5.

3.5.1 Pre-Application/Pre-EIS Consultation with Aboriginal Groups

YMI's communications and consultations with SFN, ALIB, NIB, LSIB, and MNBC between 2006 and July 31, 2014 are summarized below. Detailed summaries of YMI's communications with these groups are included in [Appendix 3-E, Summary of YMI's Communications with Aboriginal Groups](#)

(Table 3-E1 for SFN, Table 3-E2 for ALIB, Table 3-E3 for NIB, Table 3-E4 for LSIB, Table 3-E5 for MNBC, and Table 3-E6 for other Aboriginal groups).¹¹

3.5.1.1 *Notification of the Project and Early Consultations*

YMI met with SFN in June 2006 and ALIB, NIB, and LSIB (separately) between August and November 2007 to provide an introduction to the Project and meet with the leadership of each group. These meetings occurred prior to YMI formally entering the provincial EA process on September 18, 2008 when the BC EAO issued the section 10 Order under the BC *Environmental Assessment Act* (2002). The federal EA process was initiated when the CEA Agency commenced a comprehensive study of the Project on April 14, 2011 (Notice of Commencement issued April 27, 2011).

In December 2007, YMI hosted a workshop for a number of First Nations at Quaaout Lodge in Chase, BC, in order to provide a presentation and Project overview and respond to any questions. SFN, ALIB, LSIB, NIB, and Whispering Pines Indian Band attended.

3.5.1.2 *Harper Creek Project Working Group*

The BC EAO established the Harper Creek Project Working Group in 2011 and invited representatives of First Nations listed in the section 11 Order (SFN and ALIB), and local, provincial, and federal government agencies to be members. Following the BC EAO's issuance of the section 13 Order, BC EAO invited the LSIB and NIB to join the EA Working Group (October 2012).

Table 3.3-2 in Section 3.2 documents the five EA Working Group meetings that have taken place to date and First Nations' participation.¹² SFN attended the five EA Working Group meetings and the August 17, 2011 site tour. On behalf of NIB, ALIB attended an EA Working Group meeting on April 7, 2011, a site tour on August 17, 2011 and an EA Working Group meeting on August 18, 2011. ALIB also attended the September 17, 2014 meeting, representing itself. NIB representatives attended the EA Working Group meetings on May 14/15, 2012, November 1, 2012, and September 17, 2014. During the reporting timeframe, LSIB representatives did not attend EA Working Group meetings. LSIB—as well as NIB, ALIB, and SFN—will continue to have the opportunity to participate in the EA review, including attending EA Working Group meetings, evaluating the Application against the AIR as a member of the EA Working Group, and reviewing and commenting on the Application.

¹¹ The consultation summary tables in [Appendix 3-E](#) document HCCMC's efforts to share Project information with Aboriginal groups, as well as efforts to acquire information about how Aboriginal interests could potentially be affected by the Project. When YMI did not receive a response from Aboriginal groups following initial communication, YMI followed up with additional communications. Key YMI-initiated communications are recorded in [Appendix 3-E](#).

¹² The September 17, 2014 EA Working Group meeting, though outside of the reporting period for this chapter, has been included. SFN, ALIB, and NIB attended this meeting. Issues and concerns raised by these groups at this meeting are included in the respective Aboriginal Issues Tracking Tables ([Appendix 3-F](#)).

3.5.1.3 *Application Information Requirements*

As discussed above, the BC EAO provided the EA Working Group with opportunities to review and comment on the draft AIR which identifies information that must be included in the Application. Issues raised by Aboriginal groups during the review of the draft AIR are summarized below.

SFN submitted a total of 14 comments on the draft AIR on July 7, 2011 and September 12, 2011 relating to the following topics:

- fish and fish habitat;
- water quality and aquatic resources;
- water quantity;
- baseline study and EA methodologies;
- land use;
- monitoring; and
- Project access.

On behalf of the Lakes Division bands, ALIB submitted a total of 38 comments on the draft AIR on June 16, 2011, September 29, 2011, and September 30, 2011 relating to the following topics:

- participation in baseline studies;
- assessment of effects (e.g., assessment of potential effects due to metal leaching/acid rock drainage);
- blasting, and impacts on water quality, riparian habitat, heritage and human health;
- environmental baseline program (e.g., fish and aquatics, hydrology and hydrogeology);
- hydrogeology baseline conditions;
- Kamloops Archaeological Assessment Overview model;
- socio-economic baseline studies;
- a list of plants and animals of BC; and
- integration of traditional knowledge integration into the Application.

On June 20, 2011, ALIB wrote to the BC EAO providing a list of plants and animals that would potentially require assessment. The species in this list have been considered in relevant chapters of the Application/EIS (e.g., fish and aquatic resources, terrestrial ecosystems, wildlife, current use of lands and resources for traditional purposes, and Aboriginal rights and related interests).

In response to a July 7, 2014 request from the BC EAO, the ALIB wrote to the BC EAO on July 18, 2014 to comment on proposed changes to the selected valued components (VCs), noting general concerns with the VC list. The ALIB letter also raised general concerns with the EA process. A comprehensive list of the proposed VCs considered for assessment are included in Chapter 8

Assessment Methods and further refined in each assessment chapter. The BC EAO responded to the ALIB letter on August 13, 2014 and noted that Chapter 23 of the Application/EIS, Assessment of Aboriginal Rights and Related Interests, will assesses the potential effects of the Project on Aboriginal interests.

After the section 13 Order was issued and NIB became a member of the EA Working Group in October 2012, NIB provided comments regarding consultation, VCs, baseline studies and inclusion of traditional knowledge on the approved AIR directly to the BC EAO in November 2012. YMI has addressed comments that are within the scope of the EA process in the Application.

YMI worked with the BC EAO, SFN, and ALIB between June and October 2011 to address comments received on the draft AIR. YMI provided written responses to First Nations comments in an Agencies, First Nation, and Public Issues and Comments Tracking Table, available on the e-PIC website (YMI 2011b). The draft AIR was modified to address the comments.

The CEA Agency provided MNBC with an opportunity to review the draft AIR for the Project and received comments back from the MNBC on July 23, 2012. MNBC commented on the following sections of the AIR (see Table 3-F5 in [Appendix 3-F](#) for YMI's responses):¹³

- Air Quality;
- Aquatic Environments – Rare, Threatened, and Endangered Species;
- Cumulative Effects Assessment;
- EA Process; and
- Environmental and Operational Management Plans.

Additional information about the draft AIR Open House and the public comment period is included in Section 3.7.1.2.

3.5.1.4 *Environmental Assessment-related Funding*

As noted above, the BC EAO and CEA Agency both offered capacity funding to Aboriginal groups to participate in the EA process. Additionally, YMI has offered funding to facilitate Aboriginal participation as discussed below.

Simpcw First Nation

In October 2010, YMI and SFN signed a Negotiation Agreement and a Letter of Engagement that included funding for technical experts, a skills assessment, and a Traditional Use Study. Capacity funding has been offered to the SFN a number of times for different purposes, including funding to participate in the EA process and review key documents (e.g., the AIR, the Archaeological Overview Assessment and the original Application [2013]); be involved in baseline studies; provide traditional

¹³ MNBC's issues are not captured in the two draft AIR issues tracking tables posted to the e-PIC website. For this reason they are included in the MNBC issues tracking table.

use information; and review consultation documents including the Aboriginal consultation summary and plan in December 2012, Working Tables in 2013 and Work Programs in 2014. Between 2011 and 2013, SFN and ALIB had an agreement to work together on the Harper Creek Project. As of January 2014 the two groups are no longer working together.

Adams Lake Indian Band

YMI and ALIB signed a Memorandum of Understanding in April 2013 which provided capacity funding for ALIB to work in collaboration with the SFN, as per a (2011) protocol agreement between ALIB and SFN; participate in the EA process; and provide YMI with information on potential impacts of the Project on ALIB interests. ALIB and SFN were in agreement to work together on the Project between 2011 and 2013. As of January 2014, the two groups are no longer working together on the Project.

In addition to funding provided to ALIB by the BC EAO in September 2012, on July 10, 2013, YMI wrote to ALIB offering additional capacity funding ([Appendix 3-G](#)). The capacity funding was meant to support ALIB's review of the Working Tables to assist with the identification of potential effects of the Project on ALIB's Aboriginal interests.

On May 21, 2014, YMI wrote to ALIB to provide a copy of the Archaeological Overview Assessment (AOA) report for the proposed power line routes and offered to provide funding to review the report. On May 30, 2014, YMI wrote to ALIB to discuss the proposed work program and offered to provide additional capacity funding to undertake a technical review of the Application during the review phase, and provide information on cultural and traditional uses to be included in the Application.

Neskonlith Indian Band

Throughout the EA process, YMI offered capacity funding on a number of occasions to NIB to support their review of key EA documents. In September 2012, YMI offered capacity funding to NIB to provide review comments on a draft socio-economic baseline report. BC EAO offered capacity funding to NIB in September 2012 to participate in the EA process. YMI offered capacity funding in December 2012 to review the Aboriginal Consultation Plan. On May 30, 2013, YMI sent a letter ([Appendix 3-G](#)) to NIB requesting a meeting with Chief and Council to engage in further consultation and offered to provide capacity funding to support NIB's review of the Working Tables (see Section 3.5.1.9 below) and to assist with the identification of potential effects of the Project on NIB's interests. YMI met with NIB on June 20, 2013 to discuss the Working Tables and following this YMI again offered funding to NIB to review the Working Tables.

Capacity funding was provided by YMI to NIB to update the NIB socio-economic baseline report; review and provide comments on the Working Tables, including information on NIB interests and use of the Project, and the 2012 Archaeological Impact Assessment report; and community engagement meetings to share information and discuss the Project. Capacity funding was also offered to the NIB in May 2014 related to the review of the AOA report for the proposed power line route options. In May 2014, YMI offered additional capacity funding to NIB to support the participation of NIB in a Work Program during the Application review phase.

Little Shuswap Lake Indian Band

Throughout the EA process, YMI has offered capacity funding to the LSIB a number of times to support input into key EA documents. YMI offered to provide capacity funding in August 2012 to the LSIB to support their review of the socio-economic baseline report (January 2013). In addition to capacity funding offered to the LSIB by the BC EAO in September 2012, on May 30 and July 24, 2013, YMI sent letters to LSIB offering capacity funding ([Appendices 3-G](#) and [3-H](#)) to support LSIB's review of the Working Tables (see Section 3.5.1.9 below) and to assist with the identification of potential effects of the Project on LSIB's interests. In May 2014, YMI offered capacity funding to the LSIB to review the AOA report for the proposed power line route options), and to support the participation of LSIBs in a work program for the Application review stage.

3.5.1.5 *Input into Environmental Assessment Studies*

Based on the EAO and CEAA strength of claim assessment (2012), YMI funded a "Traditional Land Use and Ecological Knowledge Study" (TLU & EKS) prepared by SFN in August 2012. The study details the culture and history of the Secwepemc Nation. SFN provided the public version of the report to YMI on September 4, 2012. SFN gave YMI permission to include the report in the Application submitted to the BC EAO in March 2013. The TLU & EKS was provided to ALIB, LSIB, and NIB as part of the previously submitted March 2013 Application/EIS.

YMI provided SFN, ALIB, NIB, and LSIB with the opportunity to review and comment on the following studies, summaries, and reports:¹⁴

- Traditional Land Use and Ecological Knowledge Study prepared by the Simpcw First Nation (August 2012);
- Socio-economic Baseline Report and the First Nations Socio-economic Overview of the 2013 Application (September 2012; Section 11.3.1 of previously submitted Application - SFN, ALIB, NIB, and LSIB);
- Archaeological Impact Assessment Report (November 2012);
- First Nation Consultation Summary and Planned Application Review Consultation (December 2012);
- Additional Consultation Measures (May 2013);
- Working Tables (July 2013; see Section 2.7);
- AOA Report for Power line Route Options (May 2014); and
- Work Program for Application/EIS review stage (May 2014).

In August 2012, SFN provided additional comments and updates to the socio-economic baseline report, which YMI considered and incorporated into the final version. SFN reviewed and approved YMI's changes. In August 2012, SFN confirmed that YMI could include the SFN socio-economic

¹⁴ Date in bracket refers to the date the document was first provided.

baseline report in the Application (2013). In January 2013, SFN provided comments on the First Nation Consultation Summary and Planned Application Review Consultation (Section 3.5.1.10 below). SFN has not commented on the other documents listed to date.

On July 25, 2012, ALIB wrote to YMI to provide comments on the draft socio-economic baseline report. YMI wrote to ALIB on August 10, 2012 and offered to provide resources for ALIB (as representing the Lakes Division Bands) for information to verify and update the draft socio-economic report. ALIB did not accept the offer of funding and did not submit comments on the report. ALIB did not provide comments on the other documents listed above.

NIB provided comments on the First Nations Consultation Summary and Planned Application Review Consultation plan (Section 3.5.1.10), and provided initial comments on the NIB Socio-economic Baseline Report in November 2012. NIB provided additional comments on the NIB Socio-economic Baseline Report in December 2013. YMI has incorporated all comments and input in the Application. NIB also provided comments on the Working Tables (Section 3.5.1.9) which are addressed in the Application and incorporated into the NIB issues tracking table (Table 3-F3 of [Appendix 3-F](#)).

LSIB provided comments on the Socio-economic Baseline Report (January 21, 2013), which YMI considered and incorporated into the report. LSIB also provided comments on the Working Tables (incorporated into the issues tracking tables in Table 3-F4 of [Appendix 3-F](#)) and the AOA Report. LSIB did not provide comments on the other documents listed above.

3.5.1.6 *Community Meeting*

In December 2007, YMI held a workshop at Quaaout Lodge for a number of First Nations, including SFN. On December 6, 2011, YMI hosted an open house in Chu Chua, which was attended by approximately 30 SFN members. YMI displayed a set of posters describing the Project and baseline studies being conducted for the EA ([Appendix 3-C](#)). Issues raised at this meeting were related to water quality and downstream effects, cumulative effects, and mine legacy and are included in Table 3-F1 of [Appendix 3-F](#).

3.5.1.7 *Careers and Mining Workshop*

During consultation meetings, LSIB expressed an interest in YMI hosting a careers and mining workshop for high-school students after the Application/EIS is submitted, and NIB has expressed an interest in employment and training. YMI has offered to host or attend a careers and mining workshop for NIB, ALIB, and LSIB members, and residents and students residing in the region. If requested, YMI will also host or attend a similar work shop in Barriere for SFN members, residents, and students residing in that region.

3.5.1.8 *Site Visits*

In addition to the August 17, 2011 site visit organized for the members of the EA Working Group (attended by ALIB, NIB, and the SFN) First Nations have participated in site visits as follows:

- October 3, 2007 (SFN Resource Manager);
- October 24, 2007 (SFN Resource Manager; helicopter flight over the Project Site);
- July 7, 2011 (ALIB Chief and Council);
- August 4, 2011 (SFN);
- October 11, 2011 (SFN and ALIB to view archaeological sites; YMI not in attendance);
- October 21, 2011 (SFN Elders and councillors to view the archaeological sites);
- July 20, 2012 (SFN Elders and members toured the Project Site and the rock cairns);
- August 10, 2012 (ALIB Chief and Council, and other Lakes Division members to view the archaeological sites at the Harper Creek); and
- September 7, 2012 (SFN Elders and Council members toured the Project Site and the rock cairns).

On January 26, 2012, YMI hosted a site visit for SFN community members (including Chief and Council) to tour the operating Copper Mountain mine to see what an operating mine looks like.

3.5.1.9 *Working Tables on Additional Consultation*

YMI acted on BC EAO's request (May 16, 2013 letter to YMI) to conduct additional consultation by sending letters between May and July to SFN, ALIB, NIB, and LSIB requesting (individual) meetings to discuss the Working Tables ([Appendices 3-G](#) and [3-H](#)). Each Working Table sets out a particular concern raised regarding a Project activity, identifies proposed mitigation measures, summarizes the effects assessment (residual effects and cumulative effects), and provides a space to identify and provide YMI with additional information on concerns regarding impacts on Aboriginal interests, and suggestions for mitigation and accommodation. YMI's offers of capacity funding in July 2013 (described in Section 3.5.1.4 above) was to cover the costs associated with First Nations' review of the Working Tables.

The Working Tables addressed issues identified in the Application as being of potential concern from an environmental, socio-economic, and/or heritage perspective, and/or from the perspective of Aboriginal interests and rights. These issues were grouped as follows:

- water and water quality;
- fish and fish habitat;
- vegetation and plant communities;
- air quality and noise;
- environmental impacts on wildlife;
- cultural and archaeological sites;
- socio-economic effects; and
- access to traditional use sites.

SFN and ALIB did not comment on the Working Table. In November 2013, NIB provided extensive feedback on the Working Tables to YMI in the form of a table, which was categorized into the following issues:

- impacts on self-determination;
- conditions for Secwepemc Permit to operate;
- impacts on water quality and quantity;
- impacts on fish and fish habitat;
- impacts on wildlife and wildlife habitat;
- impacts on vegetation and plant communities;
- impacts on air quality and noise;
- impacts on cultural and archaeological sites and landforms;
- socio-economic impacts (including Douglas Reserve); and
- access impacts to traditional use sites/ areas.

These issues have been incorporated and responded to in the NIB issues tracking table (Table 3-F3 of [Appendix 3-F](#)).

LSIB provided comments to YMI on the Working Tables in November 2013. LSIB commented on the following topics:

- air quality and noise;
- archaeology and heritage;
- fish and fish habitat;
- socio-economic;
- terrestrial ecosystems and vegetation;
- traditional knowledge/traditional use;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

The specific issues are incorporated in the LSIB issues tracking table along with YMI's responses (Table 3-F4 of [Appendix 3-F](#)).

3.5.1.10 First Nations Consultation Summary and Planned Application Review Consultation – Original Application

In August 2011, CEA Agency contacted ALIB, MNBC, SFN, and LSIB in writing to formally invite these groups to comment at any time during the Project's EA process, to notify these groups that their input would be requested on the Comprehensive Study Report during the final comment

period in 2012, and to provide additional information about the Crown's proposed consultation approach. The Crown's approach as described in this letter included:

- A description of the Project's potential adverse effects on potential Aboriginal rights
- A description of the process for exchanging information regarding the Project;
- A detailed consultation workplan; and
- A request for each group to provide feedback on the consultation workplan.

In December 2012, YMI provided SFN, ALIB, NIB, and LSIB with a First Nations consultation summary and a proposal for continued consultation during the Application review stage. SFN responded on January 23, 2013 and provided a list of questions outlining SFNs concerns about the Project. The issues raised in this document are summarized in Table 3-F1 of [Appendix 3-F](#) with YMI's responses. Within the letter, SFN references their TLU & EKS as containing SFN's specific issues of concerns regarding the Project. The NIB identified concerns with the Consultation Summary regarding input into the NIB socio-economic baseline report and AIR. ALIB and LSIB did not provide feedback to YMI on this document.

Since 2013, YMI has adapted its consultation efforts in response to First Nations requests and stated preferences, and in accordance with section 11 and 13 Orders, and the strength of claim assessments completed by the provincial and federal governments. YMI consults with each First Nation on an individual basis, and consultation with all First Nations is an ongoing process that will continue throughout the life of the Project.

3.5.1.11 Section 11 Order Aboriginal Consultation Reports

Section 10.2 of the section 11 Order directs YMI to seek advice from First Nations on the appropriate means of consultation, and incorporate comments and recommendation into the AIR as feasible. Section 14.2 of the section 11 Order requires YMI to distribute a consultation summary and a proposal for continued consultations during the Application/EIS review stage to First Nations. In October 2014, YMI provided copies of pre-Application consultation reports to SFN (October 6, 2014), ALIB (October 3, 2014), NIB (October 3, 2014), and the LSIB (October 3, 2014). The reports summarize consultation from prior to the commencement of the EA process until July 31, 2014 and include plans for continued consultation with each group during the Application review stage (included in Section 3.5.3, below). Each report was tailored to YMI's consultation activities specific to that group. Each group had the opportunity to review and comment on their respective report.

Although not required in the section 11 Order, YMI also provided a consultation report to the MNBC in October 2014.

3.5.2 Issues Raised by Aboriginal Groups and Responses

[Appendix 3-F](#) summarizes the issues that have been raised by Aboriginal groups (until September 17, 2014) and YMI's responses to address those issues. The issues identified in [Appendix 3-F](#) were compiled from meetings and correspondence with YMI and the EA Working Group, comments on the draft AIR (MNBC only)¹⁵, the Working Tables, and other EA documents and reports (see Section 3.5.1.5).

To date, the SFN has raised issues in the following general areas (see Table 3-F1 in [Appendix 3-F](#) for detailed issues and responses):

- Aboriginal rights and interests;
- access and transportation;
- accidents and malfunctions;
- air quality;
- archaeology and heritage;
- closure and reclamation;
- consultation;
- cumulative effects;
- EA process and methodology;
- effects of the environment on the Project;
- employment, training, and economic opportunities;
- Environmental Management Plans;
- fish and fish habitat;
- human health and country foods;
- land use;
- Project design;
- socio-economic;
- tailings management;
- terrestrial ecosystems and vegetation;
- traditional knowledge and use;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

¹⁵ SFN and ALIB (on behalf of the Lakes Division) comments on the draft AIR and YMI's responses are included in tracking tables posted to the e-PIC website, whereas MNBC's comments were not included in these tables. Hence, the issues MNBC raised are included in the issues tracking table appended to this chapter, which includes YMI's responses.

The ALIB has raised issues in the following general areas (see Table 3-F2 in [Appendix 3-F](#) for detailed issues and responses):

- Aboriginal rights and interests;
- archaeology and heritage;
- consultation;
- cumulative effects;
- EA methodology;
- employment, training, and economic opportunities;
- fish and fish habitat;
- terrestrial ecosystems and vegetation;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

NIB has raised issues in the following general areas (see Table 3-F3 in [Appendix 3-F](#) for detailed issues and responses):

- Aboriginal rights and interests;
- air quality and noise;
- archaeology and heritage;
- consultation;
- EA process and methodology;
- employment, training, and economic opportunities;
- fish and fish habitat;
- land use;
- socio-economic;
- terrestrial ecosystems and vegetation;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

The LSIB reviewed the Working Tables and identified issues in the following general areas (see Table 3-F4 in [Appendix 3-F](#) for detailed issues and responses):

- air quality and noise;
- archaeology and heritage;
- employment, training, and economic opportunities;
- fish and fish habitat;

- hydrology;
- terrestrial ecosystems and vegetation;
- traditional knowledge and use;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

MNBC has raised issues in the following general areas (see Table 3-F5 in [Appendix 3-F](#) for detailed issues and responses):

- Aboriginal rights and title;
- air quality and noise;
- cumulative effects;
- EA process and methodology;
- employment, training, and economic opportunities;
- Environmental Management Plans;
- land use;
- terrestrial ecosystems and vegetation;
- traditional knowledge and use; and
- wildlife and wildlife habitat.

YMI will continue to consult with Aboriginal groups during the Application/EIS review stage as per the plan set out in Section 3.5.3 below, and will continue to document issues Aboriginal groups may raise during the EA review process.

3.5.3 Proposed Plan for Consultation with Aboriginal Groups during the Application/EIS Review

Once the Application is accepted for formal review, the provincial 180-day review period will be initiated, which will include a comment period for the EA Working Group. The BC EAO and the CEA Agency will also establish a minimum 30-day public comment period to allow opportunities for the public to review and comment on the Application. As identified in section 16 of the section 11 Order, YMI will:

- provide copies of the Application to SFN, ALIB, NIB, LSIB, and MNBC¹⁶ for information and consultation purposes, in order that they may submit comments on the Application;

¹⁶ Although there are no requirements related to the MNBC in the section 11 Order (e.g., to provide a copy of the Application/EIS), YMI has taken a broad approach to consultation and is undertaking similar consultation activities with the MNBC to meet federal Aboriginal consultation requirements.

- notify SFN, ALIB, NIB, LSIB, and MNBC about the public comment period, within the time limits set by the BC EAO;
- by mutual agreement, hold an open house for SFN, and their community members, in a location recommended by SFN;
- by mutual agreement, hold an open house for each of NIB, ALIB, and LSIB, and their respective community members, in a location recommended by them;
- by mutual agreement, hold an open house for all of the Lakes Division community members in Quaaout or Chase;
- invite MNBC and members to open houses held during this period;
- provide written responses to comments received from Aboriginal groups on the Application within the timeframe specified by the BC EAO;
- attend EA Working Group meetings organized by the BC EAO to provide information related to the Application and to respond to questions on the Application;
- by mutual agreement hold discussions with SFN, ALIB, NIB, and LSIB to discuss potential effects of the proposed Project their Aboriginal interests and proposals to avoid, mitigate, or otherwise address the effects as appropriate; review and consider Aboriginal groups' comments during the Application review stage;
- compile, track, and, where possible, address issues raised by Aboriginal groups during engagement activities, including attempting to resolve any outstanding issues;
- provide the BC EAO with a report on the results of First Nations consultation activities, identifying issues and concerns raised by First Nations with respect to the potential adverse effects on Aboriginal interests and how these issues and concerns will be addressed;
- consider other means of engagement brought forward by Aboriginal groups, if applicable; and
- undertake further engagement with Aboriginal groups as directed by the BC EAO and/or CEA Agency.

3.6 GOVERNMENT AGENCY AND LOCAL GOVERNMENT INFORMATION DISTRIBUTION AND CONSULTATION

3.6.1 Pre-Application/Pre-EIS Consultation with Government Agencies

YMI's communications and consultations with government agencies between October 2007 and July 31, 2014 are summarized below. Detailed summaries of communications with agencies are included in [Appendix 3-I](#), Summary of Communications with Government Agencies (Table 3-I1 for provincial government and Table 3-I2 for federal government).

3.6.1.1 Application Information Requirements

Provincial and federal government agencies provided comments on the draft AIR, as described in Table 3.6-1. YMI modified the AIR based on comments received from the EA Working Group and the public and submitted a table to the BC EAO, which the BC EAO posted to the e-PIC website on

November 2, 2011(YMI 2011b). BC EAO issued the final version of the AIR on October 21, 2011 (BC EAO 2011a).

Table 3.6-1. Government Agencies' Comments on the Draft AIR

Agency	Date*
NRCan	March 9, 2011
BC MOE	May 2, 2011, September 16, 2011, September 28, 2011
BC MOTI	May 11, 2011
BC MEM	June 29, 2011 and September 8, 2011
BC MFLNRO	August 18, 2011 and September 29, 2011
HC	September 12, 2011, September 27, 2011
EC	September 12, 2011
CEA Agency	September 16, 2011, September 30, 2011

* The date represents the date the BC EAO provided the comments to YMI.

3.6.1.2 Site Visits and Mine Tours

The EA Working Group participated in a site tour on August 17, 2011. The following agencies were represented on the site tour:

- AANDC;
- BC EAO;
- British Columbia Ministry of Community, Sport, and Cultural Development;
- BC MEM;
- BC MFLNRO;
- British Columbia Ministry of Aboriginal Relations and Reconciliation;
- BC MOE;
- BC MOTI;
- CEA Agency;
- DFO;
- EC;
- HC;
- NRCan;
- TC; and
- Transport Canada.

YMI provided two additional site tours as follows:

- August 21, 2012: BC MFLNRO; and
- April 2, 2014: BC MOTI.

3.6.2 Issues Raised by Government Agencies

[Appendix 3-J](#) summarizes the issues that have been raised by government agencies (until September 17, 2014) and YMI's responses to address those issues. The issues identified in [Appendix 3-J](#) were compiled from meetings and correspondence with agencies and the EA Working Group. Issues raised by agencies on the draft AIR have been tracked separately (YMI 2011b). To date, government agencies have raised issues in the following general areas:

- access and transportation;
- closure and reclamation;
- consultation;
- EA methodology;
- environmental management plans;
- fish and fish habitat;
- human health and country foods;
- hydrology;
- infrastructure and services;
- Project design;
- tailings management;
- terrestrial ecosystems and vegetation;
- traditional knowledge and use;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

3.6.3 Proposed Plan for Consultation with Government Agencies and Local Government during the Application/EIS Review

Once the Application/EIS is accepted for formal review, the 180-day review will be initiated, which will include a comment period for the EA Working Group as determined by the BC EAO. The BC EAO will also establish a 30-day public comment period. During the Application/EIS review stage, YMI will:

- distribute copies of the Application/EIS to government agencies¹⁷ via the EA Working Group;
- within any time limits set by the BC EAO, respond to comments submitted by government agencies during the review of the Application/EIS;
- attend EA Working Group meetings organized by the BC EAO and CEA Agency to explain the Application/EIS and respond to questions on the Application/EIS;
- prepare a table that tracks issues raised by government agencies on the Application/EIS and includes responses to those issues; and
- provide additional information, as requested by the BC EAO, to address issues identified during the Application/EIS review.

Based on issues and concerns raised by government agencies during the Application/EIS review stage, as well as advice from the BC EAO, YMI will consider other measures to respond to issues and concerns raised by government agencies.

3.7 PUBLIC INFORMATION DISTRIBUTION AND CONSULTATION

3.7.1 Pre-Application/Pre-EIS Consultation with the Public

YMI's public consultation, which includes engagement with licence and tenure holders and landowners, local governments, and the public, between September 2010 and July 31, 2014, is summarized below. Detailed summaries of YMI's communications with these groups are included in [Appendix 3-K](#) (Table 3-K1 for licence and tenure holders, and landowners in the Project vicinity, Table 3-K2 for local government, and Table 3-K3 for the public).

3.7.1.1 *Communities near the Project*

The unincorporated municipality of Vavenby, BC, in the Thompson-Nicola area, is the closest community to the Project, located about 10 km southwest of the Project. The Project is located along the Southern Yellowhead Highway (Highway 5) and in Electoral Areas A (Wells Gray Country) and O (Lower North Thompson) of the Thompson-Nicola Regional District (TNRD), approximately

¹⁷ Consultation with local governments during the Application Review Phase, except where they are a member of the EA Working Group, is discussed in the Public Consultation section below (3.7.3). Local governments on the EA Working Group will receive copies of the Application/EIS.

150 km northeast of Kamloops along Highway 5 (Figure 3.7-1). The District of Clearwater and the District of Barriere are in the Project vicinity.

3.7.1.2 Application Information Requirements Open House and Public Comment Period

The BC EAO held one open house on June 1, 2011 in Clearwater, BC to provide information on the EA process and obtain comments on the draft AIR (Table 3.7-1). YMI attended the open house to provide information about the Project, and respond to questions or comments about the Project. Additionally, YMI hosted its own open house immediately preceding the BC EAO open house on June 1, 2011 to discuss the Project with community members. YMI displayed six posters ([Appendix 3-C](#)) describing the Project and baseline studies being conducted for the EA, a Project brochure ([Appendix 3-B](#)), and gave a presentation on the Project ([Appendix 3-D](#)). Approximately 75 people attended this open house. The main issues raised by the public were water use and management, metal leaching, and effects on snowmobile club access and use in the area. Issues raised by members of the public are included, with YMI's responses in [Appendix 3-L](#).

Table 3.7-1. Summary of Draft AIR Open Houses

Date	Location	Venue	Time	Number of Attendees
June 1, 2011	Clearwater, BC	North Thompson Resource Centre	YMI hosted open house 12 p.m. to 4 p.m.; BC EAO hosted open house 4 p.m. to 7 p.m.	~75

As discussed in Section 3.2.3, the BC EAO established a public comment period on the Draft AIR from May 31, 2011 to June 30, 2011. One comment (personal information withheld by the BC EAO) dated June 29, 2011 (Public Comment 2011) was received by the BC EAO, summarized below:

- concerned about uranium in tailings and core samples;
- concerned about impacts on mountain caribou; and
- concerned about increased road access.

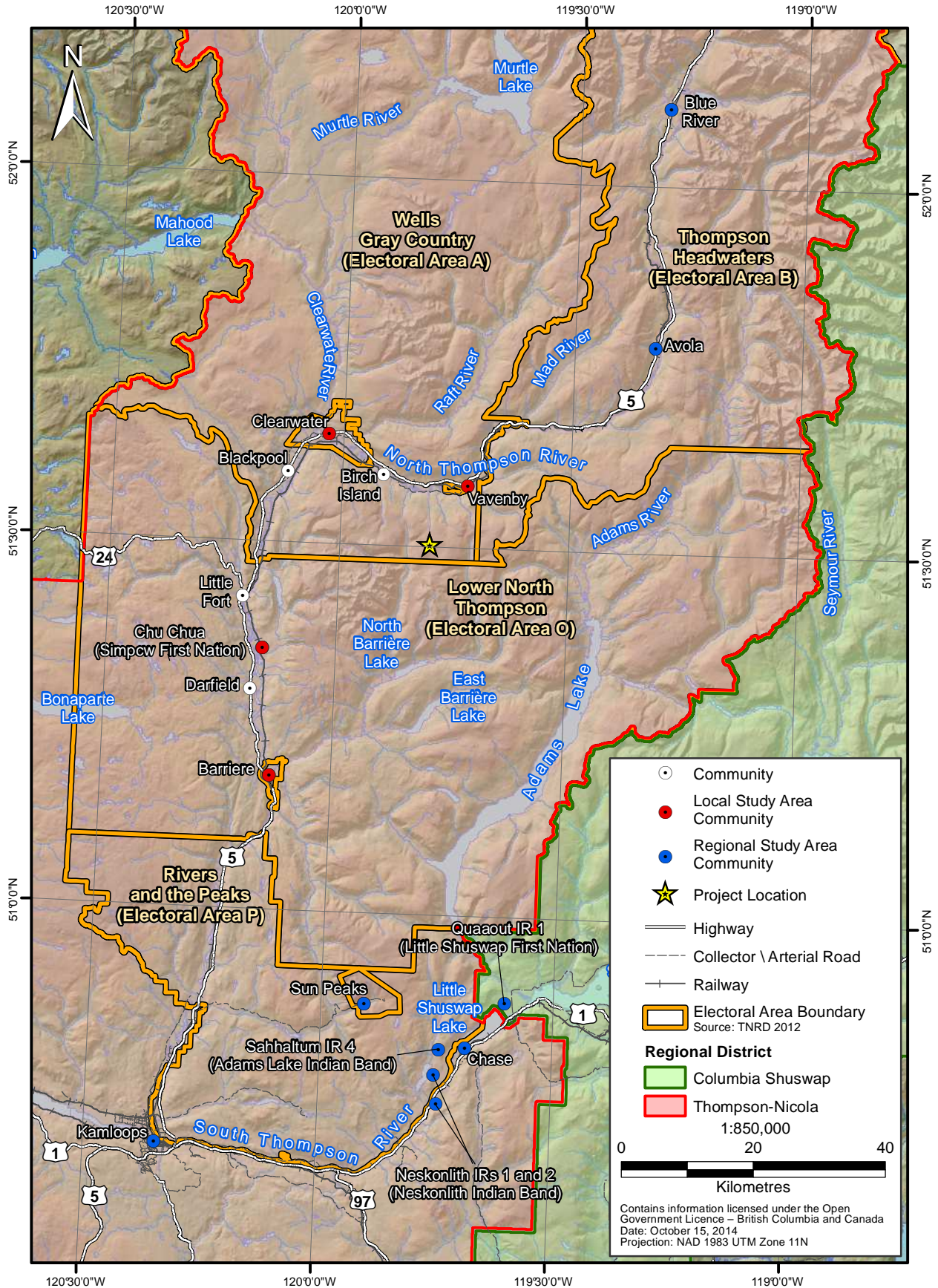
YMI responded to these comments in a table which the BC EAO posted to the e-PIC website on July 25, 2011 (YMI 2011c).

3.7.1.3 Federal Background Information Document Public Comment Period

The CEA Agency invited public comments on a Background Information scoping document regarding the potential effects of the Project on the environment between April 28, 2011 and May 30, 2011, along with a notification that \$50,000 of federal funding was available under the Participant Funding Program to facilitate the participation of groups and individuals in the federal EA process.

Figure 3.7-1

Harper Creek Project - Communities in the Regional Area



3.7.1.4 *Additional Community Meeting – Open House*

YMI hosted an open house on September 13, 2012 in Clearwater to update local communities on the Project (Table 3.7-2). Notices for the open house were published in the September 3, 2012 editions of the Clearwater Times and the Barriere Star Journal. YMI also sent invitations to several licence and tenure holders, as well as the Districts of Clearwater and Barriere. YMI displayed nine posters describing the Project and baseline studies being conducted for the EA ([Appendix 3-C](#)). The main issues raised by the public were with respect to employment opportunities, and a need for power in the North Thompson Valley. Issues raised by members of the public are included, with YMI’s responses in [Appendix 3-L](#).

Table 3.7-2. Summary of YMI Open House

Date	Location	Venue	Time	Number of Attendees
September 13, 2012	Clearwater, BC	Clearwater Resources Centre	12 p.m. to 7 p.m.	54

3.7.1.5 *Consultation with Tenure and Licence Holders, and Service Providers*

As part of its consultation with tenure and licence holders, and service providers in the Project vicinity, and as part of its baseline research for the land use and socio-economic effects assessments, YMI implemented an interview program. The primary purpose of the interviews was to obtain information about the nature of the tenure, licence, or private land holding and potential impacts of the Project on their business or other interests. An assessment of Project effects on land, water, and resource use is presented in Chapter 18 of the Application/EIS. Chapter 18 includes maps depicting tenures and licences held within the land use study area as follows: range tenures (Figures 18.4-4 and 18.4-5), commercial recreation tenures (Figure 18.4-8), snowmobile cabins and potential pullout areas (Figure 18.4-9), and trapline tenures (Figure 18.4-10). Issues and concerns raised by interviewees are summarized and included in Section 3.7.2 and [Appendix 3-L](#).

YMI provided site tours for landowners and tenure and licence holders as follows:

- July 28, 2011: Landowner 1;
- August 9, 2012: Raft River Rock Hounds; and
- August 21, 2012: Range Tenure Holder.

3.7.1.6 *Tradeshows*

YMI sponsored and participated in the tradeshow at the Rural Living Expo Show held in Barriere, in both 2013 and 2014 (Table 3.7-3). YMI shared information on the Project with the public.

Table 3.7-3. Participation in Tradeshows

Date	Name of Conference/Event	Location	Description
April 27-28, 2013	Rural Living Expo Show	Barriere, BC	Tradeshow participant and sponsor
April 26, 2014	Rural Living Expo Show	Barriere, BC	Tradeshow participant and sponsor

3.7.1.7 *Community Investments*

YMI has provided two annual scholarships to Barriere and Clearwater High Schools since 2011 and in 2014 started to provide two scholarships to Chase High School for post-secondary education in trades and environmental studies.

3.7.1.8 *Website*

YMI has a website with a dedicated page for the Harper Creek Project (found at <http://www.yellowheadmining.com/s/HarperCreekProject.asp>). Technical reports, maps, and photos are available.

3.7.2 **Issues Raised by the Public and Responses**

[Appendix 3-L](#) summarizes the issues that have been raised by tenure and licence holders, landowners, local government, and the public (until July 31, 2014) and YMI's responses to address those issues. The issues identified in [Appendix 3-L](#) were compiled from Open Houses, and in meetings and correspondence with YMI. Issues raised by agencies on the draft AIR have been tracked separately (YMI 2011b).

To date, the public has raised issues in the following general areas:

- access and transportation;
- closure and reclamation;
- employment, training, and economic opportunities;
- fish and fish habitat;
- hydrology;
- infrastructure and services;
- land use;
- Project design;
- socio-economic;
- terrestrial ecosystems and vegetation;
- visual quality;
- water quality and aquatic resources; and
- wildlife and wildlife habitat.

3.7.3 Proposed Plan for Consultation with the Public during the Application/EIS Review

Once the Application/EIS is accepted for formal review, public comment periods will be held by the BC EAO and CEA Agency. The full Application/EIS will be viewable on the BC EAO's public registry, the e-PIC website. In accordance with section 15 of the section 11 Order and CEA Agency requirements, YMI will undertake the following activities:

- advertise open houses and the public comment period a minimum of seven days in advance, using local media in compliance with the requirements of the BC EAO;
- hold an open house in Clearwater, BC within 60 days of the formal review commencing, or as directed by the BC EAO and CEA Agency, to present the information contained in the Application/EIS, obtain public feedback, and to answer questions;
- within time limits set by the BC EAO and CEA Agency, respond to issues that are identified in comments submitted by the public during the formal public comment period for review of the Application/EIS;
- by mutual agreement, arrange meetings with stakeholders, including license and tenure holders, landowners and recreational users, to present information contained in the Application/EIS, obtain feedback from such stakeholders, and to answer questions;
- where requested, and within any time limits set by the BC EAO and CEA Agency, provide additional information to that provided in the Application/EIS;
- by mutual agreement, arrange meetings or other means of engaging with identified public interests groups to resolve outstanding issues related to the Project;
- provide the BC EAO with a report on the results of public consultation activities, identifying issues and concerns raised by the public with respect to Project and how these will be addressed; and
- implement additional measures for engagement as required by the BC EAO and Agency.

Based on issues and concerns raised the public and stakeholders during the Application/EIS review stage, and based on guidance from the BC EAO and CEA Agency, YMI will consider other measures to respond to issues and concerns raised by the public and stakeholders as necessary.

REFERENCES

1992. *Canadian Environmental Assessment Act* SC. C. 37.
2002. *Environmental Assessment Act*, RSBC. C. 43.
- Public Consultation Policy Regulation, B.C. Reg. 373/2002.
- BC EAO. 2010. *Proponent Guide for Providing First Nation Consultation Information (Non-Treaty First Nations)*. http://www.eao.gov.bc.ca/pdf/EAO_Guidelines_FN_Consultation-Non_Treaty_Nations.pdf (accessed January 2013).
- BC EAO. 2011a. *Approved Application Information of Requirements dated October 21, 2011 for the proposed Harper Creek Mine Project*.
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1324486256257_52f0eacc11967dc2f94835822071af1c135a39a7fafb7a9c9345318e1c23535e.pdf (accessed October 2014).
- BC EAO. 2011b. *Harper Creek Copper-Gold-Silver Project: Application Information Requirements*. For Yellowhead Mining Inc.'s Application for an Environmental Assessment Certificate.
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1324486256257_52f0eacc11967dc2f94835822071af1c135a39a7fafb7a9c9345318e1c23535e.pdf (accessed July 2014).
- BC EAO. 2011c. *Order under Section 11: Harper Creek Project*.
http://a100.gov.bc.ca/appsdata/epic/html/deploy/epic_document_333_31532.html (accessed July 2014).
- BC EAO. 2012. *Order under Section 13 Amending Section 11 Order: Harper Creek Project*.
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1350327280388_38885219ef93c341c788ae12f6e4adaa580f1d4ffc496a1b497c014350ebce67.pdf (accessed July 2014).
- BC EAO. 2013a. *Guide to Involving Proponents when Consulting First Nations in the Environmental Assessment Process* http://www.eao.gov.bc.ca/pdf/EAO_Proponent_Guide_Dec2013.pdf (accessed July 2014).
- BC EAO. 2013b. *Letter dated May 16/13 from Gerry Hamblin (EAO) to Charlene Higgins (Yellowhead Mining Inc.) regarding Public Consultation for the proposed Harper Creek Copper-Gold-Silver Mine Project*.
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1368816793722_c954abf70553ee12a437c49792b76f2e21236fce31821c4779b988d85e18dafa.pdf (accessed July 2014).
- BC EAO. 2013c. *Table of Concordance dated April 16/13 regarding the proposed Harper Creek Copper-Gold-Silver Mine Project*.
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1368820297769_c954abf70553ee12a437c49792b76f2e21236fce31821c4779b988d85e18dafa.pdf (accessed July 2014).
- CEA Agency. 2011. *Background Information for the Initial Federal Public Comment Period*
<http://www.ceaa-acee.gc.ca/050/documents/49858/49858E.pdf> (accessed July 2014).
- Indian Claims Commission. 2008. *Neskonlith, Adams Lake, and Little Shuswap Indian Bands: Neskonlith Douglas Reserve Inquiry*.

- Public Comment. 2011. *Public Comments for Harper Creek Copper-Gold Silver Mine Project, May 31, 2011- June 30, 2011.*
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1309794116879_bcd6a5ee3edf6073823ba3866376cd545e0b6f21f5681b10a52a558f6ba28822.pdf (accessed October 2014).
- SFN. 2010. *Figure 1: SFN Traditional Territory in Traditional Land Use & Ecological Knowledge Study (2012).* Prepared for Yellowhead Mining Inc. (accessed October 2014).
- Shuswap Cultural Education Society. 2007.
- Teit, J. 1909. The Shuswap. In *The Jesup North Pacific Expedition, Volume II, Ethnology and Archaeology of Southern British Columbia and Washington*. Ed. F. Boas. New York: American Museum of Natural History.
- YMI. 2011a. *Harper Creek Copper-Cold-Silver Project: Updated Project Description:*
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1295903690301_5aa204813a3a28bbaad434d7890ebbdd62ee07f028154720b0c5f52e258d5011.pdf (accessed October 2014).
- YMI. 2011b. *Agencies, First Nations, and Public Issues and Comments Tracking Table.*
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1320259126371_1373f63c346643cf61698f7d62fcb13293eea6fb387e6f70a333b60df6cd0381.pdf (accessed September 2014).
- YMI. 2011c. *Public Issues and Comments Tracking Table.*
http://a100.gov.bc.ca/appsdata/epic/documents/p333/1311615346668_be0e921cf4fecfb35eb6976cad57f3dcc319bfd543b856f0e69ac67884ebfd7.pdf (accessed October 2014).