



WILDLIFE ACT


PERMIT NA14-92877

PERMIT HOLDER	Middle Point Harbour Limited Partnership 690 Headstart Crescent Campbell River BC V9H 1P9 ATTENTION: Tom Pallan PHONE: (250) 287-9201
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IS EXEMPT UNDER s. 3 (1)(d)(ii) of the *Permit Regulation*, B.C. Reg. 253/2000,

FROM	The prohibitions in section 34 (b) of the <i>Wildlife Act</i> against possessing, taking or destroying two nests of a Bald Eagle (<i>Haliaeetus leucocephalus</i>) in West Coast region, specifically located at 5705 Island Highway in Campbell River, BC.
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SUBJECT TO THE FOLLOWING:

TERMS OF PERMIT	The permit holder must comply with the terms in Appendix A.	
COMPLIANCE ADVISORY	Failure to comply with any term of this permit is an offence under the <i>Wildlife Act</i> , and may result in any or all of prosecution, suspension of the permit, cancellation of the permit, ineligibility for future permits, and denial of future permit requests.	
PERIOD OF PERMIT	This permit is only valid from January 24, 2014 to February 15, 2014.	
DATE OF ISSUE	January 23, 2014	
 SIGNATURE OF ISSUER	Mike Stalberg Regional Manager Recreational Fisheries & Wildlife Programs West Coast Region	PERMIT FEE \$50.00 HCTF SURCHARGE \$5.00

APPENDIX A TERMS OF PERMIT

PERMIT NA14-92877

REPORTING REQUIREMENTS:

1. The permit holder must maintain an accurate up to date record of the wildlife hunted, trapped or killed under the permit, which includes the following information:
 - a) Common name of the wildlife
 - b) Location where the wildlife was taken
 - c) The date the wildlife was hunted, trapped or killed
 - d) The sex and age class of the wildlife taken
 - e) The bands or tags on the wildlife
 - f) A description of all nests, dams or other structures destroyed or removed
2. The permit holder must submit the original copy of this record to the Permit and Authorization Service Bureau **within 21 days** of the permit's expiry.
3. The permit holder must produce a copy of this record on the demand of an officer.

GENERAL CONDITIONS:

1. The permit holder must comply with all laws applicable to the activities carried out under this permit.
2. The permit holder must take all reasonably necessary steps to ensure that public safety is not jeopardized and fish or wildlife habitat is not damaged by any action taken under authority of the permit.
3. The permit holder must ensure that wildlife are treated in a humane manner, and are not subjected to any unnecessary harm or suffering.
4. The permit holder must carry a copy of this permit at all times when performing the activities authorized by the permit.

APPENDIX B ADVISORY

PERMIT NA14-92877

GENERAL

- It is the permit holder's responsibility to be aware of all applicable laws and the limits of this permit.
- The Province is not liable for any illness contracted through wildlife handling. It is the responsibility of the permit holder to inform themselves of possible health hazards, and to ensure that all reasonably necessary safety measures are undertaken.

LEGISLATION

Here are some, but not all, relevant excerpts from the **Wildlife Act**:

Documents not transferable

- 81 Except as authorized by regulation or as otherwise provided under this Act, a licence, permit or limited entry hunting authorization is not transferable, and a person commits an offence if the person
- (a) allows his or her licence, permit or limited entry hunting authorization to be used by another person, or
 - (b) uses another person's licence, permit or limited entry hunting authorization.

Failure to pay fine

- 85 (1) This section applies if a person
- (a) fails to pay, within the time required by law, a fine imposed as a result of the person's conviction for an offence under this Act or the *Firearm Act*, and
 - (b) has been served with notice of this section.
- (2) In the circumstances referred to in subsection (1),
- (a) the person's right to apply for or obtain a licence, permit or limited entry hunting authorization under this Act is suspended immediately and automatically on the failure to pay the fine,
 - (b) all licences, permits and limited entry hunting authorizations issued to that person under this Act are cancelled immediately and automatically on the failure to pay the fine, and
 - (c) the person commits an offence if, before that fine is paid, the person
 - (i) applies for, or in any way obtains, a licence, permit or limited entry hunting authorization under this Act, or
 - (ii) does anything for which a licence, permit or limited entry hunting authorization under this Act is required.

Production of licence or permit

- 97 If a person who is required to hold a licence, permit or limited entry hunting authorization issued under this Act
- (a) fails to produce it for inspection to an officer on request, or
 - (b) fails or refuses to state his or her name and address to an officer on request,
- the person commits an offence.

REGULATIONS

This excerpt from the **Permit Regulation**, made under the Wildlife Act, is relevant:

- 8 A person who holds a permit under the Act or the Permit Regulation commits an offence if he or she fails to comply with a term of the permit.



Ministry of
Forests, Lands and
Natural Resource Operations

Wildlife Act of British Columbia
GENERAL PERMIT APPLICATION

Please complete all sections of this form. Type or print legibly. Attach additional sheets as needed

NOTE: For Import/Export, Accompany to Hunt, Rainbow Trout Pond or Scientific Collection (Fish) permits, do not use the General Application form. See the Permit & Authorization Service Bureau website for the appropriate application form instead.

This is an application for: (check the appropriate box)

New Permit (you have never had a permit for this activity) ☐

Renewal (you have had a permit for this activity before) ☐

Previous Permit # _____

APPLICANT:

Legal Last Name: _____ Legal First Name: _____ Legal Middle Initial: _____

Organization (if applicable): MP Port Management (GP) Ltd

Name of Contact Person (if different from Applicant): _____

Street or PO Box: 1691 H Willow St.

City or Town: Campbell River BC Postal Code: V9W 3M8 E-mail: tom@pallangroup.com

Phone (day): 250-287-9201 Fax: 250-286-3868 Date of Birth (MM/DD/YYYY): _____

PROPOSED ACTIVITY:

Wildlife species (common & scientific names): Eagle

Location of Activity: 5705 Island Highway Campbell River Lot 2 plan 42540

Start Date of Activity: As soon as possible End Date of Activity: _____

Provide a detailed description of the activity you require a permit for. Include methods and equipment to be used. If your activity involves the capture, transport, possession, release or export of live animals or viable eggs, you must also include a detailed safety plan that explains the measures you will take to ensure that public safety will be protected. (For example, how would you prevent escapes?) In your own words, also describe the purpose of this activity and any special circumstances the Ministry should be aware of.

Please see attached page

ADDITIONAL PERMIT-SPECIFIC INFORMATION (SEE WEBSITE FOR DETAILS):

Please see attached page

FEES AND PERMIT TYPE:

Permit Type: (list all permit activity codes that apply - see website for list) _____

Fee enclosed: \$ 55.00 if choosing multiple permit codes, enclose payment for the highest priced permit activity.

Method of Payment: ☐ Cheque/Money Order
☐ Credit Card (Visa/MasterCard)
☐ Cash/Debit

☐ Payable to Minister of Finance
☐ (attach credit card authorization sheet)
☐ at Service BC - Government Agent Only
☐ at FrontCounter BC office

NOTE: Permits cannot be issued for activities that are contrary to the proper management of wildlife in B.C. (Permit Regulation, B.C. Reg. 253/2000, s. 5)

For further information:

<http://www.env.gov.bc.ca/pasb/>
Victoria 387-2928; Elsewhere in B.C. 1-866-433-7272

12-13-2010

FNR-2014-00155

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Ministry of
Forests, Lands and
Natural Resource Operations

Wildlife Act of British Columbia
GENERAL PERMIT APPLICATION

Please complete all sections of this form. Type or print legibly. Attach additional sheets as needed.

The information required by this form and any documents you provide with it are collected under the authority of the Freedom of Information and Protection of Privacy Act to process your permit application under the Wildlife Act. This information will be used to verify your eligibility for the permit you are seeking and for other purposes related to the administration of the Wildlife Act. If you have any questions about the collection or use of this information, contact the Director of Wildlife.

ACKNOWLEDGEMENT:

By signing below, I acknowledge that the information I have provided is true and correct to the best of my knowledge and I am 19 years of age or older.


Signature of Applicant

Dec 12, 2012
Date of Application

It is an offence to knowingly make a false statement in order to obtain a permit. Violations may result in prosecution under the Wildlife Act and/or refusal of future permit requests. Any permit obtained using false information is invalid.

Incomplete applications may delay processing time for a permit. Resubmitted applications are processed in resubmitted date order.

PLEASE FORWARD MY PERMIT TO:

Address: (as above): or

Mail to: MP Port Management (GP) Ltd 1691A Willow St

CAMPBELL River BC V9W 3M8

or Fax: 250 - 286 - 3868 or E-mail: form@portmanagement.com
(your e-mail address or location of Government Agent/FrontCounter BC office to be picked up at)

Please send completed application, fees and any supporting documents to the Permit and Authorization Service Bureau at one of the following:

By Mail: PO Box 9372 STN PROV GOVT, Victoria BC, V8W 9M3

By Courier: 4th Floor, 2975 Jutland Road, Victoria BC, V8W 9M3

By Fax: (250) 387-1814 or through any Service BC - Government Agent Office
or through any FrontCounter BC Office

WARNING

Failure to pay fine

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- b) has been served with notice of this section

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- b) all licences, permits and limited entry hunting authorizations issued to that person under this Act are cancelled immediately and automatically on the failure to pay the fine, and
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 - (i) applies for, or in any way obtains, a licence, permit or limited entry hunting authorization under this Act, or
 - (ii) does anything for which a licence, permit or limited entry hunting authorization under this Act is required

NOTE: Permits cannot be issued for activities that are contrary to the proper management of wildlife in B.C. (*Permit Regulation*, B.C. Reg. 253/2000, s. 5)

For further information:

<http://www.env.gov.bc.ca/pasb/>
Victoria 387-2928; Elsewhere in B.C. 1-866-433-7272

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1691 Willow Street
Campbell River, B.C.
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Phone: (250) 287-9201
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E-mail: tom@pallangroup.com

There are two large evergreen trees, one is a Sitka Spruce and the other is a Grand Fir (Balsam) that have Eagle's nest in them. These trees are located in an Industrial property, which is being prepared for the upland portion of a deep sea dock facility. The main purpose the facility will be to load coal into deep sea vessels. This facility is being developed jointly by the We Wai Kai Nation of Campbell River (Chief Ralph Dick Sr.) and the Pallan Group.

The site, on which the trees are located has for the past 25 years, been used, by a logging company, Timberwest Forest Products Ltd. as a repair facility for its equipment and as a marshalling yard for its logging crews. The site also contains office facilities.

Presently the loading of coal, from Quinsam Mines, takes place on our adjacent property, where the coal is loaded onto barges for shipment to Texada Island, where a minimum of eight barge loads must be stored before a deep sea ship can be loaded. This present site does not have the required depth of water needed to accommodate large ships.

We are developing this site into a deep sea port that will load the coal production from Quinsam mines directly onto large cargo ships and when the Raven Coal project begins production, the coal from it will also be loaded on to large cargo ships.

The land in question has to be cleared, leveled and hard surfaced. Coal storage facilities for two storage piles, each containing up to 100,000 tons of coal have to be constructed. This volume of coal has to be stored because each mine will require its own storage pile and each ship will need 70,000 to 90,000 tons of coal for a full load.

Additionally on this property there will be facilities for ship and barge repairs and barge unloading docks that will be useable in all weather and tide conditions. There also will be an all-weather protected marina for commercial tug boats and barges.

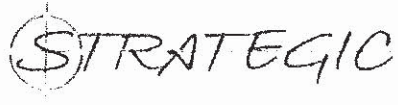
The development of this area into the "PORT OF CAMPBELL RIVER" will be providing much needed new employment and additional economic activity for the small businesses in the Campbell River area.

We have the full backing and support of the City of Campbell River for this project.

We are enclosing the "Tree Risk Assessment" prepared by Walter Ernst, RPF, Certified Arborist/Urban Tree Risk Assessor, Strategic Group.

If additional information is required please contact me.

B.R. Tom Pallan



Group

Tree Risk Assessment

-Two Eagles Nest Trees-

Middle Point Property

Prepared for:

Middle Point Port Management Ltd.

December 7th, 2012

Prepared by:

Walter Ernst

**(Registered Professional Forester /
Certified Arborist / Urban Tree Risk Assessor)**

Strategic Group

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Appendix I – Overview Locator Map of Eagles Nests

Digital photos will be kept on file and available upon request

Summary:

As per the request of Middle Point Port Management, a tree risk assessment was carried out for two eagles nest trees by Walter Ernst (a Registered Professional Forester / Certified Arborist / Urban Tree Risk Assessor) of Strategic Forest Management Inc. for their Middle Point property on November 29, 2012. The property is planned for the development of a deep sea coal storage / loading port. Based on the field observations, at the present time **nest tree #1 poses a low risk and nest tree #2 poses a low to very low risk** to people, equipment and buildings on-site. Nest tree #1 (see Fig. 1) has a higher probability of failure (rot in butt area / undermining, damage and loss of roots). Given a good portion of the root system of nest tree #1 has been undermined by the ocean (with extensive root damage / loss), there is significant rot in the butt of the tree and the tree has a lean toward the ocean, it is anticipated that this tree will either buckle under its own weight or fall directly into the ocean away from people, equipment or buildings. It is anticipated that this tree will fail within the next 5 or so years. Nest tree #2 (see Fig. 2) is a healthy tree with no major issues and has a low probability of failure. People, equipment and buildings are located outside of the hazard zone for this tree (68.4m) even if it were to fall down.



Figure 1 - Eagle Nest Tree #1 (Sitka Spruce)



Figure 2 - Eagle Nest Tree #2 (Grand Fir)

Introduction:

The Middle Point Property, formerly owned by TimberWest Forest Corp. (over the last 25 years), is located approximately 10 minutes North of Campbell River, off Highway 19. The property, now owned by Middle Point Port Management, is planned for development for deep sea coal storage / loading port. The coal would be supplied by Hilldborough's Quinsam Coal Mine. New development is proposed on both the non-timbered (existing development / ocean shoreline) and timbered portions of the property. Under request by Middle Point Port Management, a tree risk assessment, in combination with a biological assessment was carried out by Strategic Forest Management for two eagles nest trees located on the property. The nests were situated within a Sitka Spruce and Grand Fir tree. The tree risk assessment and biological assessment of the trees was required as part of the development permit application process under the 'Wildlife Act of BC'. The purpose of the tree risk assessment was to determine the current hazard of the two eagle trees to people, equipment and buildings on-site. This assessment was carried out by Walter Ernst (a Registered Professional Forester / Certified Arborist / Urban Tree Risk Assessor) of Strategic Forest Management Inc. on November 29, 2012. The weather conditions at the time of the assessment were a mixture of overcast with sunny breaks. The Middle Point site was moderately busy at the time of the assessment with approximately 3-6 workers on-site working either at a large shop or moving large heavy duty logging equipment around the property (see Fig. 2a)



Figure 2a - Middle Point Property (shop in background)

Methodology:

For the field portion of the tree risk assessment, the following systematic steps were utilized to assess the condition of both eagles nest trees:

- A.) Tree Description (species, location and estimate of age, height, diameter and lean),
- B.) Describe the surrounding area (stand, soils, etc.),
- C.) Assess the site / environmental conditions (wind, erosion, etc.)
- D.) Assess the upper crown / stem for potential defects utilizing binoculars,
- E.) Assess the lower crown / stem for potential defects visually and with binoculars,
- F.) Assess root crown / visible root system for potential defects, and
- G.) Ground truth dripline area of tree to assess for other indicators of root issues (root exposure, fungal growths etc.).
- H.) Assess current level of site use / risk level (people, equipment, buildings)

** A rubber mallet and two increment borers (15 and 17 inch borer length) were utilized along the lower stem, root crown (transition of stem to roots area on tree) and visible roots to check for any potential rot. Where rot was discovered, the location and extent of decay was estimated to the best ability with the tools at hand. Tree height was determined with a suunto and hipchain and diameter was determined with a D-tape at breast height (1.3m).

Observations:

Eagles Nest Tree #1:

A) Tree Description:

- Species – Sitka Spruce (Ss)
- Location – 15 to 20m from parking lot and boat launch at closest points.
- Age – Approximately 150 to 180 years estimate.
- Height – 45.5m tall (Eagles nest at 32.0m height).
- Diameter – 124.8cm
- Tree Lean – the tree has a Northeasterly lean towards the ocean away from land based activities.

** An eagle was observed within the nest as well as perched on lower limbs.

B) Surrounding Area:

- This tree is located within a very small pocket of semi-open timber, consisting of Sitka spruce, red alder, Western hemlock and Bigleaf Maple (see Fig. 3). The understory vegetation consists primarily of sword fern and salmonberry. The slope that the tree is situated on is approximately 55%. The soils have a silty loam texture with low coarse fragments (<20%) and are moderately well drained. Rooting depth is approximately 60-80cm and the underlying parent material is glacial till.



Figure 3 - Nest Tree #1 Surrounding Area

C) Site / Environmental Conditions:

- Approximately 25m to the North of the nest tree a slough occurred on the bank, where two trees tipped into the ocean (see Fig. 4). The eagles nest tree is located at the toe of the bank.



Figure 4 - Slough on bank to North of Nest Tree#1

- Southeasterly winds are dominant in this area as indicated by damage to the tree crowns within the small stand (broken branches, needle loss etc.); however, the nest tree has stood up to-date.
- The high tide mark of the ocean is at the Northeastern side of the tree. Undermining of the root system (erosion) as well as significant root damage / root loss has occurred on this side. See Section F (Root crown / root assessment) for further details.

D) Upper Crown / Stem Assessment:

- Wind damage noted in form of broken branches and foliage loss. The tree looked pretty feathered out.
- Scattered dead branches and needle dieback at tips of branches was noted throughout the tree. The needle dieback indicated potential for rot within the roots / root crown.
- Branch limbs (at stem attachment) ranged in diameter from 5 to 15cm.

- A fork was observed at about 42m height. The forked co-dominant stems (approximately 15cm diameter) have a steep angle of attachment and likely have included bark which results in a weaker attachment. However, these forks would most likely fall directly below the tree or into the ocean with the current lean of the tree.

E) Lower Crown / Stem Assessment:

- A small conk was observed on the South / Southeast side of the tree approximately 2m height from the root crown (see Fig. 5). There is also a scar on this side starting at the base of the trunk and extending 1.8m up the stem (see Fig. 6). It was suspected that the conk and scar may be interrelated and that some decay was present. A rubber mallet and increment borer was utilized to estimate the extent of the rot. Three core samples around within the scar / conk area indicated rot presence at approximately 7-10cm into the stem. As to the extent of decay up the stem and laterally, more advance equipment would be required to determine this (e.g. resistograph). It is suspected that the majority of the rot is concentrated at the butt of the tree (butt rot) but it could well be moving further up the tree. The rot may also be associated with continuous damage to the root system by the ocean.



Figure 5 - Conk on Nest Tree #1



Figure 6 - Scar on Nest Tree #1

- A small growth observed 3.4m from the base of the trunk on the South / Southeast side looks like it may just have been an old branch breaking off leaving a stub (see Fig. 7).



Figure 7 - Growth / Branch Stub on Nest Tree #1

- An old scar exists at the stem base on the North side of the tree where at some point a large limb broke off. This area was tapped with a rubber mallet resulting in some bark sloughing off. Wood bugs were observed directly underneath; however, three core samples in this area indicated no rot (see Fig. 8).

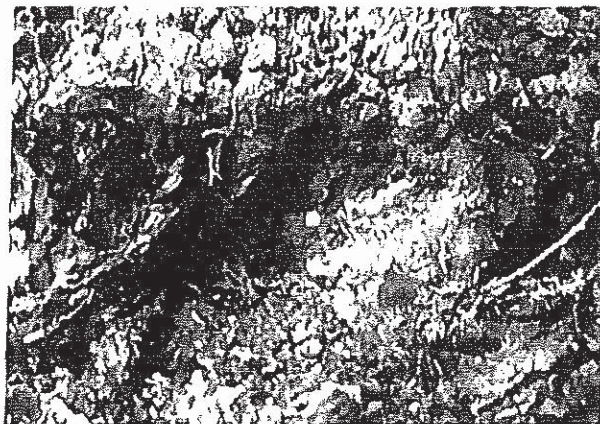


Figure 8 - Old Scar from large limb breaking off on Nest Tree #1

- Over time, due to significant rot in the butt of the tree, the tree may well buckle under its own weight.

F) Root Crown / Root System Assessment:

- On the Oceanside of the tree (Northeast), the high water mark of the ocean is at the root system. Significant erosion of the bank at the toe of the bank has occurred here exposing (undermining) the root crown / root system on this side over the last several years the forest floor / mineral soil are entirely eroded on this side. There has been a large amount of root loss and breakage (snapped / torn roots) including both large lateral roots and fine absorbing roots. White pitching is occurring where the roots have been damaged or wetted (See Fig 9 to 12 showing root undermining, damage and loss).



Figure 9 - Undermining of root system on Nest Tree #1 (ocean side)

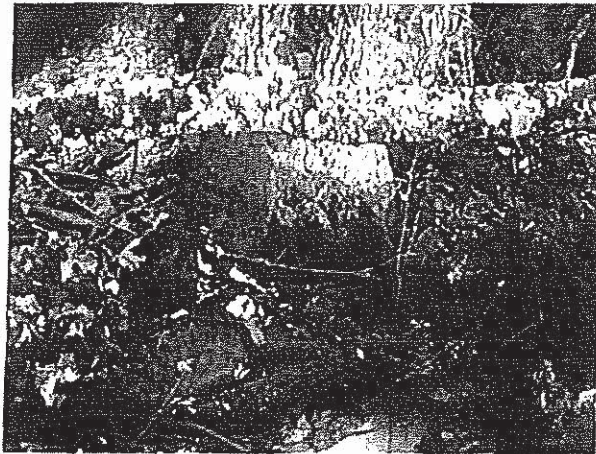


Figure 10 - Undermining of root system on Nest Tree #1 (oceanside)

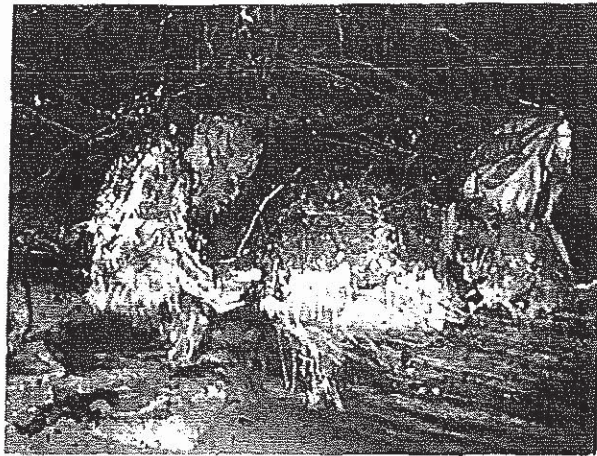


Figure 11 - Structural root damage on Nest Tree #1 (oceanside)



Figure 12 - Pitching on main structural root of Nest Tree #1 (oceanside)

- It is expected that some structural root rot may have started by now. If not already, root rot will eventually take hold due to the large open wounds and constant moisture. A rubber mallet and increment borer was used to test for rot along the root crown and suspect remaining lateral roots; however they seemed to be sound.
- The visible root crown / root system on the Southwest side of the tree (bank side facing towards the parking lot) looked in good condition. It is unknown how well anchored the structural roots are or how stable the soil is on this side of the tree. No stress fractures in the soil were noted. The structural root loss on the ocean side would likely cause significant strain on the remaining roots on the bank side to hold the tree up.

- More advanced equipment would be required to determine the health of the remaining root system on the bank side and the presence and extent of rot along the root system (air powered tools, drill with long drill bit etc.).
- Given, the continual undermining of the tree by the ocean and the current lean of the tree towards the ocean side, it is anticipated that either the soil or remaining roots will fail and the tree will fall in this direction sometime in the next 5 years.

G) Dripline Ground Truthing:

- Other than the undermined / damaged root system (significant root damage / loss on the ocean side of the tree) described above, no other visible features were noted.

H) Current Level of Site Use / Risk Level:

- Risk of the tree to workers as well as heavy duty logging equipment / vehicles in the parking lot must be considered in the risk analysis of this tree. There are no buildings in the near vicinity of the tree.
- Currently the site has a low to moderate frequency of use with approximately 2 to 6 people in the parking lot area at a time. Workers are located either in a shop well away from the tree, or walking or operating vehicles / heavy logging equipment in the parking lot.
- The tree is 15 to 20m of the parking lot and boat launch at the closest points; however, due to it's lean towards the ocean combined with internal butt / root rot and with the ocean undermining the root system, even if it did fail it would fall towards the ocean, away from these areas. Therefore, in the present state, this tree poses a low risk to people and heavy duty equipment in the area.

Eagles Nest Tree #2:

A) Tree Description:

- **Species** – Grand Fir (Bg)
- **Location** – 70m+ from a newly developed road and pullout and 80m from the nearest office building.
- **Age** – Approximately 130 to 160 years estimate.
- **Height** – 45.6m tall (Eagles nest at 36.7m height).
- **Diameter** – 105.5cm
- **Tree Lean** – the tree has a slight lean to the South for the first 10m up the stem, after which it straightens out. The lean is likely due to roots on the North side growing over an old stump.

** No eagles were observed within the nest or perched on limbs at the time of the assessment.

B) Surrounding Area:

- This tree is located within a small stand of semi-open to open timber, consisting of second growth Sitka spruce, grand fir, Western hemlock, and minor components of red alder, Western red cedar, Douglas-fir and Bigleaf Maple (see Fig 13a and 13b). The understory vegetation consists primarily of sword fern, salmonberry and red huckleberry. The slope to the West of tree ranges from 0-10% while the slope to the East of the tree (towards the ocean) ranges from 45-60%. The soils have a silty loam texture, have low coarse fragments (<15%) and are moderately well to imperfectly drained. Rooting depth is approximately 80-100cm and the underlying parent material is glacial till.



Figure 13a - Stand type where Nest Tree #2 is located



Figure 13b - Close-up of stand type and vegetation where Nest Tree #2 is located

C) Site / Environmental Conditions:

- Southeasterly winds are dominant in this area as indicated by some damage to the tree crowns within the small stand (some broken branches, needle loss etc.); however, the nest tree has stood up to-date and is in good condition:

D) Upper Crown / Stem Assessment:

- Overall the upper crown / stem look pretty healthy.
- Wind damage noted in form of some broken branches and foliage loss.
- Scattered dead branches were noted throughout the tree. No needle dieback was observed as in the first nest tree.
- Branch limbs (at stem attachment) ranged in diameter from 5 to 25cm.
- A wide fork consisting of two competing lateral branches was observed at the tree top (10-20cm diameter limbs at stem attachment). It is suspected that the terminal leader broke off some time ago and these branches took over. There were no concerns with this fork.
- The eagles nest was built against the main stem (30cm+ diameter) between two live limbs and one dead limb. The above limbs have wide angle of attachments. One of these live limbs is 2/3 the diameter of the trunk (approx. 20cm) and has nice green foliage. The other two limbs are approximately 10cm diameter at stem attachment. No immediate concerns were noted with these limbs (See Fig. 14 showing fork at top of tree and stems holding eagles nest).



Figure 14 - Nest Tree #2 showing fork at top of tree and limbs supporting eagles nest

E) Lower Crown / Stem Assessment:

- Overall, the lower crown / stem look pretty healthy.
- A small dead fork (approx. 10cm diameter at stem attachment), observed 5.8m from the base of the trunk on the West side of the tree. This fork is of no concern (see Fig. 15).



Figure 15 - Dead fork on Nest Tree #2

- A 1.3m long scar exists at 9.2m up the stem along the West side of the tree where at some point a large limb broke off. The scar looked pretty healed over and no pathogens were observed in that area (See Fig 16).



Figure 16 - Scar on Nest Tree #2

- Minor butt rot may be starting from the root crown to approximately 1.3m up the stem on the West side of the tree. A rubber mallet and increment borer was used to determine rot presence and estimate the extent. Based on observations, it is estimated that there is just a small concentrated internal rot pocket in this area and is not of concern at this time.

F) Root Crown / Root System Assessment:

- The root crown / visible roots look pretty healthy overall with no defects noted. No concerns.

G) Dipline Ground Truthing:

- No visible defects / signs (e.g. fungus) or soil failure issues were noted from ground trothing. No concerns.

H) Current Level of Site Use / Risk Level:

- Risk of the tree to workers as well as heavy duty equipment / vehicles along a new developed road and office buildings must be considered in the risk analysis of this tree.

- Currently the site has a low to moderate frequency of use with approximately 2 to 6 people in the area at a time. In this area, workers are primarily operating vehicles / heavy duty equipment along the newly built road.
- As mentioned in Section A, the tree is 70m+ from the newly built road and at least 80m from the nearest office building. The hazard zone for the eagles nest tree is 68.4m ($1.5 \times \text{tree height}$) so these areas are outside this area. Furthermore, given that the tree is pretty healthy at the present time, it poses a low to very low risk to people and heavy duty equipment / vehicles in the area.

Conclusions / Rationale:

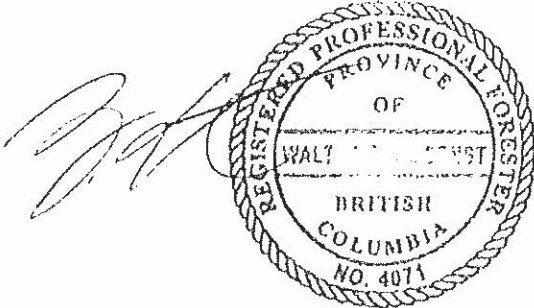
Based on the field observations, at the present time **nest tree #1** poses a low risk and **nest tree #2** poses a low to very low risk to people, equipment and buildings on-site.

Nest tree #1 (Sitka spruce) has a higher probability of failure due to significant rot indicators within the base of the stem / root crown. Furthermore, the root system of this tree has been significantly undermined / damaged by the ocean high tide. This would cause significant strain on the remaining roots on the bank side to hold the tree up. The condition of the bank side structural roots is unknown. However, even if the tree were to fall, it has a good lean towards the ocean so combined with the above; the tree will either buckle under its own weight or fall into the ocean over time. This tree will not pose a risk to people or equipment within the parking lot or at the boat launch. It is anticipated that this tree will fail within the next 5 or so years.

Nest tree #2 (Grand fir) is a healthy tree with no major issues and has a low probability of failure. People, equipment and buildings are located outside of the hazard zone for this tree (68.4m) even if it were to fall down.

Limitations of Tree Risk Assessment:



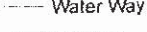
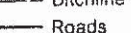
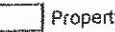

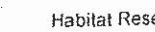
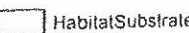

Determining the defects present, extent of suspected rot and the condition of the roots within the soil profile was limited to the tools at hand (increment borer, rubber mallet, binoculars). More advanced equipment / methods would be required to determine the above in further detail (resistograph (specialized drill to determine extent of decay, air-powered root excavator tool to expose root system, bucket truck to get higher into tree).

<p>Walter Ernst (RPF# 4071 / Certified Arborist# PN-7288A / Urban Tree Risk Assessor# CTRA 1467)</p>	 <p><i>'I certify I personally completed the work described herein.'</i></p>
<p>RPF / ARBORIST NAME & CERTIFICATION #'s (printed)</p>	
<p>December 7, 2012</p>	
<p>DATE SIGNED</p>	<p>RPF'S SIGNATURE and SEAL</p>

Appendix I – Overview Locator Map of Two Eagles Nests (1:5,000 Scale):



5705 Island Highway Habitat Assessment

-  Eagle Nest
-  Culvert
-  Water Way
-  Ditchline
-  Roads
-  Property Lines
-  Ocean Line
-  Habitat Reserve
-  Habitat Substrate

R = Rock
C = Cobble
S = Sand
M = Mud
B = Boulder
G = Gravel
RR = Rip Rap

Ortho Date 2008



May 6, 2013

File:

Tom Pallan
MP Port Management Ltd.
1691-A Willow Street
Campbell River BC V9W 3M8

Dear Mr. Pallan,

This is to acknowledge and respond to your request for a permit to remove two trees that contain eagle nests from property located at 5705 Island Highway, Campbell River, Lot 2, plan 42540. The following paragraphs set out the process which I have gone through to consider this request.

First, I have determined that there is the necessary authority in the *Wildlife Act* for me to consider your request. Specifically, the *Wildlife Act* and the *Wildlife Act Permit Regulation* state:

Wildlife Act

Definitions and interpretation

1 (1) In this Act:

“Nest” means a structure, or part of a structure, prepared by or used by an animal of the class Aves to hold its eggs or offspring;

Birds, nests and eggs

34 A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

- (a) a bird or its egg,
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl; or,
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

.../2

Wildlife Act Permit Regulation

Exemptions by permit

- 3 (1) A regional manager may issue a permit in accordance with this regulation on the terms and for the period he or she specifies, exempting a person from
- (d) the prohibitions in section 34 of the Act against possessing, taking or destroying
 - (i) a bird or its egg,
 - (ii) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl; or,
 - (iii) the nest of a bird not referred to in subparagraph (ii), when the nest is occupied by a bird or its egg

Restrictions on issuing permits generally

- 5 (1) Before issuing a permit under section 2, 3 or 4 the regional manager or the director, as applicable, must be satisfied
- (a) that the applicant meets the specific requirements, if any, for the permit as set out in this regulation; and,
 - (b) that issuing the permit is not contrary to the proper management of wildlife resources in British Columbia.

Next, I have considered the standard practices of the Ministry (without being fettered by them). Our *Permit and Licence Issuance Manual* indicates that it is the standard practice of the Ministry not to consider a request of this nature unless the proponent has identified “exceptional circumstances where there is compelling necessity.” Where a statutory decision maker is given the authority to consider the removal of trees that contain eagle nests, the circumstances need to be very compelling in order to convince that statutory decision maker to consider veering from the standard practices.

Next, I have considered circumstances under which the Ministry would consider approving a permit to remove an eagle nest (without being fettered by them). Typically, these permits are issued where there is concern for safety of the public, nesting eagles, or an eagle population and other options are either unfeasible or did not work. To determine safety concerns, the Ministry also encourages applicants to hire professional arborists to access the health of eagle-nest trees and to comment on the risk associated with these trees. I acknowledge that a tree assessment report by Walter Ernst was included with the permit application. On page three of this report, Mr. Ernst states that “nest tree #1 poses a low risk and nest tree #2 poses a low to very low risk to people, equipment, and buildings on site.”

Next, I considered the *Develop with Care 2012* document series (without being fettered by them) which provide “province-wide guidelines for maintaining environmental values during the development of urban and rural lands.” This series “includes many ideas and

suggestions on ways to achieve 'cleaner, greener' developments and provides information on ways that environmental protection and stewardship can benefit the community, the property owner, and the developer, as well as the natural environment." I have attached the link to the site *Develop with Care 2012* site below:

<http://www.env.gov.bc.ca/wld/documents/bmp/devwithcare2012/>

Finally, I considered information from staff biologists (without being fettered) about the impact on the eagles by removing these trees. Our understanding is that these nests represent the entire territory for this eagle pair. These eagles benefit from utilizing nest trees close to the shoreline with suitable forage. With ever expanding urban development along the Campbell River shoreline suitable nest trees for large raptors such as Bald eagles have become increasingly rare. Removal of shoreline nesting trees can often cause nesting pairs to construct their nests in less suitable trees along the shore which are often subject to breakage and stem failure. Nesting pairs may also move inland in search of larger more suitable nest trees forcing the birds to travel farther from their preferred hunting and foraging grounds to feed their young; this additional travel increases the energy expenditure and reduces breeding productivity overall.

After careful consideration of your application and the forgoing information, I am not convinced at this time that your request for a permit to remove two trees that contain eagle nests is supportable. Provided that a suitable buffer is maintained around the nest trees consistent with the recommendations presented in *Develop with Care 2012*, the safety risk assessed by the Certified Arborist would not reasonably be expected to increase.

In keeping with duty of fairness, I would like to delay making a decision until June 3, 2013, so that you have an opportunity to respond in writing or in person. Any additional information would be considered prior to making decision.

Yours truly,



Mike Stalberg
Regional Manager
Recreational Fisheries and Wildlife Programs
Ministry of Forests, Lands and Natural Resource Operations
West Coast Region

Attachment

cc: Nurie Aliperti, PASB

Ian Moul RPBio.
1585 Birch Avenue
Comox, B.C.
V9M 2N5



(250) 890-0713
imoul@shaw.ca

Mike Stalberg – Regional Manager
Recreational Fisheries and Wildlife Programs
Ministry of Forests, Lands and Natural Resource Operations
2080A Labieux Road
Nanaimo BC V9T 6J9

18 June 2013

Dear Mr. Stalberg

Regarding: Bald Eagle nests trees at Middle Point, Campbell River

Assessment and Ecological Impact Statement

The purpose of this letter report is document Bald Eagle use at the Middle Point Harbour development site (the development site) and to consider the impact on the eagles following the removal of two nest trees.

Two Bald Eagle nest sites are within the proposed development site (Map 1). The northern of the two nest sites is identified as nest number BAEA-110-530¹, the southern nest is identified as BAEA-110-534. Both nest sites are identified in the City of Campbell River, Official Community Plan as Environmentally Sensitive Areas ².

History of Eagle Activity at this site

To gain a full understanding of the eagle nesting activity at the development site it is important to consider the nesting pattern of eagles along this stretch of coastline immediately north and south of the development site (Table 1). This site has been visited previously, in 2010 and 2012, by me, during contracts with the City of Campbell River. Eagle nests on this stretch of coast have been sporadically monitored by volunteers with the Wildlife Tree Stewardship Program since the 1990s.

¹ BAEA-110-530 and BAEA-110-534 is the Bald Eagle nest tree numbering scheme used by Ministry of Environment and the Wildlife Tree Stewardship program.

² CITY OF CAMPBELL RIVER OCP CHAPTER 9 ENVIRONMENTALLY SENSITIVE AREAS

Section 9.5.6.2 - Guidelines: 1. Maintain a naturally vegetated "no disturbance" buffer of 60 metres, measured as a radius from the base of the nest tree. . .

From studying Bald Eagle nest sites around much of Vancouver Island it appears that eagle nesting territories cover approximately one kilometre of coastline. In areas of high food potential, nesting territories may be smaller and the eagles may be found nesting much closer together. Bald Eagle nesting territories are not static, but may shift, be divided, or merge over time. While the history of the two nests at the development site is incomplete, that both nests were being used by eagles in 2010 demonstrates a division between nesting territories at this site.

The nest to the north, BAEA-110-530 was last known to have been used by eagles during a nesting attempt in 2010. On the 13th of April 2013, while on an eagle nest survey independent of this project, I observed an adult Bald Eagle flying from a position in the tree immediately below the nest. A second adult Bald Eagle was observed in the next nest to the north, BAEA-110-507. That eagles would be using both trees in April is not unexpected. Many Bald Eagle nesting pairs defend more than one nest in their territory and even when laying eggs and raising chicks in one nest will often use another nest as a perch. On the 13th of June 2013, nest BAEA-110-530 was not being used by eagles; two adult eagles and one eagle chick were seen in BAEA-110-507, to the north.

The nest to the south, BAEA-110-534, was first known to be used by eagles in 2010. On the 13th of April 2013, one adult eagle was seen in the nest. On the 13th of June 2013, one adult eagle and two large eagle chicks were seen in the nest. This nest is thought to be part of a nesting territory that extends south and to include three other nest trees (though tree number BAEA-110-532 is presumed to have fallen and at BAEA-110-535 the eagle nest has clearly fallen from the tree).

Ecological Attributes of this site

This coastal area of Campbell River has historically provided the ecological attributes that support nesting Bald Eagles. From our best understanding, Bald Eagles prefer to nest in tall prominent trees near the shore. The primary food of Bald Eagles is fish. The nesting sites at Middle Point and along the Campbell River shore are in immediate proximity to strong currents and comparatively large numbers of fish. Along much of the marine shore a fringe of veteran and mature second growth trees provide both perch and nesting trees suitable for Bald Eagles.

The Impact of Nest Tree Removal on the Eagles.

With the removal of the two nest trees at the development site and with no change in the food supply the eagles would most likely attempt to nest nearby. The eagles have chosen to nest at this site during a period of light industrial activity. It is unclear if an increase in industrial activity will disturb the eagles to the point where they would leave the area altogether.

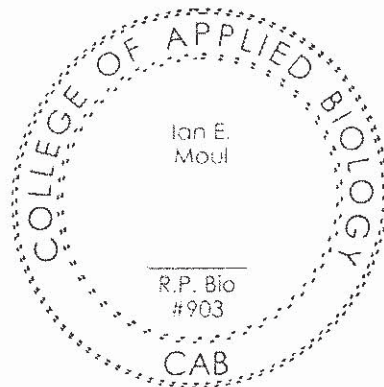
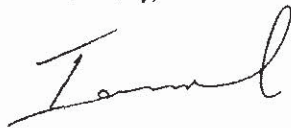
The Tree Risk Assessment by Arborist, Walter Ernst, suggests that the southern tree, BAEA-110-534, will fall naturally in the next five years. If this tree were to fall, and all other environmental conditions stay the same, it would be expected that the eagles would either rebuild a nest in tree BAEA-110-535, use tree BAEA-110-522 further to the south, or build a new nest in an available tree, all in the same estimated territory. With the loss of the northern nest tree, BAEA-110-530, it would be expected that the eagles would continue to use the nest tree being used this year, BAEA-110-507, or nest on the north shore of Middle Point at nest site BAEA-110-508.

Following removal of the two nest trees an alternative for the eagles would be to build nests in trees further inland. With industrial activity on the inland side of the highway, and all suitably sized trees previously removed, the eagles would have to fly further inland. Eagles nesting inland would most likely use the Middle Point Harbour site as a perching area to watch for fish in Discovery Passage. Perching sites might include lamp-standards, cranes and power poles. Having to watch over their young at an inland nest site and also spend time away from the nest looking for food is a disadvantage to the eagles. If eagles leave the area there is a possibility that the industrial site would be colonised by Osprey, a fish eating raptor species known to frequently nest on lamp-standards and other artificial platforms at industrial sites.

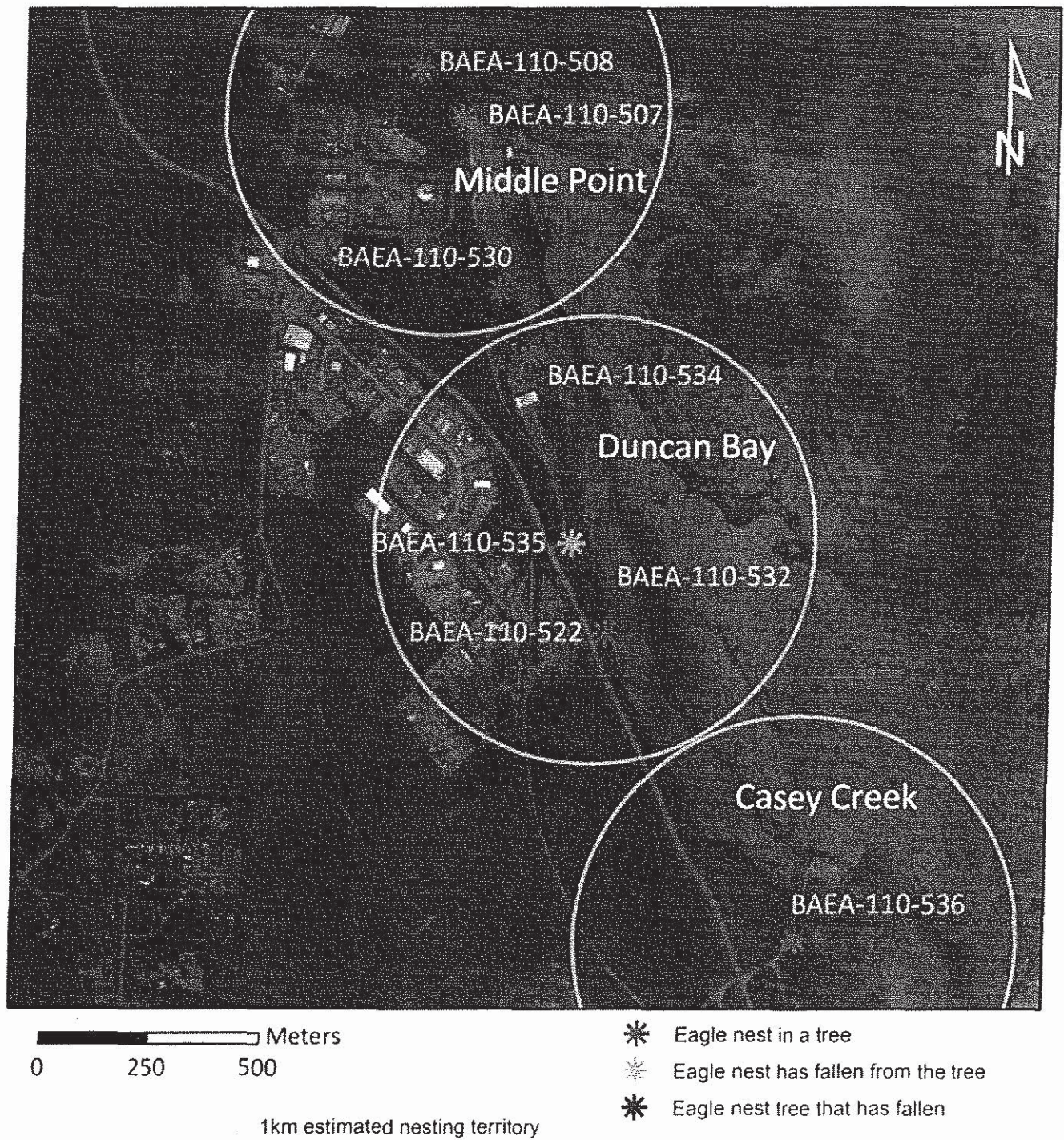
Summary Conclusions and Recommendations

- With the removal of the two nest trees at the Middle Point Harbour development site, it is expected that Bald Eagles will continue to attempt to nest in the area.
- At this time the eagles have existing suitable alternate nest trees within what are understood as the Bald Eagle nesting territories to the north and south of the development site (Map 1).
- It is recommended that the removal of the two nest trees at the Middle Point Harbour Development be mitigated with measures to support protection of nesting sites north and south of the development site.
- Mitigation measures could include help to protect or formalise a park and/or protected area of recruitment nest trees north of the development site at Middle Point (the site of existing nest trees BAEA-110-507 and BAEA-110-508)
- Mitigation measures could also include protection of recruitment nest trees in the narrow coastal fringe of trees to the south of the development site near existing nest tree BAEA-110-522.

Yours Truly,



cc Mr. Tom Pallan – Middle Point Harbour, Limited Partnership



Map 1: Bald Eagle nest locations and the estimated eagle nesting territory boundaries in the vicinity of the Middle Point Harbour Development.

Table 1: Nesting history at known Bald Eagle nests sites near the Middle Point Harbour Development Project.
Eagle nest sites on the development site are highlighted in green.

Nest ID Code	1987	1996	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
BAEA-110-508	A		NA				OT							OT
BAEA-110-507	A	1C		A	A	OT	ND							1C
BAEA-110-530						OT	OT	A			A		NA	OT
BAEA-110-534											A		A	2C
BAEA-110-535											NA		ND	ND
BAEA-110-532											NF		TD	
BAEA-110-522				A	OC	OC					NA			OT
BAEA-110-536											A		2C	1C

A = Active nest site, NA = Not actively used by eagles, OT = Occupied nesting territory - but no chicks raised, OC = failed nesting attempt, 1C = Once eagle chick fledged, 2C = Two eagle chicks fledged, ND = Nest has fallen from the tree, TD = Nest tree has fallen, NF = Nest tree was not located. (Bald Eagle nesting information was obtained from: <http://cmnmaps.ca/wits/> accessed 13 June 2013)

Date: September 23, 2013

To: Tom Pallan, Managing Director
Middle Point Harbour Limited Partnership

From: Wayne Wall, RPBio
Strategic Natural Resource Consultants Inc.

Re: Middle Point Harbour Limited Partnership - 5705 Island Highway, Campbell River, BC – Eagle Nests - Consolidation and Summary of Assessments

Background

Strategic Natural Resource Consultants was contracted by Middle Point Harbour Limited Partnership to evaluate all previous assessments of the two eagle nests; consolidate the relevant information of all previous assessments and prepare a *Wildlife Act of British Columbia* General Permit Application package that outlines all relevant information for a statutory decision regarding the removal of the two eagle nest located at 5705 Island Highway, Campbell River, BC.

The Middle Point property is located at 5705 Island Highway in the City of Campbell River and is a 33 acre property that had been used since 1983 as an office and mechanical shop for a forestry company prior to its acquisition by Middle Point Harbour Limited Partnership. There are several buildings including an office building and mechanical shop already in place. Middle Point Harbour Limited Partnership is developing the property for heavy industrial use.

There are two nests on the property. General life history, conservation status, location and nest descriptions can be found in supporting documentation attached to this memo. The supporting information includes:

1. *Biological Overview 5705 Island Highway*. Strategic Forest Management Inc, September 14, 2012.
2. *Tree Risk Assessment – Two Eagle Nest Trees, Middle Point Property*. Walter Ernst, Registered Professional Forester/Certified Arborist/Urban Tree Risk Assessor, Strategic Forest Management Inc. December 7, 2012
3. *Bald Eagle nest trees at Middle Point, Campbell River, Assessment and Ecological Impact Statement*. Ian Moul, RPBio. June 18, 2013.

An additional site visit was conducted on September 19, 2013, by Wayne Wall, RPBio, in order to determine if there were changes in site condition on the subject property between September, 2012 and September, 2013, determine the 2013 breeding season activity and success of the two nests and determine potential mitigation options.

Site description

The property is an active industrial site. Present industrial activity would be considered light. The locations of both nests are described in both *Biological Overview 5705 Island Highway* and *Bald Eagle nest trees at Middle Point, Campbell River, Assessment and Ecological Impact Statement* in Appendix 1 and 3 respectively.

The subject nests and nest trees are accurately described in *Tree Risk Assessment – Two Eagle Nest Trees, Middle Point Property* in Appendix 2. The two nests will be referred to the names given in the Arborists report, Eagle Nest #1 and Eagle Nest #2 throughout this document. Within the Ian Moul report, Eagle Nest #1 is identified as BAEA-11--534 and Eagle Nest #2 is identified as BAEA-110-530. It should be noted that the Arborist has indicated that Eagle Nest tree #1, closest to the shop has a significant chance of failing within the next 5 years. The Arborist indicates in his report that nest tree #2 is sound and presently does not pose a threat to humans. Substantiation of these findings can be found in Appendix 2.

There has been significant vegetation clearing between September 2012 and September 2013 in preparation for future development. All merchantable timber has been removed from the Property. Debris and waste from the land clearing activities has been piled for disposal. There have been no additional roads or access structures built. Vegetative buffers have been maintained around both subject nests utilizing previously existing vegetation.

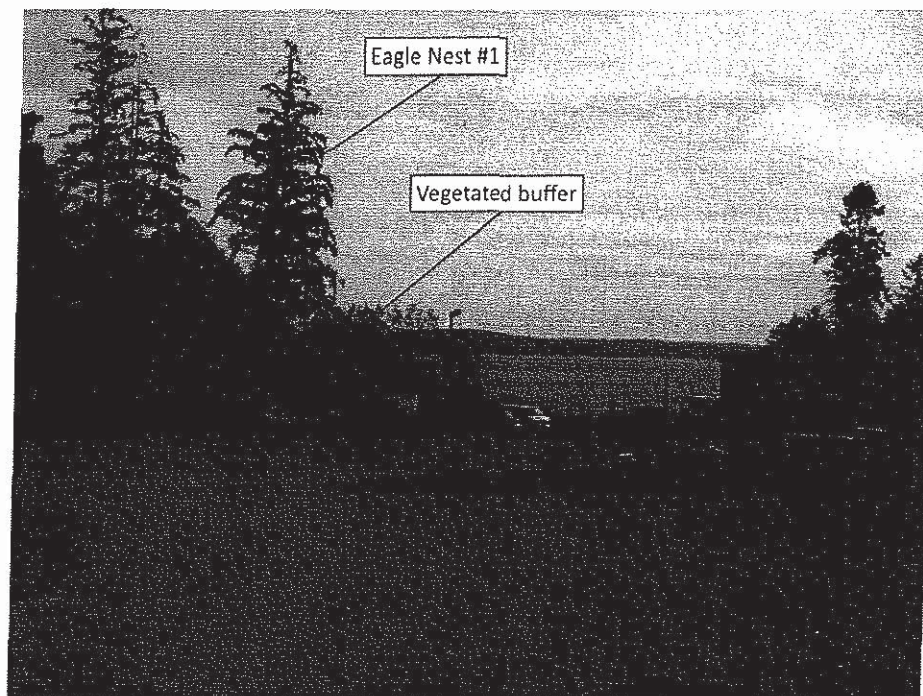


Figure 1: Image showing the location of Eagle Nest Tree #1 and Vegetated Buffer.

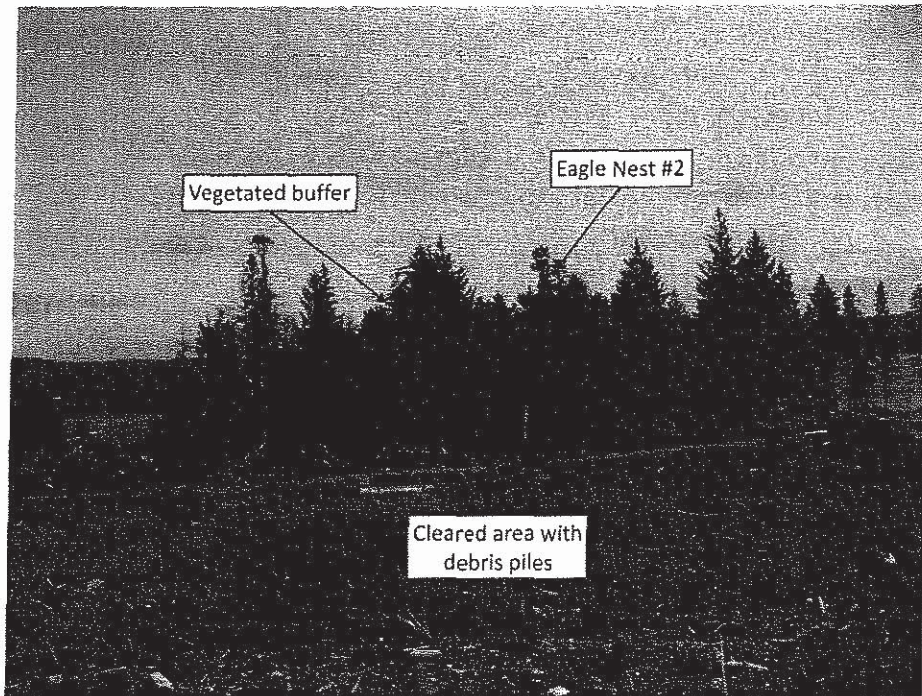


Figure 2: Image showing the location of Eagle Nest Tree #2 and Vegetated Buffer.

Recommendations

As you are aware active and inactive eagle nests are protected under Section 34 of the *Wildlife Act* of British Columbia:

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys

- (a) a bird or its egg,*
- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or*
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.*

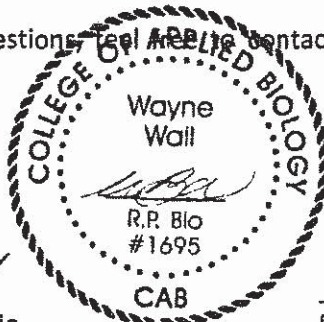
If authorization is granted to remove the nests and the nest trees the following Recommendations apply:

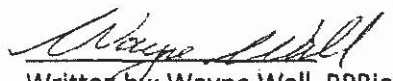
- The subject nests being proposed for removal will have to occur outside the breeding season.
 - In the Campbell River area courtship and nest prospecting can occur as early as February with nest reconstruction, laying, incubation and rearing occurring after this period. Fledging usually occurs mid July to mid August.
 - The watchman on the Property indicated that Eagle Nest #1 was active in 2013 with fledging occurring the last week of July.
 - The watchman on the Property indicated that Eagle Nest #2 was not active in 2013.

- This is consistent with the findings in *Bald Eagle nest trees at Middle Point, Campbell River, Assessment and Ecological Impact Statement*.
 - If authorization is granted to remove the nests it should occur between September 1 and January 31.
 - If development of the property is postponed until inside the 2014 breeding season the nest should be re-assessed for nesting activity by a Qualified Environmental Professional
- It is recommended that a *Wildlife Act of British Columbia* General Permit for the removal of Eagle Nest #1 be submitted based on the findings in *Tree Risk Assessment – Two Eagle Nest Trees, Middle Point Property*.
 - There is potential of Eagle Nest #1 nest tree failing in the near future. The arborist has indicated that the nest tree has been comprised by “rot in the butt area/undermining, damage and loss of roots”.
- It is recommended that a *Wildlife Act of British Columbia* General Permit for the removal of Eagle Nest #2 be submitted for the following reasons:
 - The vegetated buffer around will have to be assessed and sanitized for worker safety if it is required to be retained. This could reduce the likelihood of the nest and nest being used by a breeding pair of bald eagles in the future. These activities could compromise the integrity of the nest tree.
 - There will be a shift from light industrial use to heavy industrial use for the Property. The initial use of the Property will be a spoil site for rock material from the John Hart Dam Seismic Upgrades. The Property will be leveled in preparation for this material.
 - The spoil material will be used as ballast in preparation for the primary use of the Property as a coal storage facility for Hillsborough Resources.
 - The shift from light industrial activity to heavy industrial activity and the associated disturbance relating to this activity will significantly reduce the likelihood of the nest being used by a breeding pair of bald eagles in the future.
- The review of *Bald Eagle nest trees at Middle Point, Campbell River, Assessment and Ecological Impact Statement* indicates that there are a number of nests and potential nesting territories in proximity to the Property. Although there has been some documented success of moving or reconstructing nests for bald eagles it is not recommended that it be attempted in this instance as a mitigation strategy for the following reasons:
 - There is a high density of nests and potential nesting territories in the proximity of the Property (see *Bald Eagle nest trees at Middle Point, Campbell River, Assessment and Ecological Impact Statement*).
 - All lands in proximity of the property are private industrial lands, private forest land or private residential properties. It would be extremely difficult to negotiate with other private land owners.
 - There is limited access to suitable trees in appropriate locations.


Under exceptional circumstances, a *Wildlife Act* of British Columbia General Permit Application can be submitted to apply for an authorization to remove an eagle nest. The permit is to Possess, Take or Destroy Bird Nest and/or Egg. These permits are only available in special circumstances. Strategic has completed a rationale to put forward as part as additional information to assist in the statutory decision.

If you have any further questions, feel free to contact Wayne Wall at 250.926.6678 or by email at w.wall@shaw.ca.

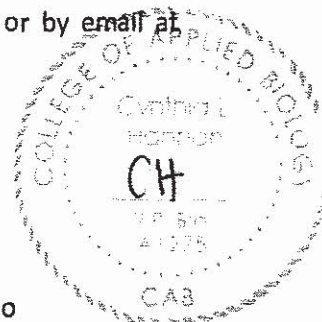




Written by: Wayne Wall, RPBio
Strategic Natural Resource Consultants Inc.



Reviewed by: Cindy Hannah, RPBio
Strategic Natural Resource Consultants Inc.



Works Considered in Preparation of this Document:

- Ministry of Environment. (2005). Best Management Practices for Raptor Conservation during Urban and Rural Land Development in British Columbia. Prepared by M.W. Demarchi and M.D. Bentley. BC Ministry of Environment: Ecosystem Standards and Biodiversity Branch.
- Ministry of Environment. (2013). Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia. A companion document to Develop with Care 2012. British Columbia Ministry of Environment.
- City of Campbell River. (2012). Bald Eagle Nest Tree Development Permit Area. City of Campbell River: Land Use Services Department.

COPY

Original signed and sealed on file

Information to accompany

**Wildlife Act of British Columbia
General Permit Application for:**

**Middle Point Harbour Limited Partnership
Bald Eagle Nest Removal**

Prepared for:

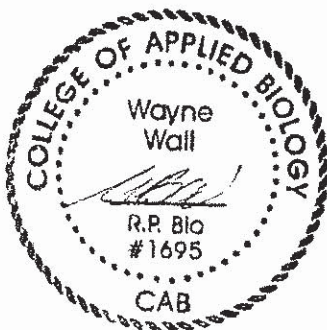
Middle Point Harbour Limited Partnership

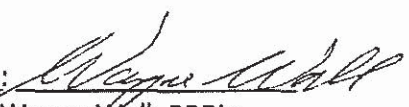
Prepared by:

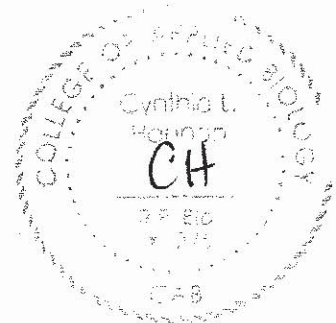


Strategic Natural Resource Consultants Inc.
321-1180 Ironwood Street
Campbell River BC V9W 5P7
Ph: (250)287-2246 Fax (250)287-2246
www.snrc.ca

September, 2013



Written By: 
Wayne Wall, RPBio
Strategic Group



Review By: 
Cindy Hannah, RPBio
Strategic Group

Contact Information

Proponent	Middle Point Harbour Limited Partnership	Address	1691A Willow Street Campbell River, BC, V9W 1G8
Contact	Tom Pallan Managing Director	Email	tom@pallangroup.com
Phone	(250)287-9201	Mobile	(604) 813-4245
Consultant	Strategic Natural Resource Consultants Inc.	Address	321-1180 Ironwood St, Campbell River V9W 5P7
Contact	Wayne Wall, RPBio	Email	w.wall@shaw.ca
Phone	(250)926-6678	Mobile	(250) 203-0512

Introduction

The proposed project is for the removal of two eagle nest and associated nest trees that are located at 5705 Island Highway in Campbell River, BC.

Middle Point Limited Partnership (MPLP) is a partnership between We Wai Kai Nation and Pallan. MPLP is proposing development of the property located at 5705 Island Highway in Campbell River, BC for an end use of a coal storage facility; Hillsborough Resources. Initially the property will be leveled with the spoil material from the John Hart Seismic Upgrade. The Property will have to be prepared to receive material from the John Hart project early in the spring of 2014.

There are two bald eagle nests and nest trees on the Property (Figure 1). There have been three assessments that have considered these nests since September, 2012. They have been consolidated into a single package and are attached to this document.

Retention of these nests will have a significant impact on the development of the Property if they are retained. MPLP is requesting authorization under the *Wildlife Act* of British Columbia to remove the two nests and associated nest trees that are located on the Property.

This document outlines the information that is required in the *Wildlife Act* of British Columbia General Permit Application: to Possess, Take or Destroy Bird Nest and/or Egg.

Proposed Activity/Project Description

Middle Point Harbour Limited Partnership is proposing to level the property into 2 or 3 separate elevations and to cap and ballast all the Property with spoil material from the John Hart Seismic Upgrade. MPLP has a 25 year agreement with Hillsborough Resources. The long term usage of the Property will be for coal storage of at least 200,000 tonnes for loading onto deep sea vessels (Quinsum Coal and Compliance Coal). This will require two large piles to keep each owners coal separate.



Figure 1: Location of two eagle nests at 5705 Island Highway north of Campbell River.

Additional Permit Specific Information

On the Ministry of Environment Website there is additional information required to include in the permit application for the removal of bird nests.

Location of the nests: The two eagle nests are located at 5705 Island Highway, Campbell River, BC (see Figure 1 above for detailed location).

Species of bird nest: The nests are used by bald eagles (*Haliaeetus leucocephalus*).

Number of nests to be removed: Two nests and associated nest trees will be removed.

Compelling reasons why the nest must be destroyed – Eagle Nest #1:

Middle Point Limited Partnership is proposing further development and use of their property to a long term coal storage and deep sea loading facility. The arborist has indicated the nest tree has shown butt rot and the root system is compromised. The Arborist estimates that the tree and root system could fail in as little as 5 years (see attached report).

There are numerous nests and nesting territories in proximity to the property. There are no options to develop mitigation measures such as attempting to relocate the nest or reconstructing an artificial nest in proximity of the Property as there are sufficient nesting territories. Further complicating this option is that all adjacent lands are privately owned (see attached report).

The mitigation measure that is proposed is to conduct the removal of the nest outside the breeding season.

Compelling reasons why the nest must be destroyed – Eagle Nest #2:

Middle Point Limited Partnership is proposing further development and use of their Property to a long term coal storage and deep sea loading facility. The conversion from a light industrial site to a heavy industrial site will have a significant increase in daily and annual activity and noise on the property. The likelihood of the nest being used by a breeding pair of eagles is nil to very low (see attached report). Over the long term changes in site and growing conditions for the nest tree will likely be compromised and hence the longevity of the tree may be reduced.

There are numerous nests and nesting territories in proximity to the property. There are no options to develop mitigation measures such as attempting to relocate the nest or reconstructing an artificial nest in proximity of the Property as there are sufficient nesting territories. Further complicating this option is that all adjacent lands are privately owned (see attached report).

The mitigation measure that is proposed is to conduct the removal of the nest outside the breeding season.

Conclusion

The redevelopment of the property from light industrial to heavy industrial will likely compromise the successful breeding of eagles within Eagle Nests #1 and #2 in the future. The tree containing Eagle Nest #1 is in poor health and will likely fail in as early as 5 years. Although it is not ideal to remove eagle nests, in this situation where there are numerous nests in the surrounding area with numerous breeding territories, the loss of 2 eagle nests should not negatively impact the eagle population in the area. The removal of the nests will occur outside the breeding season.

If you have any further questions please contact Wayne Wall, RPBio at (250) 926.6678.

Appendix 1

Biological Overview

5705 Island Highway



Prepared For

Pallan Group
1691 Willow Street

Campbell River BC, V9W 3M8

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Submission Date

September 14, 2012

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Strategic Forest Management Inc.

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1.0 INTRODUCTION

On August 31 (Cindy Hannah, RPBio; Wayne Wall, RPBio; and Lindsay Luke RBTech) and September 6 (Lindsay Luke, RBTech and David Vey, BiT), 2012, of Strategic Forest Management Inc (Strategic) were retained by Pallan Group to conduct an overview assessment of 5705 Island Highway (Middle Point property), near Campbell River, BC. The assessment was conducted to determine if there are any environmental concerns regarding the property and to identify any additional assessments that will be required prior to development of the property. In consultation with the City, Kevin Brooks, senior planner for the City of Campbell River identified four development permit areas that would require an assessment prior to attaining a minor development permit on the property (for site clearing). The development permit (DP) areas identified include:

- General Environmental,
- Streamside,
- Bald Eagle, and
- Foreshore.

Sensitive features are protected by various legislation and assessments are required to ensure that these features are protected during development. The applicable legislation that protects features within the above listed DP areas includes:

- *Fisheries Act*
- *Wildlife Act*
- *Riparian Areas Regulation*
- *Water Act*

1.1 Limitations

This report has been prepared for the use and distribution by Pallan Group. Results are based upon an inspection of the property located at 5705 Island Highway as well as the beach and inter-tidal areas mentioned in this report and on the conditions observed August 31 and September 6, 2012. Results and Observations in this report have been made in a manner consistent with the level of care and skill normally applied by environmental professionals practicing under similar conditions to those encountered at the time of the assessment.

Significant geological and/or morphological changes can occur in waterways as well as environmental changes can occur in marine environments that have the potential to invalidate the results in this report. If such a change occurs (the probability of this occurring increases over time) reassessment of site may be necessary.

1.2 Site Location

5705 Island Highway is located in Middle Point approximately 6km north of the City of Campbell River, BC (Figure 1).



Figure 1. Area map showing location of 5705 Island Highway

1.3 Site Description

The Middle Point property is located at 5705 Island Highway and is a 33 acre property that had been used as an office and shop for a forestry company prior to its acquisition. There are several buildings including a shop already in place. The remainder of the property is forested. The property is within the Coastal Western Hemlock very dry maritime biogeoclimatic zone (CWHxm1). The topography of most of the property is gently sloping, although there is a steep slope along the foreshore of most of the property that has evidence of erosion and a slump in places. The intertidal zone extends approximately 50m.

The assessments were conducted in order to apply for a minor development permit for clearing the property of trees and stumps.

A major development permit will be required at the next phase of the project and will need more comprehensive assessments of the features that will be affected by any future development.

2.0 METHODS

Prior to going to the field a review of available literature and mapping information for the site was collected. The following sources were utilized:

- Ministry of Environment Habitat Wizard,
- City of Campbell River.

Field work was conducted by trained personnel with expertise in specific areas relevant to the project (i.e terrestrial, marine). In the field the following methodologies and equipment were used:

- All field mapping was conducted using a Trimble GeoXp 6000 series GPS and carried out by a trained technical staff person.
- Slope distances to determine buffers were measured in the field using hip chain, and confirmed in the office using GPS data and Arc10 software.
- Buffers were marked in the field using red and/or pink ribbon. Streams and waterways were flagged in blue and white candycane ribbon.
- Streams, waterways and ditchlines were located by field personnel through visual observations by walking the shoreline and roads, and by reconnaissance walking through the forested areas.
- The two eagle nests were initially identified through the City of Campbell River mapping site and locations were confirmed and GPSed in the field. Reconnaissance walking through the forested areas was undertaken to identify any other possible raptor nests.
- The marine foreshore was walked at a low tide (< 5 ft) and habitat units were visually identified based on substrate, position in the intertidal area, and algae species observed.

In the office the GPS data was corrected using the Crown Registry & Geographic Base based in Port Hardy. Maps were created by a GIS technician in Arc10 using the following layers:

- Habitat Points,
- Habitat Lines,
- Habitat Polygons,
- Habitat Reserves,
- Ortho Imagery from 2008,
- Land and Resource Data Warehouse (LRDW) Roads, and
- LRDW Contours.

3.0 RESULTS AND OBSERVATIONS

The results have been divided into the four development permit areas that apply to the property. The guidelines within the City of Campbell River's OCP were reviewed and those that apply to this development have been noted. For the purposes of clearing the property, the environmental features were identified and mapped and applicable setbacks were established to ensure that they would not be impacted at this phase of the project.

3.1 General Environmental Development Permit Area

The General Environmental Development Permit Area is designed to ensure that appropriate assessments are conducted prior to any development to identify environmental values and protect the associated assets as required. Once features are identified the specific guidelines for those must be followed (streamside, bald eagle and foreshore). The general guidelines listed in this section of the OCP must be followed along with those specific for each feature.

The guideline that applies to this project is the requirement of providing a site plan showing the identified features and applicable setbacks to protect each feature. A site plan has been included in Appendix 1 showing the located features from this overview assessment.

In summary, it was determined that within the Streamside DP area, there is one stream that would trigger an RAR assessment. By avoiding clearing within the 30m assessment area, an RAR assessment would not be required at this phase of the project. The two identified ditches shown on map 9 of the OCP, do not require further assessments for this project. The highway ditch is on the opposite side of the highway from the property and therefore does not require any protection within the property. The access road ditch flows to the located stream that has marginal fish habitat potential. The ditch itself is contributing marginally to this feature and as such does not require a specific SPEA established.

In the Bald Eagle DP area, there are two identified eagle nests on the property. The 60m wide vegetated buffer has been marked to ensure no vegetation is removed from this area. The timing of the clearing is occurring outside the breeding season and as such, does not require further assessments at this point in time. Should the clearing be delayed, all works must stop in February until additional assessments are conducted to determine nest activity and recommend measures to protect the eagles from disturbance should they be active.

In the Foreshore DP area, the 30m landward assessment area was established and marked to ensure no clearing will take place within this area. A stormwater management and sediment and erosion control plan is required for works occurring adjacent to the 30m setback. A plan has been included in this report.

3.2 Streamside Development Permit Area

Under the Streamside Development Permit Guidelines, it states that for any development within 50m of identified streams and 30m of identified ditches as shown on map 9 within the OCP, an assessment is required by a QEP. There are no identified streams on the property shown on map 9, but there are identified ditches along Highway 19 and the access road onto the property. During the assessment, seven waterways and three ditches were located on the property. The site plan in Appendix 1 shows the location of these drainages. Waterways that are connected to fish habitat require protection under the Riparian Areas Regulation (RAR). Non-fish bearing streams connecting directly to the ocean do not trigger the RAR. During the site assessment six small streams were located that do not provide access

for fish and do not trigger an RAR. One stream (Stream 6) is accessible to fish and thus triggers the requirement of an RAR assessment should there be development planned within 30m of the stream. An RAR assessment was not conducted at this time. Below is a description of the waterways, both streams and ditches that were located on the property. Photos are included in Appendix 2.

The waterways that were identified, but were determined to not require specific protection under the RAR, will require care to prevent sedimentation during site clearing. A stormwater management and sediment and erosion control plan has been included in Appendix 3.

Below the streams are listed as they appear on the map from north to south. The streams are listed first followed by the ditches.

3.2.1 Stream 3

Stream 3 flows over the property line and downslope through an old ditchline adjacent to an area of cleared land on the adjacent property. Downslope the stream was dry at the time of the assessment. The stream is $\pm 1.0\text{m}$ wide with an organics/cobble substrate (Photo 1). Downslope the stream flows through the forest, but does not connect directly to the ocean.

It does not trigger an RAR as it does not connect to the ocean and does not provide fish habitat.

3.2.2 Stream 2

This small ($<1\text{m}$ wide) stream was dry at the time of the assessment. It has a gradient of 48% upstream of the ocean (Photo 2) and is not accessible to fish. It has a fines substrate with marginal scour.

It does not trigger an RAR as it is non-fish bearing and connects directly to the ocean.

3.2.3 Stream 1

Stream 1 is a $\pm 1\text{m}$ wide stream that was mostly dry at the time of the assessment. The stream drops $+2\text{m}$ over a vertical clay drop to the ocean (Photo 3). There is no access for fish into the small stream. The stream has a predominantly gravel substrate (Photo 4).

It does not trigger an RAR as it is non-fish bearing and connects directly to the ocean.

3.2.4 Stream 4

The stream sources from a settling pond located adjacent to the road (Photo 5). There is a sump which connects Stream 4 to the settling pond through two metal pipe culverts crossing a berm and the road surface. Downstream of the road Stream 4 is $\pm 1.0\text{m}$ wide with an organic substrate and little to no evidence of a channel scoured by water (Photo 6). The stream does not provide any potential fish access or habitat. Downstream, Stream 4 seeps into the forest floor, but may periodically connect through overland flow to Stream 3.

It does not trigger an RAR as it does not connect to fish bearing water.

3.2.5 Waterway 5

This small waterway seeps to the ocean with no direct connection. It is poorly scoured with an organic/fines substrate (Photo 7). The waterway sources from a metal pipe culvert approximately 32m upslope. The inlet for this culvert is currently buried. There is no access or habitat for fish in this waterway.

3.2.6 Stream 6

Stream 6 flows directly to the ocean. Upstream of the ocean the stream is 2-3m wide with a gravel/cobble substrate (Photo 8). The gradient is 5%. The water appears tannic with a distinct odor evident. Upstream 32m, the stream crosses the access road on the property through a metal pipe culvert that is perched approximately 80cm in height. At the culvert inlet both ditchlines (Ditchline 3) transport water into the stream, although the ditchlines offer limited potential fish access or habitat (Photo 9). Upstream of the culvert the stream continues low gradient to the highway where it crosses through a second perched metal pipe culvert.

There is potential fish access from the ocean to upstream of the highway. Although the two metal pipe culverts, on the access road and the highway, likely are impassable to fish, they are not considered barriers as they are anthropogenic in nature. The stream was not followed upstream of the Island Highway as it was outside the area of interest. A review of ortho imagery for the area indicates that the stream sources from a settling pond.

As Stream 6 provides potential access for fish, protection under the RAR is required. Any development (including vegetation removal) within 30m of the stream triggers an RAR assessment. A detailed assessment, will determine an appropriate setback (Streamside Protection and Enhancement Area or SPEA) for the stream. The riparian area along the access road right of way currently is not vegetated. By staying >30m away from the stream in the areas that are vegetated will not trigger an RAR at this point in time.

3.2.7 Waterway 7

Waterway 7 is fed from upslope ditchline drainage. It crosses the access road through a metal pipe culvert and seeps into the forest floor immediately downslope of the culvert (Photo 10). It does not connect to the ocean.

It does not trigger an RAR as it does not connect to the ocean and does not provide fish habitat.

3.2.8 Highway 19 Identified Ditch

Although the property is within the 30m DP area for the identified ditch along Highway 19, the ditch itself is not on the property side of the highway and therefore does not require any further assessments.

3.2.9 Ditchline 1

This is a newly excavated ditch adjacent to the northeast side of the recently built road that bisects the property (Photo 11). It was dry at the time of the assessment, but would normally flow to the southeast. There is no connection to fish bearing waters.

It does not trigger an RAR as it does not connect to fish bearing water.

3.2.10 Ditchline 2

This ditchline is located on the southwest side of the recently built road, opposite to Ditchline 1. At the time of the assessment it was dry, but would normally flow to the south southeast (Photo 12). There is no connection to fish bearing waters.

It does not trigger an RAR as it does not connect to fish bearing water.

3.2.11 Ditchline 3

Ditchline 3 is located adjacent to the main access road from the Island Highway and is identified on map 9 of the OCP as having a 30m DP area. The culvert flows from the north and south into Stream 6, as well as Waterway 7. At the time of the assessment the ditchline was dry (Photo 13).

The culvert is not providing significantly to fish habitat and as long as water quality is maintained (see sediment and erosion control plan), does not require a designated setback.

3.3 Bald Eagle Development Permit Area

There are two known eagle nests on the property. During the overview assessment, no other nest sites were identified, although the time of the assessment is not ideal for locating nests. Bald eagles begin prospecting nests as early as mid February, with nest building occurring in late February and March. Incubation generally starts mid to late March and is approximately 35 days. Rearing lasts approximately 70 days. The breeding and incubation period is when eagles are most affected by disturbance (including noise generated by heavy machinery, human disturbance, etc.).

Each of the identified nests requires a 60m wide vegetated buffer surrounding each nest. The nests were located by GPS and the 60m wide (slope distance) setback has been labeled in the field using pink and yellow ribbon. Where there is intact vegetation, there is dense brush and the ribbons may be difficult to see. Ensure that care is taken when approaching this area. Each of the nests do not have an intact 60m wide vegetated buffer due to previous activities on the property. The southern nest has minimal vegetation as it is located adjacent to the shop/office and boat launch areas. The north nest has one side with a break in the vegetation. Although narrower in places, no new removal of vegetation can occur within this setback area.

Site clearing from now until February can occur up to the ribbons marked in the field. The vegetated buffer must remain intact.

If site clearing is delayed and occurs within the 2013 breeding season, an assessment would be required to determine nest activity and to provide best management practices for the 140m wide area that surrounds the 60m wide vegetated buffer.

Under section 34 of the *Wildlife Act* of British Columbia:

A person commits an offence if the person, except as provided by regulation, possesses, takes, injures, molests or destroys:

(a) a bird or its egg,

- (b) the nest of an eagle, peregrine falcon, gyrfalcon, osprey, heron or burrowing owl, or
- (c) the nest of a bird not referred to in paragraph (b) when the nest is occupied by a bird or its egg.

Eagle nests can be removed from a property under authorizations provided under the same act.

3.4 Foreshore Development Permit Area

The foreshore development permit area is the area 30m seaward and landward of the natural boundary of the sea. For the purposes of the site clearing, the 30m wide landward area has been gps'd and flagged with yellow ribbon. No clearing should occur within this 30m wide area. Along most of the property there is a steep slope immediately upslope of the ocean. The setback should extend beyond the slope break and has been flagged as such where needed. Past activities on the property has resulted in there being sections where there is not 30m of intact vegetation. No new vegetation removal can occur within the setback area.

The current condition of the foreshore development permit area is relatively undisturbed. There is a forested fringe between the upland portion of the property and the shoreline.

It was noted that there has been minor slope failures along the foreshore. Cause of failure was not determined as none of the staff on site had appropriate qualifications to make a specific determination.

A preliminary map of the beach, upper and mid intertidal was developed. The primary substrates were mud/sand, gravel/cobble in the upper intertidal zone and cobble/boulder in the mid intertidal zone (Photos 14-17). The break between the upper and mid intertidal zone was determined by the occurrence of *Fucus sp.*

Under the guidelines, any proposed development within or adjacent to the foreshore area requires a stormwater management and erosion and sediment control plan. No site clearing will occur within the DP area, but will occur up to the boundary of it. The plan is included in Appendix 3.

Although no further clearing is proposed within the DP area of the foreshore, areas that have been previously cleared of vegetation within this 30m swath are at a risk of colonization by invasive plants, such as Himalayan Blackberry (already noted on the site) and Scotch Broom. Cleared areas should be monitored for invasive species and removal should occur on an annual basis.

There are several sections along the shoreline that are currently being eroded and are at risk of further erosion. These areas are steep, with little to no vegetation. Many of these steep slopes already have evidence of erosion, including undercutting of the slopes, small slumps, and a large mass wasting event that has brought down two large trees and an area of soil into the foreshore. Attention should be given to these areas to ensure that erosive pressures are not increased, and ideally are minimized. Any additional runoff into these areas, vegetation removal, or slope top loading may increase the erosion. Further work in and around these areas will likely require an assessment by a geotechnical engineer.

The largest concern for the clearing of the property is the risk of surface runoff due to the exposure of soils. The erosion and sediment control plan (Appendix 3) lists numerous techniques to protect exposed slopes.

4.0 SUMMARY

An overview assessment was conducted on the Middle Point property located at 5705 Island Highway to identify environmental features on the property in order to apply for a minor development permit for clearing the trees and stumps off the property. The assessment was required as the property falls within several DP areas identified in the City of Campbell River's OCP.

It was determined that within the Streamside DP area, there is one stream that would trigger an RAR assessment. By avoiding clearing within the 30m assessment area, an RAR assessment would not be required at this phase of the project. The two identified ditches shown on map 9 of the OCP, do not require further assessments for this project. The highway ditch is on the opposite side of the highway from the property and therefore does not require any protection within the property. The access road ditch flows to the located stream that has marginal fish habitat potential. The ditch itself is contributing marginally to this feature and as such does not require a specific SPEA established.

In the Bald Eagle DP area, there are two identified eagle nests on the property. The 60m wide vegetated buffer has been marked to ensure no vegetation is removed from this area. The timing of the clearing is occurring outside the breeding season and as such, does not require further assessments at this point in time. Should the clearing be delayed, all works must stop in February until additional assessments are conducted to determine nest activity and recommend measures to protect the eagles from disturbance should they be active.

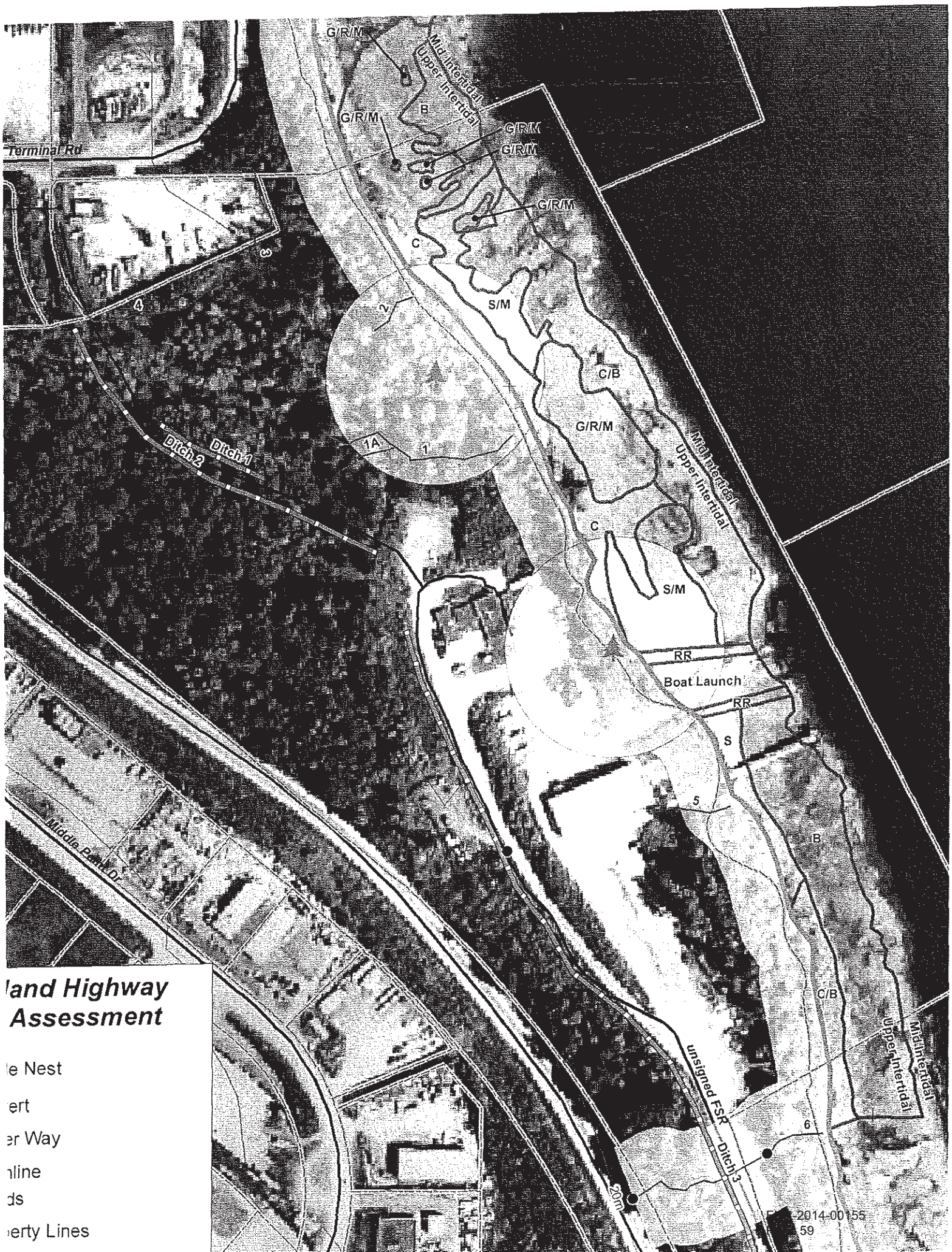
In the Foreshore DP area, the 30m landward assessment area was established and marked to ensure no clearing will take place within this area. A stormwater management and erosion and sediment control plan is required for works occurring adjacent to the 30m setback. The plan is included in Appendix 3.

As the property has been used in the past as an office and shop for a forestry company, some of the setbacks are not intact. This is recognized, but no new vegetation removal can occur within these areas. Cleared areas should be monitored for invasive species and removal should occur annually to ensure that the foreshore area does not become colonized in invasive species.

This assessment has identified the features on the property, but more comprehensive assessments and consultation with applicable agencies will be required in moving forward with additional development on the property.

APPENDIX 1

SITE PLAN



**Land Highway
Assessment**

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APPENDIX 2

PHOTO DOCUMENTATION

Photo Documentation



Photo 1, Stream 3:
The stream has an organic/cobble
substrate.

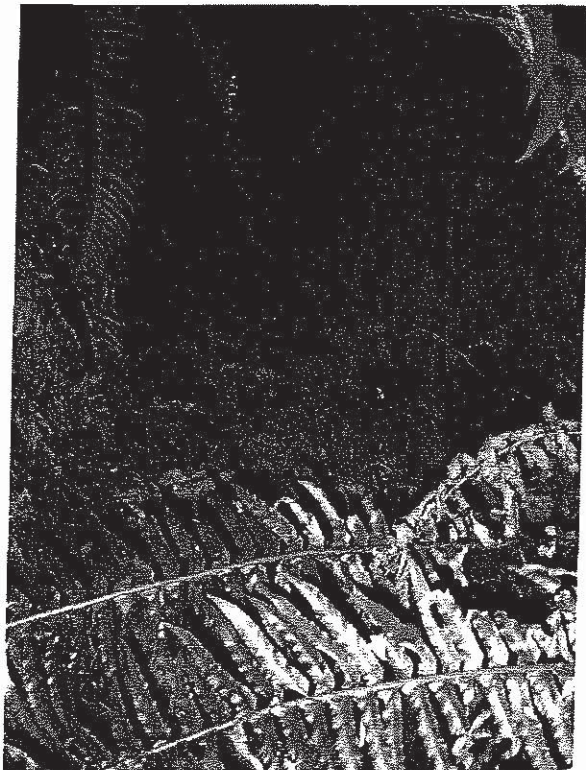


Photo 2, Stream 2:
The gradient is 48% upstream of the ocean preventing
fish access into the stream.



Photo 3, Stream 1:
The stream drops +2m over a clay bank
to the ocean. There is no fish access
into the stream.



Photo 4, Stream 1:
The stream has a predominantly gravel
substrate.



Photo 5: Settling pond



Photo 6, Stream 4:
Downstream of the road Stream 4 is
 $\pm 1.0\text{m}$ wide with an organic substrate
and little to no evidence of a channel
scoured by water.



Photo 7, Waterway 5:
Waterway 5 is poorly scoured with an
organic/fines substrate. It seeps to
the ocean and does not offer access
or habitat for fish.



Photo 8, Stream 6:
Upstream of the ocean the stream is
2-3m wide with a gravel/cobble
substrate.



Photo 9, Stream 6:
At the culvert inlet both ditchlines (Ditchline 3) transport water into the stream, although the ditchlines offer limited potential fish access or habitat.



Photo 10, Waterway 7:
Waterway 7 is fed from upslope ditchline drainage and crosses the access road through a metal pipe culvert, seeping into the forest floor immediately downslope of the culvert.



Photo 11, Ditchline 1:
This is a newly excavated ditch adjacent to the northeast side of the recently built road that bisects the property. It was dry at the time of the assessment, but would normally flow to the southeast.

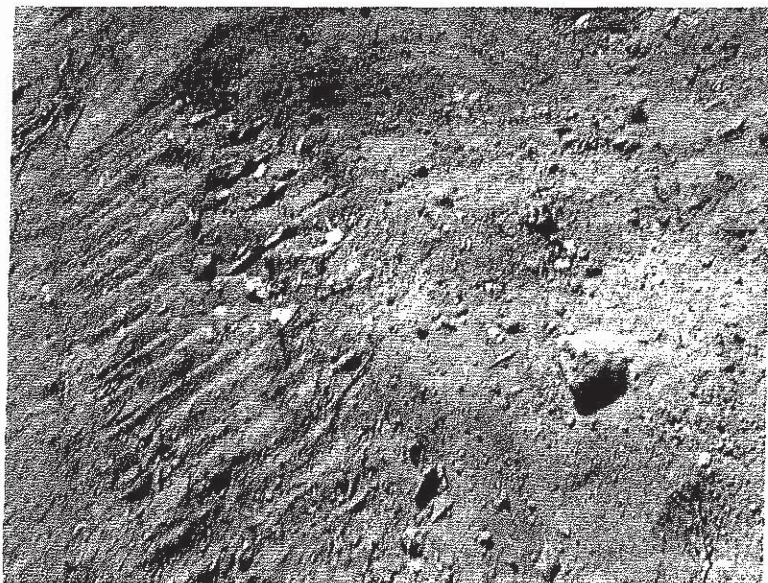


Photo 12, Ditchline 2:
This ditchline is located on the southwest side of the recently built road, opposite to Ditchline 1. At the time of the assessment it was dry, but would normally flow to the south southeast.



Photo 13, Ditchline 3:
Ditchline 3 is located adjacent to the main access road from the Island Highway. The culvert flows from the north and south into Stream 6, as well as Waterway 7. At the time of the assessment the ditchline was dry.

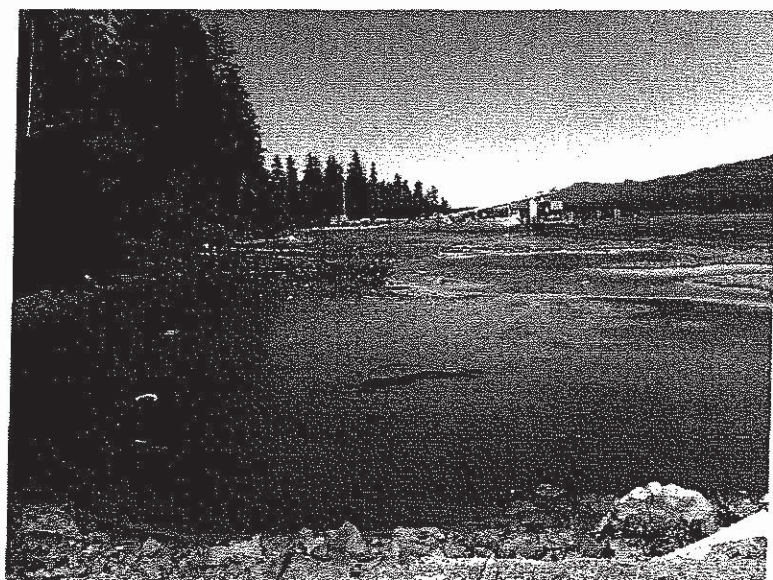


Photo 14, Intertidal Area:
The upper intertidal zone with a mud/sand substrate.



Photo 15, Intertidal Area:
The mid intertidal zone has a
cobble/boulder substrate.



Photo 16, Intertidal Area:
The upper intertidal zone mud/sand
and gravel/cobble substrates.

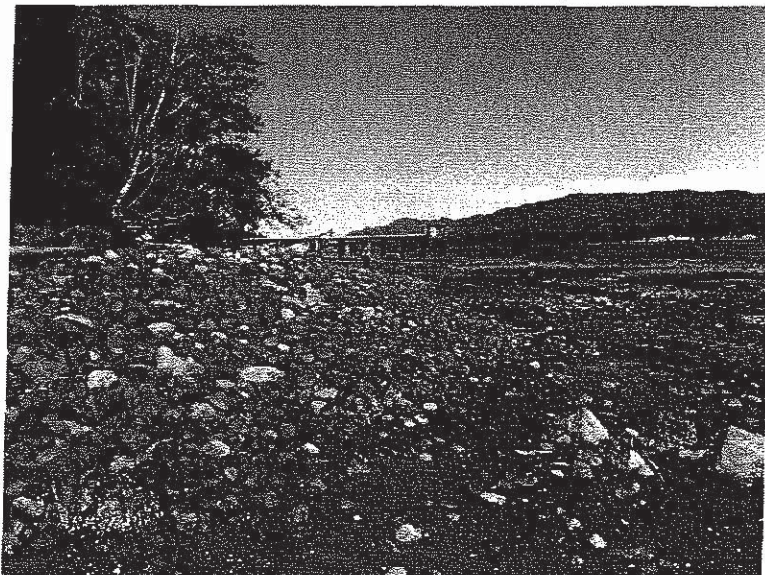


Photo 17, Intertidal Area:
The upper intertidal cobble/gravel
substrate.

APPENDIX 3

STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL PLAN

Stormwater Management and Erosion and Sediment Control Plan

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1.0 Introduction

This Stormwater Management and Erosion and Sediment Control Plan has been prepared to address activities associated with the Minor Development Permit Application on the Middle Point property located at 5705 Island Highway, Campbell River, BC. Proposed activities include the use of heavy machinery on site to clear the land of young and mature forests. Land clearing activities can lead to a variety of adverse environmental impacts. Those areas of greatest concern for the property of interest are: increased erosion, surface runoff and sedimentation; slope instability; and decreased water quality. There is minimal risk to human health or property and infrastructure from the proposed activities due to the previously disturbed nature of the area, relatively small size, and site specific conditions.

1.1 Site Description

The Middle Point property is located at 5705 Island Highway within the City of Campbell River on the east coast of Vancouver Island, BC.

Construction for the Project is expected to begin during the fall of 2012.

At the current time, site activities will include logging and de-stumping of the site. A dirt access road has been installed that bisects the north end of the property and will be used for access during logging activities. Appropriate buffers will be maintained on environmental features (see Ecology and Wildlife Overview), as well as a 15m wide buffer along the highway.

2.0 Scope

This document only covers land clearing activities associated with the Minor Development application for the Middle Point Property. Other activities or geographic areas will require further assessment and review.

Stormwater Management

Managing stormwater is necessary to protect human safety, property, and the environment. The scope of work proposed at this time, tree removal, is expected to have minimal impacts to stormwater management on this small parcel of land if the appropriate mitigation measures are implemented. The most likely potential impacts are as follows:

1. Vegetation Removal

Removal of vegetation decreases the permeability of soil, can increase evaporation and decrease transpiration, and generally increase runoff. Additionally, the filtering effect of forested stands is greatly reduced when the vegetation is removed.

2. Impervious Surfaces

Impervious surfaces are those substrates that do not allow surface water to percolate in. In rural developments impervious surfaces are most often asphalt and cement surfaces, such as roads and parking lots. For the Middle Point Property impervious surfaces may include cement sidewalks or trails, asphalt parking lots or roads or compact soil roads. Additionally, the use of heavy machinery on the site may create compacted soil that will act as an impervious surface.

3. Water Quality

Managing both the amount and the type of stormwater is necessary to reduce potential impacts to water quality. Surface water can be impacted from industrial activities that introduce chemicals into the environment, such as petroleum products or pesticides. Additionally, water quality can be impacted by changes in water temperature, as a result of either water withdrawal or input, or removal of shade. Other impacts may include eutrophication from the introduction of excess nutrients, such as fertilizers or organic material.

4. Flooding/Drought

Changes in surface and ground water can result in more extreme highs and lows and cause more frequent or intense flood and storm events. Management of stormwater within the normal context of the watershed can minimize these risks. Flooding presents a serious risk to both human safety and property and infrastructure. Droughts can cause risks associated with reduced water supply and an increased fire risk.

5. Erosion and Sediment

Changes to surface and ground water patterns can increase erosion and may lead to slope instability and mass wasting events. Increased sediment transport can adversely impact habitats, with the most obvious effects in the aquatic environment where water quality may be degraded.

Erosion and Sediment Control

There are several sections along the shoreline that are currently being eroded and are at risk of further erosion. These areas are steep, with little to no vegetation. Many of these steep slopes already have evidence of erosion, including undercutting of the slopes, small slumps, and a large mass wasting event that has brought down two large trees and an area of soil into the foreshore. Attention should be given to these areas to ensure that erosive pressures are not increased, and ideally are minimized. Any additional runoff into these areas, vegetation removal, or slope top loading may increase the erosion.

Best Management Practices

Best Management Practices are commonly applied tools that have been proven effective to manage stormwater, decrease potential erosion, and reduce and control sediment.

The following techniques are those that are most likely to be used to limit erosion and sediment control and manage stormwater. Note that more than one of these techniques may be combined or linked together to be most effective. Some listed techniques may not be used or new (unlisted) techniques may be used or adopted to address site specific conditions.

Complying with site plans and instructions is fundamental to the protection of the environment. Site plans must consider subsurface conditions, environmental impacts, seasonal environmental conditions, and practical means to carry out the plan. If the work in the plan cannot be carried out without causing excessive erosion or sedimentation that may affect the environment, it is important to stop work, discuss the plan with project staff and find workable solutions that will allow the project to continue without causing undue damage to the environment.

At times during the work, it may be necessary to use erosion and sediment control techniques that are not contained in the plan. This may be the result of unexpected subsurface conditions, heavy rain or runoff, or other site factors. In these situations, it is important to be prepared and have the knowledge, materials, and equipment on site to address potential issues. A "Sediment Control Kit" must be available at each work site, and contain equipment like:

- silt fence, geotextile material, tarps, polyurethane sheets,
- sandbags,
- poly-vinyl-chloride pipe (minimum 400mm), big "O" pipe (minimum 400mm),
- grass seed (appropriate for the site), erosion mats, straw bales,
- binding twine, soil staples, staking material (rebar, wood), and
- hand-tools such as shovels, rakes, staple gun, hammer, pruning shears, hand saws, and Pulaski's.

Scheduling and Staging of Construction Activities

Scheduling and staging is one of the most effective ways to reduce the risk of potential environmental impacts from construction activities, especially in and around areas that involve fish bearing waters. Early planning for schedule implementation and breaking the project into stages will minimize the time that soils are exposed thus reducing the risk of sedimentation.

Project scheduling and staging is a pro-active, cost efficient erosion and sediment control best management practice that can reduce the area and length of time soils are exposed to erosive forces. It allows for the timely implementation of less expensive, more effective erosion control measures at the start of construction through early planning by the project proponents. Good schedules will break a project into stages or milestones. Project stages will most likely be incorporated into contract documents, project approvals, and authorizations used to make up the project schedule. Each milestone will be further broken down into major components and tasks that are required for completion. Ideally, each stage will be completed before going on to the next; however, constraints on time, personnel and equipment may make this impractical. Scheduling is particularly important when construction activities are occurring in and around watercourses that contain fish. The potential impact to fish and fish habitat is a primary concern at all stages of construction activities and is controlled by the Federal *Fisheries Act* which applies to both public and private land.

Maintaining Buffers

Maintaining vegetated buffers around key environmental features, such as streams, wetlands, and drainages, will minimize changes to the natural hydrological cycle. These areas help to infiltrate surface water, remove sediment, contaminants, and bacteria from runoff, prevent erosion, and contribute to wildlife habitat.

Minimizing Contaminants

Chemical contamination from industrial activities can enter the ground and surface water, thereby compromising water quality and having adverse impacts to both aquatic and terrestrial wildlife. Point source control is the easiest way to reduce contaminants in the environment. Methods of point source control include:

- Handling practices that minimize spilling.
- Appropriate spill response procedures, including onsite spill kits.
- Use non-chemical alternatives where possible.
- Ensure proper storage of all hazardous materials.
- Ensure secondary containment in vehicle fueling, washing and maintenance areas.
- Ensure proper containment and disposal of concrete wash water, if applicable.

Minimizing Impervious surfaces

Impervious surfaces do not allow water to infiltrate and create overland flow, or run off. This can adversely affect the natural hydrological cycle, and increase the risk of erosion if the water is not managed properly. By minimizing the amount of impervious surfaces, the associated risk to human safety, property and the environment are minimized. Impervious surfaces are materials, such as concrete and cement, although compact soil or clays can also act as an impervious or partially pervious material.

Limiting Exposed Soils, Disturbed Areas

Control and limit the amount of site disturbance to minimize erosion, prevent sedimentation, and reduce overland flow of water. Soil disturbance and vegetation removal should especially be avoided on steep slopes.

Securing, or "storm-proofing" the site at the end of each day includes finishing tasks that were started, or leaving them in a state where they can endure intense rainstorms and runoff (see additional comments). Frequent meetings, communication and a thorough pre-work meeting can improve practices on the ground. Finally, the ability of supervisors and engineers to change work plans as work progresses, particularly with respect to subsurface conditions and incoming weather patterns, can reduce the footprint of heavy machinery and the amount of erosion and sedimentation.

Common methods of securing exposed soils include covering with poly sheeting, or a rolled erosion control product which is securely fixed in place and/or covering the area with straw at the required density.

Slope Texturing

To provide temporary erosion and sediment control benefits for areas that are not immediately covered by roughening the slope surface to minimize erosion and sedimentation. It can also provide a suitable surface for future seeding of the site. This method reduces compacted soils, which may function as a partially impervious surface.

Slope texturing is the roughening of the soil by mechanical means up and down the slope leaving depressions perpendicular to the slope direction, to provide a serrated texture that will reduce erosion potential. This technique can be used on slopes up to a gradient of 2H:1V and is intended for long, uniform slopes. The roughening of the soils aids in slowing down run-off and creating seed capture sites for quicker recovery of vegetation on the site. This application is useful on most soil types except very loose and easily compacted soils. There are various slope texturing techniques and all can be done with heavy machinery. Slope texturing can be combined with other erosion and sediment control techniques to increase its effectiveness.

The effectiveness of rolled erosion control products may be reduced when used in combination with slope texturing. Care must be taken in ensuring that the proper erosion and sediment control techniques are used together to compliment rather than reduce their effectiveness.

Mulches

Prevent the detachment and entrainment of soil particles from run-off by reducing water velocity and to aid the infiltration of water into the soil.

Mulches are organic or inorganic materials applied over the soil to prevent or control erosion. Commonly used mulches are organic and biodegradable in nature and are spread soon after soil disturbing activities have occurred. The benefits of mulches are that they prevent soil detachment and entrainment by providing a soil cover and reducing the velocity of water, thereby promoting infiltration into the soil. Mulches provide immediate benefits to sites that will not have a protective cover for a period of time. They can protect seeded areas, moderate soil temperatures, and be a potential growth medium. They are suitable for all types of disturbed soils and come in various types of materials including organic and inorganic which can be applied by hand or with the aid of blowers from a truck. Some examples of mulches include straw, hay, wood chips, wood fiber, and gravel blankets. It is important to know the long term goal of the site before application so that the appropriate product is chosen. The choice of mulch material should be based on slope steepness and length, soil conditions, season, type of vegetation, and size of the affected area.

Care must also be taken when using straw or hay as mulch because these may contain seeds from invasive plants that could become a future problem to the site if they become established. Wind prone sites are not suited to lighter mulch types, such as straw, which could be blown away.

Armouring

Armouring is an effective method to prevent erosion and reduce sedimentation. Armour material can be salvaged from local soil profiles or imported from pits and quarries. Rock armour is normally required at cross ditches, water-bars, bridges, culverts, and french drains. Cut-slopes and fill-slopes may also require rock armouring (also known as buttressing) for stabilization. The arrangement and placement of material is a very important aspect of armouring. Rock armour at drainage structure inlets and outlets (except for fish streams) must be closely arranged, in a "U" shaped fashion, where the upper elevation of the "U" is well above the anticipated maximum water level. Placement of rock armour with heavy

equipment is also important as it must be keyed into place and not thrown or tossed. Water flows over poorly arranged armour can cause more sedimentation and erosion than if it were not present, as the rocks can divert water into finer-textured soil.

Any armouring occurring within the wetted perimeter of a fish-bearing stream must be done in consultation with Fisheries and Oceans Canada. Rock armouring used near streams, watercourses or drainage structures with connectivity to watercourses should be clean and free of excessive soil and sediments. Rock armouring may be combined with specific re-vegetation plans to reduce erosion near stream areas.

Check Dams

Reduce the risk of erosion by reducing water velocity within ditchlines. Check dams are commonly used in ditches, and in long cross ditches and water-bars. They are sometimes used in non-fish bearing streams where they require a site plan and in-stream works approval from the site supervisor and the Ministry of Environment (Section 9 of the *Water Act*). The dam may be constructed from rock material, sand bags, or straw bales. The dam material is placed across a drainage structure (e.g. ditch channel) in a "U" or "Smile" shape to create the check dam and is secured in place. The check dam is higher on the sides or tops of the "U" than the bottom. This allows drainage to be concentrated in the center of the check dam, as opposed to the sides, where it may cause erosion.

Monitoring is advisable after installation of check dams to verify the operation of the dams in high flows. Observations leading to further action include erosion around the ends of check dams; and movement of dam material in the check dam during high water flows. Check dams should be inspected periodically to ensure they are performing as required.

Sediment Catchment Basins

Slowing or stopping the velocity of water so that it may drop finer suspended soil particles, thereby reducing downstream sediment inputs.

Constructing catchment basins is an effective tool for managing sediment laden water at road cut-slopes, fill-slopes, culvert inlets, culvert outlets and at clearing sites that collect water. In most cases, sediment basins are the last technique for sediment control before water leaves a work site and continues downslope. Long term sediment catchment basins are normally found on forest roads at culvert inlets and are an important part of the culvert function. These catchment basins require annual to bi-annual maintenance to clean out sediment deposits if necessary. Large amounts of sediment produced at culvert inlets are a sign of further action required in the road cut-slope, grade or ditch-line upstream of the culvert. Short term catchment basins in forest environments are built to temporarily store sediment-laden water until a construction item is completed and able to pass clean water. They are frequently used to reduce the amount of suspended sediment in ditch water prior to entering a culvert or stream, or to temporarily hold sediment laden water pumped from another site. Components of a catchment basin include: (i) a pit or depression excavated with stable slopes, (ii) a raised dam to contain water, along with silt fence or filter fabric to stop sediment from escaping, (iii) a pump to remove the sediment laden water before escaping, (iv) cleaning of fine sands and some silts once deposited and (v) armour to prevent scouring at the outflow area.

Monitoring is required to ensure catchment basins are working correctly. Observations requiring corrective action include sedimentation down-slope of the catchment basin and water levels approaching the dam height of the catchment basin.

Sediment Fencing

Temporarily retain water adjacent to excavated soils, drainage structures or watercourses so that sediment can deposit out of suspension.

Sediment fencing (commonly referred to as "silt" fencing) is installed along the contour of a slope in a 'J-hook' or smile shape. The wooden stakes should be facing down-slope and driven into the soil 30-60cm deep. The area upslope of the sediment fence should be <30m in length. The loose bottom edge of the filter fabric is curled and buried into the slope or backfilled. Sediment fences will not trap all sediment particles, especially small and medium sized particles. They are usually combined with other methods like grass seeding, machine tracking or a rolled erosion control product. Once installed the sediment fence requires routine maintenance to dig out sediment on the high side and ensure its integrity. Sediment fences can be also be used to direct water to desired areas and will break up a slope, thereby reducing water velocity.

Sediment fencing is a standard item to keep on site at all times during road construction, and maintenance. An alternate to sediment fencing is hay or straw bales wrapped in a geotextile material.

Cross Ditches and Water-bars

Capture road surface and ditch line water and route it across the road to stable, non-erodible soils below the road.

Cross ditches are oriented at approximately 120 degrees to the road alignment and excavated to a depth equal to, or greater than, the depth of the ditch at the road cut. Cross ditches capture ditch water where a ditch block or catchment pond is installed in the ditch. Armouring is required at cross ditch inlets, outlets and along the grade if traffic is frequent or soils are erodible. If constructed properly, cross ditches are maintenance free. Water-bars are similar to cross ditches, but do not capture ditch line water. Rather water-bars capture and direct runoff across the road surface.

Monitoring is not required during construction, provided there are no fisheries concerns. Observations requiring further corrective action include erosion at the cut-slope, grade or fill-slope of the road, excessive sediment transport through the road and large sediment deposits at the inlet or along the grade.

Cross ditch locations should be established by experienced field staff. Stability of outlet areas must be considered as part of establishing the field locations for cross ditches.

Ditches

Ditches are used to drain water from road cut slopes and road surfaces and direct it to a safe and stable location.

Ditches are constructed during the initial phases of road construction and are maintained through the life of the road until decommissioning. Normally, ditches range from 0.5m to 2.0m in depth and 1-3m in width. Ditches are "U" shaped and can be vegetated with grasses and shrubs or lined with rock to reduce water velocity. Ditch water is carried across or under the road grade by culverts, fords, cross ditches or streams. Ditches generally should not be too long as they can concentrate water below the road on unstable terrain. Typical locations for ending a ditch at a culvert or cross drain include grade breaks, low spots in a road's profile, before steep grades and heavy seepage areas. Long ditches concentrating water in one spot are a common contributor to slope failures and excessive fluvial erosion. Where sedimentation is a concern, ditch water should be dispersed before it reaches watercourses. At locations where erosion of downslope areas may occur, water should be dispersed

before it accumulates. Ditch maintenance ensures that water may freely flow through ditches to cross drains and that ditches are not eroding or sloughing in.

Monitoring is required by a qualified person immediately after grade construction and on a regular inspection schedule (at least annually). Observations requiring further action include: erosion or aggradation in the ditch, connectivity to streams causing sedimentation and cut slope failures.

Rock check dams and rock lining provide other methods of ditch armouring. Short term erosion control techniques include sediment fences and rolled erosion control products. Other road construction and maintenance items connected to ditches include: catchment basins, grade culverts, french drains, ditch blocks, cross ditches and grade surface maintenance. Ditches tend to become increasingly armoured over time and erosion is reduced accordingly.

Exposed Slope Protection

Prevent and/or minimize surface erosion processes.

Protecting exposed soils by covering or changing their surface characteristics until re-vegetation measures take effect or construction is complete. The applied techniques can prevent sediment mobilization, reduce water velocity, promote infiltration, reduce soil compaction, and improve germination conditions (moisture and temperature). The following techniques can be employed to protect exposed slopes:

1. **Installing plastic coverings:** During construction, exposed soil piles can be protected by covering them with plastic tarps or poly sheeting until further treatments, or trucking is completed. A minimum of 6mm thickness is recommended. Securing the plastic may be done with weights, wooden stakes or slope staples. All plastic should be removed and re-used or re-cycled after use.
2. **Installing erosion control mats:** After construction exposed soils may be further protected until vegetation is established by using erosion control mats. Erosion mats come in rolls of varying types, composition, and sizes. Remove large logs or sticks from the site and apply grass seed to slopes prior to installation. Roll out erosion control mats up and down slope, not along contour. Bury leading edges and over-lap rolls and stake in all leading edges, sides and bottoms. If planting, cut holes in erosion mats equal to the required scarified distances (usually 30cm). Loose hay or straw are an alternate to erosion mats, but are not effective in areas where there are frequent winds.
3. **Roughening slope surfaces**
4. **Mulches**

Monitoring is required during installation to verify correct positioning of mats, etc. and or after installation to evaluate effectiveness. Observations requiring further action include: sheet or rill erosion, and slope instability (tension cracks) or poor re-vegetation.

Include one or more slope protection coverings (plastic, erosion mats, hay) in a construction site's work kit. Rolled erosion control products are a temporary measure utilized until vegetation can be established at the site.

Grass Seeding

Provides short and long term protection against erosion, improve the rate of topsoil development, increase soil percolation, and rehabilitate the site when construction activities have ceased.

Apply an appropriate grass seed mix and fertilizer (when allowed) to all exposed soils. Various techniques are available, including direct hand seeding, truck mounted dry seeding, truck mounted hydro seeding, aerial dry seeding, and aerial hydro seeding. Grass seed can be applied at rates up to 50kg/ha. Fertilizer (normally an 18-18-18, nitrogen, phosphorus, potassium slow release mix) can be applied at rates up to 300kg/ha where there is not a risk of runoff into environmentally sensitive areas.

1. **Hand seeding** is the most desirable as areas can be re-vegetated immediately after construction at a reasonable cost. Apply grass seed and, if desired, fertilizer using a hand cyclone seeder ensuring equal coverage.
2. **Truck mounted seeding** can be a more affordable method of grass seeding on long sections of road cut-slopes, fill-slopes and spoil areas. Dry seeding is acceptable for slopes less than 60%. Truck mounted hydro seeding may be required for slopes over 60% that require fast grass establishment. Truck mounted grass seeders are specialized equipment and should be used by qualified persons.

Monitoring is required by a qualified person immediately after grass seeding to ensure proper coverage and after one growing season to ensure survival. Observations requiring further action include: missed areas and unexpected lack of cover, lack of vigor or mortality of grass seed.

An appropriate grass seed mix for the Middle Point property will be suited to the Coastal Western Hemlock very dry maritime biogeoclimatic zone (CWHxm1). Grass seed may take up to two years to become established. Site specific seed mixes can be developed which take into account the biogeoclimatic zone, as well as proximity to environmentally sensitive features (a native seed species may be required), and site specific conditions such as aspect, soil conditions, and water regime.

Re-Vegetation and Bioengineering

Provide additional stability and soil retention to maintained roads, deactivated roads, landslide scars, streambanks or riparian zones with live hardwood cuttings.

Directly plant and/or arrange willow, cottonwood or red osier dogwood cuttings into structures for erosion and sediment control purposes. Willow is the most common species used due to its durability, availability, and potential for future growth. Cuttings should be no less than 2cm diameter at the top up to a maximum of 10cm. Lengths may vary from 50cm to 300cm based on the method required. Methods of construction include wattle fences, brush layers, modified brush layers, live pole drains, live sediment fences, live stream bank protection, live gully breaks and direct live staking. Cuttings are live plants harvested in the dormant season (fall, and perhaps winter or early spring) and require care of handling. Cuttings should be cut from nearby sites in a similar biogeoclimatic zone. Minimizing the time between live plant harvesting and planting is paramount to plant survival. Live cuttings may be stored for up to two weeks in water or up to 4 months in snow or large coolers, although this is not recommended.

Monitoring is required by a qualified person during bioengineering work, and one to two years after to confirm plant survival and treatment efficacy. Observations requiring further action include: excessive plant mortality, further mass wasting, and continued unacceptable levels of sedimentation.

Erosion Protection at Stream Crossings

Prevent streambank, road fill-slope and cut-slope erosion at or near stream crossings.

At culvert and bridge stream crossings, extra precautions are required to prevent sedimentation and erosion. Sedimentation and erosion typically occur along the streambank channels and slopes adjacent to the drainage structure, at the drainage structures outlet, footings, and at inlet ditches. The erosion protection most commonly used for this is rock armouring (commonly referred to as rip-rap). Typically, rock should be placed and keyed in with others of varying sizes (graded), forming a continuous apron or wall. Types and sizes of armour rock used around streams should be selected by a qualified person. Other methods of erosion protection at streams include the use of erosion mats or loose hay. Vegetation can also be effective slope protection, based on the length and degree of the slopes.

Monitoring is required to ensure that the armouring is placed properly and is a suitable size and quality. Observations requiring further action include: armour that is moved by a stream's high water flows, erosion into a stream or watercourse, undermining or degradation of the bridge or culvert substructure or approaches, and change in the stream's channel or bedload.

Erosion protection at a stream may also include the requirement to buttress the stream's bed-load if there is potential for the substrate to be carried away. This work should be assessed, prescribed and supervised by a qualified professional.

Under Section 9 of the BC Provincial Water Act an approval is required to make changes in or around a stream in accordance with Part 7 of the Water Regulation. Approvals are granted through the Water Stewardship Division of the Ministry of Environment. A notification to the provincial Habitat Officer must be made at least 45 days in advance of work. This provision does not apply if the person holds an agreement or road use permit under the *Forest Act*, an agreement under the *Range Act*, or a special use permit under the *Forest Practices Code of British Columbia Act*, or is authorized to construct or modify a road under the *Coal Act*, the *Geothermal Resources Act*, the *Mines Act*, the *Mining Right of Way Act* or the *Petroleum and Natural Gas Act*."

Road Surface Maintenance

Maintain the structural capabilities of road surfaces, protect road sub-grades from damage, and prevent severe wash-boarding and pothole formation.

Grading the road surface and shaping of the shoulders while moisture conditions of the capping or running surface are favorable. Surfacing material should be graded onto the road and not over the shoulders or into the ditch. Windrows should not remain after grading and if they do, breaching is needed to allow the road surface to drain. Grading should not introduce fines or sediment to streams, culverts or connected ditches. Extra care is required when grading near watercourses. Grading should not occur adjacent to fish-bearing water during rain events. Pre-marking and viewing stream crossings will prevent grading into watercourses causing unwanted sedimentation. Only operators with grading experience should grade roads.

Monitoring is required before initial surface maintenance work to train operator on correct interpretation of reading watercourses marked by the environmental monitor. Once an operator is familiar with the requirements shown by the environmental monitor, road surfacing maintenance may be conducted unmonitored or supervised. Where grading is required near streams and watercourses, erosion control techniques such as sediment fencing may be needed.

Environmental Monitoring and Inspection

Environmental Monitoring is the service of providing assurance to project owners/parties that project construction activities are complying with and conforming to the environmental standards that have been defined in project approvals, authorizations, and permits. This is accomplished through adherence to contract documents, applicable government legislation, and the use of Best Management Practices (BMP's).

A Best Management Practice is a practice that is recognized by agencies and experts as the most effective and practical way of achieving a desired goal. In terms of construction, it means that desired project goals have a high probability of success while ensuring the level of environmental damage or disturbance is kept to a minimum.

Environmental Monitors

Provide a high standard of environmental protection and to prevent the risk of adverse environmental impacts during site construction and maintenance operations.

The environmental monitor may be required to complete all or some of the following functions:

- Act as an intermediary between the proponent and regulatory bodies.
- Assure proper levels of environmental protection are correctly implemented.
- Brief the contractor on site-specific environmental concerns and requirements.
- Provide basic environmental education and construction guidelines to all field personnel.
- Closely supervise construction activity to ensure compliance with construction guidelines, design plans, and approval documents.
- Provide advice on and monitor effectiveness of erosion and sediment control activities.
- Monitor environmental parameters such as rainfall, amount of run-off, and water quality during the construction phase.
- Participate in meetings between the proponent, agency personnel and the contractor(s).
- Define environmental standards for construction.
- Map and mark sensitive areas in advance to actual construction.
- Maintain a daily record of environmental monitoring, construction, and mitigation activities.
- Report to the proponent and the regulatory agencies on the environmental performance of project contractor(s).

Environmental monitors are required to be qualified professionals who are registered in British Columbia with an appropriate professional organization, and acting under that association's code of ethics and subject to disciplinary action by that association, and who, through demonstrated suitable education, experience, accreditation and knowledge relative to the particular matter, may be reasonably relied on to provide advice in their area of expertise.

Communication with monitors is required to ensure they are collecting appropriate information, discussing important points with contractors and verifying environmental compliance for project activities. Further action should be taken in cases of unresolved disagreements with contractors or agencies, poor record keeping, and non-compliance with standards.

Inspection

Ensure that erosion and sediment controls that have been implemented are being effective and are accomplishing their intended objectives.

A regularly scheduled inspection of erosion and sediment controls that have been implemented ensures that they are operating effectively and that further controls are not required. It also helps to ensure compliance with regulatory agencies, contract commitments, and project objectives. It must not be assumed that all implemented erosion and sediment control measures will be totally effective at reaching their intended objective. Regular inspections will allow for review of effectiveness and the flexibility to adapt to unforeseen circumstances.

Due diligence means that an implemented erosion and sediment BMP is properly installed, regularly inspected, and maintained to ensure its effectiveness.

Rainfall Shutdown Guidelines

Monitoring of local weather data and on-site rain gauges is an effective way to determine when rainfall may and has exceeded acceptable limits for human and environmental safety. Knowing when high rainfall amounts exceeding thresholds have occurred or may occur will aid operators, monitors and supervisors in making decisions in the field.

Supervisors, monitors and operators will cease work before adverse environmental conditions are reached. Such conditions include:

- Disturbed soils are unstable and also pose a high probability of unconfined runoff.
- During excavation, soils pose a threat to cause sedimentation to unconfined areas.
- Sedimentation into ditches is flowing unconfined and cannot be contained.
- Silt laden water or sediment is flowing unconfined from the work site towards streams, lakes, shorelines or fisheries sensitive areas.
- Watercourses and site drainage is at bankfull levels.
- Unconfined rilling is occurring on exposed soils.

When shutting down a site due to rainfall, the following site activities should occur:

- Minimize the risk of sedimentation from stockpiled, erodible soils and protect all exposed soils.
- Minimize the risk of sedimentation from all work sites to watercourses.
- Leave all drainage patterns unobstructed.
- Add temporary water control measures as needed (e.g. water-bars, check dams etc).

References and Links

Atkins, R.J., M.R. Leslie, D.F. Polster, M.P. Wise and R.H. Wong. (2000). Best Management Practices Handbook: Hillslope Restoration in British Columbia. Watershed Restoration Technical Circular No. 3 (Revised). B.C. Ministry of Forests, Victoria, BC. Retrieved from <http://www.for.gov.bc.ca/hfd/pubs/Docs/Mr/Mr096.htm>

Vancouver Island University. (2009). Erosion and Sediment Control Participant's Manual. Vancouver Island University: Natural Resource Extension Program, Nanaimo, BC.

Information on mulches, blankets and mats can be found here:

http://www.metrocouncil.org/environment/water/bmp/CH3_RPPSoilMulch.pdf

Information regarding BC Provincial Water Act can be found here:

http://www.env.gov.bc.ca/wsd/water_rights/licence_application/section9/index.html

Information regarding DFO fish collection permits can be found here:

<http://www.pac.dfo-mpo.gc.ca/habitat/permits-permis-eng.htm>

Information regarding MoNRO fish collection permits can be found here:

http://www.env.gov.bc.ca/pasb/applications/process/scientific_fish_collect.html

Department of Fisheries and Oceans. (1995). Freshwater Intake End-of-Pipe Fish Screen Guideline. Fisheries and Ocean Canada, Ottawa, ON. Retrieved from

<http://www.dfo-mpo.gc.ca/Library/223669.pdf>

Appendix 2



"The Port of Campbell River"

Middle Point Harbour Limited Partnership
690 Headstart Crescent, Campbell River, B.C. V9H 1P9

Mike Stalberg – Regional Manager
Recreational Fisheries and Wildlife Programs
Ministry of Forests, Lands and Natural Resources Operations
2080A Labieux Road
Nanaimo BC V9T 6J9

Oct. 1, 2013

Dear Mister Stalberg

Re: Supplemental Information to Accompany Wildlife Act of British Columbia
General Permit Application

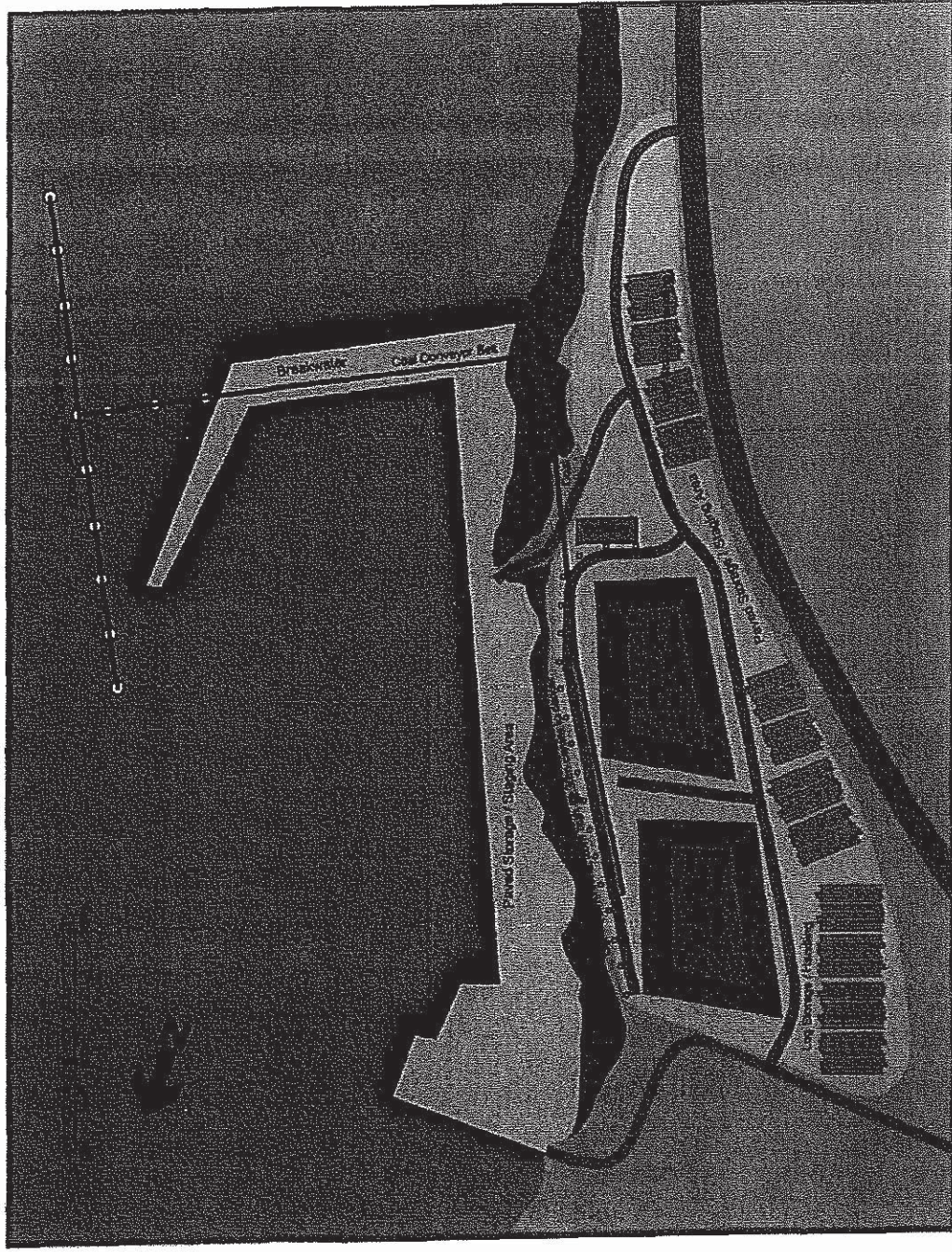
Please find attached supplemental information to be considered in the review of Middle Point Harbour Limited Partnerships Wildlife Act of British Columbia General Permit application.

We request that you consider all the pertinent information when making your statutory decision regarding the two eagle nests on the Middle Point Property.

Yours Sincerely

B.R. Tom Pallan on behalf of Middle Point Harbour Limited Partnership

We Wai Kai Nation and WWK Holdings Society



Port at Campbell River Upland Development Plan

October 16, 2013



"The Port of Campbell River"

Middle Point Harbour Limited Partnership
690 Headstart Crescent, Campbell River, B.C. V9H 1P9

Mike Stalberg- Regional manager
Recreational Fisheries and Wildlife Programs
Ministry of Forests, Lands and Natural Resources Operations
2080A Labieux Road
Nanaimo BC V9T 6J9

Oct 7, 2013

Dear Mr. Stalberg

We are submitting this additional information to more fully describe our development and the actual work activity that will take place on the site.

All the land area in question will be fully developed to create a working area of a much needed protected harbor in Middle Point. The area will be designed to accommodate two large storage piles of bulk coal, each capable of holding 100,000 tons of coal. The size of the coal piles is dictated by the size of the ships that will have to be loaded.

There will be conveyors that will run through much of the property connecting the coal storage areas to the ship loading docks. Roads will be constructed, throughout the property, for incoming coal transport trucks, from which the coal will be discharged on to other conveyors that will accommodate the building of a coal pile that can accommodate 100,000 tons of bulk coal. A large portion of our property will be used for conveyors

There will also be bulk loading bays for barge loading of other materials such as scrap metal, gravel, rock and container loading and unloading. Staging and storage areas will have to be developed to accommodate all these activities. These areas will also have to be connected by a road system on the property.

There will be machines and dock employees working around, and in the areas of the trees in question. It is very unlikely that Work Safe BC would allow these employees to work around or near trees that have a defective root system and or could be blown over by the strong south east winds that this area has to contend with. Winds in this area can reach 100Km per hour.

We are also attaching a drawing of what the area will look like when fully developed.

We have considered all options of leaving the trees in question in place, but the limiting size of our land area and all the development that is needed on the site, makes this an impossible option.

Yours Sincerely

B.R. Tom Pallan

Date: February 4, 2014

To: Tom Pallan, Middle Point Limited Partnership

From: Wayne Wall, RPBio

Re: Eagle Nest (s) Removal, Middle Point Limited Partnership, 5705 Island Highway in Campbell River, BC

Background

Strategic Natural Resource Consultants (formerly Strategic Forest Management) was contracted by MPLP, to assess and determine the activity status of the known eagle nests located at 5705 Island Highway, Campbell River. The assessment was conducted to determine the potential for removing both of the nests that are within an area proposed for expansion.

There are two nests on the property; Nest 1 is located in a Sitka spruce near the boat launch and Nest 2 is located in a grand fir on the northern end of the property (Figure 1). Both nests are in an area of industrial development.

Middle Point Limited Partnership (MPLP) is a partnership between We Wai Kai Nation and Pallan. MPLP is proposing development of the property located at 5705 Island Highway in Campbell River, BC for an end use of a coal storage facility; Hillsborough Resources. Initially the property will be leveled with the spoil material from the John Hart Seismic Upgrade. The Property will have to be prepared to receive material from the John Hart project early in the spring of 2014.

MPLP is proposing to level the property into 2 or 3 separate elevations and to cap and ballast all the Property with spoil material from the John Hart Seismic Upgrade. MPLP has a 25 year agreement with Hillsborough Resources. The long term usage of the Property will be for coal storage of at least 200,000 tonnes for loading onto deep sea vessels (Quinsum Coal and Compliance Coal). This will require two large piles to keep each owners coal separate.

There are two bald eagle nests and nest trees on the Property (Figure 1). There have been three assessments that have considered these nests since September, 2012. Retention of these nests will have a significant impact on the development of the Property if they are retained. A *Wildlife Act* of British Columbia General Permit Application was submitted to apply for an authorization to remove the two nests and associated nest trees that are located on the Property. The permit is to Possess, Take or Destroy Bird Nest and/or Egg.

Wildlife Act Permit NA14-92877 was granted to MPLP on January 23, 2014 to remove two eagle nests at 5705 Island Highway located at the above location. The permit is valid from January 24 to February 15, 2014.

This document outlines the Compulsory Reporting required in Wildlife Act Permit NA14-92877 - Wildlife Act of British Columbia General Permit Application: to Possess, Take or Destroy Bird Nest and/or Egg.

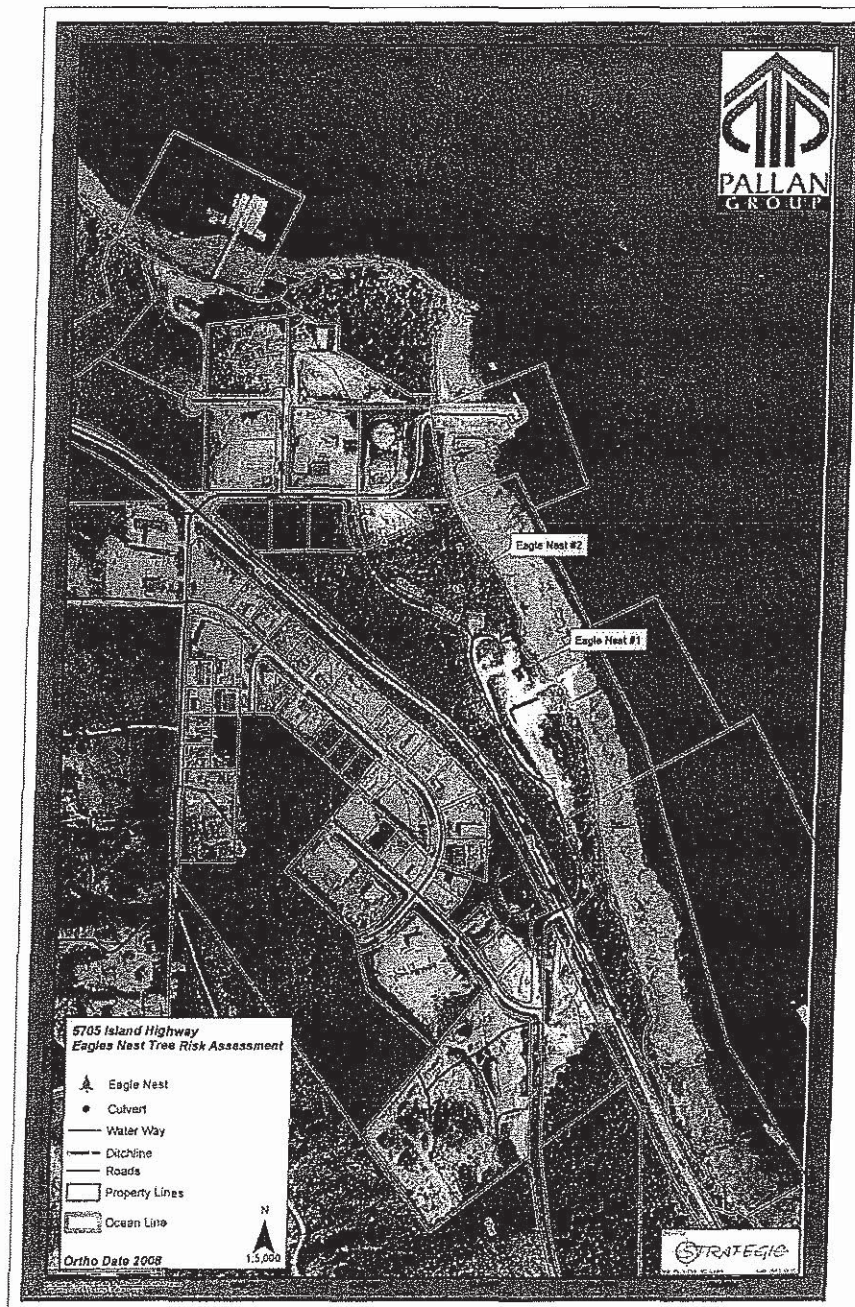


Figure 1: Location of two eagle nests at 5705 Island Highway north of Campbell River.

Pre – Removal Assessment

As per the additional recommendations made by the Regional Manager, Recreational Fisheries and Wildlife Programs, West Coast Region, MPLP retained the services of an appropriately qualified biologist (Wayne Wall, RPBio) to ensure the nests did not contain eggs or chicks at the time of removal. There were measures taken to ensure the nest did not contain eggs or chicks.

1. Nests were to be removed prior to earliest documented date of laying found in *Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)*. The earliest bald eagle eggs have been documented in a nest is February 5.
2. Pre-removal observations were made prior to appropriately qualified biologist authorization of the removal of the two nests described in the General Wildlife Permit. The nest was observed for 3 consecutive hours the morning of the scheduled removal to ensure that incubation was not occurring in either nest.

Both nests were observed from one observation point on January 25, 2014. Although bald eagles were observed during the observation period, at no point were eagles observed in nest initiation activities. There were no pairs observed at either nest.

Once the observation period was completed, the falling crew was contacted by cell phone. Removal commenced on same day - January 25, 2014.

Post – Removal Assessment

The biologist remained on site during nest removal activities in order to provide instruction to falling crew, observe operations and examine the nest once the tree had been removed.

1. Nest 1 was located in a Sitka spruce near the launch in Figure 1. The nest was completely destroyed as result of falling activities (Figure 2). No eggs or chicks were observed in the remains of the nest.
2. Nest 2 was located in a grand fir behind the old office complex in Figure 1. The nest was completely destroyed as result of falling activities (Figure 3). No eggs or chicks were observed in the remains of the nest.

Conditions and Compulsory Reporting of Wildlife Permit NA14-92877

Appendix A, Terms of Permit – Permit NA13-88140 has two compulsory reporting requirements to meet the conditions of the permit.

1. The permit holder must maintain an accurate up to date record of the wildlife hunted, trapped or killed under the permit, which includes the following information:

- a. Common name of the wildlife:

Bald Eagle (nest)

- b. Location where the wildlife was taken:

5705 Island Highway in Campbell River, BC

- c. The date the wildlife was hunted, trapped or killed:

January 25, 2014

- d. The sex and age class of the wildlife taken:

N/A (nest)

- e. The bands or tags on the wildlife:

None

- f. A description of all nests, dams or other structure destroyed or removed:

Nest 1

- *Species – Sitka spruce*
- *Age – 150 to 180 years estimate*
- *Height – 45.5m (nest at 32.0m)*
- *Diameter – 124.8cm*
- *Nest Material – medium to large sticks from multiple tree species*

Nest 2

- *Species – grand fir*
- *Age – 130 to 160 years estimate*
- *Height – 45.6m (nest at 36.7m)*
- *Diameter – 105.5cm*
- *Nest Material – medium to large sticks from multiple tree species*

No eggs or chicks were found in nest material.



Figure 2. Picture of Eagle Nest 1 – Post Removal (January 15, 2014). The nest was destroyed.

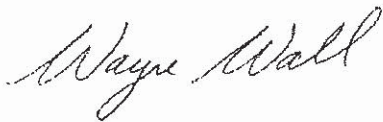
Figure 3. Picture of Eagle Nest 2 – Post Removal (January 15, 2014). The nest was destroyed.



2. The Permit holder must submit the original copy of this record to the Permit and Authorization Services Bureau within 21 days of the permits expiry.

This memo must be submitted to the above no later than March 7, 2014.

If you have any further questions, feel free to contact Wayne Wall at 250.926.6678 or by email at w.wall@shaw.ca.



Wayne Wall, RPBio



Ministry of
Forests, Lands and
Natural Resource Operations

Wildlife Act of British Columbia
GENERAL PERMIT APPLICATION

PLEASE EXPEDITE ATTENTION: NURIE

Please complete all sections of this form. Type or print legibly. Attach additional sheets as needed.

NOTE: For Import/Export, Accompany to Hunt, Rainbow Trout Pond or Scientific Collection (Fish) permits, **do not** use the General Application form. See the Permit & Authorization Service Bureau website for the appropriate application form instead.

This is an application for: (check the appropriate box)

New Permit (you have never had a permit for this activity) ☒

Renewal (you have had a permit for this activity before) ☐

Previous Permit # _____

APPLICANT:

Legal Last Name: Pallan Legal First Name: Tom Legal Middle Initial: _____
Organization (if applicable): Middle Point Harbour Limited Partnership
Name of Contact Person (if different from Applicant): _____
Street or PO Box: 690 Headstart Crescent
City or Town: Campbell River Postal Code: V9H 1P9 E-mail: tom@pallangroup.com
Phone (day): 250-287-9201 Fax: _____ Date of Birth (MM/DD/YYYY): _____

PROPOSED ACTIVITY:

Wildlife species (common & scientific names): Bald Eagle (*Haliaeetus leucocephalus*)
Location of Activity: 5705 Island Highway, Campbell River BC
Start Date of Activity: January 24, 2014 End Date of Activity: February 15, 2014

Provide a **detailed description** of the activity you require a permit for. Include methods and equipment to be used. If your activity involves the capture, transport, possession, release or export of live animals or viable eggs, you must also include a detailed safety plan that explains the measures you will take to ensure that public safety will be protected. (For example, how would you prevent escapes?) In your own words, also describe the purpose of this activity and any special circumstances the Ministry should be aware of.

See attached document completed by Strategic Natural Resource Consultants Inc. in September 2013 titled "Information to accompany Wildlife Act of British Columbia General Permit Application for: Middle Point Harbour Limited Partnership, Bald Eagle Nest Removal"

ADDITIONAL PERMIT-SPECIFIC INFORMATION (SEE WEBSITE FOR DETAILS):

See attached document completed by Strategic Natural Resource Consultants Inc. in September 2013 titled "Information to accompany Wildlife Act of British Columbia General Permit Application for: Middle Point Harbour Limited Partnership, Bald Eagle Nest Removal"

FEES AND PERMIT TYPE:

Permit Type: (list all permit activity codes that apply - see website for list) 3(1)(d), (ii) or (iii)
Fee enclosed: \$ 110 if choosing multiple permit codes, enclose payment for the highest priced permit activity.
Method of Payment: ☐ Cheque/Money Order ☐ Payable to Minister of Finance
☐ Credit Card (Visa/MasterCard) ☐ (attach credit card authorization sheet)
☐ Cash/Debit ☐ at Service BC - Government Agent Only
☐ at FrontCounter BC office

NOTE: Permits cannot be issued for activities that are contrary to the proper management of wildlife in B.C. (Permit Regulation, B.C. Reg. 253/2000, s. 6)

For further information: <http://www.env.gov.bc.ca/pasb/>
Victoria 387-2928; Elsewhere in B.C. 1-866-433-7272

01-21-2013



Ministry of
Forests, Lands and
Natural Resource Operations

Wildlife Act of British Columbia GENERAL PERMIT APPLICATION

Please complete all sections of this form. Type or print legibly. Attach additional sheets as needed.
The information required by this form and any documents you provide with it are collected under the authority of the Freedom of Information and Protection of Privacy Act to process your permit application under the Wildlife Act. This information will be used to verify your eligibility for the permit you are seeking and for other purposes related to the administration of the Wildlife Act. If you have any questions about the collection or use of this information, contact the Director of Wildlife.

ACKNOWLEDGEMENT:

By signing below, I acknowledge that the information I have provided is true and I am 19 years of age or older.

Tom Pallong *Jan 17 / 2014*
Signature of Applicant Date of Application

It is an offence to knowingly make a false statement in order to obtain a permit. Violations may result in prosecution under the Wildlife Act and/or refusal of future permit requests. Any permit obtained using false information is invalid.

For adequate processing time, please allow a minimum of 30 days for turnaround.

Incomplete applications may delay processing time for a permit. Resubmitted applications are processed in resubmitted date order.

PLEASE FORWARD MY PERMIT TO:

Address: (as above): or

Mail to: _____

or Fax: _____

or E-mail: *Tom@pallongroup.com*

(your e-mail address or location of Government Agent/FrontCounter BC office to be picked up at)

Please send completed application, fees and any supporting documents to the **Permit and Authorization Service Bureau** at one of the following:

By Mail: PO Box 9372 STN PROV GOVT, Victoria BC, V8W 9M3

By Courier: 4th Floor, 2975 Jutland Road, Victoria BC, V8W 9M3

By Fax: (250) 387-1814 or through any Service BC - Government Agent Office
or through any FrontCounter BC Office

WARNING

Failure to pay fine

85 (1) This section applies if a person

- a) fails to pay, within the time required by law, a fine imposed as a result of the person's conviction for an offence under this Act or the *Firearm Act*, and
- b) has been served with notice of this section.

(2) In the circumstances referred to in subsection (1),

- a) the person's right to apply for or obtain a licence, permit or limited entry hunting authorization under this Act is suspended immediately and automatically on the failure to pay the fine,
- b) all licences, permits and limited entry hunting authorizations issued to that person under this Act are cancelled immediately and automatically on the failure to pay the fine, and
- c) the person commits an offence if, before that fine is paid, the person
 - (i) applies for, or in any way obtains, a licence, permit or limited entry hunting authorization under this Act, or
 - (ii) does anything for which a licence, permit or limited entry hunting authorization under this Act is required.

NOTE: Permits cannot be issued for activities that are contrary to the proper management of wildlife in B.C. (*Permit Regulation*, B.C. Reg. 253/2000, s. 5)

For further information:

<http://www.env.gov.bc.ca/pasb/>

Victoria 387-2928; Elsewhere in B.C. 1-866-433-7272

01-21-2013

Mike Stalberg – Regional Manager
Recreation, Fisheries and Wildlife Programs
Ministry of Forests, Lands and Natural Resource Operations
2080A Labieux Road
Nanaimo, BC V9T 6J9

January 16, 2014

Dear Mr. Stalberg:

We are submitting an application for a General Wildlife Permit under the *Wildlife Act of British Columbia* to have two eagle nests removed from a property located at 5705 Island Highway in Campbell River. Along with the General Wildlife Permit application please see additional information put forward by Wayne Wall, RPBio on September 23, 2013 as well as additional information provided in this letter.

In the package provided by Wayne Wall, RPBio, we have looked at options to avoid or mitigate the removal of the nest trees. As stated in additional information (Strategic, 2013), there are no options to mitigate the removal of the nest as there are no vacant nesting territories in the immediate area (please see report by Moul, 2013 – Map 1). There have been numerous nests already constructed along the shoreline in the immediate area thus not allowing us to move the nest to another suitable location. As most of the shoreline is private property the present land owners will likely not give permission to translocate the nests onto their property.

With regards to avoiding the removal of the nest, we have physical constraints with the size and dimensions of the property in relation to the intended use. We are constrained by Highway 19 to northwest and Discovery Passage to the southeast. By retaining the two trees as well as a safe work zone we will not be able to develop the property in a configuration to accommodate the required volume of coal.

We have explored other options to reconfigure the development but with the required infrastructure and configuration of the property we were unable to develop a design that would retain the two nest trees as well as store and move the required volumes of coal.

All the land area in question will be fully developed to create a working area of a much needed protected harbour in Middle Point. The area will be designed to accommodate two large storage piles of bulk coal, each capable of holding 100,000 tons of coal. The size of the piles is dictated by the size of the ships that will have to be loaded.

There will be conveyors that will run through much of the property connecting the coal storage areas to the ship loading docks. Roads will be constructed throughout the property for incoming coal transport trucks, from which the coal will be discharged onto other conveyors that will accommodate the building of a coal pile that will be approximately 100,000 tons of bulk coal. A large portion of our property will be used for conveyors.

There will be bulk loading bays for barge loading of other material such as scrap metal, gravel rock and container loading and unloading. Staging and storage areas will have to be developed to accommodate these activities. These areas will also have to be connected by a road system on the property.

There will be machines and dock employees working around and in the vicinity of the trees in question. It is very unlikely that Work Safe BC would allow these employees to work around or near trees that could have a defective root system and or could be blown over by the strong south east winds that this area has to contend with. Winds in this area can reach 100 km per hour.

We are also attaching a drawing of what the area will look like when fully developed. We have considered all options of leaving the trees in question in place but the limited size and configuration of our property and the development that is needed on the site makes this an impossible option.

Yours Sincerely,


B.R. Tom Pallan



JAN 17 PM12:45

General Permit Application Jan. 17, 2014

Please withdraw our first application as the fee amount was incorrect.

Please accept this corrected one

Tom B.R. Pallan

A handwritten signature in black ink that reads "Tom B.R. Pallan". The signature is written in a cursive, flowing style.



January 14, 2014

File: 78630-20/Eagle-Gen

Tom Pallan
MP Port Management Ltd.
1691-A Willow Street
Campbell River BC V9W 3M8

Dear Mr. Pallan,

This is to acknowledge and respond to your request for a permit to remove two trees that contain eagle nests from property located at 5705 Island Highway, Campbell River, Lot 2, Plan 42540.

Within my letter of May 6, 2013, I set out the process I use to consider this request. Typically, these permits are issued where there is concern for safety of the public, nesting eagles, or an eagle population and other options are either unfeasible or did not work.

Subsequently, you have provided information to support your request, including the following: a report from Ian Moul dated June 18, 2013; a report from Wayne Wall dated September 23, 2013; a letter from Tom Pallan and We Wai Kai First Nation dated October 1, 2013; and a letter and drawing from Tom Pallan dated October 7, 2013.

On October 4, 2013, we also met via telephone to discuss information required to support how your request may meet the conditions set out in my letter of May 6, 2013. During this discussion I indicated the need to demonstrate that you have considered alternative plans to develop the site.

Although you mention safety considerations with the plans you have for developing the site, I am not convinced that you have fully explored alternate plans that could allow for use while retaining the eagle nest trees.

At this time I see no compelling reason to deviate from our standard practice of asking applicants to demonstrate that other options were considered and were either unfeasible or did not work. I am declining your request.

.../2

You have the right to appeal this decision to the Environmental Appeal Board within 30 days. For more information on the EAB appeal process please proceed to the following website: www.eab.gov.bc.ca.

Yours truly,



Mike Stalberg
Regional Manager
Recreational Fisheries and Wildlife Programs
Ministry of Forests, Lands and Natural Resource Operations
West Coast Region

Attachment

cc: Nurie Aliperti, PASB

APPENDIX 1

Right to Appeal (notice required by Ministry policy)

You may appeal this decision to the Environmental Appeal Board under section 101.1 of the *Wildlife Act*. To do this, you must give written notice of appeal to the Environmental Appeal Board not later than (a) 30 days from the date you actually receive this notice, or (b) 44 days from the date, this decision is deposited in Canada Post, registered mail, whichever is earlier.

A notice of appeal must comply with the Environmental Appeal Board procedure regulation (BC Reg. 1/82) under the *Environmental Management Act*. It may be provided by mailing it by registered mail to the chair of the Environmental Appeal Board at PO Box 9425 Stn. Prov. Govt., Victoria, B.C., V8W 9V1, or by leaving it for the chair during business hours at the 4th floor, 747 Fort Street, Victoria, BC.

You, your counsel, or a representative must sign the notice of appeal and contain:

- your name and mailing address,
- the name of your counsel or representative, if any,
- the reasons for the appeal,
- particulars relative to the appeal, and
- a statement of the nature of the order requested.

Your notice of appeal must be accompanied by a fee of \$25.00, payable to the Minister of Finance and Corporate Relations.



1691 Willow Street
Campbell River, B.C.
Canada, V9W 3M8
Phone: (250) 287-9201
Fax: (250) 286-3868
E-mail: tom@pallangroup.com

And

We Wai Kai Nation-Chief Ralph Dick
Operating as
Middle Point Harbour Limited Partnership

Future of Island Transportation and Service Infrastructure

Discussion Points

- A. Campbell River Port Infrastructure facilities are lacking, holding up economic development of the town and surrounding areas.
1. Campbell River needs a large, well protected deep sea harbour
 2. Presently no protected harbour for deep sea vessels or even medium sized vessels.
 3. No all tide, all weather barge loading and unloading facilities
 4. No protected harbour for medium to large ship and barge repair
 5. No ship loading facilities for loading logs directly from wharf to ship
 6. No harbor facilities for handling containers either from a ship or barge.
 7. No safe Harbour for large vessels that, in bad weather, may need safe Harbour.
 8. No large vessel refueling and water supply facilities.

- B. Elk Falls Mill Site decommissioned
Millions of gallons of water from the Campbell River, from behind the John Hart dam, were used to feed the Elk Falls Pulp mill with its daily needs of water for the pulp manufacturing process. This mill is now decommissioned and the site is being cleared.
- C. Need to utilize the excess water supply
A major fuel and water supply depot would generate spin off business to service providers in the Campbell River area
- D. Not having a deep sea dock and a large safe protected harbour results in:
1. Higher delivery costs of all goods, either in food, or materials and supplies of all nature.
 2. Loss of potential jobs that would result from the dock and industry that would establish at or near the dock site.
 3. Loss of business for Campbell River merchants and service industries that would supply services and supplies to the dock
 4. Loss of jobs for the We Wai Kai Nation people.
- E. Potential for positive impact on local Coal Mining operations:
1. Hillsborough Resources Ltd. [Quinsam Coal]

- Presently, at the proposed deep sea harbor site (Middle Point) there is a weather and tide restricted barge loading facility that is loading approximately 500,000 tons of coal, per year from the Quinsam Coal mine, on to barges for shipment to Texada Island, where it is off loaded, stored until 70,000 tons are accumulated, (approx 7 barge loads) and then loaded on to deep sea ships which are mainly destined for China. Obviously, this is a very costly process)
- Hard for the mine to compete in adverse market conditions) Loading directly on to deep sea ships at Middle Point, would result in a saving of \$3.00 to \$5.00 per ton to the mine.

➤

➤

s.21, s.16

- Higher production levels would also result in much higher employment numbers at the mine site and also increased employment from shipping activity

2. Compliance Energy Corporation

- A new proposed mine, owned by Compliance Energy Corporation called

the "Raven Coal Mine", is in the permitting stages, with the regulatory agencies, and is expected to be in production in late 2015 or early 2016.

- Average production is estimated to be 800,000 Tons per year.
- Compliance Energy has supplied us with a comfort letter stating they would load from our dock, if we can provide for the storage of coal, for an entire ship load, approx 100,000 tons, and efficiently and effectively, load it on to the ships.

The production from the 2 coal mines is sufficient to make the construction of the harbor and deep sea loading facilities a very viable economic venture.

F. Additional Economic Synergies and benefits to the We Wai Kai Nation

A further enhancement to add economic viability to the construction of the Harbour and deep sea port is the fact that the We Wai Kai Nation, a major shareholder in this project, has an Impact and Benefit agreement with B.C. Hydro wherein it has acquired the rights to all the rock that is going to be excavated from a tunnel that is proposed as part of the rebuild of the John Hart Dam.

The "Dam Reconstruction Plan" calls for the construction of a 2.3 Km long tunnel which will be 6M to 8M in diameter, all cut through solid rock.

All the rock from this tunnel has been provided, on a delivered basis, to the Middle Point Harbour site, for purposes of constructing a breakwater and port facility.

G. Inquiries from other interested businesses

1. We have had inquiries from ship and barge repair companies about leasing space in our Harbour for land or dry-dock space to carry out large ship building, ship repair, barge repair and vessel storage.
2. We have been approached to provide a large protected inside commercial harbor for the North Island tug boat fleet.
3. We have had two pellet manufacturing companies approach us about setting up pellet manufacturing plants on our land surrounding the Harbour, because they would be able to load the manufactured pellets directly on to deep sea vessels for transport to world markets
4. We have been approached as to site availability for a power generation plant using bio-mass. This would be a complementary business to the pellet manufacturing
5. We have determined that there is a definite need on the North Island for loading logs from land directly unto ships without subjecting them to water storage.
The only log shipping facility at present on the North Vancouver Island is located in Nanaimo.

The creation of a local land based log storing & shipping facility would certainly provide a much more

economically viable service to our
forestry companies on the North Island

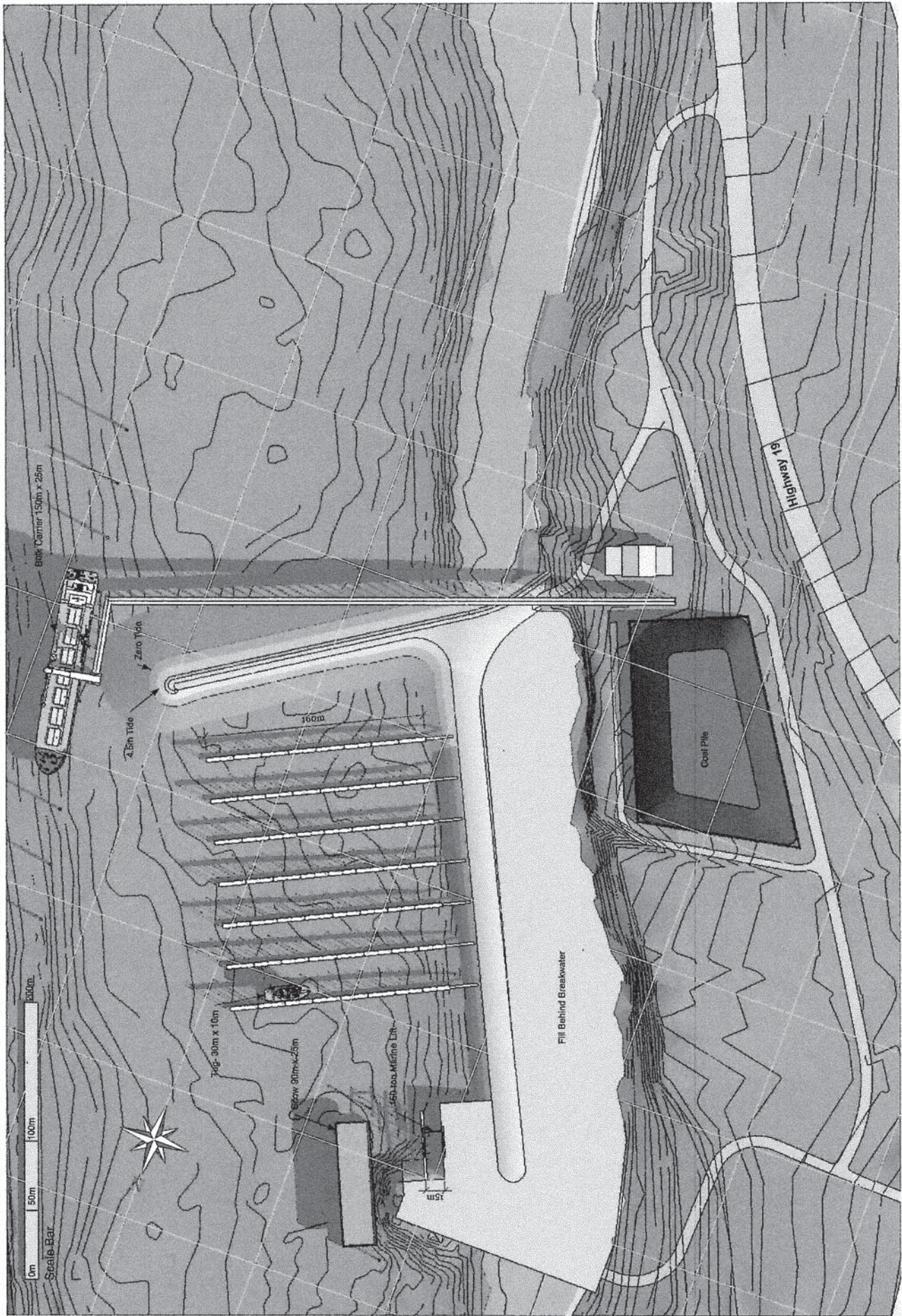
H. Economic Viability & Potential

At present our plans for this project, have prudently been based solely on the immediate increase in revenue that would result from the direct loading of the Quinsam Coal mine production, on to the deep sea vessels, directly at the new dock.

All other potential economic activities mentioned as new business, which might come to this project would greatly enhance the economic viability and bring much needed employment to the Campbell River Area.

I. By way of a closing summation:

1. Campbell River needs a large, well protected large harbour.
2. With the advent of the rock supplied from the John Hart Dam, timing is crucial to implement the development plans expeditiously as possible
3. Substantial Job Creation is a natural by-product of developing the Port of Campbell River at Middle Point.
4. The Middle Point area has for the past 60 years, been polluted by the effluent from the pulp mill. The construction of the docks and breakwater will enhance the reintroduction of a vibrant marine environment from a non polluting economic activity.
5. A conceptual drawing of the proposed breakwater and docks is attached.



Plan View
Scale: 1:1500

MIDDLE POINT INDUSTRIAL DEVELOPMENT BY



We Wai Kai Nation



PALLAN

FOR INQUIRES CALL 250-287-9201



JAN 17 PM 12:43

General Permit Application Jan. 17, 2014

Please withdraw our first application as the fee amount was incorrect.

Please accept this corrected one

Tom B.R. Pallan

A handwritten signature in cursive script, reading "Tom B.R. Pallan". The signature is written in black ink and is positioned below the printed name.

Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Tuesday, December 18, 2012 1:27 PM
To: Pendergast, Sean FLNR:EX; Henigman, Margaret FLNR:EX
Subject: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast
Attachments: MP PORT MANAGEMENT (GP) LTD.84365.Application.pdf; MP PORT MANAGEMENT (GP) LTD.84365.Future of Island Transportation and Service Infrastructure.pdf; MP PORT MANAGEMENT (GP) LTD.84365.Tree Risk Assessment.pdf; MP PORT MANAGEMENT (GP) LTD.84365.doc

Hello Sean and Maggie,

Please find attached a permit to remove 2 Bald Eagle's nests for consideration.

Supporting documents:

1. Permit application (attached);
2. Tree Risk Assessment (attached);
3. Future of Island Transportation and Service Infrastructure – report attached;
4. No previous permit history for this applicant;
5. COORS – no history.

Please let me know if you require anything further.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll Free within BC: 1-866-433-7272
Direct Phone: (250) 952-0681
Fax: (250) 387-1814

Confidentiality Warning: The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. Any review, dissemination or other use of, or taking of any action in reliance upon, this information by persons other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete your record of this material.

Aliperti, Nurie FLNR:EX

From: Pendergast, Sean FLNR:EX
Sent: Tuesday, December 18, 2012 1:57 PM
To: Aliperti, Nurie FLNR:EX; Henigman, Margaret FLNR:EX
Subject: RE: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

Yikes! That's a lot of coal!

Your call Maggie, I don't have a problem with it if there is some mitigation put in place for future nesting or a fund set aside to do some eagle inventory work etc. Sounds like they will have the money flow to do this. Neither tree is a threat – they just are in the way of where they want to build things. We could talk about it if you want....

Sean Pendergast R.P.Bio
Senior Wildlife Biologist
Ministry of Forests, Lands and Natural Resource Operations
West Coast Region
2080 Labieux Rd
Nanaimo, BC V9T 6J9
Sean.Pendergast@gov.bc.ca
250-751-3225



From: Aliperti, Nurie FLNR:EX
Sent: Tuesday, December 18, 2012 1:27 PM
To: Pendergast, Sean FLNR:EX; Henigman, Margaret FLNR:EX
Subject: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

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Wildlife and CAS Permit Administrator

Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll Free within BC: 1-866-433-7272

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Aliperti, Nurie FLNR:EX

From: Henigman, Margaret FLNR:EX
Sent: Tuesday, December 18, 2012 2:01 PM
To: Aliperti, Nurie FLNR:EX; Pendergast, Sean FLNR:EX
Subject: RE: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

This is frustrating. I had already talked to Campbell River about this site several months ago and they assured me that they would not support development designs which resulted in the need to remove these trees. I will have to check back with CR to see what the results of their planning were. We really do not want to see the loss of these trees and there is no justification for it. The property is plenty large enough not to have to remove them.

From: Aliperti, Nurie FLNR:EX
Sent: Tuesday, December 18, 2012 1:27 PM
To: Pendergast, Sean FLNR:EX; Henigman, Margaret FLNR:EX
Subject: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

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Please let me know if you require anything further.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll Free within BC: 1-866-433-7272
Direct Phone: (250) 952-0681
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Sent: Tuesday, January 15, 2013 10:50 AM
To: Aliperti, Nurie FLNR:EX
Cc: Stalberg, Mike X FLNR:EX; Pendergast, Sean FLNR:EX
Subject: FW: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

Importance: High

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- 4) Large trees of this stature are important to support eagle nests in proximity to forage
- 5) Our understanding is that the Local Government is also not in support of this removal

Due to the above we do not believe it is in the public interest to remove this eagle nest tree.

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250-751-3214
margaret.henigman@gov.bc.ca
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Sent: Tuesday, December 18, 2012 2:25 PM
To: Henigman, Margaret FLNR:EX
Subject: RE: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

I would agree and if you want to look into it that would be great!

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Hello Sean and Maggie,

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1. Permit application (attached);
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From: Henigman, Margaret FLNR:EX
Sent: Monday, March 4, 2013 4:06 PM
To: Aliperti, Nurie FLNR:EX
Subject: MP Management Eagle Nest removal permit

Hi Nurie: I've just left a big note on Mike's chair on this. Apparently he's in a meeting. I'm sorry about the delay and would hate that we lose the trees because we've taken so long!

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Aliperti, Nurie FLNR:EX

From: Henigman, Margaret FLNR:EX
Sent: Friday, April 12, 2013 8:54 AM
To: Aliperti, Nurie FLNR:EX
Cc: Stalberg, Mike X FLNR:EX
Subject: Middle Point eagle nests

Hey Nurie; Just wondered if my response ever went out to the proponents for Middle Point, north of Campbell River. Our EAO rep met with them yesterday and they said they hadn't heard anything.

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Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Wednesday, April 17, 2013 11:43 AM
To: Henigman, Margaret FLNR:EX
Subject: RE: Middle Point eagle nests
Attachments: MP Management Eagle Nest removal permit

Hello Maggie,

This application for eagle nest removal is currently pending a decision from the West Coast RM (Mike S).

For your reference, I am attaching the most recent email correspondence received in PASB for this application.

Please advise as to how I should proceed with this application.

Thank you,

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Aliperti, Nurie FLNR:EX

From: Henigman, Margaret FLNR:EX
Sent: Wednesday, April 17, 2013 2:26 PM
To: Aliperti, Nurie FLNR:EX
Subject: RE: Middle Point eagle nests

I finally spoke to Mike yesterday and he is aware that we need to get this decision out asap. I was of the understanding that he had written the letter and sent it to you based on my analysis of the request. There is a lot of pressure from the proponent for a resolution to this. On the other hand the local government are in support of protecting the trees (Development Permit issued protecting 60m radius).

Maggie

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Attachments: MP PORT MANAGEMENT (GP) LTD.84365.Application.pdf

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Supporting documents:

1. Permit application (attached);
2. Tree Risk Assessment (attached);
3. Future of Island Transportation and Service Infrastructure – report attached;
4. No previous permit history for this applicant;
5. COORS – no history.

Please let me know if you require anything further.

Thank you,

Nurie Aliperti

Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll Free within BC: 1-866-433-7272

Direct Phone: (250) 952-0681

Fax: (250) 387-1814

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Aliperti, Nurie FLNR:EX

From: Tydeman, Zoe ENV:EX
Sent: Thursday, May 9, 2013 1:22 PM
To: Aliperti, Nurie FLNR:EX
Subject: MS_84365 PORT PALLAN May_13.pdf - Adobe Acrobat Standard
Attachments: MS_84365 PORT PALLAN May_13.pdf

Just making sure i sent this to you already.

Cheers,

Zoë Tydeman | Administration

Ministry of Environment & FLNR | West Coast Region

2080A Labieux Rd., Nanaimo, BC V9T 6J9 | Tel: 250 751 3210 | Fax: 250 751 3103

zoe.tydeman@gov.bc.ca | [www2.gov.bc.ca](#) | please consider the environment before printing this email

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Please advise as to how I should proceed with this application.

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Maggie Henigman, MA, CCEP
Ecosystems Biologist
Ministry of Forests, Lands and Natural Resource Operations
West Coast Region
250-751-3214
margaret.henigman@gov.bc.ca
Fax: 250-751-3208



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Ministry of Forests, Lands and Natural Resource Operations

West Coast Region

250-751-3214

margaret.henigman@gov.bc.ca

Fax: 250-751-3208



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Attachments: MS_84365 PORT PALLAN May_13.pdf

Hi Maggie,

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Please let me know if you require anything further.

Thank you,

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From: Henigman, Margaret FLNR:EX
Sent: Monday, June 17, 2013 9:38 AM
To: Aliperti, Nurie FLNR:EX
Cc: Stalberg, Mike X FLNR:EX
Subject: RE: Middle Point eagle nests

Campbell River have asked me for a copy of our letter of response to the eagle nest tree removal request. Our position will affect the current Development Permit CR have issued which requires a 60m buffer around the nest trees.

Maggie

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Ministry of Forests, Lands and Natural Resource Operations

West Coast Region

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margaret.henigman@gov.bc.ca

Fax: 250-751-3208



Stalberg, Mike X FLNR:EX

From: Ian Moul [imoul@shaw.ca]
Sent: Tuesday, July 2, 2013 9:32 AM
To: Stalberg, Mike X FLNR:EX
Subject: Eagle nest report

Hi Mike,

It was on the 18th of June that I e-mailed you a report on the two eagle nest trees at Middle Point. I would appreciate it very much if you could confirm receipt of the report.

I had hoped to have a telephone conversation with you about the report. This was not an easy report to write. I was very clear to my client, Mr. Pallan, that it was not my job to support or criticise the development plan, but to document the eagle use of the area and to discuss the impact of the development on the eagles. When I met with Mr. Pallan he was clear that the eagle trees were in the way and that working around them was not an option.

If you would like more information in the report or have any questions that I might be able to answer, I will be here for the next two days. I am away from the 4th to the 11th of July.

Regards, Ian

Ian Moul - RPBio.
(250) 890-0713
imoul@shaw.ca

Stalberg, Mike X FLNR:EX

From: Baan, Sandra M FLNR:EX
Sent: Thursday, August 22, 2013 8:58 AM
To: 'Tom Pallan'
Cc: Mana, Myles FLNR:EX; Stalberg, Mike X FLNR:EX
Subject: Eaglenest

Hi Tom,

Just wanted to let you know that I talked with Wayne Wall (Strategic) this morning with respect to a wildlife mitigation plan for the eagle tree(s) I've asked Wayne to also talk with Mike Stalberg from our fish & wildlife section and keep us informed/updated.

Wayne will likely be back in touch with you shortly.

Hope all is well,
Sandra

Sandra Baan

Major Projects Specialist
Forests Lands Natural Resource Operations
Suite 142 - 2080 Labieux Road
Nanaimo, BC
Office : 250 751-7301

Stalberg, Mike X FLNR:EX

From: Wayne Wall [w.wall@shaw.ca]
Sent: Wednesday, September 11, 2013 2:49 PM
To: Stalberg, Mike X FLNR:EX
Subject: RE: Eagle response Pallan

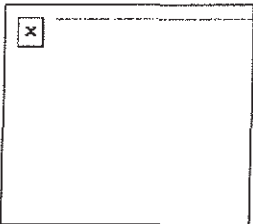
Thanks Mike,
Consider this confirmation of receipt.

From: Stalberg, Mike X FLNR:EX [mailto:Mike.Stalberg@gov.bc.ca]
Sent: September-11-13 2:36 PM
To: 'W.Wall@shaw.ca'
Subject: Eagle response Pallan

Hi Wayne,

Attached is document that we discussed.

Thanks,
Mike



Michael Stalberg, RPBio
Regional Manager | Recreational Fisheries & Wildlife Programs
Ministry of Forests, Lands and Natural Resource Operations | West Coast Region
2080-A Labieux Road | Nanaimo, BC, V9T 6J6 | ☎ (250) 751-3100 | 📠 (250) 751-3103
✉ Mike.Stalberg@gov.bc.ca

Stalberg, Mike X FLNR:EX

From: Tom Pallan [tom@pallangroup.com]
Sent: Tuesday, October 1, 2013 12:03 PM
To: Stalberg, Mike X FLNR:EX; Ralph Dick
Subject: Supplemental Information re: Eagle Trees
Attachments: Eagle tree removal supplemental information.pdf; Mike Stalberg letter re eagle tree removal.docx

Categories: To Do

Mike

Attached is a covering letter and the supplemental report relating to our application for removal of eagle nests

Tom

From: Aliperti, Nurie FLNR:EX
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Attachments: MS_84365 PORT PALLAN May_13.pdf

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250-751-3214
margaret.henigman@gov.bc.ca
Fax: 250-751-3208



Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Monday, February 17, 2014 3:07 PM
To: PASBReg1 ENV:EX
Subject: FOR YOUR RECORDS: Reporting requirements - FW: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877
Attachments: MIDDLE POINT HARBOUR LIMITED PARTNERSHIP 92877.pdf; Eagle Nest MPLP Memo_Comp Reporting Final.pdf

A copy of reporting requirements received for permit NA14-92877 (eagle nest removal) for your records.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
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From: Wayne Wall [<mailto:w.wall@shaw.ca>]
Sent: Friday, February 14, 2014 10:25 AM
To: Aliperti, Nurie FLNR:EX
Cc: 'Tom Pallan'
Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

Nurie
On behalf of Middle Point Harbour Limited Partnership and Tom Pallan, please find the attached permit as well as the compulsory reporting requirements outlined in the permit.
Hopefully all is in order.

Please confirm receipt of this email

Wayne Wall RPBio

Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1

ph: 250.926.6678

From: Wayne Wall [w.wall@shaw.ca]
Sent: Friday, February 14, 2014 10:25 AM
To: Aliperti, Nurie FLNR:EX
Cc: 'Tom Pallan'
Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877
Attachments: MIDDLE POINT HARBOUR LIMITED PARTNERSHIP 92877.pdf; Eagle Nest MPLP Memo_Comp Reporting Final.pdf

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Please confirm receipt of this email

Wayne Wall RPBio

**Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1**

ph: 250.926.6678

From: Aliperti, Nurie FLNR:EX
Sent: Monday, January 20, 2014 12:44 PM
To: 'tom@pallangroup.com'
Subject: Wildlife Permit Application - Middle Point Harbour Limited Partnership - Tom Pallan

Hello Tom Pallan,

Thank you for submitting a wildlife permit application for the removal of 2 Bald Eagle's nests in Campbell River.

The general permit application, received in our office on Friday January 17, 2014, includes the following statement:

*"See attached document completed by Strategic Natural Resource Consultants Inc in September 2013 titled
"Information to accompany Wildlife Act of British Columbia General Permit Application for: Middle Point
Harbour Limited Partnership, Bald Eagle Nest Removal".*

Please be advised that the above noted document was not received in our office with the general permit application and cover letter received by fax.

If you are wanting to include this document with your permit application, it can either be sent by fax to (250) 387-1814 or electronically by return email.

Your application and cover letter has been forwarded to the Vancouver Island regional office for review and once the above document is received, I will also forward it to the regional office.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll Free within BC: 1-866-433-7272
Direct Phone: (250) 952-0681
Fax: (250) 387-1814

Confidentiality Warning: *The information transmitted is intended only for the person to whom it is addressed and may contain confidential and/or privileged material. Any review, dissemination or other use of, or taking of any action in reliance upon, this information by persons other than the intended recipient is prohibited. If you receive this in error, please contact the sender and delete your record of this material.*

Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Monday, January 20, 2014 12:35 PM
To: Henigman, Margaret FLNR:EX
Subject: EXPEDITED ACTION: Permit for consideration - MIDDLE POINT HARBOUR LIMITED PARTNERSHIP.92877 - West Coast
Attachments: MIDDLE POINT HARBOUR.92877.application and cover letter.pdf; MIDDLE POINT HARBOUR LIMITED PARTNERSHIP.92877.doc

Hello Maggie,

Please find attached a wildlife permit to remove 2 bald eagle's nests for consideration.

Note:

- The applicant has requested and provided the additional payment for expedited processing by PASB.
- On the permit application, the applicant references a document completed by Strategic Natural Resource Consultants Inc in September 2013 titled, *"Information to accompany Wildlife Act of British Columbia General Permit Application for Middle Point Harbour Limited Partnership, Bald Eagle Nest Removal"*. This document was not received along with the permit application and cover letter.
- I will be sending an email to the applicant asking for a copy of the above document. Once I've received it, I will forward it to you for your review.

Supporting documents:

1. Permit application and cover letter (attached);
2. COORS – no history.

Please let me know if you require anything further.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

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Aliperti, Nurie FLNR:EX

From: Stalberg, Mike X FLNR:EX
Sent: Wednesday, January 22, 2014 10:00 AM
To: Aliperti, Nurie FLNR:EX
Cc: PASBReg1 ENV:EX
Subject: FW: DECIDED: EXPEDITED ACTION: Permit for consideration - MIDDLE POINT HARBOUR LIMITED PARTNERSHIP.92877 - West Coast
Attachments: MIDDLE POINT HARBOUR.92877.application and cover letter.pdf; MIDDLE POINT HARBOUR LIMITED PARTNERSHIP.92877.doc

Importance: High

Preamble:

The review team has had an opportunity to evaluate the revised permit application to remove two Bald Eagle nest trees, at Middle Point in Campbell River. As requested in my letter of May 6, 2013, the applicant has provided a rational for why they feel it is necessary to cut down two Bald Eagle nest trees on the subject property.

Please advise the applicant:

Please advise the applicant that I recommend he obtains the services of an appropriately qualified biologist to ensure the nest do not contain eggs or chicks at the time of nest removal. If the applicant finds that either of the nests are active are required to delay nest removal until the chicks have fledged [sometime after August 31, as recommended in [Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia \(2013\)](#)].

Decision:

I approve this permit/licence.



Michael Stalberg, RPBio

Regional Manager | Recreational Fisheries & Wildlife Programs
Ministry of Forests, Lands and Natural Resource Operations | West Coast Region
2080-A Labieux Road | Nanaimo, BC, V9T 6J6 | ☎ (250) 751-3100 | 📠 (250) 751-3103
✉ Mike.Stalberg@gov.bc.ca

From: Aliperti, Nurie FLNR:EX
Sent: Monday, January 20, 2014 12:35 PM
To: Henigman, Margaret FLNR:EX
Subject: EXPEDITED ACTION: Permit for consideration - MIDDLE POINT HARBOUR LIMITED PARTNERSHIP.92877 - West Coast

Hello Maggie,

Please find attached a wildlife permit to remove 2 bald eagle's nests for consideration.

Note:

- The applicant has requested and provided the additional payment for expedited processing by PASB.

- On the permit application the applicant references a document completed by Strategic Natural Resource Consultants Inc in September 2013 titled, "Information to accompany Wildlife Act of British Columbia General Permit Application for Middle Point Harbour Limited Partnership, Bald Eagle Nest Removal". This document was not received along with the permit application and cover letter.
- I will be sending an email to the applicant asking for a copy of the above document. Once I've received it, I will forward it to you for your review.

Supporting documents:

1. Permit application and cover letter (attached);
2. COORS – no history.

Please let me know if you require anything further.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

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Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Thursday, January 23, 2014 2:20 PM
To: 'tom@pallangroup.com'
Cc: PASBReg1 ENV:EX
Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877
Attachments: MIDDLE POINT HARBOUR LIMITED PARTNERSHIP.92877.pdf

Hello Tom Pallan,

Please find attached approved permit NA14-92877.

Please take the time to read through your permit, specifically Appendix A – Terms of Permit, regarding the terms and conditions.

During the review of your permit application, the West Coast Regional Manager noted the following recommendation:

"I recommend he obtains the services of an appropriately qualified biologist to ensure the nest do not contain eggs or chicks at the time of nest removal. If the applicant finds that either of the nests are active are required to delay nest removal until the chicks have fledged [sometime after August 31, as recommended in Guidelines for Raptor Conservation during Urban and Rural Land Development in British Columbia (2013)]."

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

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From: Wayne Wall [w.wall@shaw.ca]
Sent: Friday, February 14, 2014 10:25 AM
To: Aliperti, Nurie FLNR:EX
Cc: 'Tom Pallan'
Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877
Attachments: MIDDLE POINT HARBOUR LIMITED PARTNERSHIP 92877.pdf; Eagle Nest MPLP Memo_Comp Reporting Final.pdf

Nurie

On behalf of Middle Point Harbour Limited Partnership and Tom Pallan, please find the attached permit as well as the compulsory reporting requirements outlined in the permit.

Hopefully all is in order.

Please confirm receipt of this email

Wayne Wall RPBio

**Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1**

ph: 250.926.6678

Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Monday, February 17, 2014 3:07 PM
To: PASBReg1 ENV:EX
Subject: FOR YOUR RECORDS: Reporting requirements - FW: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877
Attachments: MIDDLE POINT HARBOUR LIMITED PARTNERSHIP 92877.pdf; Eagle Nest MPLP Memo_Comp Reporting Final.pdf

A copy of reporting requirements received for permit NA14-92877 (eagle nest removal) for your records.

Thank you,

Nurie Aliperti
Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll Free within BC: 1-866-433-7272
Direct Phone: (250) 952-0681
Fax: (250) 387-1814

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From: Wayne Wall [<mailto:w.wall@shaw.ca>]
Sent: Friday, February 14, 2014 10:25 AM
To: Aliperti, Nurie FLNR:EX
Cc: 'Tom Pallan'
Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

Nurie

On behalf of Middle Point Harbour Limited Partnership and Tom Pallan, please find the attached permit as well as the compulsory reporting requirements outlined in the permit.
Hopefully all is in order.

Please confirm receipt of this email

Wayne Wall RPBio

Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1

ph: 250.926.6678

Aliperti, Nurie FLNR:EX

From: Henigman, Margaret FLNR:EX
Sent: April-10-14 9:50 AM
To: Aliperti, Nurie FLNR:EX
Subject: Middle Point nest tree permit

Hi Nurie, I was wondering if it would be possible for me to release a copy of the Middle Point permit to the City of Campbell River. The council has requested a copy as they are looking at what happened to the nest trees and how it affects their development permit process. I gather the COS also have an open file on this as the trees came down after the final permit date.

This case emphasises why we need to include more detailed direction in these permits. I had wanted to include direction that they needed an RPBio to check the nests immediately before removal to ensure they were not active. Also I realise this is tricky but, consistent with the recommendations of their first biologist and how we've handled these permits in the past, we should have asked for mitigation for the loss of habitat. As it stands we don't know the activity status of the nests when they were taken down in March and we have nothing to compensate for the loss.

Maggie Henigman, MA
Ecosystems Biologist
Ministry of Natural Resource Operations
West Coast Region
250-751-3214
margaret.henigman@gov.bc.ca

Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: Wednesday, April 17, 2013 4:11 PM
To: Stalberg, Mike X FLNR:EX
Subject: RE: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast
Attachments: MP PORT MANAGEMENT (GP) LTD.84365.Application.pdf

Hi Mike,

Attached is the original permit application received by PASB.

Please let me know if you require anything further.

Thank you,

Nurie

From: Stalberg, Mike X FLNR:EX
Sent: Wednesday, April 17, 2013 3:32 PM
To: Aliperti, Nurie FLNR:EX
Subject: FW: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

Hi Nurie,

I am looking for the application that came with 84365 Port Management (sent out on Dec 18).

Thanks,
Mike

From: Aliperti, Nurie FLNR:EX
Sent: Thursday, February 28, 2013 12:13 PM
To: Henigman, Margaret FLNR:EX
Cc: Stalberg, Mike X FLNR:EX; Pendergast, Sean FLNR:EX
Subject: RE: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast

Hi Maggie,

I am following up on this eagle's nest removal permit as I don't seem to have received a further response.

I have received a call from the applicant enquiring about the status so any assistance you can provide is much appreciated.

Thank you,

Nurie

From: Henigman, Margaret FLNR:EX
Sent: Tuesday, January 15, 2013 10:50 AM
To: Aliperti, Nurie FLNR:EX
Cc: Stalberg, Mike X FLNR:EX; Pendergast, Sean FLNR:EX
Subject: FW: ACTION: Permit for consideration - MP PORT MANAGEMENT (GP) LTD.84365 - West Coast
Importance: High

Stalberg, Mike X FLNR:EX

From: Baan, Sandra M FLNR:EX
Sent: Monday, April 28, 2014 9:20 AM
To: Barr, Larry FLNR:EX; Stalberg, Mike X FLNR:EX; Hilgemann, James G ENV:EX
Cc: Hadway, Sharon L FLNR:EX; Mayser, Rudi E FLNR:EX; Van Bruggen, Walter FLNR:EX
Subject: FW: MPLP Eagle Nest Removal
Attachments: Eagle Nest MPLP Memo_Comp Reporting Final.pdf

I hope this satisfies your questions or concerns. The report itself indicates January 25th, 2014 (falling within the permit), however figures re photos had an error which I communicated with Biologist Wayne Wall on the events and report.

Please feel free to call me to discuss further if required.

From: Wayne Wall [<mailto:w.wall@shaw.ca>]
Sent: Monday, April 28, 2014 9:06 AM
To: Baan, Sandra M FLNR:EX
Subject: MPLP Eagle Nest Removal

As discussed, here is a copy of the Compulsory Reporting for the removal of the two eagle nest trees at the Middle Point Property. The nest was removed on January 25, 2014 but I have just noticed that there is an error in Figures 1 and 2. The date in Figures 1 and 2 has the date of January 15, 2014. This is an error on my part. It should read January 25, 2014 in Figures 1 and 2.

Wayne Wall RPBio

Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1

ph: 250.926.6678

THIS email section added for James, Mike, Larry from SBaan for reference

Hi. Very interesting. Did any of you receive the report from Wayne WALL that Mr. Pallan speaks to? Would it be possible to send along a copy to me for my file.

Thanks

James

From: Baan, Sandra M FLNR:EX
Sent: Wednesday, April 9, 2014 1:08 PM
To: Barr, Larry FLNR:EX; Stalberg, Mike X FLNR:EX
Cc: Hadway, Sharon L FLNR:EX
Subject: FW: Eagle trees

Larry,

This email date (below from Tom Pallan) indicates the work fell within the window of the permit.

A permit was issued providing exemption of section 3 (1)(d)(ii) of the *Permit Regulation*, B.C. Reg. 253/2000 from the prohibitions in section 34 (b) of the *Wildlife Act* against possessing, taking or destroying two nests of a **Bald Eagle** (*Haliaeetus leucocephalus*) specifically located at 5705 Island Highway in Campbell River, BC. The permit was valid from January 24, 2014 to February 15, 2014.

Sandra

From: Tom Pallan [<mailto:tom@pallangroup.com>]
Sent: Monday, January 27, 2014 2:06 PM
To: Baan, Sandra M FLNR:EX
Subject: Eagle trees

Sandra

We have completed the removal of the trees in question. All work was performed under the direction of Wayne Wall and he has been engaged to write what ever report that we need to file to conclude this matter. Wayne will be returning the permit to department in short order.

We want to express our thanks and appreciation for all the assistance you were able to provide to us.

Tom

Aliperti, Nurie FLNR:EX

From: Wayne Wall <w.wall@shaw.ca>
Sent: April-28-14 9:50 AM
To: 'Wayne Wall'; Aliperti, Nurie FLNR:EX
Cc: 'Tom Pallan'
Subject: RE: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

Nurie,

It has been brought to my attention that there is an error in my Compulsory Report for Permit NA14-92877

The nest was removed on January 25, 2014 but I have just noticed that there is an error in Figures 1 and 2. The date in Figures 1 and 2 has the date of January 15, 2014. This is an error on my part. It should read January 25, 2014 in Figures 1 and 2.

How would you like me to correct this error?

Wayne Wall RPBio

Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1

ph: 250.926.6678

From: Wayne Wall [<mailto:w.wall@shaw.ca>]
Sent: February-14-14 10:25 AM
To: 'Nurie.Aliperti@gov.bc.ca'
Cc: 'Tom Pallan'
Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

Nurie

On behalf of Middle Point Harbour Limited Partnership and Tom Pallan, please find the attached permit as well as the compulsory reporting requirements outlined in the permit.

Hopefully all is in order.

Please confirm receipt of this email

Wayne Wall RPBio

Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1

ph: 250.926.6678

Aliperti, Nurie FLNR:EX

From: Aliperti, Nurie FLNR:EX
Sent: May-13-14 1:56 PM
To: PASBReg1 ENV:EX
Subject: FOR YOUR RECORDS: FW: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

For your records.

Thank you,

Nurie Aliperti

Wildlife and CAS Permit Administrator
Permit and Authorization Service Bureau
Fish, Wildlife and Habitat Management Branch
Ministry of Forests, Lands and Natural Resource Operations

Toll free (within BC) 1-866-433-7272, ext 27
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Fax (250) 387-1814

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From: Wayne Wall [<mailto:w.wall@shaw.ca>]
Sent: April-28-14 9:50 AM
To: 'Wayne Wall'; Aliperti, Nurie FLNR:EX
Cc: 'Tom Pallan'
Subject: RE: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

Nurie,
It has been brought to my attention that there is an error in my Compulsory Report for Permit NA14-92877

The nest was removed on January 25, 2014 but I have just noticed that there is an error in Figures 1 and 2. The date in Figures 1 and 2 has the date of January 15, 2014. This is an error on my part. It should read January 25, 2014 in Figures 1 and 2.

How would you like me to correct this error?

Wayne Wall RPBio

Graham/Wall Consulting Ltd.
3910 Clinton Road
Campbell River, BC V9H 1J1

ph: 250.926.6678

From: Wayne Wall [<mailto:w.wall@shaw.ca>]

Sent: February-14-14 10:25 AM

To: 'Nurie.Aliperti@gov.bc.ca'

Cc: 'Tom Pallan'

Subject: Wildlife Permit - Middle Point Harbour Limited Partnership - Tom Pallan - NA14-92877

Nurie

On behalf of Middle Point Harbour Limited Partnership and Tom Pallan, please find the attached permit as well as the compulsory reporting requirements outlined in the permit.

Hopefully all is in order.

Please confirm receipt of this email

Wayne Wall RPBio

Graham/Wall Consulting Ltd.

3910 Clinton Road

Campbell River, BC V9H 1J1

ph: 250.926.6678