

**From:** Alice Jung [alice@mandellpinder.com]  
**Sent:** Friday, April 30, 2010 3:02 PM  
**To:** Spagnuolo, Colette [CEAA]  
**Cc:** bruce@mandellpinder.com  
**Subject:** Further Evidence from Canoe Creek Indian Band

**Importance:** High

**Attachments:** Tulsequah Chief Mine EAC M02-01.pdf; BC Treaty Commission Background on Fishing.pdf; Canoe Creek - Draft Provincial Consultation Process.pdf; Canoe Creek Federal EIS GAP Analysis October 2008.pdf; Canoe Creek Provincial TOR GAP Analysis August 2008.pdf; Correspondence Re Economic Accommodation.pdf; Correspondence Re Provincial Policy for Consultation.pdf; Correspondence Re Taseko's Position on EA Review.pdf; Melvin Creek - Cayoosh Mtn Resort EAC T00-01.pdf

Good afternoon Ms. Colette Spagnuolo,

Please see the attached copies of Canoe Creek Indian Band's filed evidence with the Federal Review Panel regarding the above-noted matter.

Sincerely,

Alice Jung,

Assistant to Bruce Stadfeld

(File No. 016-00.3)

<<Tulsequah Chief Mine EAC M02-01.pdf>> <<BC Treaty Commission Background on Fishing.pdf>>  
<<Canoe Creek - Draft Provincial Consultation Process.pdf>> <<Canoe Creek Federal EIS GAP  
Analysis October 2008.pdf>> <<Canoe Creek Provincial TOR GAP Analysis August 2008.pdf>>  
<<Correspondence Re Economic Accommodation.pdf>> <<Correspondence Re Provincial Policy for  
Consultation.pdf>> <<Correspondence Re Taseko's Position on EA Review.pdf>> <<Melvin Creek -  
Cayoosh Mtn Resort EAC T00-01.pdf>>



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## About Us

The Treaty Commission is the independent and neutral body responsible for facilitating treaty negotiations among the governments of Canada, BC and First Nations in BC. The Treaty Commission does not negotiate treaties-that is done by the three parties at each negotiation table.

The Treaty Commission and the treaty process were established in 1992 by agreement among Canada, BC and the First Nations Summit. They are guided by those agreements and the 1991 Report of the BC Claims Task Force, which is the blueprint for the made-in-BC treaty process. The Treaty Commission and the six-stage treaty process were designed to advance negotiations and facilitate fair and durable treaties.

The Treaty Commission's primary role is to oversee the negotiation process to make sure that the parties are being effective and making progress in negotiations. In carrying out the recommendations of the BC Claims Task Force, the Treaty Commission has three roles: facilitation, funding and public information and education.

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## Fishing

### Integral to First Nations' Culture

First Nations have for thousands of years sustained vibrant and rich cultural identities profoundly linked to BC's land and waters. It is said that the Nisga'a, people of the mighty river, are so connected to fish that their bones are made of salmon. Living in balance with the land and the water is an integral part of First Nations' cultures, and fishing is regulated by long-standing cultural laws around conservation and preservation for future generations.

### Commercial Fishing in BC: A History

Long before there was an official commercial fishery in British Columbia, First Nations had been trading fish among themselves and with European settlers. As commercial fishing evolved, aboriginal people had less and less access to fish as a means of maintaining their livelihoods.

The aboriginal food fishery was created in the 1880s to regulate and limit aboriginal fishing and to allow the expansion of a commercial fishery. In 1889, The Federal Department of Fisheries limited the number of licences on the Fraser River to 450; of these 350 were issued to cannery-owned boats and 100 went to independent fishers. In 1892, the chief of the Musqueam Nation testified before the British Columbia Fisheries Commission about his people's trouble obtaining independent fishing licences. Ten Musqueam people had obtained licences; the rest had access to the commercial fishery only by working for low wages for European-owned canneries.

While aboriginal people had limited access to the commercial fishery, access to fish for food was also curtailed. In 1894, Fisheries regulations were amended to require First Nations to obtain permission from the inspector of fisheries to fish for food. For \$1, a non-aboriginal person could obtain a domestic licence, which allowed the same right to fish for food as an aboriginal person — without seeking 'permission'.

The domination of the commercial fishery by non-aboriginal interests persisted and, until recently, fisheries policies continued to limit aboriginal people's access.

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## Fairness in the Commercial Fishing Industry

Concerns have been raised that there will be job losses and economic decline among non-aboriginal fishers and supporting industries — that treaties will take away part of somebody else's livelihood.

Treaty negotiations strive to find a balance between providing First Nations with a greater role in the management and commercial use of fish, while protecting the interests of non-aboriginal fishers. Aboriginal and non-aboriginal fisheries co-exist and will continue to do so.

For example, the Nisga'a Treaty and Harvest Agreement sets out an annual allocation of salmon comprising, on average, approximately 26 per cent of the Canadian Nass River total allowable catch. This right is subject to conservation and allocations may be reduced if stock is not available in a given year.

Establishing access to the commercial fishery as part of treaty negotiations is really about recognizing that fish is not only an integral part of First Nations' culture, but also a critical part of restoring economic self-sufficiency.

## Managing the Fish Resource

For First Nations, fishing goes hand-in-hand with responsible and sustainable environmental stewardship, so participating in how this resource is managed is critical. Treaties may include provisions for First Nations to be involved in aquatic management planning, somewhat similar to land use planning processes currently underway. For example, the Nisga'a treaty established a Joint Fisheries Management Committee (JFMC) to facilitate the cooperative planning and conduct of Nisga'a fisheries and enhancement activities.

## Fish and the Law

Canadian courts did not create the aboriginal right to fish; they simply recognized that it was never extinguished and continues to exist.

The Supreme Court of Canada's decision in Sparrow was a major turning point for aboriginal rights, and specifically aboriginal fishing rights. In this case, the Musqueam Nation was asserting an aboriginal right to fish; the Government of Canada argued that First Nations had only those rights granted by the Fisheries Act and regulations. The court ruled that aboriginal rights could only be taken away by clear and explicit legislation, and the Fisheries Act had never extinguished aboriginal or treaty rights.

Sparrow defined aboriginal people's right to fish for food, social and ceremonial purposes — a right that takes priority over all other uses of the fishery except conservation.

Responding to Sparrow, the Aboriginal Fishing Strategy was launched in 1992 to recognize the aboriginal right to fish. The strategy applies where the Department of Fisheries and Oceans manages the fishery and where treaties or other agreements are not already in place.

The Supreme Court of Canada's 1999 decision in the Marshall case further defined the aboriginal right to fish. Donald Marshall, a New Brunswick Mi'kmaq convicted in 1996 for illegally catching and selling eels, appealed to the Supreme Court. The Supreme Court overturned the conviction and ruled that aboriginal people in the Maritimes affected by a 1760 treaty with the British have access to fish and wildlife to provide a moderate livelihood for such basics as food, clothing, housing and a few amenities.

**CANOE CREEK ASSESSMENT AND CONSULTATION PROCESS  
RESPECTING PROPOSED PROSPERITY PROJECT  
(the “Project”)**

**Background**

1. The proposed Project is a gold-copper mine located 125 kilometres south-west of Williams Lake, with an estimated 222,360 to 376,000 ounces of gold and up to 156,000 pounds of copper per year. Associated undertakings include a transmission line (the “Transmission Line”). Assessment of the Project began in the 1990s, and then stopped in 1998.
2. The majority of the Transmission Line is within the Territory of the Canoe Creek Band (“Canoe Creek”). Canoe Creek also have concerns related to infringements to their Aboriginal Title and Rights from the mine’s operations.
3. The Crown must meaningfully consult with and accommodate Canoe Creek prior to making decisions respecting the Project. British Columbia, and Canoe Creek wish to identify and enter into such a process of meaningful consultation.
4. This process has been designed to facilitate meaningful consultation between British Columbia and Canoe Creek.

<b>Stage 1: Canoe Creek Gap Analysis and Information Gathering for purposes of Preliminary Assessment</b>
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**Purpose:**

- Gather the required information necessary for Canoe Creek input into the finalization of the Draft Terms of Reference (“TOR”).
- Begin gathering the information necessary to inform meaningful consultation between Canoe Creek and the Province concerning the Project, and in particular, Canoe Creek traditional knowledge, occupation and use information.

**Timeline:**

- TBD

**Actions:**

- Canoe Creek to complete gap analysis of the TOR, and outline additional studies and information required, and any other recommended changes.
- Canoe Creek to complete Traditional Knowledge Study based on Work Plan (Appendix “A”).
- Canoe Creek to participate in, and provide input to, Technical Working Group meetings concerning the TOR.
- Canoe Creek and the Province to meet directly, on a government-to-government basis, as appropriate, to resolving differences with respects the draft TOR.

**Deliverables:**

Canoe Creek Preliminary Report detailing:

- (a) Modifications to draft TOR.
- (b) Information gathered in Traditional Knowledge Study.
- (c) Analysis of proponent’s study plan, and outline of additional required studies.
- (d) Canoe Creek Study Work Plan.
- (e) Preliminary list of issues to be addressed through meaningful consultation and accommodation.

**Requirements:**

- Preliminary Report must be complete prior to finalization of TOR.
- Through the Technical Working Group, and direct government-to-government discussions, all interested parties, including Canoe Creek, will seek consensus on the TOR.

<b>Stage 2: Canoe Creek Participation in Environmental Assessment and Consultation and Accommodation Discussions Between British Columbia and Canoe Creek</b>
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**Purpose:**

- Completion of Canoe Creek studies and information gathering.
- Engage in meaningful consultation and accommodation discussions.

**Timeline:**

- TBD

**Actions:**

- Canoe Creek will complete studies on the Canoe Creek Study Work Plan.
- Based on Preliminary Report, British Columbia and Canoe Creek will begin government-to-government discussions concerning the Project. Discussions may include issues that are beyond the scope of the TOR and, as required, will include the participation of representatives of additional Crown Ministries beyond the Provincial EAO. Discussions will be informed by ongoing information gathered and will include discussion of accommodation, and other agreements.
- Proponent will be invited to participate in the discussions as British Columbia and Canoe Creek agree.

**Deliverables:**

- Discussions towards accommodation and other agreements.
- Canoe Creek completion of studies.



<b>Stage 3: Preparation of Canoe Creek Project Assessment</b>
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**Purpose:**

- Completion of Canoe Creek Project Assessment Report.

**Timeline:**

- TBD

**Actions:**

- Canoe Creek will complete its draft Project Assessment Report based on completion of Canoe Creek studies, review of Project Application, and progress of government-to-government discussions.
- The Report will include Canoe Creek’s position regarding:
  - adequacy of studies and technical information gathered;
  - impacts and benefits of the Project for Canoe Creek, including infringements to Aboriginal Title, Rights and interests;
  - the adequacy of potential accommodation measures; and
  - issues which remain outstanding and must be addressed.

**Deliverables:**

- Canoe Creek review of Application.
- Canoe Creek participation in Technical Working Group.
- Ongoing government-to-government discussions.
- Completion of Canoe Creek draft Project Assessment Report for tabling with British Columbia.

<b>Stage 4: Review and Discuss Project Assessment Report and Outstanding Issues</b>
---

**Purpose:**

- Finalize Canoe Creek Project Assessment Report.
- Parties review Project Assessment Report, and discuss and address outstanding issues in those reports.
- Attempt to finalize accommodation agreement(s).
- Consult concerning the final decisions to be made by the responsible Provincial Minister and Canoe Creek.

**Timeline:**

- Prior to British Columbia or Canoe Creek making their respective decisions concerning the Project.

**Actions:**

- Parties attempt to resolve outstanding issues, if any, as identified through the final Canoe Creek Project Assessment Report.
- British Columbia and Canoe Creek make their final decisions concerning the Project.

**Deliverables:**

- If possible, agreements will be finalized.
- If no common way forward is agreed to, British Columbia and Canoe Creek will state their positions and differences in writing.



December 9, 2008

Mandell Pinder  
422 - 1080 Mainland Street  
Vancouver BC V6B 2T4

Attention: **Bruce Stadfeld**  
Barrister & Solicitor

Dear Mr. Stadfeld,

**Re: Canoe Creek question to Garry Alexander**

EAO has asked us to provide you with its response to a question which you raised during your meeting with Garry Alexander on December 2, 2008. It is our understanding that you informed Mr Alexander of your view that the Province is obligated to negotiate and ultimately make a monetary payment to your client in order to accommodate your client's concerns about the proposed transmission line connecting the Prosperity Mine project with the existing Dog Creek substation, and that this process must take place prior to a decision by ministers as to the issuance of an environmental assessment certificate. You asked Mr Alexander to comment on when and how this payment would be negotiated and implemented.

In response, EAO has asked us to advise you that, although it is unclear whether the proposition you have stated is based on your analysis of case law or is based on other considerations, EAO does not share the view that the Province's duties in this matter necessitate the payment of money as an "accommodation" of your client's concerns or as part of the honour of the Crown.

Yours truly,

Brian Dorrian  
Solicitor, Aboriginal Law Group  
Ministry of Attorney General

Cc: Garry Alexander  
Director, Strategic Policy and Planning  
Environmental Assessment Office

Ministry of  
Attorney General

Legal Services Branch  
Aboriginal Law

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4<sup>th</sup> Floor, 1405 Douglas Street  
Victoria BC

M. LOUISE MANDELL, Q.C.\*† CLARINE OSTROVE\*  
BRENDA GAERTNER\* MARY LOCKE MACAULAY††  
TIMOTHY HOWARD ROSHAN DANESH  
CHERYL SHARVIT JANELLE DWYER\*  
DOUGLAS WHITE BRUCE STADFELD  
DEBORAH JEFFREY

\* Personal Law Corporation  
† Also of the Alberta Bar  
†† Also of the Ontario Bar

December 9, 2008

Via Email [Brian.Dorrian@gov.bc.ca](mailto:Brian.Dorrian@gov.bc.ca)

Aboriginal Law Group, Legal Services Branch  
Ministry of Attorney General  
4th Floor – 1405 Douglas Street  
PO Box 9220 Stn Prov Govt  
Victoria, BC V8W 9J1

**Attention: Brian Dorrian**

Dear Sir:

**Re: Taseko Project**

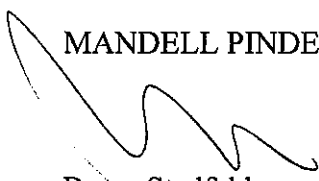
Contrary to your letter of December 9, 2008, the discussion at the December 2, 2008 meeting between Canoe Creek and the EAO regarding accommodation for infringement of Canoe Creek's Aboriginal title and rights was not focused on the issue of monetary compensation.

The question Mr. Alexander undertook to answer at a later date was whether or not he has a mandate to negotiate accommodation, not simply mitigation, on behalf of the Crown as part of government-to-government consultation. As you know, accommodation may take various forms, including, but not limited to, compensation. Canoe Creek would appreciate an answer to this question at your client's earliest convenience.

We are also still waiting for a response to our letter to you of October 17, 2008 regarding Canoe Creek's suggested revisions to the draft section 14 order. As mentioned to Mr. Alexander at the December 2nd meeting, Canoe Creek is concerned that the provincial environmental assessment review is proceeding under an inadequate section 14 which the EAO has committed to amending if necessary.

Yours truly,

MANDELL PINDER

  
Bruce Stadfeld  
Barrister & Solicitor

BS/tw



December 10, 2008

Mandell Pinder  
422 - 1080 Mainland Street  
Vancouver BC V6B 2T4

**Attention: Bruce Stadfeld  
Barrister & Solicitor**

Dear Mr. Stadfeld,

**Re: Canoe Creek question to Garry Alexander**

You have asked for a response to the question: "What are the scope and limits of the EAO's authority to negotiate accommodation that may be required due to infringement of Canoe Creek's recognized and unrecognized title and rights?" EAO has instructed me to respond as follows.

As you know, the test for accommodation under *Halda* and *Taku* is an interim one. It arises in the context of asserted but not yet proven or established aboriginal rights. As such, I will respond to the question concerning accommodation as it applies in that context. It is not necessary for a First Nation to prove "infringement" for the legal duties to arise, even though I note that that is the term you have used.

EAO engages in extensive negotiations and discussions regarding accommodation measures in the course of an environmental assessment. These accommodation measures can include significant changes to proponents' plans respecting a proposed project, as well numerous and wide-ranging commitments from proponents (made enforceable as certificate conditions where a certificate is issued). Based on due consideration of First Nations' interests, as well as those of the public and governmental agencies, many proposed projects do not proceed as originally planned, and in some cases do not proceed at all. Further, even where a certificate is ultimately issued, it is not uncommon for that certificate to have in the order of one hundred or more substantial commitments to address concerns of First Nations, the public and government agencies. These can include long-term funding for studies, adaptive management strategies, mitigation measures and other things.

To the extent that your inquiry relates to the question of whether EAO is prepared to negotiate monetary payment as accommodation in respect of decision-making under the *Environmental Assessment Act*, I can advise as follows. EAO is not aware of any court ever having ordered economic payment as "accommodation" in the environmental assessment context or otherwise, and EAO does do not engage in such negotiations as part of the environmental assessment process and related First Nation consultation. If and to the extent EAO ever were to conclude, based on applicable legal principles, that financial payment is required as accommodation in order to fulfill the

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4<sup>th</sup> Floor, 1405 Douglas Street  
Victoria BC

Crown's duties in respect of a decision, EAO would so advise the minister and involve other agencies if and as appropriate (recognizing that other agencies also make subsequent decisions respecting projects). This is a separate question from whether other agencies may choose to negotiate some form of economic benefit for First Nations in connection with a proposed project, irrespective of legal requirements.

Yours truly,



Brian Dorrian  
Solicitor, Aboriginal Law Group  
Ministry of Attorney General

Cc: Garry Alexander  
Director, Strategic Policy and Planning  
Environmental Assessment Office

M. LOUISE MANDELL, Q.C.**	CLARINE OSTROVE*
BRENDA GAERTNER*	MARY LOCKE MACAULAY††
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DEBORAH JEFFREY	

\* Personal Law Corporation  
† Also of the Alberta Bar  
†† Also of the Ontario Bar

December 23, 2008

**Via Fax (250) 387-6597**

Aboriginal Law Group, Legal Services Branch  
Ministry of Attorney General  
4th Floor – 1405 Douglas Street  
PO Box 9220 Stn. Prov. Govt.  
Victoria, BC V8W 9J1

**Attention: Brian Dorrian**

Dear Sir:

**Re: Proposed Taseko Project**

Thank you for your letter of December 10, 2008.

Contrary to the implications in your letter, we are unaware of any proponent having been denied an environmental assessment certificate based on First Nation concerns.

We understand from your letter that it is the EAO's view that any accommodation of adverse effects on Aboriginal title and rights through the provincial environmental assessment process is limited to measures which are the proper subject of an environmental assessment certificate.

We also understand from your letter that the EAO is not prepared to (and in fact never has) recognized the economic component in accommodating Aboriginal title and rights. Contrary to your assertions, the EAO's position is not supported by the case law. Specifically, we refer you to Madam Justice Nielson's recent decision in *Gitanyow*.

Yours truly,

MANDELL PINDER



Bruce Stadfeld  
Barrister & Solicitor

BS/tw  
cc: Clients

C

**Bruce Stadfeld**

---

**From:** Dorrian, Brian J AG:EX [Brian.Dorrian@gov.bc.ca]  
**Sent:** December 15, 2008 2:16 PM  
**To:** Bruce Stadfeld  
**Subject:** Consultation Process

Bruce, I have been asked to respond to your inquiry by stating that the 2002 consultation policy is no longer current but that ministries are meeting their legal obligations in accordance with applicable law. Any further inquiries should be directed to Lynn Beak of the Ministry of Aboriginal Relations and Reconciliation.

*BRIAN DORRIAN*  
Solicitor, Aboriginal Law Group  
Ministry of Attorney General  
PO Box 9220, Str. Prov Gov't  
V8W 9J1  
*Telephone: 250.387.8044*  
*Facsimile: 250.356.8939*

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**From:** Bruce Stadfeld [mailto:bruce@mandellpinder.com]  
**Sent:** Monday, December 15, 2008 9:17 AM  
**To:** Dorrian, Brian J AG:EX  
**Subject:** Consultation Process

Hi Brian,

What is the status of the Provincial Policy for Consultation with First Nations (October, 2002) mentioned in *Haida*? Is it still operable? Has it been withdrawn or replaced?

Regards,

Bruce

Bruce Stadfeld, Ph.D.  
Barrister & Solicitor  
Mandell Pinder  
422 – 1080 Mainland Street  
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**FAX AND REGULAR MAIL**

March 2, 2008

*- Marilyn*  
*- Patrick*  
*File to: 017-22-02*

Tsilhqot'in National Government  
102-383 Oliver Street  
Williams Lake, BC. V2G 1M4  
Att: Crystal Verhaeghe

Xeni Gwet'in First Nations Government  
General Delivery  
Nemah Valley, BC. V0L 1X0  
Att: Chief Marilyn Baptiste

Canoe Creek Band  
General Delivery  
Dog Creek, BC. V0L 1J0  
Att: Chief Marilyn Camille

Anaham Indian Band  
Box 168  
Alexis Creek, BC. V0L 1A0  
Att: Chief Joe Alphonse

High Bar Indian Band  
PO Box 458  
Clinton, BC. V0K 1K0  
Att: Chief Lenora Fletcher

Toosey Indian Band  
General Delivery, PO Box 80  
Riske Creek, BC. V0L 1T0  
Att: Chief Francis Laceese

Williams Lake Indian Band  
2672 Indian Drive  
Williams Lake, BC. V2G 5K9  
Att: Chief Ann Louie

Esketemc First Nation  
PO Box 4479  
Williams Lake, BC. V2G 2V5  
Att: Chief Charlene Belleau

Ulkatcho Indian Band  
PO Box 3430  
Anahim Lake, BC. V0L 1C0  
Att: Chief Lynda Price

Soda Creek Band  
3405 Mountain House Road  
Williams Lake, BC. V2G 5L5  
Att: Chief Leonard Sellers

Over the many years of our work in the Cariboo-Chilcotin, Taseko Mines Limited (TML) has received numerous requests for funding assistance from First Nations in the area. We have provided funds when we felt it was appropriate to do so, or when we felt it would be beneficial to our various projects.

A recent example is when we paid in excess of \$900,000 over a two year period from mid 2006 to mid 2008 to the Tsilhqot'in National Government (TNG) for what was intended as capacity funding to participate in the Prosperity Environmental Assessment. During that same period, at the urging of the TNG, we undertook an extraordinary archaeological assessment of the project area at a cost approximately \$750,000. This amount was far in excess of what was required to satisfy our archaeology related obligations but we were

March 2, 2009Page 2 of 2

persuaded that it was important to gather this level of information for the TNG to enable a better understanding of the project.

We have been receiving further requests for funding from First Nations, including the TNG, over the past few months. It has become increasingly difficult to provide funding in response to those requests, yet we want to continue to assist where it is possible and practical.

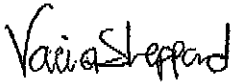
It is our intention to make further funds available, a total of \$75,000, to assist those First Nations who wish to participate in the Provincial environmental assessment review process for Prosperity. Meaningful participation by First Nations in the environmental assessment review process will increase knowledge and understanding of the project's potential benefits and impacts.

It is also our intention to ask the Provincial Government to direct us as to how these funds ought to be allocated to First Nations and we will take their direction.

Our hope is that once allocated, these funds do not end up being consumed by lawyers and consultants in efforts to merely oppose or duplicate the work already being undertaken by government regulators; otherwise the funds will provide no benefit to either First Nations or to the Prosperity project.

Sincerely,

TASEKO MINES LIMITED



Bob: Brian Battison  
Vice President, Corporate Affairs

Cc: Garry Alexander, Environmental Assessment Office



Taseko Mines Ltd.  
1020-800 West Pender Street  
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Canada

Tel: (604) 684-6365 Fax: (604) 639-9203

May 9, 2008

**VIA FACSIMILE & REGULAR MAIL**

Steve Burgess  
Acting Vice-President, Operations  
Canadian Environmental Assessment Agency  
22nd Floor, Place Bell  
160 Elgin Street  
Ottawa ON K1A 0H3  
Fax: 613-957-0862

Garry Alexander  
British Columbia Environmental Assessment Office  
1<sup>st</sup> Floor 836 Yates St  
PO Box 9426 Stn Prov Govt  
Victoria, BC V8W 9V1  
Fax: 250-356-6448

Dear Sirs;

I am unable to recommend to the President & CEO and ultimately the Board of Directors, that we move the Prosperity Project into the panel review process outlined in your letter to Chief Marilyn Baptiste, Tsilhqot'in National Government, dated April 16, 2008.

The reasons are as follows:

1. The proposed process puts the future of a billion dollar mine in the hands of 3 unelected, unaccountable individuals. Our company assets cannot be subjected to that degree of risk. Decisions of this magnitude should rest solely with the elected Government Officials -- Provincial and Federal. Elected Officials should be able to make an unfettered final decision on whether or not the project proceeds.
2. Under the proposed process, third party influence will jeopardize the delivery of an unbiased examination of the Project.
3. The proposed process places an excessive emphasis on consideration of established or asserted Aboriginal rights or title within the scope of environmental assessment. Such matters should be dealt with elsewhere, outside the scope of environmental assessment.
4. The proposal does not signal a determined effort to ensure a time limited review. Nor does the proposal stipulate timelines or provide a mechanism to ensure

May 9, 2008

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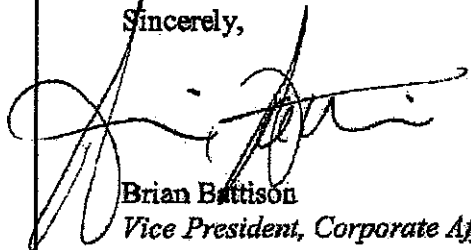
Federal Regulators perform their duties in a timely and efficient manner. Traditionally, while Provincial Officials/Regulators are governed by regulated timelines their Federal counterparts are not.

5. The proposal fails to specifically mention the fundamental principle that the review of our project will be based upon the work completed thus far – Project Report Specifications for Taseko Mines Ltd Prosperity Gold-Copper Project – approved under the former British Columbia *Environmental Assessment Act*.

There are positive aspects to the proposal, specifically the existence of the Draft Consultation Protocol Agreement, the inclusion of a dispute resolution mechanism and the ability for the panel to hold "set-aside" technical hearings, and the provision for parallel discussions among the TNG, Canada and British Columbia.

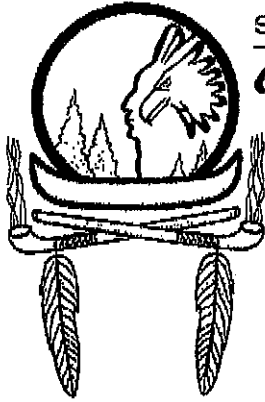
Whether the Project is able to move forward is dependent on the Federal and Provincial Government. The choices are limited as we see it. One option is for you to suggest a new process, one that ensures a level playing field of assessment, where the full impact of this Project will be considered -- economic, social and environmental.

Sincerely,



Brian Battison  
*Vice President, Corporate Affairs*

**Cc:** Robin Junger, Associate Deputy Minister  
Peter Sylvester, President, Canadian Environmental Assessment Agency  
Loretta Williams, Mining Coordinator, Tsilhqot'in National Government  
Chief Marilyn Baptiste, Xenl Gwet'in First Nation  
Chief Ervin Charleyboy, Alexis Creek Indian Band  
Chief Doris Baptiste, Alexandria First Nation  
Chief Frances Laccese, TPesqox (Tooscy Indian Band)  
Chief Ivor D. Myers, Yunesit'in Government (Stone River Band)  
Peter Delaney, Fisheries and Oceans Canada  
Derek Nishimura, Transport Canada  
Andrew Thrift, Natural Resources Canada  
Heather Mahony, Woodward and Company  
Russ Hallbauer, President and CEO, Taseko Mines Limited



Stswecem'c Xgat'tem

*Canoe Creek Band*

September 16, 2008

Environmental Assessment Office  
 P.O. Box 9426 Stn Prov Govt  
 Victoria, B.C. V8W 9V1

Attention: **Garry Alexander**  
**Project Assessment Director**

Dear Mr. Alexander:

Thank you for sending us a copy of your August 1, 2008 letter to Mr. Brian Bratison of Taseko Mines. Your letter describes the Province's intention to delegate part of its obligations to consult and accommodate with Canoe Creek regarding the Prosperity project to Taseko. Canoe Creek has serious concerns that Taseko is neither willing or serious about shouldering these responsibilities.

Your letter states that Taseko is supposed to work with Canoe Creek and other First Nations to gather information the Crown needs to assess the impact of the Project on our Aboriginal title and rights and to discuss ways of avoiding or minimizing these impacts. I would like to draw your attention to Taseko's letter to you of May 9, 2008 where it states at point number 3 on the first page that in Taseko's view a proposed joint review panel process places excessive emphasis on the consideration of Aboriginal title and rights as part of an environmental assessment. And, importantly, Taseko stated that its position was that a consideration of Aboriginal title and rights should be dealt with elsewhere outside of the scope of the environmental assessment. Considering Taseko's devaluing of the importance of our title and rights I am surprised that the Province would delegate these important responsibilities to Taseko.

CANOE CREEK BAND • Phone 250-440-5645 • Fax 250-440-5679 TREATY OFFICE • Phone 250-440-5648 • Fax 250-440-5672

HEALTH DEPARTMENT

CANOE CREEK • Phone 250-459-7749 • Fax 250-459-7793 DOG CREEK • Phone 250-440-5822 • Fax 250-440-5866

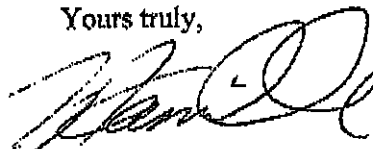
GENERAL DELIVERY, DOG CREEK, BRITISH COLUMBIA CANADA VOL 1J0

Also, although your letter to Taseko was dated August 1st and Taseko plans to file its application in the near future, as Taseko confirmed during the Technical Working Group meeting held on September 3rd, it has done nothing towards developing a consultation process with Canoe Creek. To us, this is another example of Taseko's lack of commitment to seriously consulting with us.

In your letter you state that the responsibilities the Province has delegated to Taseko are a key part of the Province's efforts to honourably and in good faith discharge its duty to consult. Based on Taseko's statements and lack of commitment Canoe Creek requests that the Province reconsider its reliance on Taseko to discharge its legal obligations.

I hope to hear from you soon regarding this very important issue.

Yours truly,



Chief Marilyn Camille

cc: Brian Battison, Vice President, Taseko Mines Ltd, (778) 373-4534  
Chief Charlene Belleau, Esketemo First Nation (250) 440-5721  
Chief Marilyn Baptiste, Xeni Gwet'in First Nations Government, (250) 394-7043  
Steve Burgees, Vice President of Operations, CEAA (613) 957-0862  
Mandell Pinder

**IN THE MATTER OF  
THE *ENVIRONMENTAL ASSESSMENT ACT*, RSBC 1996, c. 119 (the Act)**

**AND**

**AN APPLICATION FOR A PROJECT APPROVAL CERTIFICATE BY  
NGR RESORT CONSULTANTS INC. (NGR)**

**FOR THE**

**MELVIN CREEK/CAYOOSH MOUNTAIN RESORT PROJECT (the Project),  
LOCATED IN THE MELVIN CREEK VALLEY, BRITISH COLUMBIA**

**PROJECT APPROVAL CERTIFICATE T00-01**

**Whereas,**

A. Under cover of a letter dated November 7, 1996, NGR submitted to the Executive Director of the Environmental Assessment Office (the Executive Director) an application (the Application) for a Project Approval Certificate (the Certificate) under the Act for the Project, and under cover of a letter dated July 9, 1999, NGR submitted to the Executive Director a project report (the Project Report) for the Project.

B. The Project will be a four-season destination mountain resort, and includes:

- ski runs, a system of 13 ski lifts plus ski school lift, ski villages with commercial and private residential accommodation, recreational trails and a golf course;
- on-site infrastructural facilities, including a road system, water supply system, waste disposal system and energy generation and distribution system; and
- an access road from Highway #99 to the ski villages and related facilities.

C. The Melvin Creek/Cayoosh Project Committee (the Project Committee) was established pursuant to section 9 of the Act to review the Application and Project Report and make recommendations to the Executive Director. The Project Committee consisted of representatives of federal, provincial and local governments.

D.



The Executive Director, in consultation with the Project Committee, has determined that the distribution of information and consultation in relation to the Project was adequate.

E.

The Project Committee reviewed the documents listed in Schedule A to this Certificate (Schedule A) in assessing the potential environmental, economic, social, cultural, heritage and health effects of the Project.

F.

The Project Committee reported on the potential effects of the Project in a report entitled "Report and Recommendations of the Melvin Creek/Cayoosh Project Committee with Respect to the Issuance of a Project Approval Certificate under the *Environmental Assessment Act* and Fulfilling the Requirements of a Screening Report under the *Canadian Environmental Assessment Act*" (the Committee Report).

G.

The Project Committee, as reported in the Committee Report, has recommended approval of the Application and issuance of this Certificate subject to certain conditions, and has given reasons for that recommendation.

H.

The Executive Director has consulted with the Project Committee and referred the Application, the Project Report and the Committee Report to the Minister of Environment, Lands and Parks (the Minister) and the Minister of Employment and Investment (the Responsible Minister).

I.

The Minister and the Responsible Minister have considered the Application, the Project Report and the Committee Report.

**Now therefore,**

The Minister, with the concurrence of the Responsible Minister, pursuant to section 30(1)(b)(i) of the Act, hereby issues this Certificate to NGR subject to the following conditions (the Conditions):

**A. Conditions**

1. NGR must cause the Project to be designed, located, constructed and operated in accordance with the Conditions of this Certificate, the documents and correspondence listed in Schedule A, and the commitments of NGR listed in Schedule B, and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
2. Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and this Certificate, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.

Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the commitments listed in Schedule B, Condition 1 must be interpreted so that the commitments in Schedule B will vary, repeal, rescind or supersede, as the case may be, the contents of documents listed in Schedule A.

4.

Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A or any of the commitments listed in Schedule B and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A and the commitments listed in Schedule B.

5.

(1). Despite Condition 1 above, if, prior to the initiation of ongoing full-scale commercial operation of the first ski lift to be operated on a commercial basis at the Project, NGR proposes a change to the design, location, construction or operation of the Project as described in the documents listed in Schedule A, and the change may have the potential for significant adverse effects, then NGR must provide the Executive Director with:

- (a) reasonable prior written notice of the proposed change; and
- (b) plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.

5(2). Where the Executive Director, following receipt of and evaluation of information with respect to an item under Condition 5(1), and in consultation with the appropriate authorities, considers that the proposed change does not have the potential to cause significant adverse effects, the Executive Director may approve the change to the Project and amend this Certificate.

5(3). Where the Executive Director, following receipt of and evaluation of information with respect to an item under Condition 5(1), and in consultation with the appropriate authorities, considers that the proposed change could cause significant adverse effects, the Executive Director may:

- (a) establish a review process for an effective assessment of the potential effects of the change and cause it to be conducted;
- (b) on conclusion of the review process, make a recommendation to the Minister and the Responsible Minister regarding the proposed change to the Project; and
- (c) on receipt of the recommendation of the Executive Director, the Minister and the Responsible Minister may approve the change to the Project and amend this Certificate.

6.

This Certificate is of no force or effect until validly executed by NGR and signed by the Minister and the Responsible Minister.

7(1).

This Certificate does not constitute a permit, licence, approval or any other authority required under any

other enactment.

7(2).

NGR must comply with all applicable orders, directions and conditions, and obtain and comply with all applicable tenures, licences, regulations, approvals, standards and permits, or other authorities, which may include or result from, but are not necessarily limited to, the following provincial enactments:

- the *Environmental Assessment Reviewable Projects Regulation*, B.C. Reg. 275/95;
- *Commercial Transport Act*, RSBC 1996, c. 58;
- *Electrical Safety Act*, RSBC 1996, c. 109 and B.C. Regulation 542/75;
- *Fish Protection Act*; SBC 1997, c.21;
- *Forest Act*, RSBC, 1996, c.157;
- *Forest Practices Code of British Columbia Act*, RSBC 1996, c.159;
- *Health Act*, RSBC 1996, c. 179;
- *Heritage Conservation Act*, RSBC 1996, c. 187;
- *Highway Act*, RSBC 1996, c. 188;
- *Land Act*, RSBC, 1996, c. 245;
- *Mines Act*, RSBC 1996, c. 293;
- *Municipal Act*, RSBC 1996, c.323;
- *Pesticide Control Act*, RSBC 1996, c.360;
- *Transport of Dangerous Goods Act*, RSBC 1996, c. 458;
- *Utilities Commission Act*, RSBC 1996, c. 473;
- *Waste Management Act*, RSBC 1996, c. 482; and
- *Water Act*, RSBC 1996, c. 483.

8.

NGR must, except in connection with granting security to Project lenders or other financing entities or financing facilities, obtain the written consent

of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:

- (a) this Certificate, or any right, title or interest conferred by this Certificate, or
- (b) the Project.

9.

NGR must, in the reasonable opinion of the Minister, have substantially started the Project by commencing the construction of the Project within 5 years of the issue date of this Certificate.

## **B. Suspension and Cancellation of Certificate**

This Certificate may be subject to cancellation, suspension in whole or in part, amendment, or the attachment of new Conditions, for any of the following reasons:

(a)

construction of the Project is not, in the reasonable opinion of the Minister, substantially started within 5 years of the date of issue of this Certificate,

(b)

the Minister has reasonable and probable grounds to believe that NGR is in default of:

- i) an Order of the Supreme Court under Section 69(2), 80 or 82 of the Act;
- ii) an Order of the Minister made under section 68 or 70 of the Act; or
- iii) one or more requirements or Conditions of this Certificate,

(c)

)NGR, or its officers or employees when acting on behalf of NGR, have been convicted of an offence under the Act, with respect to the Project, or

(d)

An Order is made or a resolution is passed, for the winding up, or dissolution of NGR, or NGR is in receivership or bankruptcy proceedings, without such Order or resolution being rescinded or stayed.

The Conditions of this Certificate are agreed to by NGR this 28th day of June, 2000.

Original signed by Original signed by

Original signed by Original signed by

\_\_\_\_\_  
Nancy C. Raine  
President  
NGR Resort Consultants Inc.

\_\_\_\_\_  
Alan E. Raine  
Secretary  
NGR Resort Consultants Inc.

Original signed by Original signed by

Original signed by Original signed by

\_\_\_\_\_  
Honourable Gordon Wilson  
Minister of Employment and Investment

\_\_\_\_\_  
Honourable Joan Sawicki  
Minister of Environment, Lands and Parks

Issued this 14th day of August, 2000.

## SCHEDULE A

### DOCUMENTATION AND CORRESPONDENCE FOR THE MELVIN CREEK/CAYOOSH MOUNTAIN RESORT PROJECT

1. November 7, 1996 NGR Resort Consultants (NGR) - Cayoosh Resort Application (2 volumes) for a project approval certificate, submitted under the *Environmental Assessment Act* (Act).
2. April 6, 1997 NGR letter in response to comments received from members of the public during the application review.
3. April 6, 1997 NGR letter in response to comments on the application made by Resort Municipality of Whistler (Whistler) and the District of Squamish (Squamish) pertaining to Highway #99 issues.
4. April 6, 1997 NGR submission of letter report entitled *Preliminary Visitor Analysis*.
5. April 10, 1997 NGR letter in response to comments on the application made by Squamish Lillooet Regional District (SLRD).
6. April 10, 1997 NGR letter in response to comments on the application made by Squamish.
7. April 23, 1997 NGR letter in response to comments on the application made by Whistler.
8. April 24, 1997 NGR submission of report entitled *Supplemental Information to the Roads & Servicing Appendix (04/97)* by Urban Systems Ltd.

9. April 24, 1997 NGR submission of report entitled *Groundwater Potential and Secondary Effluent Disposal Evaluation Cayoosh Resort, Melvin Creek, B.C. (04/97)* by EBA Engineering Consultants Ltd. (EBA).
10. May 5, 1997 NGR letter in response to comments on the application made by Ministry of Small Business Tourism and Culture - Tourism (MSBTC - Tourism).
11. May 8, 1997 NGR letter in response to comments on the application made by the Office of the Fire Commissioner (OFC).
12. May 8, 1997 NGR letter in response to comments on the application made by Ministry of Health (MoH).
13. May 9, 1997 NGR letter in response to comments on the application made by Ministry of Municipal Affairs (MMA).
14. May 9, 1997 NGR letter in response to comments on the application made by Ministry of Small Business, Tourism and Culture - Archaeology Branch (MSBTC - Archaeology).
15. May 9, 1997 LGL Ltd. (LGL - on behalf of NGR) letter to Ministry of Environment, Lands and Parks (MELP), clarifying remaining work to be undertaken to resolve outstanding issues with the proposed development, raised by MELP at an April 29, 1997 meeting.
16. May 12, 1997 NGR letter in response to comments on the application made by Ministry of Employment and Investment (MEI).
17. May 12, 1997 NGR letter in response to comments on the application made by Ministry of Forests (MoF).
18. May 12, 1997 NGR letter in response to comments on the application made by BC Parks (MELP).

19. May 12, 1997 NGR letter in response to comments on the application made by BC Lands (MELP).
20. May 12, 1997 NGR letter to project committee members responding to comments made in the *BC Environmental Report* (Spring 1997 edition).
21. May 12, 1997 ARC Environmental Ltd. (on behalf of NGR) letter to Fisheries and Oceans Canada (DFO) in response to comments made on the application.
22. May 15, 1997 NGR letter in response to comments on the application made by Ministry of Transportation and Highways (MoTH).
23. May 15, 1997 NGR letter in response to comments on the application made by MELP.
24. May 21, 1997 NGR submission of letter from ARC Environmental Ltd. in response to MELP comments on water quality and fisheries issues.
25. July 21, 1997 NGR submission of report entitled *Evaluation of Potential In-Ground Secondary Effluent Disposal Areas: Cayoosh Resort (07/97)*, by EBA.
26. July 23, 1997 Kerr Wood Leidal Associates Ltd. (KWL) letter to NGR, clarifying issues associated with the proposed resort access road, and responding to comments made by MoTH in a June 9, 1997 letter.
27. September 22, 1997 NGR letter commenting on the draft project report specifications.
28. September 22, 1997 NGR letter discussing First Nations issues associated with the proposed resort.

29. September 23, 1997 NGR letter responding to comments on the draft project report specifications made by public individuals and groups.
30. October 6, 1997 NGR letter to MELP, committing to contribute financial resources towards further mountain goat monitoring in the project area.
31. October 21, 1997 NGR letter commenting on Volume 2 of the final project report specifications.
32. October 24, 1997 NGR letter commenting on Volume 1 of the final project report specifications.
33. May 26, 1998 NGR letter responding to comments on the proposed resort project made by members of the public.
34. July 6, 1999 NGR Cayoosh Resort Project Report (2 volumes), submitted in support of an application for a project approval certificate under the *Environmental Assessment Act*.
35. August 12, 1999 Updated Water Systems information (produced by Urban Systems Ltd.) provided by NGR in supplement to the Cayoosh Resort Project Report (Volume 1, Part IV - Resort Infrastructure).
36. October 26, 1999 NGR letter responding to comments made by Squamish regarding the project report.
37. October 26, 1999 NGR letter responding to comments made by MoH regarding the project report.
38. October 26, 1999 NGR letter responding to comments made by the Ministry of Energy and Mines regarding the project report.
39. December 9, 1999 NGR summary response to public comment submitted regarding recreation and tourism effects.



40. January 12, 2000 Summary list of proponent commitments with respect to conservation and environmental protection measures provided by NGR in response to MELP and DFO requests.
41. January 18, 2000 NGR response to comments made by MELP regarding environmental, and geotechnical issues (i.e. ridge spreading, debris flows/torrents, flooding, channel stability, and wetlands).
42. January 18, 2000 NGR submission of report by EBA, entitled, *Ridge Spreading and Associated Geohazards - Melvin Creek, BC* (12/99).
43. January 18, 2000 NGR submission of *Environmental Management Plan* (revised 12/99) and *Environmental Specifications and Conditions* for the proposed resort.
44. January 18, 2000 NGR submission of *Mountain Goat Data and Issues* report by Wildeor Wildlife Research & Consulting (Wildeor) and LGL, a compilation/ chronology of the evolution of the issues pertaining to potential impacts on mountain goats.
45. January 18, 2000 NGR submission of *Wildlife Habitat and Vegetative Impact Assessment* report in response to MELP comments on the project report (Vol. 1, Part V).
46. January 18, 2000 NGR submission of *Proponent Concerns with MELP West Ridge Mitigation Recommendations*, in response to MELP comments regarding the adjustment of ski lift location to avoid/minimize impacts on mountain goats.

47. January 18, 2000 NGR submission of *Mountain Goat Movements Along Selected Ridges in the Cayoosh Study Area (01/00)* report by Wildeor and LGL (Hatler and Searing), containing an analysis of the nature, timing, and extent of mountain goat ridge movements in the vicinity of the resort area.
48. January 18, 2000 NGR submission of *An Overview of Ski Area Experience with Mountain Goat, Grizzly Bear, and Other High-Profile Species in the Rocky Mountain National Parks and Environs (01/00)* report by IRIS Environmental Systems, containing an overview of the ski area/wildlife interaction experience of Rocky Mountain ski areas.
49. January 27, 2000 NGR submission of *Grizzly Bear Issues Associated with the Cayoosh Resort Proposal* report by David Hatler in response to late public (SPEC and McCrory Wildlife Services Inc.) submissions to the review.
50. February 10, 2000 Summary list of commitments pertaining to water, waste and pollution prevention, submitted by Urban Systems Ltd. on behalf of NGR.
51. February 18, 2000 NGR submission of response by Sector Environmental Resource Consulting to comments made by DFO on the *Cumulative Environmental Effects* report included in the project report.
52. February 28, 2000 NGR response to comments made by MELP regarding potential environmental impacts resulting from access road location/construction.
53. February 29, 2000 Revised list of commitments pertaining to water, waste and pollution prevention submitted by Urban Systems Ltd. on behalf of NGR.

54. March 5, 2000 NGR letter indicating acceptance of the conclusions and recommendations of the *Independent Third Party Evaluation of the Proposed Cayoosh Resort Development and Mountain Goat Issues* report (02/2000) prepared by Timberland Consultants Ltd. and Encompass Strategic Resources (Poole and Hebert). NGR also formally committed to undertake all of the recommendations of the report.
55. March 14, 2000 NGR response to comments made by Environment Canada (00/03/10) regarding wetlands, riparian areas migratory birds, and liquid waste management.
56. March 14, 2000 NGR response to comments made by MELP (00/03/01) regarding wildlife habitat and vegetative impact assessment issues.
57. March 14, 2000 NGR response to comments made by MELP (00/02/29) on NGR's previously submitted *Environmental Management Plan and Environmental Specifications and Conditions*.
58. March 14, 2000 NGR response to comments made by MELP (00/03/02) regarding environmental, resource management, and technical issues.
59. March 20, 2000 NGR submission of a letter report entitled *Cayoosh Summer Visitor Profile*.
60. March 21, 2000 NGR correspondence confirming its commitment to develop and implement a mountain goat monitoring program following EA Certificate approval.
61. March 24, 2000 NGR correspondence regarding Harlequin duck and wood-burning commitments.

62. March 24, 2000 NGR submission of response by David Hatler (Wildeor) to MELP comments regarding wolverine issue treatment in the project report.
63. March 30, 2000 NGR correspondence responding to comments made by MELP, DFO and MoTH regarding the management of explosives during project construction and ongoing avalanche control to avoid water quality impacts.
64. March 30, 2000 NGR submission of revised *Cumulative Environmental Effects* (03/00) report by Sector Environmental Resource Consulting in response to DFO comments on the original report (V. 2, s. H of the project report).
65. March 30, 2000 NGR correspondence confirming its commitment to undertake Spotted Owl surveys prior to any timber harvesting in the Melvin Creek valley.
66. April 22, 2000 NGR response to issues raised in St'at'imc report entitled *Review Of Archaeology Studies Regarding Proposed Cayoosh Creek Resort* (03/00).
67. April 22, 2000 NGR response to issues raised in St'at'imc report entitled *St'at'imc Socio-Economic Study* (01/00).
68. April 22, 2000 NGR response to issues raised in St'at'imc report entitled *Comments on Transportation and Infrastructure Issues* (03/00).
69. April 22, 2000 NGR response to issues raised in St'at'imc report entitled *St'at'imc Cultural Heritage Study* (03/00)
70. April 24, 2000 NGR submission of updated resort-generated employment and investment estimates.

71. April 26, 2000 NGR letter outlining its level of agreement with Ainsworth Lumber regarding forest harvesting prescriptions for the Melvin Creek valley, and describing the relationship between Ainsworth's harvest plans and the commitments for habitat protection made by NGR during the EA review.
72. May 9, 2000 NGR submission of a report entitled *Winter/Summer Resort Activity Analysis (05/00)*.
73. May 23, 2000 NGR submission of Urbanics Consultants Ltd. response to comments made in the *St'at'imc Socio-Economic Study (01/00)*
74. June 27, 2000 *A Bear Management Plan for the Proposed Melvin Creek/Cayoosh Resort: Annotated Outline*, negotiated between NGR and MELP
75. June 27, 2000 NGR submission of revised *Cumulative Environmental Effects Assessment* report by Secter Environmental Resource Consulting, incorporating updated information pertaining to the grizzly bear issue.

## **SCHEDULE B**

### **COMMITMENTS MADE BY NGR RESORT CONSULTANTS INC. (NGR, OR THE PROPONENT) WITH RESPECT TO THE DESIGN, LOCATION, CONSTRUCTION AND OPERATION OF THE PROPOSED MELVIN CREEK/CAYOOSH MOUNTAIN RESORT PROJECT**

#### **1. Resort Governance**

The proponent:

- agrees that resort security, snow-clearing, road maintenance and other similar services could be provided by St'at'imc-based development corporations, subject to agreement with NGR and appropriate agencies; and
- agrees that there could be opportunities for Reserve-based companies to provide services of all types to the resort, subject to agreement with NGR and appropriate agencies.

## 2. Geotechnical Hazard Issues at Resort

The proponent has committed to:

- not apply for or locate any habitable structures within any and all hazard areas (snow avalanche, rock avalanche or slides, floodplain and debris flow), unless site-specific ground-proofing has been carried out, and practical mitigation measures indicating such sites are safe from risk are proposed and accepted by regulatory agencies;
- locate all development outside areas of risk (rockslides, debris flow, and flooding) or above the 1-in-200-year potential flood plain;
- contract registered engineer(s) and/or recognized experts specializing in structural, geotechnical and snow avalanche work to design all structures and mechanisms and to document ongoing maintenance schedules, inspections reports and filing procedures;
- undertake a site-specific rock fall hazard assessment associated with any accommodation development prior to making applications for land and all subdivision applications;
- complete a two-staged hazard assessment as follows: (1) during the ski area master plan stage, conduct an overall hazard assessment to characterize risk hazard and to identify associated planning recommendations; and, (2) at the time of subdivision application, conduct more detailed site-specific and field-based assessments of development sites. (**Note** - The hazard assessment will address the following: prediction of probable frequency and magnitude of debris flow events, delineation of run-out zones (identifying high-, medium- and low-risk areas), elevation-relief-based mapping of areas at risk, and site-specific setbacks for hazards. The risk mapping is to be applied to the detailed resort layout in the ski area master plan to determine whether any areas must be removed from development, and/or appropriate mitigation measures implemented. The debris flow study, final design, and determination of debris flow and debris torrent protection setbacks are to be undertaken by a qualified geotechnical engineer, and must be provided to the satisfaction of the MELP RM-Water);
- undertake remote monitoring for ground movement (including site-specific hydrological, hydrogeological and geotechnical studies to be submitted with development plans), once access is available to the Melvin Creek valley and prior to any site specific development applications; and,
- employ appropriate engineering design measures to reduce risk when designing in areas of risk for slope movement. Plans are to be provided to the satisfaction of the MELP RM-Water;
- take every effort to maintain/maximise as many riparian-related values as possible in other areas of the valley to replace the wetland areas lost to development for the upper village (**Note** - This is to include preserving other wetland areas in their natural state in order to provide specific wetland capabilities in the Melvin Creek drainage);
- conduct flow monitoring at various locations along Melvin Creek (see NGR's *Water Supply* commitments - section 13);
- provide additional detailed floodplain and channel information during the CASP process (**Note** - This is to include standard site-specific urban planning design details to protect from flood and channel stability hazards, such as vertical and horizontal property setback distances, to ensure that properties are not subject to flooding. Develop site mitigation plans which reflect acceptable engineering practices. All assessments and plans are to be completed to the satisfaction of the

MELP RM-Water);

- locate all residential and commercial buildings above the 1-in-200-year flood level, and locate all living space and goods potentially damageable by flood waters 1.5 m or greater above the natural boundary of applicable streams;
- locate all residential and commercial buildings outside the riparian buffer (per DFO's *Land Development Guidelines for the Protection of Aquatic Systems*).
- undertake a hydrological study of the watershed at the CASP stage (see section 13 - Water Supply);
- minimize destabilisation of Melvin Creek by preserving the riparian zone through retention of the existing trees and implementing windfirm design measures along the riparian zone edges, outside the riparian buffer, whenever possible;
- maintain stream bank vegetation wherever possible (Note - Plans for any removal of vegetation are to be supplied to the satisfaction of the MELP RM-FWH);
- use soft-engineering habitat-sensitive techniques to protect against erosion, where applicable;
- assess and appropriately engineer stream crossings at the permitting stage to the satisfaction of MELP RM-FWH and MoTH;
- place bridge footings outside the stream bed to minimize impacts to fish habitat;
- detail and finalise the Environmental Management Plan (EMP) and the Environmental Specifications and Conditions (ESC) to the satisfaction of the MELP RM-PP and RM-FWH, prior to construction and adhering to the EMP and the ESC during project construction and operation, and in relation to the EMP completed during the EA review:
- obtain all environmental approvals, permits and agreements prior to commencement of construction;
- comply with federal, provincial and local environmental legislation, regulations, permits and approvals during resort construction and development;
- adhere to the ESC, which has been developed to assist with ensuring compliance with regulatory requirements during construction and operation.
- determine the environmental conditions and sensitivities of areas that could be impacted by resort infrastructure development including completing any necessary field and secondary source investigations (**Note:** this would include areas inside and outside the development site [e.g. intersections on roads, bus staging areas, sewer lines, gas lines, etc.]);
- provide to regulatory agencies the following: detailed mitigation measures, time frames, strategies for environmental quality control and risk management, detailed monitoring programs to assure compliance, and criteria for assessing success or failure for each measure, incorporating approved measures into the project design at the appropriate stage;
- design a water quality sampling program and determine site selection criteria to identify sites which contribute to Total Suspended Solids (TSS) and other contaminants in streams during instream construction activities and other activities that could produce silt runoff;
- provide strategies for the management of excess materials;
- define the environmental design requirements and considerations under each of the following activities, as land use, zoning and subdivision development plans are finalised: instream work; clearing and grubbing (including, but not limited to roads, ski trails, ditching, pipeline and other utility works); stripping and grading; burning and slash disposal; gravel excavation; drilling and

blasting; construction discharges; erosion and sediment control; and chemical, fuel and oil handling;

- employ a qualified environmental monitor who will determine compliance with the environmental specifications and terms of approvals and permits (**Note** - This is to be achieved through the monitor providing input to the detailed designs, being on-site during all land clearing and construction activity, and monitoring the success of mitigative measures. The monitor will be given the authority to suspend construction activities which are causing unacceptable environmental harm, and to prevent environmental degradation until a mitigative solution is established. The monitor will report directly to the designated agency(ies)' contact(s), and act independently from construction management);
- provide an Emergency Response Plan which deals with special waste and dangerous goods spills to DFO and MELP for approval within 15 days after contractor(s) receive notice of award of the contract, and prior to commencement of work (**Note** - The plan is to follow the provincial *Spill Contingency and Emergency Plan Guidelines* and comply with applicable provincial and federal acts and regulations);
- ensure that contractors provide an Emergency Response Plan and adhere to NGR's Overall Emergency Response Plan;
- ensure contractors comply with conditions of all permits, including providing agency notifications, facilitating agency inspections of the job sites, and complying with specific construction requirements; and
- build the EMP into all contracts, and commit subcontractors to make the EMP part of any works subcontracted; and
- report monitoring results to the appropriate agencies at agreed-upon intervals, to ensure an effective feedback mechanism which allows the results of any monitoring to influence the implementation of any mitigative measures adopted.

### **3. Avalanche Hazard Issues at Resort**

During the community plan and zoning application stage, the proponent has committed to:

- locate no buildings other than lift towers and terminals in any areas of avalanche hazard (**Note** - Some lift towers and terminals may require protection by either terrain alterations or protective devices);
- co-operate and work with MoTH to establish an avalanche monitoring program for the road which would include:
  - several high-elevation stations within the ski area to forecast upper elevation risks for those avalanche paths which cross the access road;
  - an emergency response team, to be organised solely by the proponent through the Cayoosh professional ski patrol and the resort's designated avalanche expert; and
  - an access road avalanche mapping program;
- develop the avalanche control program to minimize disturbance of mountain goats while on winter range or during kidding and early rearing (**Note** - This includes provisions, as appropriate, to



maintain a sight distance of 2000 m from mountain goats and blasting or helicopter activities. The plan is to be developed to the satisfaction of the MELP RM-FWH and MoTH).

- develop the avalanche control program to minimize disturbance of mountain goats while on the winter range or during kidding and early rearing (i.e. helicopters and blasts 2000 m sight distance away, where possible) (**Note** - The program plan is to provide a mechanism to assess the residual impacts of any disturbance on mountain goats (see mountain goat monitoring issues, discussed in section 16), and is to be developed to the satisfaction of the MELP RM-FWH and MoTH, and with the proponent's wildlife consultants);
- during permitting, complete a detailed snow avalanche control program for all skiable terrain, with daily snow avalanche monitoring carried out by expert avalanche personnel;
- implement avalanche control predominantly through the use of 'on-ground' control methods (**Note** - In some situations, helicopter-placed explosives, and possibly a projectile control method or mechanism such as Gaz-Ex exploders, could be required);
- provide avalanche protection through appropriate mitigative designs such as the use of terrain modifications (i.e. diversion mounds and berms), where deemed necessary; and,
- conduct daily assessments for all avalanche paths capable of reaching the valley floor or road, coordinated with MoTH avalanche personnel (**Note** - All avalanche control work for the access road will be managed and directed by MoTH).

**Note** – For convenience, all of NGR's commitments with respect to avalanche hazard issues as they relate to both the resort and the new access road are listed in this section, which otherwise focuses on the resort, rather than being divided between this section and section 6.

#### **4. Wildfire Design Issues at Resort**

The proponent has committed to:

- complete a wildfire risk assessment prior to construction;
- develop a system of ski trail fire breaks that will assist in the protection of the development and building sites against wildfire; and
- ensure fuel loads are reduced to a moderate rating.
- in riparian areas, leave on the ground any snags that need to be removed for safety purposes, where possible, to provide habitat for wildlife species;
- employ an individual who has completed the 'Wildlife/Danger Tree Assessment Course' and the 'Stand Level Biodiversity Course' to assess snags; and.
- if possible, schedule tree falling (and other construction activities) for a time which does not disturb nesting birds.

#### **5. Access Road Location and Design Issues**

The proponent has committed to:

- minimize damage to fish habitat by placing bridge footings outside the stream bed on Cayoosh Creek;
- finalize detailed route engineering, following EA certification (and prior to CASP approval); and,
- abide by the necessary mitigation forthcoming from the application for a *Navigable Waters Protection Act* approval.

## **6. Access Road Avalanche and Terrain Hazard Issues**

**Note** – For convenience, all of NGR’s commitments with respect to avalanche hazard issues as they relate to both the resort and the new access road are listed in section 3.

## **7. Solid Waste Management**

The proponent has committed to:

- develop waste recycling and reduction plans in accordance with the requirements mandated by SLRD by-laws;
- accept the terms and conditions for SLRD's management strategy for the Lillooet Landfill;
- identify all criteria to meet provincial standards during the ski area master plan design stage, if the Lillooet Landfill is to be considered (**Note** - If the landfill requires modification, then NGR will enter into an agreement with SLRD to cover those incremental costs identified by SLRD);
- work with the SLRD to develop and implement a special waste program and to include the resort in the Regional Solid Waste Management Plan;
- work with the SLRD to develop a public education program for special wastes and dangerous substances handling and disposal;
- install animal-proof garbage containers and storage facilities;
- develop public information programs on littering and garbage disposal;
- collect residential garbage from a central site located below the lower village site;
- collect commercial garbage from each building in an animal-proof manner, and compact within the resort prior to disposal;
- reduce any impacts by only operating equestrian activities from July to mid-September (**Note** - No horses would be present during the late fall to spring period);
- locate riding trails on dry slopes (**Note** - Trails would be located to avoid all areas of environmental sensitivity and areas where human activity and wildlife interest conflict); and,
- refer its applications to MELP on any trail and corral plans (**Note** - Equestrian facilities will be required to comply with the *Agricultural Waste Control Regulation* and its associated Code of Practice).

## **8. Liquid Waste Management**

The proponent has committed to:

- address liquid waste management issues when the Permit to Discharge Treated Wastewater is applied for, to the satisfaction of the RM-Pollution Prevention;
- install a rapid infiltration system to ground or other acceptable system to the satisfaction of the MELP RM-Pollution Prevention;
- institute a demand management program to minimize wastewater volumes;
- use gravity for collection system motivation versus pumping to minimize energy consumption;
- use aerobic treatment systems for odour prevention and reduction;
- adopt advanced secondary treatment (BOD & TSS less than 10 mg/l) as the minimum level of sewage treatment if the Melvin Creek fan location is selected for rapid infiltration disposal, and wastewater quality consistent with MELP municipal sewage regulations, if alternative sites closer to the reservoir are selected;
- implement tertiary treatment if advanced secondary treatment is shown to be inadequate;
- establish monitoring wells up-gradient and down-gradient of the rapid infiltration basins to assess soil renovation of the treated sewage effluent;
- adopt ultraviolet light disinfection if the down-gradient monitoring demonstrates inadequate removal of fecal coliforms;
- test for phosphorus to determine if phosphorus removal in the wastewater treatment process is needed (**Note** - Results from the phosphorous study should be incorporated into the design of the liquid waste disposal system);
- incorporate flow equalisation processes in front of the treatment process, where required);
- further investigate the additional treatment options available for converting waste bio-solids from the sewage treatment plant into beneficial use products, wherever financially feasible;
- employ pipe anchors, where necessary to stabilise pipes in steep sections;
- utilise existing old logging road alignments (to the greatest extent possible), where pipelines depart from roadways;
- use influent flowmeters to the wastewater treatment plant and disposal site (if disposal is at the Cayoosh/Melvin Creek fan), to ensure that reconciliation of flows is possible, in order to verify that there are no losses in the long effluent pipeline;
- divert stormwater around the sewage treatment and collection works, and ensure that suitable bylaws are in place to preclude the discharge of roof drains or foundation drainage systems or sump pump systems, where drainage is below pipeline elevations, to the sanitary sewer system;
- if the piping system is below the elevation of the parkade, drainage sump pumps that drain the floor of covered parkades must be connected to sanitary system (**Note** - If parking drainage is a gravity system, it must also be connected to the sanitary system);
- provide soils data to DFO to verify that soils can handle the expected discharge volumes;
- meet section 36(3) of the *Fisheries Act* and section 35(1) of the *Migratory Bird Regulations* under the *Migratory Birds Convention Act* for effluent discharge, if disposal into surface waters is chosen, instead of ground disposal;
- ensure that the wastewater treatment plant is equipped to manage any potential power outages;
- ensure that backup infiltration ditches are built at or near the location of any rapid infiltration system, in order to handle any potential field failure;
- if the alternative disposal site near the confluence of Melvin Creek and Cayoosh Creek is utilised:
  - install a gravity-fed pipeline along the Melvin Creek access road/MoF tote road to convey

- treated effluent to an alternate disposal site; and
  - rehabilitate the pipeline right-of-way in the same manner as other areas of disturbance, except where located in the access road;
- agree that the sanitary sewer system will be owned, operated and maintained by the SLRD, but that partnering between the SLRD and NGR could be available to facilitate its efficient operation and maintenance;
- ensure that the identification of gravel pits in the Melvin Creek valley will not interfere with the selection of the sewage disposal area, since identification of a wastewater disposal site has a higher priority than gravel pit siting.
- develop a Master Drainage Plan prior to commencing construction, which will include the following control practices:
  - address runoff from all infrastructure, including villages, ski runs, golf courses and roads, to meet levels set in the *CCME Total Particulate Matter, Canadian Water Quality Guidelines for the Protection of Aquatic Life* ;
  - match proposed development to the existing topography as much as possible;
  - schedule earthwork and construction activities during the driest periods, and suspend activities during periods of heavy rainfall;
  - retain as much existing vegetation as possible, and revegetate disturbed areas as soon as possible after construction;
  - divert runoff generated off-site away from exposed soils;
  - minimize the length and steepness of slopes, provide check dams to limit the length of drainage paths, and reduce flow velocities where concentrated flows occur;
  - where soil erosion may not be prevented, provide and maintain sediment control facilities, such as sediment traps and ponds, to capture sediment and prevent it from reaching sensitive watercourses;
  - maintain erosion and sediment control measures during and after construction; and,
  - where possible, maintain vegetation leave areas and riparian setbacks (15 to 30 meters) from development in accordance with the *Land Development Guidelines for the Protection of Aquatic Systems* and subject to ski area master plan approval by the appropriate authorities;
- establish a program to regularly monitor the water quality of all significant streams and lakes in the area, as well as stormwater runoff in drainage ditches and piped storm sewers;
- prepare a Stormwater Management Plan which will include diverting uncontaminated snowmelt and stormwater around the development;
- use vertical and horizontal setbacks for all creeks;
- construct erosion-resistant road-side ditches by using design and materials consistent with state-of-the-art practice;
- develop erosion and sediment control plans;
- employ on-site environmental monitors during earthwork construction activities;
- provide all on-site contractors with a regularly updated EMP; and
- in constructing the two villages, ski runs, golf course and roads, except where technically impossible, follow the *Urban Runoff Quality Control Guidelines for BC; Land Development Guidelines for the Protection of Aquatic Habitat; Stream Stewardship: A Guide for Planners and*

*Developers; Guidelines to Protect, Maintain and Enhance Fish and Wildlife Habitat On and Adjacent to Proposed Golf Course Developments on Lowland Areas; and Greening Your BC Golf Course: A Guide to Environmental Management (DoE, Fraser River Action Plan).*

## **9. Special Wastes, Hazardous Wastes, and Emergency Preparedness**

The proponent has committed to:

- develop detailed plans at the permitting stage to address concerns regarding special wastes, hazardous materials and emergency preparedness;
- prior to any site disturbances, develop a special waste management and spill contingency plan which includes response procedures during emergency situations, to the reasonable satisfaction of the MELP RM-PP;
- ensure that waste management plans are in compliance with the CCME *Code of Practice of Underground and Above Ground Storage Tank Systems containing Petroleum and Allied Petroleum Products*, and the CSA standard practice CAN/CAS-Z731-M91 *Emergency Planning for Industry* or MELP's *Guidelines for Industry Emergency Response Contingency Plans*;
- require all contractors working at the resort construction site to prepare Spill Contingency and Emergency Plans to prevent and deal with spills;
- develop an overall spill and special waste management plan to provide direction and information for contractors in developing their own plan; and
- place the onus for spill and special waste handling with contractors, and for on-site co-ordination, with the environmental monitor.

## **10. Water Quality Issues**

The proponent committed to:

- develop a water sampling and quality monitoring program, to the satisfaction of the MELP RM-PP, with protocols and parameters consistent with guidelines identified in the *BC Field Sampling Manual*, 1996, and the *BC Environmental Laboratory Manual For the Analysis of Wastewater Sediment and Biological Materials*, 1994;
- conduct baseline monitoring once access is established, and before significant disturbance occurs (preferably for one year)
- undertake sampling several times per year, and include discharge (peak-flow and low-flow runoff periods), nutrients, NFR, turbidity, pH, conductance and temperature parameters;
- carry out laboratory analysis twice per year (May and August) for baseline on metals (standard metal package at suitable detection limits), fecal bacteria and anions (chloride, sulphate, fluoride);
- develop a water quality monitoring program to conduct routine samples from stormwater and wastewater systems, once the resort is in operation;
- implement monitoring by either resort staff trained as water quality technicians or by contracting out;
- subject to monitoring results, and based on the total particulate matter criteria in the guide

*Canadian Water Quality Guidelines for the Protection of Aquatic Life* (CCME), 1999, develop and undertake appropriate mitigative measures to reduce negative impacts on water quality.

- rehabilitate the pipe trench surface where it diverges from the main road, to minimize non-point-source erosion and sediment concerns;
- re-use salt recovered from drainage holding ponds for uses such as dust control on gravel roads and parking lots, wherever possible;
- discharge salt to the environment only after approval by MELP;
- address potential ARD concerns, meeting ARD regulations set out in the *BC Mines Guidelines for Metal Leaching and Acid Rock Drainage in Mineral Management*;
- undertake site-specific mitigation by managing water runoff to safe ground discharge areas or holding ponds in the event that ARD is identified (**Note** - If a large, highly acidic deposit is to be disturbed or excavated, the above mitigation may be insufficient, and alternate mitigation measures would be developed);
- efficiently use blasting compounds during road construction in order to reduce the amount of nitrates released into the environment, including the use of emulsion-type blasting agents whenever environmental conditions
- dictate (**Note** - Monitoring of effects is to be conducted under the water quality monitoring program);
- ensure that water encountered during blasting will not leave the site and enter fish-bearing watercourses,
  - ensure that culverts are installed in compliance with the following:
  - at locations shown on the final detailed construction drawings to minimize erosion and sedimentation, and in a manner that permits fish passage where fish species are present;
  - during low-flow periods, whenever possible (**Note** - During installation, channel flows shall be diverted from the culvert site and the culvert installed in the dry. Such diversions shall ensure that siltation is kept to a minimum and the stream controlled at all times. For any works in fish-bearing reaches, the Contractor may be required to provide for fish passage during culvert installation at the site, as required by the Environmental Monitor); and
  - on the natural gradient of the streambed, not horizontally (**Note** - Culvert inverts shall be installed below the natural stream bottom).

## 11. Air Quality Issues

The proponent committed to:

- restrict the use of wood-burning appliances in all accommodation units, with the exception of public buildings exceeding 100 rooms, where one natural wood fireplace would be permitted;
- encourage the SLRD to impose a moratorium on all wood-burning fireplaces, if studies indicate that their use in major buildings is contributing to air quality problems; and
- use natural gas as the fuel supply for power generation and building heating (**Note** - Best available control technology would be used in the power generation plant and all generation engines would be equipped with heat-recovery jackets, with the recovered heat distributed to nearby buildings).

## 12. Accidents and Malfunctions

The proponent committed to:

- include detailed information pertaining to accidents and malfunctions, together with the EMP, as provisions for project construction, and incorporate them into all system environmental management measures.

## 13. Water Supply

The proponent has committed to (all applicable activities are to be completed to the satisfaction of the MELP RM-Water):

- commence diversion of water from the Haylmore watershed after the irrigation season;
- develop a water monitoring program to the satisfaction of the RM-Water (**Note** - The program is to include the collection of baseline data (to be initiated following completion of the access road), and collection of data during construction and operation);
- monitor stream flow at (or near) the outlet of Melvin and Second Lakes for a designated period prior to development;
- complete a detailed water availability analysis on the Melvin Creek and Second Creek watersheds;
- establish a database by monitoring quantities of diversion and return flows;
- analyse the results of the monitoring to determine whether the resort development has an impact on flows from Melvin and/or Second Lakes, Melvin Creek and/or Cayoosh Creek;
- store annual water requirements during the period of the year when unlicensed water is available (June & July) and when the streams are in freshette conditions (**Note** - Storage of total requirements at build-out may not be required if it can be proven that post-development flows in Melvin Creek are equal to pre-development flows, or that wastewater discharge is equal to waterworks usage);
- minimize the height of water storage dams, whenever possible, to minimize the impact on riparian habitat;
- maintain existing flows in Melvin and Cayoosh Creeks, except during freshette, when creek flows would be reduced during reservoir refilling;
- develop groundwater sources to the greatest extent possible, which will postpone and minimize the need to store/divert surface water sources;
- study impacts resulting from storage, prior to applying for a water license for Second Lake;
- design, build and operate the potable water supply system to municipal standards, with ownership and operation retained by the SLRD (**Note** - Partnering between SLRD and NGR could be available to facilitate its efficient operation and maintenance);
- develop and implement a full water conservation program for the resort, including the mandatory use of modern water-conserving plumbing fixtures, and an ongoing public education program directed at commercial operators, residents and guests;
- institute a fully metered delivery system, with a volume-based user charge;

- utilize gravity to pressure water systems;
- minimize forest clearing requirements for pipelines when not on a roadway, by using skiway alignments wherever possible;
- investigate the potential of using reclaimed water for irrigation, snowmaking and/or toilet flushing;
- institute a mandatory fire sprinkler system in all public and private buildings, including single-family structures;
- utilize high-efficiency motors for all pumping requirements;
- consider filtration as a second barrier to pathogens and turbidity for the drinking supply system;
- develop and implement measures to ensure that water flows through the lakes when there is no authorization to store water;
- as part of the CASP ski area master planning process, undertake a hydrological study of the watershed which will integrate hydrology and channel morphology, so as to understand how the future stability of the Melvin Creek channel may be impacted by the proposed development (**Note - This study will examine:**
  - the effects of logging, roads, other paved and developed areas, snowmaking and storage on stormwater flow regimes, the natural hydrograph and long-term channel stability for Melvin Creek;
  - the effects of riparian logging on changes to the rate of large woody debris (LWD) recruitment and the long-term channel stability of Melvin Creek; and
  - changes to the rate of LWD recruitment to the channel so as to understand how future stability of the Melvin Creek channel may be impacted by the proposed development); and
- avoid the use of chloramine for disinfection of drinking water.

#### **14. Fisheries Resources**

To the satisfaction of DFO and MELP, as applicable, the proponent has committed to:

- manage water use associated with the development in a manner which will maintain habitat conditions, in particular the depth of water in pools in Reach 1 of Melvin Creek;
- control possible sediments which could put downstream fish values at risk;
- avoid instream works, wherever possible (**Note - If instream work is required, it will be conducted during the appropriate instream work windows, which have least potential for fisheries impacts. Timing windows for instream works will be discussed with the appropriate agency contact(s). Work windows will relate to risks associated with downstream sediment transport to fish-bearing streams);**
- provide alternative construction measures which may allow works to be carried out outside the instream work window to the satisfaction of the agency contact(s);
- undertake water quality and water quantity monitoring prior to, and in association with, development activities, to ensure that the quality of the fish habitat in Melvin and Cayoosh Creeks and fish populations in Cayoosh Creek and lower Melvin Creek are maintained;
- conduct baseline water quality and quantity monitoring for a two-year period prior to initiating development activities;
- undertake site-specific prescriptions for areas where sedimentation and erosion may become a



concern for water quality, as outlined in the EMP/ESC (**Note** - These prescriptions are to be finalised once detailed engineering designs are prepared. Site plans will consider appropriate riparian setbacks along watercourses, as well as runoff control within the development);

- follow the *Guidelines to Protect, Maintain and Enhance Fish and Wildlife Habitat on and adjacent to the Proposed Golf Course Development and Existing Course Re-Development on Lowland Areas* for the proposed golf course;
- prior to golf course construction, submit a detailed golf course management plan for approval by MELP;
- ensure that the bridge crossing of Cayoosh Creek complies with the Canadian Coast Guard's *Navigable Waters Protection Act (NWPA)* requirements;
- provide final engineered access road alignment plans for road crossings and other encroachments into the riparian area to the satisfaction of the RM-FWH (**Note** - Once these plans are finalised, habitat assessments and appropriate monitoring and/or mitigation plans will be developed which are to be incorporated into the road alignment plans (as outlined in the EMP/ESC). This will include the development of site-specific prescriptions for areas where there are potential sediment and erosion concerns for water quality, sensitive habitats and slope stability risks);
- minimize riparian vegetation removal in riparian buffers at all crossing locations;
- employ an environmental specialist during construction for monitoring of construction activities (**Note** - The environmental monitor's primary responsibilities will be to:
  - provide input to the detailed designs;
  - be present on-site during all construction activities (including clearing and grubbing);
  - during the preparation of the detailed design phase, prepare a Communication Plan which identifies contacts in the event of an environmental emergency;
  - ensure that environmental management measures, controls and specifications are properly implemented as per the terms and conditions of approvals and permits;
  - liaise regularly with regulatory government agencies as required;
  - deliver environmental education and awareness programs to construction staff prior to and during on-site works;
  - provide technical assistance, environmental information, direction and supervision on environmental matters to construction staff and government surveillance officers, as required;
  - inspect all activities during construction to ensure compliance with terms and conditions of approvals and permits, and adherence to the wildlife and vegetation protection plan;
  - document construction activities, using some or all of the following means: field notes, photographs, and video, particularly in sensitive areas;
  - monitor water (including stormwater runoff), and effluent quality samples upstream and downstream of construction to assess effectiveness of mitigation strategies and compliance with all applicable requirements;
  - prepare reports at regular frequencies which summarise activities and actions taken, and submit these reports to the appropriate agencies;
  - ensure that contractors and/or the resort have accident contingency plans and materials in place (straw bales, siltation fencing, pumps, etc.); and
  - review, comment on and monitor wildlife activities during construction (**Note** – This

requires an appropriately qualified biologist);

- ensure reclamation plans are appropriate to revegetate sites to a stable condition;
- prior to construction, determine seasonal (including both winter and summer) minimum flow requirements for fish in Melvin Creek, using an appropriate scientifically defensible methodology, which is developed in consultation with MELP and DFO staff;
- develop appropriate mitigation measures to ensure maintenance of the determined seasonal minimum flow;
- install water quality/quantity monitoring station(s) two years prior to the resort's development to establish baseline data for pre- and post-development comparison; and
- if flow monitoring detects additional impacts on fisheries values, then implement mitigation (**Note** - Flow augmentation options presented include pumping of water from Cayoosh Creek into the upper section of Reach 1 of Melvin Creek, or constructing a dam on Second Lake to provide freshet storage and winter releases to maintain Melvin Creek flows).

## 15. Wildlife Resources - General

The proponent has committed to:

### *Wildlife Habitat/Vegetation*

- implement a development strategy that maintains the biodiversity of the resort area, particularly in and around the rarer local habitats;
- minimise losses of plants and animals by taking a conservative approach in all works;
- for all development where site location and boundary options exist, involve the services of professional biologists in the final site selection decisions in the field, to ensure that the most favourable options for wildlife and rare plants or communities are known and considered;
- incorporate any outstanding wildlife habitat mitigation plans into the EMP/ESC;
- implement a monitored soil disturbance control program throughout construction, with all disturbed areas being replanted as quickly as possible, to minimise erosion arising from these works;
- use indigenous plants to revegetate disturbed areas, wherever possible (**Note** - Sites are to be reclaimed, as soon as possible following disturbance, to a stable condition with an appropriate species mix. All reclamation plans are to be developed and implemented to the satisfaction of the environmental monitor);
- consult a soil scientist to review existing information, conduct a field survey, and contribute to trail and road facility plans, in order to ensure that facilities are located on stable soils and well-drained areas;
- undertake appropriate planning of ski-slope locations, to minimise any destruction of natural vegetation from snow compaction (i.e. on seeps, fens and bogs);
- develop a Master Trail Plan which identifies the location, type and timing of use of all non-ski trails in the project (**Note** - The Master Trail Plan is to:
  - involve wildlife and vegetation consultants in trail layout and planning;
  - restrict access, where possible, to any areas designated as supporting rare plants or other

- special features;
- adhere to riparian zone protection commitments; and
- be prepared and provided to the satisfaction of the RM-FWH).

### *Alpine Belt*

- alter alpine habitat as little as possible;
- avoid seeps and fens, when possible;
- minimise soil removal and disturbance;
- select sites for construction with little or no vegetation, if possible;
- select bare (unvegetated) sites for temporary structures and staging areas for soil or rock, wherever possible;
- for reclamation plans, appropriately consider studies such as those done in BC for mine reclamation in alpine environments by the BC Technical and Research Committee on Reclamation;
- to minimise erosion, undertake slope grading after spring freshet, and utilise erosion control fencing and settling ponds, where necessary;
- use helicopters for moving lift towers, to limit road access, wherever possible;
- revegetate all disturbed areas (including sites impacted by trenching for snowmaking equipment, powerlines and service road construction disturbances);
- locate mountain service roads in locations where drainage is minimally impacted;
- provide plans for roads which will be constructed to the upper lift terminals to the satisfaction of BCAL and MELP-RM-FWH (**Note** - Public vehicles (including motorcycles, ATVs and snowmobiles) will be prohibited from using these roads and permanent roads are to be gated and signed. Mountain bikes will be restricted to areas and timing approved by the RM-FWH. These restrictions will be included in the BCAL master development agreement.

### *Sub-alpine Belt and Upper Forest*

- wherever possible, retain small patches and strips of mature forest in and around developments;
- minimize the removal and/or enhance the supply of coarse woody debris (i.e. stumps, logs) in residual forest areas, at the direction of the environmental monitor, and in keeping with the advice of the Fire Marshall, in the latter case, to ensure that fuel loads are reduced to a moderate rating;
- minimize the size of soil staging areas, and ensure that soil collected during excavation is placed in an area of future development, and not in areas which would not otherwise be disturbed;
- minimise the disturbance and alteration of areas adjacent to construction sites;
- wherever possible avoid fens and seeps; and
- revegetate disturbed sites with natives species immediately after construction ceases.

### *Areas of High Concerns*

- provide full protection for the Green Valley wetlands;
- restrict unnecessary access and preserve intact polygons 1, 2 and 3; and

- restrict public use of these areas through appropriate signage and pathway design to minimise recreational impacts.

### *Areas of Medium Concern*

- review existing plans for the Upper Village beaver pond area (polygons 4 and 5), refining them to maintain wetland/riparian values as much as practicable, and present these plans during the CASP ski area master planning process to the satisfaction of BCAL and RM-FWH;
- minimise earth movement in polygons 7 and 8 in the wetland areas, to avoid siltation and erosion;
- maintain polygons 9 and 30 in their natural states; and
- restrict unnecessary access (including skiways or trails) to polygon 10.

### *Areas of Low Concern*

- where possible, maintain vegetation leave areas and riparian setbacks (15 to 30 meters) from development in accordance with the *Land Development Guidelines for the Protection of Aquatic Systems* and subject to ski area master plan approval by the appropriate authorities;
- undertake pre-construction surveys to avoid areas of relatively higher value; and
- reclaim disturbed soils and minimise alterations of soil and vegetation sites for skiways or run construction.

### *Riparian Vegetation*

- minimise the amount of habitat alteration and/or encroachment during the resort's development in the Upper and Lower Villages;
- undertake a site-specific detailed evaluation of riparian areas (including wetlands) in the project area (**Note** - The assessment will identify all riparian areas which will be impacted by the project footprint, and will provide design plans to protect and mitigate riparian impacts, where possible. This riparian assessment and planning is to be prepared and provided to the satisfaction of the RM-FWH and BCAL, during the CASP process, and prior to any development occurring);
- maintain wetlands and stream setbacks (riparian buffers) to a minimum of 15 and 30 m, as provided in the DFO *Land Development Guidelines for the Protection of Aquatic Systems* (**Note** - Construction is to be restricted in these buffers, except where stream crossings, base lift terminals, and main village sites are proposed, all of which require preparation and submission of plans to the satisfaction of the RM-FWH);
- incorporate the riparian components of the Master Trail Plan as part of the CASP process (**Note** - If encroachments into the riparian zone are required for any portions of the trail, data are to be prepared and provided to the satisfaction of the RM-FWH and BCAL which show that (i) there is no other option but to work within the riparian buffer, and (ii) that the proposed width of the trail is the minimum needed for safe public use);
- use reasonable efforts to minimize impacts to maintain, where possible, riparian values in the beaver fen during resort development;
- provide compensation to the satisfaction of the RM-FWH for all unmitigatable riparian and

wetland impacts resulting from the development footprint intruding into the 15-m riparian zone, prior to creating the disturbance;

- avoid using salt, and only use very limited sand applications, on the walking trail;
- agree not to apply for Crown Land grants in the riparian corridor, unless approval is granted by the RM-FWH and BCAL;
- propose that a lake be constructed in a major portion of the easterly side of the wetland area, with a green belt park established around the lake (**Note** - The lake will provide a scenic arrival point for the Upper Village, will be designed to function as a settlement pond for the upper valley drainage systems, and will maintain remaining related riparian values. Plans are to be subject to a detailed hydrology review, and are to be prepared and provided during the CASP process, to the satisfaction of BCAL and MELP);
- preserve bogs, fens and seeps in their intact natural state, wherever possible;
- restrict access to fens and wetlands and other ecologically sensitive areas, wherever possible, to minimise habitat alteration due to trampling, littering and introduction of exotic species;
- conduct environmental sensitivity studies on the outlet areas of Second Lake and downstream riparian areas prior to any lift installation, and prior to any use of Second Lake as a supplemental water supply;
- if possible, reconstruct small wetland habitats in and around the Upper Village, or as part of the shorelines of planned ponds, subject to a detailed hydrology review;
- during construction of the dam on Melvin Creek, preserve the natural stream channel and adjacent moist habitats to the extent possible;
- prohibit the use of golfcarts, snowmobiles and ATVs on the walking trail between the Upper and Lower Villages; this is to be part of BCAL land use agreement;
- preserve the natural stream channel and adjacent moist habitats to the extent possible during dam construction on Melvin Lake;
- along Melvin Creek, where a choice exists between narrowing the road corridor and altering riparian habitat, choose the former, wherever human safety considerations permit (avalanche concerns must be recognized);
- as part of the ski area master plan (CASP), provide a detailed wetland protection plan acceptable to MELP and CWS, with particular emphasis given to polygons 1, 2 and 3, establishing ways to limit human access (including buffers) and minimizing human disturbance in all of the retained wetlands; and
- accept that a condition of the wetland protection plan will be the requirement for a proponent-funded monitoring program, which may include bioinventories by a qualified biologist, with regular reporting directly to MELP and CWS (**Note** - Monitoring results will be used to influence the implementation of mitigation measures).

### *Other General Wildlife Commitments*

The proponent has committed to incorporate any outstanding species-specific mitigation plans into the EMP/ESC if the project is given project approval.

Respecting wildlife mitigation, the proponent has committed to:

### *Disturbance Effects*

- to the extent possible, minimise visual (i.e. vehicles, dust) and noise (i.e. blasting, earth moving, heavy equipment, helicopters, chain saws and pounding) disturbances to avoid disrupting wildlife biological schedules through the use of appropriate biological timing windows of species in the vicinity of the area (**Note** - Species-specific timing and locations will be determined by an appropriately qualified biologist, and proposals are to be prepared and provided to the satisfaction of the RM-FWH);
- restrict hiking trail access above 1,975 m, or in areas known to support intense wildlife use;
- restrict public access to certain areas at specific times of the day or year, to the fullest extent of the legal enforcement options available to the proponent;
- provide public education programs (i.e. brochures) on wildlife viewing etiquette;
- not permit public vehicles to use roads to the upper terminals (**Note** - Public vehicles include motorcycles, ATVs and snowmobiles);
- prohibit the public use of snowmobiles, ATVs and motorcycles in the project area;
- make reasonable efforts to discourage out-of-bounds skiers/snowboarders from reaching areas outside the Melvin Creek drainage (**Note** - This will be managed through signage mainly, and fencing, where required);
- exclude heli-skiing and heli-hiking from being components of the resort development; and
- restrict the only summer sightseeing to lift 4 (**Note** - Summer use near the upper lift 4 terminal will be limited to sightseeing and late-spring skiing on lift 9, per NGR's March 20, 2000 Visitor Profile).

### *Mobility Effects*

- retain the integrity of animal trails, wherever possible during construction, through avoidance and ensuring that they are not obstructed by construction debris or unnecessary structures;
- restrict access to known wildlife areas during seasons of primary animal use;
- locate ski lifts in areas of least wildlife movement; and
- install under-road crossing structures (culverts or small bridges), where circumstances warrant (i.e. rare species, or concentrated records of road kill).

### *Access Effects*

- agree to the establishment by MELP of a no-hunting area in the Melvin Creek valley;
- erect and maintain a gate across the road in the lower valley of Cayoosh Creek, to be kept locked whenever the upper valley is left unattended (particularly during construction of the road to the upper reaches of the valley);
- monitor wildlife sightings and roadkills continuously to assist in locating potential areas where additional mitigation is required;
- install a combination of speed restrictions and warning signs to minimise vehicle/wildlife collisions;

- revegetate roadside berms and ditches in a manner to allow visibility and minimise the potential for animal attractants;
- install speed bumps or rumble strips to alert drivers and ensure that speeds are reduced; and
- avoid using clover or alfalfa in any seed mixture used in reclamation of disturbed roadside sites, in order to make roadsides less attractive to wildlife.

### *Introduced Species*

- adhere to strict policies on the presence of dogs, cats and exotic species in the proposed resort, including requiring pets to be on leashes and not to be left unattended outside;
- present a bylaw for animal control to SLRD;
- prohibit livestock from the resort area, since they may attract native carnivores; and
- if pack animals are to be used for recreational activities originating at the resort, seek approval for all plans through a formal application and review process, involving MELP.

### *Other*

- implement appropriate mitigation measures to minimise impacts on wolverine, including controlling hunter/poacher access, ensuring good garbage management, providing appropriate education for staff, public and visitors, banning livestock, avoiding identified wolverine denning sites, developing and implementing a Problem Wildlife Plan, and controlling people access from the resort into adjacent valleys;
- continue surveillance of an active Golden Eagle nest site within 1 km of the Melvin Creek drainage annually, as a component of the wildlife monitoring program;
- minimise effects on other wildlife species, where possible;
- for species with fixed and local habitat requirements and/or those with colonial tendencies (e.g. water voles, hoary marmots, common pikas), undertake specific surveys prior to commencing individual developments to identify opportunities for mitigation (through minor relocations and adjustments);
- protect the primary area of occurrence for water voles in the Melvin Creek drainage in the wetland reserve (Water Vole Basin), in the upper valley near Melvin Lake;
- undertake a long-term, systematic monitoring program in the Melvin Creek valley (**Note** - The objectives are to document the local and general effects of the development, and to provide a basis for adaptive management in the valley (i.e. to change policies or implement modified mitigation and enhancement in response to new information or problems). The monitoring program is to be prepared and provided to the satisfaction of the RM-FWH during the ski area master planning process, and to include:
  - goat monitoring (see section 16);
  - biodiversity studies, based on the TVBRIM method;
  - species or group inventories, using RIC methods, as required (i.e. for red-listed and blue-listed species, pika, marmot and other species of concern);
  - establishment and maintenance of a formal reporting process for wildlife observations; and
  - monitoring of species for two years prior to significant construction (clearing, lift

development) at a full scale during the first five years, and then monitoring of the species once every three years for a further 15 years);

- work with an education institution to establish an 'alpine institute' where alpine research and follow-up monitoring would be carried out;
- employ a project biologist or ecology specialist to review, comment upon (provide advice) and monitor all construction work, wildlife activities and water quality issues within and adjacent to the Melvin Creek drainage during the period required for resort construction; and
- develop and implement a Problem Wildlife Plan in consultation with the RM-FWH.

## **16. Mountain Goats**

Following the independent goat study evaluation, the proponent commits to:

- Implement a monitoring program, funded by NGR (\$500,000 funding, to be expended reasonably evenly over a 10-year period, recognizing a need to carry out more work in the initial years), and based on the following committee process:
  - terms of reference for the program will be developed by a committee made up of MELP biologists, independent wildlife consultants (technical specialists in mountain goat biology who will be retained on an as-needed basis) and NGR's biologists, plus any other persons whom the committee deems appropriate, including a recognised biometrician, with a background in environmental impact assessment and ungulate ecology, to provide statistical advice on the monitoring program on an as-needed basis;
  - any costs (i.e. travel and per diem) associated with independent members of the committee will be shared on a 50/50 basis between MELP and NGR;
  - the committee will make recommendations to MELP, and will be responsible for developing objectives and outlining study methods relating to the qualitative and/or quantitative aspects to be measured, and for providing a consistent and transparent procedure for interpreting and acting on data obtained;
  - based on the committee's recommendations, MELP will make decisions on appropriate monitoring requirements and related matters;
  - where possible, decisions will emerge from consensus reached in committee deliberations;
  - in the event of a dispute between MELP and NGR with respect to the measures to be implemented, independent expert(s) commissioned to participate in the committee's deliberations will attempt to employ their expertise to help mediate an overall consensus on issues in dispute;
  - in the event that consensus is still not reached, the independent committee members will be expected to document their own positions on issues in dispute;
  - MELP will receive the committee's advice, including the positions of independent members, and will make a decision;
  - NGR will have the further option to seek dispute resolution by appealing MELP's decision to specified senior staff in MELP and BCAL for joint consideration and decision; and
  - NGR agrees to abide by MELP's decisions or, in the event of appeal by NGR, by the decisions rendered by the appeal process.



Based on decisions rendered through the above committee process, NGR commits to:

- conduct monitoring during the pre-construction, construction and operations phases of resort development, with details to be finalized through the committee process if an EA certificate is granted;
- monitor impacts on goats resulting from avalanche control activities;
- use the monitoring results to guide the finalising of lift terminal placements; and
- if the results of monitoring warrant, revisit and appropriately revise mitigation commitments and plans to address impacts on mountain goats;

With respect to mountain goat impact mitigation, NGR specifically commits to:

- institute seasonal closures for Lifts 2, 5, 8, 10, 11 and 13 by April 30, to minimize disturbances to late winter/spring goat movements to, and use of, areas used during pre-kidding, kidding and early rearing (**Note** - to be reviewed, based upon monitoring program);
- review placement (i.e. exact location) of lift 5 (which is approved in principle), pending the outcome of monitoring intended to clarify winter use of the West Ridge complex;
- delay installation of Lift 5 for 5 years if additional telemetry and monitoring demonstrate that Lift 5 appears to be located directly on a regularly-used movement corridor, or if operation of Lift 2 demonstrates interruption of an important movement corridor along the ridge system used by a significant proportion (perhaps >25%) of the local wintering goats (**Note** - During the delay, evaluate the threshold effect of Lifts 2 and 11 on movements along the West Ridge complex, and the degree of habituation to these potential disturbances near the ridgeline);
- cease operating lift 5 if significant impacts on goat movement along the corridor are identified during monitoring, and, if impacts persist and the above committee process so determines, close the lift and remove it from operation;
- remove and rehabilitate the road used to construct the communications tower, following its construction (**Note** - Access for servicing the tower during winter will be restricted to snowmobile or snowcat; and during summer, to helicopter, with helicopter use avoided when goats are known (or suspected) to be within a 2,000-m sight distance of the vicinity);
- site the upper terminal of Lift 2 at a minimum of 14 vertical m (to accommodate a 10-m vertical setback from the top of the terminal tower) and 50 lineal m from the summer goat trail on the West Ridge (**Note** - Conduct a site visit with MELP to determine a mutually agreeable location for this upper terminal of Lift 2);
- site the upper terminal of Lift 11 approximately 45 m below the West Ridge;
- site the upper terminal of Lift 8 at a minimum of 14 vertical m (to accommodate a 10-m vertical setback from the top of the terminal tower) and 50 lineal m from the top of the Upper Barkley Ridge (**Note** - Conduct a site visit with MELP to determine a mutually agreeable location for the upper terminal of Lift 8);
- conduct 10 years of additional telemetry and monitoring on the impacts of Lifts 2, 8, 10, 11, and 5 on goat use of the ridges and spring/summer habitat in sub-units 6, 7 and 8 (**Note** – Bearing in mind that Lift 13 is approved in principle, if significant impacts are detected or the slopes serviced

- by Lift 13 appear to receive extensive and regular use during winter, relocate the lift);
- prohibit construction in sub-units 3, 6, 7 or 8 (including the Twin Lakes area) between December 1 and July 15;
  - concentrate hiking trails and lift access within the north side of the Melvin Creek basin (**Note** - Trails will not be located above 1,975 m in sub-units 3, 6, 7 and 8. Trails in these sub-units will be closed from May 1 until July 15);
  - construct any goat-viewing area for the mineral lick at a safe distance from the mineral lick;
  - prohibit recreational snowmobile and ATV activity within the Melvin Creek drainage;
  - make reasonable efforts to discourage out-of-bound skiers/snowboarders from reaching areas outside the Melvin Creek drainage (**Note** - This will be managed through signage mainly, and fencing, where required);
  - minimize the disturbance to goats from helicopters during construction, particularly during ski lift construction, through the following:
  - minimize helicopter activity beyond the bounds of the Melvin Creek watershed during construction;
    - ensure that goats are not subjected to surprise sudden noise created by helicopters, and that helicopters will stay as far from goats as safely possible;
    - ensure that helicopters are not flown within a 2,000-m distance of goats, unless they are located beyond a ridge and out of the line of site;
    - prohibit all resort-related recreational helicopter activity beyond the bounds of Melvin Creek during resort operations (excepting emergencies and occasional summer servicing of the communication tower); and
  - undertake no construction activity in sub-units 3,6,7 or 8 between December 1 and July 15 (**Note** - Any proposed construction activity within these subunits should be presented to MELP, and any variance from the timing window would need agreement by MELP prior to construction. No blasting should take place at any time within the Melvin Creek drainage when mountain goats are within 2000 m of the work site (or other specified distance to be agreed between NGR and the RM-FWH)).

## 17. Grizzly Bears

The proponent has committed to the following:

- comply with the terms and conditions outlined in the document entitled *A Bear Management Plan for the Proposed Melvin Creek/Cayoosh Resort: Annotated Outline*, dated June 27, 2000;

## 18. Birds

The proponent has committed to:

- address potential impacts on Spotted Owls through generic measures undertaken during project development, such as minimising habitat alterations and timing construction activities to avoid the breeding season;
- conduct a one-season Spotted Owl inventory prior to road construction;
- undertake a specific set of standard surveys for Spotted Owls, prior to any disturbance to the area, including logging, blasting or road construction or construction in the upper valley, during the period when adults would be on (or near) a nesting territory;
- be prepared to propose additional mitigation measures, if inventory results warrant, which would include avoidance of a confirmed nesting site;
- employ a qualified biological consultant to conduct a Harlequin Duck survey during the appropriate seasons, and prior to any disturbance, such as logging, blasting or road construction (**Note** - The presence and abundance of Harlequin Ducks in the area are to be determined);
- consult CWS regarding appropriate timing for the survey;
- employ a qualified biologist to monitor the proposed construction site prior to construction;
- if Harlequin ducks are discovered at the sites of the project's on-site and/or off-site components, develop an appropriate mitigation strategy for any potential impacts, including the adoption of setbacks from duck habitat of at least 100 m, if possible; and
- employ a qualified biologist to conduct surveillance for Harlequin ducks during resort operation to assess the failure and/or success of any implemented mitigation measures, using an adaptive management approach (**Note** - Surveillance after the initial pre-disturbance Harlequin Duck survey will be determined in consultation with CWS, and will reflect the findings of the initial survey).

## **19. Threatened and Endangered Vegetation Communities**

The proponent has committed to:

- further check potential sites in the development area to confirm the site-specific presence/absence of threatened and endangered plants prior to construction (**Note** - Measures to minimize impacts on these plants are to be developed, and where possible, site plans are to be altered. Additional mitigation measures may include restricting access in the vicinity of sensitive areas, designing and locating trails to minimize disturbances, and transplanting potentially impacted plants to other appropriate habitats);
- prior to any site disturbance for resort development purposes, conduct a ground survey to inventory rare and endangered plants and fauna in July and August;
- conduct surveys at least twice during the flowering season, preferably in June and August; and
- wherever possible, preserve rare and endangered plants through modifications to trail and road alignments.

## 20. Impacts on Alpine Vegetation

Refer to section 6.2.3.2.1 - Wildlife Resources - General (Alpine Belt) for a listing of NGR's commitments regarding alpine vegetation.

## 21. Cumulative Environmental Effects

The proponent committed to:

- provide an outline for a cumulative effects monitoring program during the development of the ski area master plan.

## 22. Forest Resources

The proponent has committed to:

- continue to work with MoF and Ainsworth Lumber in the post-EA period to ensure that an appropriate logging plan can be developed that is compatible with future tourism use;
- refrain from harvesting immature timber unless absolutely necessary;
- undertake no clear-cutting, beyond that which is provided for in the conceptual resort master plan, unless plans are prepared and provided to the satisfaction of the RM-FWH;
- leave a feathered wind-firm edge inside the area shown on the conceptual plan, when logging near the edge of riparian areas and ski runs;
- ensure that the new bridge constructed to replace the temporary bridge across Cayoosh Creek is in compliance with the *Navigable Waters Protection Act*;
- in keeping with the overriding public safety requirements of BCAL and the proponent's need to build a conventional ski resort with defined, forested ski trails, minimize the loss of timber in constructing ski runs, so as to leave as much mature timber as possible, and glade ski runs;
- seek approval for logging only in areas shown on the conceptual master plan as commercial core, residential development, road, skiway or ski run above 1500 m;
- prepare and provide plans for logging of areas in addition to those shown on the conceptual master plan to the satisfaction of the RM-FWH;
- for clearing required for project development, prepare and provide to the satisfaction of the RM-

FWH plans for any clearing of areas greater than 0.25 ha in addition to that provided for in the conceptual master plan. (**Note** - Smaller areas could be cleared with the approval of the environmental monitor, if no alternative exists;

- undertake no logging within the riparian buffer, per the *Urban Land Development Guidelines*, until the ski area master plan has been accepted under the CASP process; and,
- adhere to mitigation measures required to protect wildlife (i.e. timing windows, protection of special habitat features identified during Harlequin Duck or Spotted Owl inventories, etc.).

## **23. Mineral Resources**

The proponent has committed to:

- apply to BCAL to arrange for renewal of the temporary 'No Staking Reserve' currently placed over the Melvin Creek drainage on a permanent basis;
- raise no objections to renewed operations at the existing granite quarry of Northwest Granite Co. Ltd;
- raise no objection to future mineral exploration and mining activities in the lower Melvin Creek valley; and
- in general, recognise that the area outside the 'No Staking Reserve' is open to other resource development, subject to decisions made, and conditions imposed, by government through the appropriate review processes which will take into account existing uses and prior rights, and which will recognise that access to other resource development would not pass through the 'No-Staking Reserve'.

## **24. Recreation and Tourism Effects**

The proponent has committed to:

- ensure that no access trails are built by the resort operators to provide access from the Melvin Creek valley into the Barkley Creek valley or the Lost Creek valley areas.
- ensure that no access trails are built by the resort operators to provide access from the Melvin Creek valley into the Downton Creek valley;
- review every upper terminal access road with BCAL and RM-FWH to agree on methods to minimize public access;
- prohibit public vehicle use of non-public roads (upper terminal access roads and communication tower service roads); and

- gate permanent upper terminal access roads.

## **25. Commercial and Non-Commercial Fish and Wildlife Recreation**

The proponent has committed to:

- put forth best reasonable efforts to negotiate a mutually acceptable compensation arrangement for the guide/outfitter.

## **26. Employment Effects**

The proponent has committed to:

- make reasonable efforts to maximize employment and economic development opportunities for local residents in the Lillooet and Pemberton areas (**Note** – NGR will approach this by working with federal, provincial and local government staff and relevant community organisations involved in education, skills training and economic development to ensure that residents are well informed of potential employment opportunities, development schedules and contracts, as well as any other economic development opportunities which could benefit local residents and neighbouring communities);
- meet with interested St'at'imc communities to develop strategies and relationships to maximize employment opportunities;
- establish hiring practices and procedures to address St'at'imc issues;
- employ a qualified St'at'imc personnel person in a key role within the resort's Manpower Department;
- review and develop a strategy to have third-party developers and investors clearly understand and co-operate in the economic and employment participation of First Nations people in the resort project;
- outline First Nations employment strategies with all private sector investor/developer groups, and inform them of the availability of St'at'imc personnel seeking employment, and of NGR's commitment to involve interested St'at'imc employees and investors;
- develop youth recreation programs to introduce youth from all interested St'at'imc communities to tourism in general, and the resort project in particular; and
- provide job training opportunities within the resort linked to all training programs.

## **27. Accommodation Effects**

The proponent has committed to:

- assist Lillooet, Pemberton and First Nations communities in establishing growth models during the post-EA and post-master-development-agreement stages;
- if all of the surrounding communities decide to limit growth below the housing requirements for the employees of the proposed resort, increase the percentage of on-site employee housing;
- work with St'at'imc communities and the province to develop an employee housing program which provides both suitable short-term/weekly housing and family-oriented affordable housing on-site for First Nations members; and
- work with St'at'imc communities and the province to develop a St'at'imc Housing Trust Fund which assists First Nations to address chronic housing shortages in a long-term manner that both enhances St'at'imc communities and ensures maximum First Nations employment in businesses associated with the resort.

## **28. Service Delivery Effects**

The proponent has committed to:

- discuss day-care financing issues with other government agencies and with First Nations communities.

## **29. Community Stability Effects**

The proponent has committed to:

- initiate and maintain a working relationship with the local Human Resource Centre and the BC Benefits Employment and Benefits Centre administration in order to minimize the negative effects of the project and maximize its positive effects on the stability of local communities; and
- participate in any reviews to update St'at'imc community development plans, if invited by St'at'imc Bands.

## **30. Health Effects**

The proponent has committed to

- establish a first aid facility at the resort;
- within two years, encourage the opening of a medical clinic; and
- base an industrial ambulance at the resort for transporting workers, per WCB requirements.

### **31. First Nations Traditional Use Issues**

In addition to the commitments outlined in s. 6.6.2 - Archaeological Resources, the proponent has committed to:

- limit the communication of information to site personnel and the public on the whereabouts of any located historical sites; and
- restrict the use of signage.

To mitigate potential impacts on First Nations traditional use of the Melvin Creek area, the proponent has also committed to:

- work with St'at'imc and MELP to determine whether a controlled deer hunt of limited (2-3 week) duration for St'at'imc members would be possible in the upper Melvin Creek valley;
- ensure that St'at'imc people continue to have access to the Melvin Creek valley for traditional gathering activities, and to maintain areas of ethnobiological significance for these purposes;
- support a 'no firearms' policy within Melvin Creek, except for possible controlled St'at'imc hunting;
- discourage access to other adjacent valleys by resort visitors and guests; and
- not develop any trail system which links adjacent valleys.

Beyond that, NGR's primary ability to mitigate any effects on First Nations traditional use, rights and title is connected with ensuring that economic benefits of project development are shared with St'at'imc communities as follows:

- make reasonable efforts to include, as terms of any purchase agreement with third parties, the best possible contractual obligation to have third parties employ First Nations members where possible;
- if the resort proceeds, pay land use fees to St'at'imc;
- support allocation of some land use fees paid by NGR to St'at'imc to partially fund a housing trust or fund or other such funds as the St'at'imc deem necessary;
- meet infrastructure commitments for wastewater disposal and domestic water supply per those outlined by First Nations and per MELP's requirements;
- make reasonable efforts to reach benefit agreements with the St'at'imc, and to work especially close with Bands which are most directly impacted (i.e. Mount Currie, Cayoose Creek, Lillooet and N'Quat'qua);
- explore and negotiate with relevant and willing First Nations consultation protocols which will



- provide for the establishment of an environmental management mechanism and for continuous development communication with interested First Nations communities;
- continue to work in good faith with First Nations to identify and respond to issues identified in the EA process;
  - negotiate an economic benefits agreement which would include provisions for construction and operations-stage employment, student employment and co-ops, business opportunity notification, and make best efforts to include these same provisions in third-party agreements;
  - entertain equity partnerships and joint ventures as identified by the First Nations;
  - make reasonable efforts for direct purchase from First Nations and neighbouring communities and their businesses;
  - provide First Nations with assistance in strategic planning for non-project marketing activities;
  - participate with any on-going marketing or community liaison committees; and
  - provide First Nations with development sites (at cost) for businesses owned and operated by First Nations.

For purposes of monitoring and ensuring implementation of these commitments, NGR will commit to undertake the following:

- report progress annually to the Minister of Environment, Lands and Parks and the Minister of Aboriginal Affairs;
- report with respect to any agreements around First Nations employment and commercial opportunity participation to the Minister of Aboriginal Affairs and each Band;
- issue reports to the EAO annually until at least Phase Two project construction is completed, or longer if deemed necessary by EAO and First Nations participants; and
- agree that, if the project is granted an EA certificate, the certificate would be amended in the future to include any subsequent agreements with First Nations members.

## **32. Archaeological Resources**

The proponent has committed to:

- undertake no summer grooming terrain alterations at site EdRn 1;
- not inform staff, members of the public or resort guests of site EdRn 1, and offer no lectures, cultural tours or signage to identify this site;
- construct no summer trails nor use any existing trails that pass within 50 m of archaeological site EdRn 1, and not to carry out any form of grooming which would result in altering the ground surface (**Note** - No motorcycles, ATVs or bicycles will be permitted on or within the site area);
- make the key project management team aware of the construction prohibition and restricted activity levels for site EdRn 1;
- if archaeological material is inadvertently encountered during project construction, immediately suspend all land-altering activities in the vicinity of the project site, and contact the Archaeology

Branch, MSBTC (**Note** - The need for remedial archaeological work will require a *Heritage Conservation Act (HCA)*, section 14 permit. A section 12 permit will otherwise be required to authorize alterations to the site);

- work with St'at'imc archaeologists (if St'at'imc is willing to do so) to clarify the origin and use (whether Aboriginal or non-Aboriginal) of specific sites, facilities and features where origin and use are deemed uncertain;
- work with St'at'imc staff (if St'at'imc is willing to do so) to document those archaeological features present within the Melvin Creek drainage which are not subject to the provisions of the *HCA*; and
- work with the St'at'imc archaeologists (if St'at'imc is willing to do so) to re-examine Melvin Creek valley bottom areas to determine any presence of culturally modified trees and, if possible, to mitigate any potential conflicts with resort development.

**IN THE MATTER OF  
THE ENVIRONMENTAL ASSESSMENT ACT, RSBC 1996, c. 119 (the "Act")**

**AND**

**IN THE MATTER OF  
AN APPLICATION FOR A PROJECT APPROVAL CERTIFICATE BY  
REDFERN RESOURCES LTD. ("Redfern")  
FOR THE TULSEQUAH CHIEF MINE PROJECT (the "Project"),  
IN NORTHWEST BRITISH COLUMBIA**

**PROJECT APPROVAL CERTIFICATE M02-01**

**Whereas,**

- A. In September 1994, Redfern submitted an application for a mine development certificate for the Tulsequah Chief Mine Project pursuant to the *Mine Development Assessment Act*, SBC 1990, c. 55;
- B. On June 30, 1995, pursuant to s. 93(5) of the Act, the Project was transferred to the environmental assessment process at a step known as "Draft Project Report Specifications";
- C. After the Executive Director referred the Project Application for decision under s. 30 of the Act in March 1998, the Minister of Environment, Lands and Parks with the concurrence of the Minister of Energy and Mines issued a Project Approval Certificate (M98-02) with conditions to Redfern on March 19, 1998;
- D. The British Columbia Supreme Court quashed Project Approval Certificate M98-02 on June 28, 2000, and on July 29, 2000, directed that the Project Committee for the Project be reconvened to further consider and address the concerns of the Taku River Tlingits and that an amended Recommendations Report be provided to the Minister of Environment, Lands and Parks and the Minister of Energy and Mines as a basis for them to reconsider whether or not to issue a Project Approval Certificate for the Project;
- E. The Project Committee was reconvened on September 19, 2000, and began to further consider and address the concerns of the Taku River Tlingits, and to incorporate data collected since March 1998 regarding wildlife, fisheries and water quality into its considerations;

F. Before the Project Committee had completed a full consideration of the concerns of the Taku River Tlingits, on January 31, 2002, the British Columbia Court of Appeal directed that the matter should be remitted directly to Ministers;

G. On May 31, 2002, the Executive Director remitted:

- the Proponent's application for a Project Approval Certificate;
- the Project Report, including a report entitled *Determining the Impact of the Tulsequah Chief Mine Project on the Traditional Land Use of the Taku River Tlingit First Nation: Addendum on Impacts, December, 1997*, prepared by Lindsay Staples;
- the recommendations of the Tulsequah Chief Project Committee ("Project Committee") and the reasons for its recommendations, given in a report entitled *Report and Recommendations of the Tulsequah Chief Project Committee with Respect to a Decision on a Project Approval Certificate by the Minister of Environment, Lands and Parks and the Minister of Energy and Mines and Minister Responsible for Northern Development and Fulfilling the Requirements of a Screening Report pursuant to the Canadian Environmental Assessment Act (the Committee Report)*;
- the recommendations of the Taku River Tlingit First Nation and the reasons for its recommendations, given in a report entitled *Tulsequah Chief Mine Re-Opening Project, Report and Recommendations of the Taku River Tlingit First Nation (Project Committee Member), March 6, 1998*;
- the decision of the Court of Appeal regarding the Tulsequah Chief Mine proposal (*Taku River Tlingit First Nation v. British Columbia*, BCCA, January 31, 2002);
- the Paul decision (*Paul v. Forest Appeals Commission*, BCCA, June 14, 2001);
- the Haida decision (*Haida Nation v. British Columbia and Weyerhaeuser*, BCCA, February 2002);
- Court of Appeal Order (April 22, 2002); and
- Court clarification of Court of Appeal Order (April 22, 2002), Memorandum from Madam Justice Rowles, Court of Appeal, sent to Deputy Registrar Low, dated April 11, 2002,

to the Minister of Sustainable Resource Management (the "Minister") and to the Minister of Energy and Mines (the "Responsible Minister") to assist in the reconsideration of the question of the issuance of a Project Approval Certificate, bearing in mind the Court of Appeal's reasons for judgment;

- H. On June 20, 2002, the Minister met with representatives of the Taku River Tlingits in Atlin, British Columbia, to discuss their concerns with respect to the Project including the possibility of an acceptable route for an access road to the Tulsequah Chief mine site. The access road is about 160 kilometres in length, and is within the Main Access Corridor (East Route) as shown in Figure 3 of the Committee Report. Following that meeting, the Taku River Tlingits advised the Minister in writing on July 23, 2002, that the Tlingits did not have a proposal for a road alignment, were not interested in working on a proposal for one, and that the Project should be considered in the context of a land use plan for sustainable economic development in the watershed as a whole, or within the context of Treaty negotiations;
- I. On September 14, 2002, the Minister and the Responsible Minister met with representatives of the Taku River Tlingits in Atlin, British Columbia, during which time, their discussions included the potential of working cooperatively on a land use planning initiative and the potential for economic development opportunities for the Tlingits in the region;
- J. On October 9, 2002, in Victoria, British Columbia, the Minister met again with representatives of the Taku River Tlingits regarding a proposal for land use planning and after that meeting the Minister wrote to the Taku River Tlingits on November 13, 2002, offering to meet again to partner a planning protocol;
- K. On November 21, 2002, the Taku River Tlingits wrote to the Minister suggesting a date of December 4, 2002, for a further meeting to discuss planning, and to discuss corresponding and proceeding on a "without prejudice basis";
- L. Although the Province remains willing to continue discussions regarding a land use plan, no further steps regarding land use planning have taken place;
- M. The Province of British Columbia intends to consult with the Taku River Tlingits, the relevant agencies within the governments of Canada, the Yukon Territorial Government, the United States, and the State of Alaska, during the final design and implementation of the Project;
- N. The Minister and the Responsible Minister have considered all of the documents remitted to them by the Executive Director on May 31, 2002, and itemized in G above;

**Now Therefore,**

The Minister, with the concurrence of the Responsible Minister, pursuant to section 30(1)(b)(i) of the Act and pursuant to the January 30, 2002 direction of the British Columbia Court of Appeal, hereby issues this Certificate to Redfern subject to the following conditions (the Conditions):

**A. Conditions**

- 1 Redfern must cause the Project to be designed, located, constructed, operated, dismantled and/or abandoned in accordance with the Conditions of this Certificate and the documents and correspondence listed in Schedule A, and must comply with all of the Conditions of this Certificate to the reasonable satisfaction of the Minister.
- 2 Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and this Certificate, Condition 1 must be interpreted so that the contents of the later dated document will vary, repeal, rescind or supersede, as the case may be, the contents of earlier dated documents listed in Schedule A.
- 3 Where, in the reasonable opinion of the Minister, there is a conflict or inconsistency between any of the documents listed in Schedule A and the Conditions which follow, these Conditions must take precedence over and supersede the contents of the documents listed in Schedule A.
- 4(1) Despite Condition 1 above, if prior to the start of production from the Project, Redfern proposes a change to the design, location, construction, operation, dismantling and/or abandonment of the Project as described in the documents listed in Schedule A, and the change may in the opinion of the Executive Director, have the potential for significant adverse effects, even if the change is not a project modification as defined by the provisions of the Environmental Assessment Reviewable Projects Regulation as amended or replaced, Redfern must then provide the Executive Director with:
  - a. notice of the proposed change; and
  - b. plans, analysis, records and other information necessary for an effective assessment by the Executive Director of the proposed change.
- 4(2) Where the Executive Director, following receipt of and evaluation of information with respect to an item under Condition 4(1), and in consultation with the appropriate authorities, considers that the proposed change does not have the potential to cause significant adverse effects,

the Executive Director may approve the change to the Project and amend this Certificate.

- 4(3) Where the Executive Director, following receipt of and evaluation of information with respect to an item under Condition 4(1), and in consultation with the appropriate authorities, considers that the proposed change could cause significant adverse effects, the Executive Director may:
- a. establish a review process for an effective assessment of the potential effects of the change and cause it to be conducted;
  - b. on conclusion of the review process, make a recommendation to the Minister and Responsible Minister regarding the proposed change to the Project; and
  - c. on receipt of the recommendation of the Executive Director, the Minister and the Responsible Minister may approve the change to the Project and amend this Certificate.

5 Redfern must:

- 5(1) Finalize a protocol for chronic toxicity testing of the mine effluent discharge for the Project by,
- a. completing and entering into an agreement with the Environmental Quality Section Head, Skeena Region, Ministry of Water, Land and Air Protection, Smithers, incorporating the terms and conditions substantially as outlined in the draft agreement listed in Schedule A to this Certificate, and
  - b. consulting with the following entities under the lead of the Environmental Quality Section Head, Skeena Region, Ministry of Water, Land and Air Protection, Smithers, or designate:
    - i. representatives of the Taku River Tlingits;
    - ii. representatives of the Fisheries and Oceans Canada and Environment Canada, Pacific Region;
    - iii. representatives of the Department of Fish and Game and the Department of Environmental Conservation, State of Alaska;
    - iv. representatives of the Environmental Protection Agency (Region 10), United States;
- 5(2) Complete the protocol referred to in Condition 5 (1) to the satisfaction of the Environmental Quality Section Head, Skeena Region, Ministry of Water, Land and Air Protection, Smithers, prior to the construction of the access road;
- 5(3) Finalize a protocol, to the satisfaction of the Chief Inspector of Mines, Ministry of Energy and Mines, Victoria, for further testing of the alluvial fan of the Shazah Creek valley, to confirm the prediction that the alluvial fan at

the site of the tailings pond impoundment, results from post-glacial sedimentation as opposed to debris torrents, with the resulting degrees of stability, after consulting with the following entities under the lead of the Chief Inspector of Mines, Ministry of Energy and Mines, or designate:

- i. representatives of the Taku River Tlingits;
- ii. representatives of Natural Resources Canada, Pacific Region, and any other federal agency the Chief Inspector determines to be appropriate;
- iii. representatives of the Department of Fish and Game and the Department of Environmental Conservation, State of Alaska; and
- iv. representatives of the Environmental Protection Agency (Region 10), United States;

5(4) Implement the terms of the protocol referred to in Condition 5(3) to the satisfaction of the Chief Inspector of Mines, prior to the construction of the access road;

5(5) For purposes of this Condition, construction of the access road does not include works and activities undertaken to develop the design of the access road or to undertake further studies and information gathering obligations in respect of this Certificate and any other permits issued by the Province of British Columbia;

5(6) Implement the environmental management commitments described in the documents listed in Schedule A, to the reasonable satisfaction of the Director of Regional Operations, Environmental Protection Division and the Director of Regional Operations, Environmental Stewardship Division, Ministry of Water, Land and Air Protection, Victoria;

5(7) Implement to the reasonable satisfaction of the Director of Regional Operations, Environmental Protection Division and the Director of Regional Operations, Environmental Stewardship Division, Ministry of Water, Land and Air Protection, Victoria, Redfern's component of the Environmental Follow-up and Monitoring Program, contained in Appendix 11 of the Committee Report, prepared by the Environmental Assessment Office on behalf of the majority of the members of the Project Committee;

5(8) Implement to the satisfaction of the Chief, Major Projects Review Unit, Habitat and Enhancement Branch, Fisheries and Oceans Canada, Pacific Region, the Fish and Fish Habitat Mitigation and Compensation plan, outlined in the Environmental Follow-up and Monitoring Program referred to in Appendix 11 of the Committee Report, prepared by the



Environmental Assessment Office on behalf of the majority of the members of the Project Committee;

- 5(9) Ensure that the firearms, hunting, fishing and vehicle use policy listed in Schedule A is actively enforced and complied with by Redfern employees and its contractors and agents;
  - 5(10) Implement the access management plan for the access road, included in Volume IV of the Project Report listed in Schedule A, as further developed by Redfern in a report, Tulsequah Chief Project Access Road Management, listed in Schedule A, to the satisfaction of the Director of Regional Operations, Environmental Stewardship Division, Ministry of Water, Land and Air Protection, Victoria;
  - 5(11) Participate with the Province, First Nations and third parties in a management process, established by the Province, to oversee and monitor the construction, operation, decommissioning and abandonment phases of the Project, including the monitoring and management of the potential for Project related community impacts;
  - 5(12) To the satisfaction of the Regional Director, Northern Region, Ministry of Transportation (MoT), reach an agreement regarding responsibility for the additional costs that would be incurred beyond the existing MoT Atlin highway improvement program, to meet the required specifications identified in the Committee Report for the Project ore transportation on the British Columbia portion of the Atlin highway.
- 6
    - (a) Subject to Conditions 1, 2 and 3, Redfern must fulfil all commitments and proposed mitigation and compensation measures as documented in the Application and the Project Report, including supplementary documents and correspondence listed in Schedule A, to the reasonable satisfaction of the Minister.
    - (b) Redfern's commitments are summarized for ease of reference in Schedule B to this Certificate. Where in the reasonable opinion of the Minister there are conflicts or inconsistencies between Schedule B and any commitments outlined in the documents of Schedule A, the commitments as outlined in Schedule A and this Certificate take priority and the rules of interpretation outlined in Conditions 1, 2 and 3 apply.
  - 7 This Certificate is of no force or effect until validly executed by Redfern and signed by the Minister and the Responsible Minister.

- 8(1) This Certificate does not constitute a permit, licence, approval or any other authority required under any other enactment.
- 8(2) Redfern must comply with all applicable orders, directions and conditions, and obtain and comply with all applicable tenures, licences, regulations, approvals, standards and permits, or other authorities, which may include or result from, but are not necessarily limited to, the following provincial enactments:
- a. *Commercial Transport Act*, RSBC 1996, c. 58;
  - b. *Electrical Safety Act*, RSBC 1996, c. 109;
  - c. *Environmental Assessment Act*, RSBC 1996, c. 119 and the *Environmental Assessment Reviewable Projects Regulation*, B.C. Reg. 275/95;
  - d. *Fire Services Act*, RSBC 1996, c. 144;
  - e. *Fish Protection Act*, RSBC 1997, c. 21;
  - f. *Forest Act*, RSBC 1996, c.157;
  - g. *Forest Land Reserve Act*, RSBC 1996, c.158;
  - h. *Gas Safety Act*, RSBC 1996, c. 169;
  - i. *Health Act*, RSBC 1996, c. 179;
  - j. *Heritage Conservation Act*, RSBC 1996, c. 187;
  - k. *Highway Act*, RSBC 1996, c. 188;
  - l. *Land Act*, RSBC 1996, c. 245;
  - m. *Mines Act*, RSBC 1996, c. 293;
  - n. *Mineral Tenure Act*, RSBC 1996, c. 292;
  - o. *Mining Right of Way Act*, RSBC 1996, c. 294;
  - p. *Motor Vehicle Act*, RSBC 1996, c. 318;
  - q. *Pesticide Control Act*, RSBC 1996, c. 360;
  - r. *Pipeline Act*, RSBC 1996, c. 364;
  - s. *Power Engineers and Boiler and Power Pressure Vessel Safety Act*, RSBC 1996, c. 368;
  - t. *Transport of Dangerous Goods Act*, RSBC 1996, c. 458;
  - u. *Utilities Commission Act*, RSBC 1996, c. 473;
  - v. *Waste Management Act*, RSBC 1996, c. 482;
  - w. *Water Act*, RSBC 1996, c. 483;
  - x. *Water Utility Act*, RSBC 1996, c. 485;
  - y. *Wildlife Act*, RSBC 1996, c. 488.
- 9 Redfern must, except in connection with granting security to Project lenders or other financing entities or financing facilities, obtain the written consent of the Minister, such consent not to be unreasonably withheld, prior to disposing, whether legally, beneficially or otherwise, of:
- a. this Certificate, or any right, title or interest or mineral tenure underlying the Project conferred by this Certificate, or
  - b. the Project.

- 10 Redfern must have, in the reasonable opinion of the Minister, substantially started the Project by commencing the construction of the Project within five years of the date of issue of this Certificate.
- 11 Redfern must submit reports to the Environmental Assessment Office, regarding:
  - a. the results of the chronic toxicity testing referred to in Condition 5(1) of this Certificate and the alluvial fan testing referred to in Condition 5(3) of this Certificate, within three months of the completion of the testing and prior to construction of the access road,
  - b. compliance with the Conditions of this Certificate to the date of the completion of the testing referred to in Condition 11(a) of this Certificate, and particulars that appropriately describe the schedule for construction of the Project and start-up of Project operations, and particulars that describe the monitoring requirements during construction, when the report referred to in Condition 11(a) of this Certificate is submitted,
  - c. the results of all monitoring conducted during construction in a consolidated form, within three months of substantially completing construction of the Project, and
  - d. compliance with the Conditions of this Certificate within three months of the end of the first year of mining operations, and annually during the life time of the Project.

## **B. Suspension and Cancellation of Certificate**

This Certificate may be subject to cancellation, suspension in whole or in part, amendment, or the attachment of new Conditions, for any of the following reasons:

- a. construction of the Project is not, in the reasonable opinion of the Minister, substantially started within five years of the date of issue of this Certificate,
- b. the Minister has reasonable and probable grounds to believe that Redfern is in default of:
  - i) an Order of the Supreme Court under section 69(2), 80 or 82 of the Act;
  - ii) an Order of the Minister made under section 68 or 70 of the Act; or
  - iii) one or more requirements or Conditions of this Certificate,
- c. Redfern, or its officers or employees when acting on behalf of Redfern, have been convicted of an offence under the Act, with respect to the Project, or

- d. An Order is made or a resolution is passed, for the winding up, or dissolution of Redfern, or Redfern is in receivership or bankruptcy proceedings, without such Order or resolution being rescinded or stayed.

The Conditions of this Certificate are agreed to by Redfern this

\_\_\_ 12 \_\_\_ day of \_\_\_ December \_\_\_, 2002.

*Original signed by*

\_\_\_\_\_  
Terence Chandler  
President and Chief Executive Officer  
Redfern Resources Ltd.

*Original signed by*

\_\_\_\_\_  
Honourable Stan Hagen  
Minister of Sustainable Resource  
Management

\_\_\_\_ *Original signed by*\_\_\_\_

Honourable Richard Neufeld  
Ministry of Energy and Mines

Issued this \_\_\_ 12 \_\_\_ day of \_\_\_ December \_\_\_, 2002, in Victoria,  
British Columbia

## **SCHEDULE A**

### **LIST OF DOCUMENTS COMPRISING THE TULSEQUAH CHIEF APPLICATION AND PROJECT REPORT**

#### **Application – 1994**

- Pre-Application for Mine Development Certificate, Redfern Resources Ltd., June 1994
- Baseline Environmental Monitoring Protocols, Redfern Resources Ltd., June 1994
- Pre-Application for Mine Development Certificate – Addendum Dated February 1995

#### **Project Report – 1997**

- Tulsequah Chief Project – Wildlife Capability/Suitability Maps, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume I Executive Summary, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume II Project Description, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume II Appendices, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume III Environmental Setting (Part 1 of 2), Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume III Environmental Setting (Part 2 of 2), Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume III Appendices (Part 1 of 2), Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume III Appendices (Part 2 of 2), Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume IV Environmental Management, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volume V Environmental Impacts and Mitigation, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Volumes IV and V Appendices, Redfern Resources Ltd., July 1997
- Tulsequah Chief Project Report – Cultural, Sustenance and Socioeconomic Addendum, Redfern Resources Ltd., July 1997

- Memo from J. Loukras, Redfern Resources Ltd., to recipients of the Tulsequah Chief Project Report, August 26, 1997, providing replacement pages to Project Report.
- Update of Humidity-Cell Testwork, Tulsequah Chief Project, Redfern Resources Ltd., October 16, 1997
- Determining the Impact of the Tulsequah Chief Mine Project on the Traditional Land Use of the Taku River Tlingit First Nation, prepared by Lindsey Staples for the EAO, August 1997
- Determining the Impact of the Tulsequah Chief Mine Project on the Traditional Land Use of the Taku River Tlingit First Nation: Addendum on Impacts, prepared by Lindsey Staples for the EAO, December 1997
- Tulsequah Chief Project Committee, Review Agency and Public Issue Responses Wildlife and Fish/Fish Habitat, Redfern resources Ltd., December 16, 1997
- Tulsequah Chief Project – Proponent Response to ARD/ML/WQ Issues Identified by the Project Committee, the Public and Public Organizations, Redfern Resources Ltd., December 17, 1997
- Tulsequah Chief Project Committee, Review Agency and Public Issue Responses to Issue Tracking Items Concerning Cyanide, Monitoring and Management Plans, Reclamation, Mine Development, Road and Transportation, Socioeconomic/Land Use and Heritage, Redfern Resources Ltd., December 24, 1997
- Letter from T. Chandler to T. Pearse, December 24, 1997 Responding to Concerns Regarding Tailing Pond Performance
- Tulsequah Chief Project – Impact Assessment for Yukon transportation System, Redfern Resources Ltd., January 14, 1998
- Responses to ARD/Water Quality Issues Raised at the subcommittee Meeting of January 14, 1998, Redfern Resources Ltd., January 15, 1998
- Fax Memo from J. Loukras, Redfern Resources Ltd. To ARD/Water Quality subcommittee members, January 20, 1998, providing correction to the January 15, 1998 ARD/Water Quality response from Redfern regarding the proposed interim mine water treatment schedule
- Letter from D. Osmond, Gartner Lee Limited to T. Chandler, February 17, 1998, providing the final version of the environmental effects monitoring plan
- Letter from T. Chandler to N. Ringstad, January 27, 1998, providing preliminary cost estimates for the Warm Bay/McKee creek access road alternative and GPS plotted location of the TRTFN heritage trail north of the Sloko River
- Redfern Resources Ltd. Tulsequah Chief Project Firearms, Hunting, Fishing and Vehicle Use Policy, January 1998

- Letter from T. Chandler to N. Ringstad, January 29, 1998, outlining Redfern's commitment to participation in the grizzly bear cumulative effects assessment and long term grizzly bear monitoring plan
- Letter from T. Chandler to N. Ringstad, February 9, 1998, summarizing Redfern's commitment to adhere to the proposed Right-of Way for construction access to the Sloko River
- Letter from T. Chandler to N. Ringstad, February 9, 1998, providing Redfern's agreement with the conditions outlined by MOTM regarding improvements to the British Columbia portion of the Atlin public road
- Letter from T. Chandler to N. Ringstad, February 12, 1998, outlining Redfern's position regarding future compensation for loss of grizzly bear habitat
- Letter from T. Chandler to T. Pearse, February 17, 1998, regarding commitments to follow-up and monitoring
- Letter from T. Chandler to T. Pearse, February 17, 1998, providing additional information on the proposed access road
- Letter from T. Chandler to T. Pearse, February 18, 1998, providing additional information on access road construction
- Letter from T. Chandler to N. Ringstad, March 2, 1998, providing commitment to implement proponent components of proposed follow-up and monitoring program
- Letter from T. Chandler to N. Ringstad, March 6, 1998, providing commitment to adhere to requirements outlined in the MEI January 20, 1998, ARD/Metal Leaching document
- Letter from T. Chandler to N. Ringstad, March 11, 1998, providing commitment for access road deactivation at end of mine life
- Draft agreement proposed by Ministry of Water, Land and Air Protection: Sublethal Toxicity Testing Program for Proposed Tulsequah Chief Mine Effluent Treatment Plant Discharges
- Tulsequah Chief Project Access Road Management, committed to by Redfern Resources Ltd. in 1999 and itemized in a letter report dated December 20, 2001.

# SCHEDULE B

## Tulsequah Chief Mine Project: Environmental Assessment Commitments Chart

This chart summarizes proponent commitments and approval requirements to provide Ministers a consolidated list. It may not be comprehensive and the source documents provided for in Schedule A should be relied for details. This summary of commitments will also serve as a basis for post-approval compliance reporting. Not all certificate conditions are summarized in this chart and the certificate should be considered in full before developing a compliance report.

Commit-ment #	PROPONENT COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPONENT INFORMATION Stage for filing of plan/documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
<b>MINE SITE</b>				
<b>1</b>	<b>ACID ROCK DRAINAGE/METAL LEACHING</b>			
<b>1.1</b>	<b>TEMPORARY PYRITE CONCENTRATE IMPOUNDMENT</b>			
1.1.1	Design the impoundment to ensure tailings remain flooded and drainage can be collected. The impoundment will be constructed to ensure tailings remain in a flooded state.	Stage - Permitting Lead agency - MEM	Stage -before Mines Act permit	Outstanding
1.1.2	Any drainage to be primarily routed to the tailings impoundment with contingency routing to pyrite concentrate impoundment if tailings are exposed.	Stage - Permitting Lead agency - MEM	Stage - before Mines Act permit	Outstanding
<b>1.2</b>	<b>PAG WASTE ROCK OUTSIDE UPPER PORTALS</b>			
1.2.1	Conduct detailed material characterization. If it is determined that drainage from this source causes a significant environmental impact, backfill and encapsulate or otherwise mitigate the PAG/ARD-generating portion of the waste rock.	Stage - Permitting Lead agency - MEM	Stage - before Mines Act permit	Outstanding



**SCHEDULE B  
Tulsequah Chief Mine Project:  
Environmental Assessment Commitments Chart**

<b>Commit- ment #</b>	<b>PROPONENT COMMITMENT Impact Management Component(s)</b>	<b>IMPLEMENTATION Project stage for implementation of commitment/Lead Agency</b>	<b>PROPONENT INFORMATION Stage for filing of plan/ documentation (if applicable)</b>	<b>STATUS OF COMPLIANCE WITH COMMITMENT</b>
<b>1.3</b>	<b>DRAINAGE INPUTS</b>			
1.3.1	Take all reliable measures to grout and seal and divert drainage from entering any openings.	Stage - Permitting/construction Lead agency - MEM	Stage - Exploration Reclamation Permit	2002 - Partially fulfilled
<b>1.4</b>	<b>DRAINAGE DISCHARGE</b>			
1.4.1	Ensure the underground drainage system transports all contaminated water to the collection location for effluent treatment plan.	Stage - Construction and operation Lead agency - MWLAP / MEM	Stage -design before WMA permit/ Mines Act permit	Outstanding
1.4.2	To reduce treatment costs, wherever feasible divert clean water away from areas of potential contamination and, if possible, discharge separately.	Stage - Construction and operation Lead agency - MEM	Stage -design before Mines Act permit	2002 -Partially fulfilled
1.4.3	During the initial phases of mitigation, clear debris from adits and then build temporary dams to divert any contaminated drainage in the upper workings to the raise/stope system.	Stage - Construction and operation Lead agency - MWLAP / MEM	Stage -design before WMA permit / Mines Act permit	Outstanding
1.4.4	Cemented paste backfill to be used to effect permanent drainage control.	Stage - Construction and operation Lead agency - MEM	Stage -before Mines Act permit	Outstanding
<b>1.5</b>	<b>BACKFILL</b>			
1.5.1	The cemented low-S tailings paste used to backfill the historic workings to have a high enough cement or limestone content to be NPAG.	Stage - Operation and closure Lead agency -MEM	Stage - before Mines Act permit	Outstanding

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

<b>Commit- ment #</b>	<b>PROPONENT COMMITMENT Impact Management Component(s)</b>	<b>IMPLEMENTATION Project stage for implementation of commitment/Lead Agency</b>	<b>PROPONENT INFORMATION Stage for filing of plan/ documentation (if applicable)</b>	<b>STATUS OF COMPLIANCE WITH COMMITMENT</b>
<b>1.6</b>	<b>CONTINGENCY MEASURES</b>			
1.6.1	If, after all feasible backfilling of ARD generating portions of the historic working, the acid/metal drainage discharge still requires treatment prior to discharge, examine possible additional mitigation measures.	Stage - Operations Lead agency -MEM	Stage - After backfilling	Outstanding
1.6.2	Comply with the Terms of Reference for a Contingency Plan for Tailings Pond Seepage at Shazah Slough found in Appendix 2B of Appendix 11 to the Report and Recommendations of the Project Committee, March 1998.	Stage - Construction and operation Lead agency - MWLAP	Stage - before WMA permit	Outstanding
<b>1.7</b>	<b>HISTORIC WASTE ROCK</b>			
1.7.1	Unless it is demonstrated that there is no significant environmental impact, collect and treat all acidic drainage from the surface waste rock.	Stage - Operations Lead agency -MWLAP/MEM	Stage - Mines Act permit/ WMA permit	Outstanding
<b>1.8</b>	<b>IRON COLLOID SLUDGE</b>			
1.8.1	During full mine operation, either encapsulate iron sludge in the upper-workings backfill and/or use it along with the treatment sludge in the tailings backfill pumped into the new mine workings.	Stage - Operations Lead agency -MEM	Stage - Mines Act permit	Outstanding
1.8.2	Use temporary storage locations, where underground work occurs prior to the construction of the backfill plant or the availability of permanent backfill locations.	Stage - Operations Lead agency -MEM	Stage - Mines Act permit	Outstanding
1.8.3	To avoid release of co-precipitated metals, add limestone to neutralize the acidity and suppress metal release.	Stage - Operations Lead agency -MEM	Stage - Mines Act permit	Outstanding

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

Commitment #	PROPOSER COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPOSER INFORMATION Stage for filing of plan/ documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
<b>1.9</b>	<b>TEMPORARY PAG WASTE ROCK DUMP</b>	Stage - Construction Lead agency -MEM	Stage - before Mines Act permit	Outstanding
1.9.1	The dump design to allow drainage from the waste rock and ore to be collected and transported to the effluent treatment plant. The collection system to be capable of operating over the expected range of climatic conditions, capable of withstanding the geotechnical hazards, and have capacity for both expected mass of PAG waste rock and separate storage of ore. An impervious liner to be used in the temporary waste rock dump to prevent drainage migration into underlying porous soils.			
<b>1.10</b>	<b>NPAG WASTE ROCK DUMP</b>	Stage - Operations Lead agency -MEM	Stage - before Mines Act permit	Outstanding
1.10.1	Conduct the following monitoring to ensure no PAG waste rock is mistakenly classified as NPAG and stored in the NPAG waste rock dump: <ul style="list-style-type: none"> <li>• Detailed pre- and post-blasting ABA monitoring for newly created waste rock; and</li> <li>• Detailed ABA monitoring and visual identification to separate PAG and NPAG in historic waste rock.</li> </ul>			
1.10.2	NPAG defined as having an adjusted NPR of > 2	Stage - Operations Lead agency -MEM	Stage - before Mines Act permit	Outstanding
1.10.3	Any proposal to refine the PAG/NPAG criteria for all or a portion of the waste will require comprehensive mineralogical and kinetic supporting evidence.	Stage - Operations Lead agency -MEM	Stage - Operations	Outstanding

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

Commitment #	PROPONENT COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPONENT INFORMATION Stage for filing of plan/documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
<b>1.11</b>	<b>PLANT SITE</b>			
1.11.1	Drainage to report to a separate sump allowing "if required" collection of contaminated drainage and will not report to the pyrite concentrate impoundment.	Stage - Operations Lead agency- MWLAP/MEM	Stage - WMA permit/ Mines Act permit	Outstanding
<b>1.12</b>	<b>NEW UNDERGROUND WORKINGS</b>			
1.12.1	Prior to closure, refine the predicted rate of flooding.	Stage -Pre-closure Lead agency - MWLAP and MEM	Stage - WMA permit	Outstanding
1.12.2	Monitor water chemistry of drainage to measure progress of weathering and build-up in residual acidity in backfilled PAG waste rock.	Stage - Operations Lead agency -MEM	Stage - WMA permit	Outstanding
1.12.3	Due to the importance of limiting acid build-up prior to flooding, reassess the backfill composition, including its resistance to weathering under the range of possible conditions, determine the necessary minimum cement content and/or take suitable alternative strategies to ensure little or negligible pyrite oxidation will occur in the backfill prior to flooding.	Stage - Operations Lead agency -MEM	Stage - WMA permit	Outstanding
1.12.4	The mine plan will ensure that measures can be taken at the end of mining to ensure neutralization of the mine pond is feasible and loadings from this source will not exceed permitted discharge limits.	Stage - Closure Lead agency -MEM	Stage - pre Mines Act permit	Outstanding
<b>1.13</b>	<b>COLLECTION AND TREATMENT</b>			
1.13.1	Collect and treat all significant ARD	Stage - Operations and closure Lead agency - MEM and MWLAP	Stage - WMA permitting	Outstanding

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

Commit- ment #	PROPOSED COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPOSED INFORMATION Stage for filing of plan/ documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
<b>2</b>	<b>TAILINGS POND</b>			
<b>2.1</b>	<b>TAILINGS POND – Stability Testing</b>			
2.1.1	Further sampling of Shazah Fan to determine whether it was created gradually or through a catastrophic event	Stage - prior to mine or road construction commencing Lead agency - MEM	Stage - Mines Act permit Year -	Submission date - Sign-off date - Compliance status -
<b>2.2</b>	<b>MAIN SURFACE TAILINGS IMPOUNDMENT</b>			
2.2.1	To be used only for low-S tailings	Stage - Operation	Stage - Mines Act permit	Outstanding
2.2.2	Add crushed limestone to slurry to achieve minimum NPAG criteria	Lead agency - MEM Stage - Operation	Stage - Mines Act permit	Outstanding
2.2.3	Monitor surface composition of the pond, with possible contingency surface limestone addition if calcite and pyrite are deposited in different locations	Lead agency - MEM Stage - Operation	Stage - Mines Act permit	Outstanding
2.2.4	Use liner to limit drainage prior to sealing by tailings.	Stage -Construction, operation Lead agency -MEM	Stage - Mines Act permit	Outstanding
2.2.5	Only use for temporary ARD disposal as contingency if treatment plan inoperable and U/G storage capacity full	Stage - Operations Lead agency -MEM	Stage - Mines Act permit	Outstanding
2.2.6	Operationally maintain pond in centre to maximize path length for seepage through tailings.	Stage -Operations Lead agency - MEM	Stage - Mines Act permit	Outstanding

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

<b>Commit- ment #</b>	<b>PROPONENT COMMITMENT Impact Management Component(s)</b>	<b>IMPLEMENTATION Project stage for implementation of commitment/Lead Agency</b>	<b>PROPONENT INFORMATION Stage for filing of plan/ documentation (if applicable)</b>	<b>STATUS OF COMPLIANCE WITH COMMITMENT</b>
2.2.7	At close, ponded water to be removed and treated prior to discharge. Surface to be mounded to minimize infiltration.	Stage - Closure Lead agency - MWLAP	Stage - WMA permit	Outstanding
<b>3</b>	<b>WATER QUALITY - CHRONIC TOXICITY TESTING</b>			
3.1	Chronic toxicity testing to be conducted according to the protocol developed under the lead of MWLAP with the Taku River Tlingits, technical staff from Alaska Department of Environmental Conservation, Alaska Department of Fish and Game, US Fish and Wildlife Service, US Environmental Protection Agency, Environment Canada, and Fisheries and Oceans Canada.	Stage - Permitting Lead agency - MWLAP	Stage - WMA permit Year -	Submission date - Sign-off date - Compliance status -
3.1.1	The program will begin at the next available opportunity for bench scale effluent to be produced. The program would be iterative, and would continue beyond "start up", as a routine part of ongoing permit requirements.	Stage - Pre construction Lead agency - MWLAP	Stage - WMA permit Year -	Submission date - Sign-off date - Compliance status -
3.1.2	In addition to ongoing routine toxicity testing, testing may be triggered by other events such as changes in effluent chemistry during mine operations, to assist in determining whether aquatic resources may be affected by such changes. Each round of test results will then be used to fine tune discharge requirements in the WMA permit.	Stage - Operations Lead agency - MWLAP	Stage - WMA permit Year -	Submission date - Sign-off date - Compliance status -
<b>4</b>	<b>DISCHARGE OF MINE WATER</b>			
4.1	Develop a discharge system appropriate for water quality objectives and hydrodynamics, approved by MWLAP	Stage - Construction Lead agency - MWLAP	Stage - WMA permitting	Outstanding

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**Tulsequah Chief Mine Project:**  
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Commit- ment #	PROPOSER COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPOSER INFORMATION Stage for filing of plan/ documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
4.2	Baseline water quality sampling to focus on better defining the currently affected zone below existing mine water discharges	Stage - Operations Lead agency -MWLAP/MEM	Stage - WMA permitting/Mines Act	2002 - Complete
4.3	In case of a temporary shutdown of the effluent treatment plant, the mine water will be stored within a dammed portion of the 5400 level (north drift in hangingwall - non PAG rocks). In case more storage is required, mine water will be pumped to the final tailing pumpbox where lime will be added before being discharged into the tailing impoundment.	Stage - Operations (temporary shut down) Lead agency - MWLAP/MEM	Stage - WMA permitting/Mines Act permit	Outstanding
4.4	Construction of an interim treatment plant to begin treatment of the PAG and 5400 level waste dumps and as much minewater as possible, when plant infrastructure, access, and suitable sludge storage locations permit.	Stage - Operations Lead agency - MWLAP	Stage - WMA permit	Outstanding
4.5	Propose water quality objectives for parameters such as aluminum which naturally occur in high concentrations in the watershed.	Stage - Pre construction Lead agency - MWLAP	Stage - WMA permit	Outstanding
4.6	Assess the Big Bull mine water discharge to determine whether there is sufficient dilution in the Taku River to effectively minimize unacceptable impacts on the environment	Stage - Pre construction Lead agency - MWLAP	Stage - WMA permit	2002- Partially fulfilled
4.7	In the event of the pyrite storage liner leaking, maintain a water cover to reduce the potential for ARD generation, or if this is not possible, move the material underground and store it in a flooded storage state.	Stage - Operations Lead agency - MWLAP	Stage - WMA permit	Outstanding

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<b>Commit- ment #</b>	<b>PROPONENT COMMITMENT Impact Management Component(s)</b>	<b>IMPLEMENTATION Project stage for implementation of commitment/Lead Agency</b>	<b>PROPONENT INFORMATION Stage for filing of plan/ documentation (if applicable)</b>	<b>STATUS OF COMPLIANCE WITH COMMITMENT</b>
4.8	For contaminated site surface water run-off, pump overflow water to the effluent treatment mix tank or process water storage as a separate settling pond facility.	Stage - Operations Lead agency - MWLAP/MEM	Stage - WMA permit/Mines Act permit	Outstanding
4.9	In the event of a temporary mine closure, continue to store pyrite concentrate remaining on surface in the pyrite storage pond.	Stage - Operations Lead agency -MWLAP/MEM	Stage - WMA permit/ Mines Act permit	Outstanding
4.10	If the shutdown is permanent, return all the pyrite concentrate and rock in the PAG stockpile underground.	Stage - Closure Lead agency -MWLAP	Stage - WMA permit	Outstanding
<b>5</b>	<b>CONTINGENCY PLAN</b>			
5.1	The degree of risk associated with seepages of tailing pond water into Shazah Slough is governed by inputs to the tailings pond. This dictates that inputs will occur according to a set of criteria which will guarantee acceptable volumes of high quality (low concentrations of contaminants) seepage.	Stage -Pre construction to post operation Lead agency - MWLAP/MEM	Stage - WMA permit/ Mines Act permit	Outstanding



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5.2	<p>Seepage quality, quantity and movement will be tracked by monitoring wells. The number and locations of these wells and sampling frequency, chemical analyses of samples and flow measurements from them will be sufficient to ensure the following:</p> <ul style="list-style-type: none"> <li>- the potential for impacts to aquatic life in Shazah Slough is understood at any given time, and tracked so that contingencies may be initiated in time to eliminate or mitigate impacts prior to their occurrence. Tracking of chemical parameters of potential concern will include, but not necessarily be limited to Cd, Cu, Pb, Zn, Sb, Al, CN and SO<sub>4</sub>.</li> <li>- the degree of potential impact is estimated so that an appropriate level of effort is determined and expended through employing contingencies.</li> </ul>	<p>Stage - Operations  Lead agency -MWLAP/MEM</p>	<p>Stage - WMA permit/ WMA permit</p>	<p>Outstanding</p>
5.3	<p>The EEM program set out by the proponent to be approved in a <i>Waste Management Act</i> permit will be used to provide a second means of determining when, for how long and to what degree contingencies need to be employed to protect aquatic life in Shazah Creek.</p>	<p>Stage -Plan  Lead agency -MWLAP</p>	<p>Stage - WMA permit</p>	<p>2002 - Partially fulfilled</p>
5.4	<p>Objectively defined triggers for action must be developed by the proponent and accepted through technical review, prior to seepages occurring. Triggers must be based on limits of acceptable change such as those provided by established provincial and national water and sediment criteria, or as established by the state of scientific knowledge of toxicity thresholds for aquatic life.</p>	<p>Stage - Plan  Lead agency -MWLAP</p>	<p>Stage -WMA permit</p>	<p>Outstanding</p>

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5.4.1	These triggers should include (but not necessarily be limited to): measures of seepage quality and quantity as monitored through wells and/or in the immediate vicinity of groundwater discharge to the slough; measures of potential or actual aquatic ecosystem health, such as chronic toxicity testing, measures of mining related changes in aquatic ecosystem dynamics such as aquatic species diversity and abundance (fish, invertebrates, macrophytes and algae); and measures of metals accumulation in aquatic plants.	Stage - Operations Lead agency -MWLAP	Stage - pre WMA permit	Outstanding
5.5	Established experimental design principles for environmental effects monitoring and contingency effectiveness monitoring will be used to ensure that:	Stage - Plan Lead agency-MWLAP	Stage - WMA permit	Outstanding
5.5.1	- the monitoring and assessment system includes adequate reference sites to differentiate between natural and mining related changes in impact indicator parameters	Stage - Operations Lead agency-MWLAP	Stage - WMA permit	Outstanding
5.5.2	- the degree of sensitivity of the impact monitoring and assessment tools and methods are sufficient to detect meaningful change.	Stage - Operations Lead agency-MWLAP	Stage - WMA permit	Outstanding
5.5.3	- impact indicators are chosen and used so that contingencies are employed prior to unacceptable changes occurring to aquatic life.	Stage - Operations Lead agency- MWLAP	Stage - WMA permit	Outstanding

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5.6	As a contingency, remove ground water through pumping if water quality poses a threat to Shazah Slough. Pump to either Shazah Creek or Tulsequah River depending on available dilution.	Stage - Operations  Lead agency- MWLAP	Stage - VMA permit	Outstanding
<b>6</b>	<b>RECLAMATION AND ABANDONMENT - Mine Site</b>			
6.1	Develop detailed reclamation plan to return the disturbed lands to their predevelopment state as best as practicable	Stage - Permitting  Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.2	The reclamation plan will include: Surface waste rock dumps, comprised of only neutral non acid generating material will be recontoured to a stable slope at the end of the project	Stage - Closure  Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.3	All surface disturbed areas will store salvaged soil for use in subsequent reclamation	Stage - Closure  Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.4	Potentially acid generating products and waste rock will be returned to the underground stopes and be sealed with cement back-fill to minimize oxidation.	Stage - Closure  Lead agency- MEM	Stage - Mines Act permit	Outstanding
6.5	At closure, the mine will be flooded to further preclude acid generation.	Stage - Closure  Lead agency- MEM	Stage - Mines Act permit	Outstanding
6.6	Further comply with reclamation and decommissioning plan as outlined in Project Report Volume V, section 8.	Stage - Closure  Lead agency- MEM	Stage - Mines Act permit	Outstanding
6.7	Revegetate along the cleared road side areas within approximately one year of construction at the mine site.	Stage - Operations  Lead agency - MEM	Stage - Mines Act permit	Outstanding

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6.8	Prior to major surface disturbance the proponent will collect more baseline information, including:	Stage - Pre construction	Stage - Mines Act permit	Outstanding
6.8.1	- additional baseline vegetation metals data in and around the minesite to better represent the potentially impacted areas and to provide for a basis for statistically valid comparisons	Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.8.2	- comprehensive solid metals sampling in all areas with potential for elevated metal levels as a result of mining activities, to address requirements of the contaminated sties legislation	Stage - Pre construction Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.8.3	- completing a 1:5000 scale TEM mapping of the mine site area to establish a basis for determining end land use objectives reclamation activities and monitoring for reclamation success	Stage - Pre construction Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.8.4	- providing cross sections of the waste dumps showing adjacent topography and final regraded configurations at closure, to ensure that dump closure configurations would allow for placement of suitable reclamation growth media; and	Stage - Pre construction Lead agency - MEM	Stage - Mines Act permit	Outstanding
6.8.5	- more detail on soil salvage mapping, proposed training and supervision of operators of the salvage, and details of a soils handling plan	Stage - Pre construction Lead agency - MEM	Stage - Mines Act permit	Outstanding

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<b>ACCESS ROAD</b>				
<b>7</b>	<b>LOCATION</b>			
7.1	Ensure, during final alignment studies, that the access road utilized existing access wherever possible to minimize total access	Stage - Permitting Lead agency - MoF	Stage - SUP	Outstanding
7.2	Ensure that the final alignment studies include assessment of important grizzly bear patch habitat, avoid heritage resources including the TRTFN historic trail where possible, and incorporate winter construction to the extent possible within the access right-of-way	Stage - Permitting Lead agency - MoF	Stage - SUP	Partially fulfilled
<b>8 ATLIN - WHITEHORSE ROAD</b>				
8.1	Reach agreement with the Yukon government regarding the costs of upgrading the Atlin public highway and maintaining it while ore hauling is in progress.	Stage - Pre-construction Lead agency - YTG	Stage - Before use of the road for ore hauling	Outstanding
8.2	Upgrade the Yukon portion of the Atlin road as negotiated with YTG.	Stage - Construction Lead agency - YTG	Stage - Before use of the road for or hauling	Outstanding
8.3	Upgrade the BC portion of the Atlin road to accommodate mine related traffic in a safe and cost effective manner: - The gravel portion must be strengthened (base = 350 mm SGSSB + 150 mm CBC), widened (8.2 m top), and hard surfaced (graded aggregate seal coat). - Minor realignments (80 kmph standard where cost effective) are required.	Stage - Construction Lead agency - MoT	Stage - The improvements, or equivalent cash contribution for the proponent's share of the costs, must be in place before the mine begins ore haul.	Outstanding

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8.4	Reach agreement with BC MoT regarding responsibility for additional costs that would be incurred to meet the needed specifications and schedule, above and beyond MoT's existing plan to improve the highway.	Stage - Pre-construction Lead agency -MoT	Stage - Agreement to be reached pre construction	Outstanding
<b>9</b>	<b>ROAD OPERATION AND MAINTENANCE</b>			
9.1	Conduct road maintenance in accordance with section 6.5 Volume IV Project Report and in accordance with the plan approved by the District Manager, MoF, substantially as outlined in the Environmental Supervision Plan, dated May 21, 1999.	Stage -Operations Lead agency -MoF		Outstanding
<b>10</b>	<b>DEACTIVATION - ACCESS ROAD</b>			
10.1	Deactivate the access road (both "north" and "south" sections) at the end of the project, by ripping, regrading and contouring the road prism in areas of high erosion potential, removal of bridges and culverts, and restoring of watercourse to the satisfaction of the District Manager, MoF, unless Redfern is directed to transfer control of road management to another entity or agency.	Stage - Closure Lead agency - MoF	Stage - SUP	Outstanding
10.2	Provide a bond as security for road deactivation, such bond amount to be determined by the District Manager, MoF.	Stage - Pre construction Lead agency -MoF	Stage - SUP	Outstanding

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<b>WATER QUALITY</b>				
<b>11.1 QUALITY ASSURANCE/QUALITY CONTROL</b>				
11.1.1	Conduct further QA/QC monitoring as outlined in the Aquatic Environmental Effects Monitoring Plan found in Appendix 2A of Appendix 11 of the Report and Recommendations of the Project Committee, March 1998.	Stage - Operations Lead agency -MWLAP	Stage - WMA permit	2002 - Partially complete
<b>11.2 AQUATIC ENVIRONMENTAL EFFECTS MONITORING</b>				
11.2.1	Conduct the work outlined in the Environmental Effects Monitoring Plan found in Appendix 2A of Appendix 11 of the Report and Recommendations of the Project Committee, March 1998.	Stage - Plan Lead agency -MWLAP	Stage - WMA permit	Partially fulfilled
11.2.2	Conduct further EEM work which will include fish tissue metals concentrations and sedimentation impacts along the access roads in steeper terrain and other sensitive areas along the Nakonake River as requested by DFO	Stage - Operations Lead agency - DFO	Stage - WMA permit	Partially fulfilled
11.2.3	Ongoing monitoring of water quality in the tailings containment areas, the mine water discharge, selected stream crossings of greater fisheries significance associated with the access road.	Stage -Operations Lead agency -MWLAP	Stage - WMA permit	Outstanding

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11.2.4	Conduct sampling according to Potential Sampling Framework for Years 1 and 2 (Table 1 to 1998 Aquatic Effects Monitoring Program) or similar framework, to the acceptance of MWLAP	Stage - Plan Lead agency - MWLAP	Stage - WMA permit	Outstanding
11.2.5	Finalize impact indicators in consultation with DFO and MWLAP (preliminary list in 1998 Aquatic Effects Monitoring Program)	Stage - Plan Lead agency -MWLAP	Stage - WMA permit	Outstanding
11.2.6	Link environmental effects monitoring to impact mitigation or contingency measures which would be triggered when a component or parameter of the monitoring program exceeded some predetermined level or range. Finalize contingency measures with MWLAP and DFO.	Stage - Plan Lead agency -MWLAP	Stage - WMA permit	Outstanding
11.2.7	Measurements for receiving water flows	Stage - Plan Lead agency - MWLAP	Stage - WMA permit	Outstanding
11.2.8	Measurements for discharge flows	Stage - Plan Lead agency -MWLAP	Stage - WMA permit	Outstanding



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11.2.9	<p>Include these conceptual sampling locations associated with the mine:</p> <ol style="list-style-type: none"> <li>1a) ground water monitor upgradient from tailings area (background)</li> <li>1b) ground water monitoring wells down gradient from tailings containment areas (source) (pond contents will be sampled according to the Permit to Discharge)</li> <li>2) Shazah Creek upstream of tailings area (lotic background)</li> <li>3) Shazah Slough down gradient of tailings area (mixing zone)</li> <li>4) "Airstrip Slough" on opposite side Shazah Slough (lentic slough background)</li> <li>5) Shazah Creek adjacent to slough mixing zone (creek mixing zone)</li> <li>6) Shazah Creek immediately down gradient of Shazah tributary (criteria application)</li> <li>7) Shazah tributary upgradient (E.) from tailings area (2<sup>nd</sup> lotic background)</li> <li>8) Shazah tributary above confluence with Shazah Creek (2<sup>nd</sup> lotic mixing zone)</li> <li>9) Shazah Creek at mouth above conluent with Tulsequah</li> <li>10) Additional slough environment (2<sup>nd</sup> lentic background)</li> <li>11) Tulsequah River upstream of Shazah Creek (far field site)</li> <li>12) Tulsequah River downstream of Tulsequah Chief Mine (far field site)</li> <li>13) Tulsequah River within Initial Dilution Zone of treated process water (mixing zone; treated effluent will be sampled according to requirements of Permit to Discharge)</li> </ol>	<p>Stage - Plan Lead agency -MWLAP</p>	<p>Stage - WMA permit</p>	<p>Outstanding</p>

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11.2.10	Sampling sites associated with the access road will focus on the six crossings where there is potential for moderate to high downstream sedimentation impacts	Stage - Operations Lead agency -MWLAP	Stage - WMA permit	Outstanding
11.2.11	Tailings pond seepage; monitor groundwater quality throughout the life of the project.	Stage - Operations Lead agency -MWLAP	Stage - WMA permit	Outstanding
<b>12</b>	<b>ENVIRONMENTAL SUPERVISION PLAN</b>			
12.1	Comply with the Environmental Supervision plan found in Appendix 1 to Appendix 11 of the Report and Recommendations of the Tulsequah Chief Project Committee March 1998.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	Outstanding
<b>FISH AND FISH HABITAT</b>				
<b>13</b>	<b>FISH AND FISH HABITAT MITIGATION AND COMPENSATION PLAN</b>			
13.1	Comply with the Fish and Fish Habitat Mitigation and Compensation Plan found in Appendix 6 to Appendix 11 of the Report and Recommendations of the Tulsequah Chief Project Committee March 1998.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	Outstanding

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<b>WILDLIFE</b>				
<b>14</b>	<b>TRAPPING</b>			
14.1	Conduct annual consultations with current trapline owners and local hunters to assess actual impacts and conduct appropriate mitigation or compensation where needed.	Stage - Operations Lead agency - MWLAP	Stage - Wildlife Act	Outstanding
<b>15</b>	<b>CUMULATIVE EFFECTS ASSESSMENT GRIZZLY BEAR TERMS OF REFERENCE PLAN</b>			
15.1	Comply with the Grizzly Bear Cumulative Effects Analysis Terms of Reference found in Appendix 3 to Appendix 11 of the Report and Recommendations of the Project Committee, March 1998.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	2002 -Proponent financial commitment to plan fulfilled. Provincial commitments partially fulfilled
<b>16</b>	<b>GRIZZLY BEAR LONG TERM MONITORING PLAN</b>			
16.1	Comply with the Grizzly Bear Long-term Monitoring Plan Appendix 4 to Appendix 11 of the Report and Recommendations of the Project Committee, March 1998.	Stage - Operations Lead agency -MWLAP	Stage - Pre certification commitment	Outstanding

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17	<b>WILDLIFE (UNGULATE) MONITORING PLAN</b>			
17.1	Comply with the Ungulate Monitoring Plan found in Appendix 5 to Appendix 11 of the Report and Recommendations of the Project Committee, March 1998.	Stage - Operations Lead agency- MWLAP	Stage - Pre certification commitment	2002 - Partially fulfilled
18	<b>WILDLIFE MITIGATION - ACCESS MANAGEMENT<sup>1</sup></b>			
18.1	Education of construction personnel and contractors on the requirement to adhere to the corporate policy and commitments made by the proponent and the specific environmental mitigation practices to be incorporated in road construction including, for example: siltation reduction and capture methods, stream crossing guidelines for equipment, spill abatement, wildlife species and habitat issues, firearm, hunting and fishing prohibitions for all personnel.	Stage - Construction Lead agency -MWLAP	Stage - Pre certification commitment	Outstanding
18.2	Install locked gates at beginning and end of new 12 km stretch of road through Spruce-Wilson	Stage - Construction Lead agency –MoF; MWLAP	Stage - Pre certification commitment	Outstanding
18.3	Develop and adopt further access and use controls specified in the operations phase as soon as practicable once construction segments are completed.	Stage - Construction Lead agency -MWLAP	Stage - Pre certification commitment	Outstanding
18.4	Begin identification of sensitive wildlife habitat and crossing locations and adjust traffic control as necessary.	Stage - Construction Lead agency -MWLAP	Stage - Pre certification commitment	Outstanding

<sup>1</sup> No access management measures outlined in this document restrict human access by means currently available (foot, plane, boat, or helicopter) to the project area. Restrictions would only apply to the mine access road and the enclosing right-of-way as established under the Special Use Permit and *Mining Right of Way Act* authorization.

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18.5	<p><b>SOUTH AREA (O'Donnel River to Mine)</b></p> <p>Install a gate at the O'Donnel river bridge crossing (near km 105) and ensure it is attended full-time to supervise and control access to the road south of the O'Donnel river to the mine site.</p>	<p>Stage - Operations</p> <p>Lead agency –MWLAP; MoF</p>	<p>Stage - Pre certification commitment</p>	<p>Outstanding</p>
18.6	<p>Restricted use of the road will be authorized under the <i>Mining Right of Way Act</i> and other applicable legislation as deemed appropriate and necessary by regulatory authorities. (<i>Forest Act, Environment and Land Use Act, Wildlife Act.</i>) The intention will be to use the legislation to restrict use of the road to mine vehicles, to the extent possible. As the deemed owner of the access road under the MRWA, the proponent has the right to charge such users for access rights and to require the permitted party to abide by all applicable restrictions governing the use of the road, including firearm and hunting/fishing prohibitions and other restrictions.</p>	<p>Stage - Operations</p> <p>Lead agency - MEM</p>	<p>Stage - Pre certification commitment</p>	<p>Outstanding</p>

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18.7	Non-industrial tenure holders must apply to the Minister of Energy and Mines for authorisation to use the road, without charge, to access their tenures for their permitted purposes. The proponent retains the right and will strictly prohibit access to all parties who do not have such authorisation. Authorised users will be required to abide by all road use restrictions and operating procedures or will be denied access. The proponent considers that this provision would apply equally to all current non-industrial tenure holders	Stage - Operations Lead agency - MEM	Stage - Pre certification commitment	Outstanding
<b>19</b>	<b>WILDLIFE AND FISHERIES - OTHER</b> <b>MITIGATION MEASURES</b>			
19.1	Prohibition against carrying firearms on all mine or mine contractor vehicles using the access road. Defense of Life and Property measures to use non-lethal deterrent measure to the full extent possible and control by wildlife conservation officers as necessary. Under exceptional circumstance, the Mine Manager or delegate may authorize the carrying of a firearm by mine personnel for defence and preservation of life purposes only.	Stage - Operations Lead agency - MEM	Stage - Pre certification commitment	Outstanding
19.2	Prohibition against all hunting or shooting within the mine access road right of way, by <i>Wildlife Act</i> order if required	Stage - Operations Lead agency MWLAP	Stage -Pre certification commitment	Outstanding
19.3	Prohibition of fishing within the right of way for all authorized users of the access road.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	Outstanding

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19.4	No recreational use of the access road right of way by all mine employees, contractors and visitors.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	Outstanding
19.5	The road will be posted as a restricted road accessible only to authorized users. Two-way radio use will be required for all traffic on the road for vehicle location identification and traffic safety management. Base radios will be located at the mine site and the access control gate to monitor traffic.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	Outstanding
19.6	All mine traffic will be required to report and identify unauthorised road traffic in order to enforce the access management restrictions. Mine security personnel will intercept unauthorized traffic and escort them to the security gate and will contact appropriate provincial enforcement authorities as necessary.	Stage - Operations Lead agency	Stage - Pre certification commitment	Outstanding
19.7	Access road priority of right of way will be 1) wildlife, 2) loaded concentrated trucks, 3) loaded supply trucks, 4) personnel transport bus, and 5) light vehicles. Radio calls of vehicle locations at kilometre signposts will allow vehicles to identify proximity to approaching vehicles and lower priority vehicles will be required to pull aside into turn-out locations to allow priority vehicles to pass. All vehicles will cede right of way to wildlife.	Stage - Operations Lead agency	Stage - Pre certification commitment	Outstanding

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Commitment #	PROPOSER'S COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPOSER'S INFORMATION Stage for filing of plan/ documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
	NORTH AREA ( <i>Atlin Highway to manned gate at O'Donnel</i> )			
19.8	Where the proponent's access road overprints the existing road system, the road will be radio controlled and will be posted to ensure that all potential users comply with the road usage safety restrictions to avoid collision with mine vehicles.	Stage - Operations Lead agency - MWLAP	Stage - Pre certification commitment	Outstanding
19.9	For safety reasons, the proponent will seek designation from MWLAP of a "no shooting" zone for the entire access road pursuant to the provisions of the <i>Wildlife Act</i>	Stage - Operations Lead agency-	Stage - Pre certification commitment	Outstanding
19.10	Where the access road departs from the existing unregulated road network and is considered "new" road access for the purposes of the mine access traffic requirements (upper Wilson Creek to Spruce Creek crossing), the proponent will install unmanned locked gates to restrict access to the new road to authorized users only. Location of these gates will be subject to consultation with the District Manager of the Ministry of Forests. Signs will be posted advising of the presence of the gates and that access is restricted to only authorized users pursuant to the applicable legislation and road safety and usage requirements.	Stage - Operations Lead agency -MoF	Stage - Pre certification commitment	Outstanding



**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

<b>Commitment #</b>	<b>PROPOSER COMMITMENT</b> Impact Management Component(s)	<b>IMPLEMENTATION</b> Project stage for implementation of commitment/Lead Agency	<b>PROPOSER INFORMATION</b> Stage for filing of plan/documentation (if applicable)	<b>STATUS OF COMPLIANCE WITH COMMITMENT</b>
19.11	Access will be restricted in the gated portions of the northern section of the road. Use of the road will be monitored by all mine traffic and unauthorized users will be identified and required to leave the access road with enforcement and penalties by provincial enforcement bodies as deemed applicable and necessary. The additional impact mitigation measure described for the south portion of the access road will be applied identically to the northern road sections.	Stage - Operations  Lead agency -MWLAP	Stage - Pre certification commitment	Outstanding
19.12	In the event of temporary mine closure, all access restrictions will be maintained as a care and maintenance cost including the manned security gate and regular patrols by supervisory staff to maintain monitoring of access road conditions and usage	Stage - Operations (temporary closure) Lead agency - MoF	Stage - Pre certification commitment	Outstanding
19.13	Finalize deactivation plan in accordance section 64 of the <i>Forest Practices Code Act</i> and will include removal of all major bridges and culverts, pull back to contour in areas of high erosion potential, scarification of the road prism, replacement of salvaged topsoil and revegetation.	Stage - Post operations Lead agency - MoF	Stage - Pre certification commitment	Outstanding
<b>MALFUNCTIONS AND ACCIDENTS</b>				
20.1	Comply with the spill contingency plan as outlined in Volume IV, section 3.2 of the Project Report	Stage - Operations Lead agency - MWLAP	Stage - Project Report	Outstanding
<b>AIR AND NOISE</b>				
21.1	Comply with the air quality and noise management plans as outlined in Volume IV, section 7.3 of the Project Report	Stage - Operations Lead agency - MWLAP	Stage -Project Report	Outstanding

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

Commitment #	PROPOSER COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPOSER INFORMATION Stage for filing of plan/documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
<b>CULTURAL AND HERITAGE EFFECTS</b>				
22.1	Apply for a permit under section 12 of the <i>Heritage Conservation Act</i> prior to road construction, which would affect the three recorded trails	Stage - Pre construction Lead agency - MSRM (Archaeology Planning and Assessment)	Stage - Permitting ( <i>Heritage Conservation Act</i> )	Outstanding
22.2	Apply for a permit under section 14 of the <i>Heritage Conservation Act</i> if further archaeological assessment is undertaken	Stage - Pre construction Lead agency - MSRM (Archaeology)	Stage - Permitting ( <i>Heritage Conservation Act</i> )	Outstanding
22.3	If archaeological material is discovered, cease all work at that site and contact the Archaeological Planning and Assessment Branch of MSRM	Stage - Operations Lead agency - MSRM (Archaeology)	Stage - Operations (permit under <i>Heritage Conservation Act</i> )	Outstanding
22.4	Avoid one site at approximately km 11.5 during construction because of its cultural significance (location identified in Point West Heritage Consulting entitled Atlin Road Upgrading km 0 to km 42, Heritage Investigations 1995)	Stage - Construction Lead agency - MSRM (Archaeology)	Stage - Pre certification commitment	Outstanding
22.5	Implement a salvage of archaeological resources, if heritage resources are encountered in the archaeological impact assessment of new, borrow sources or realignment, and if avoidance of these sites is not possible	Stage - Construction Lead agency - MSRM (Archaeology)	Stage - Pre certification commitment	Outstanding
22.6	Heritage trail : seek the participation of the TRTFN in ground-truthing the location of the historic trail, the more detailed alignment studies, and proposed mitigation measures	Stage - Permitting Lead agency - MoF	Stage - SUP	2002 -Fulfilled to the extent possible by the proponent.

**SCHEDULE B**  
**Tulsequah Chief Mine Project:**  
**Environmental Assessment Commitments Chart**

Commit- ment #	PROPOSER COMMITMENT Impact Management Component(s)	IMPLEMENTATION Project stage for implementation of commitment/Lead Agency	PROPOSER INFORMATION Stage for filing of plan/ documentation (if applicable)	STATUS OF COMPLIANCE WITH COMMITMENT
<b>SOCIO ECONOMIC EFFECTS</b>				
23.1	Implement a socioeconomic transition plan and monitoring plan in accordance with Project Report Volume V, Part 5 - Socioeconomic Impacts and Mitigation	Stage - Construction, Operations, and closure Lead agency -MEM	Stage - Mines Act permit	Outstanding