

Martensson, Stefan EAO:EX

From: Jenny Millar [jenny.millar@comoxband.ca]
Sent: Thursday, September 8, 2011 17:39
To: Shaw, Rachel EAO:EX; Rollo, Andrew [CEAA]
Cc: Motisca, Dan EAO:EX; christina.mulvena@ceaa-acee.gc.ca; Albert Peeling
Subject: Raven Underground Coal Project
Attachments: SKMBT_C35211090814210.pdf

Please see attached letter.

*Jenny Millar
Executive Assistant
K'ómoks First Nation*

*Tel: (250) 339-4545
Fax: (250) 339-7053
email: jenny.millar@comoxband.ca*

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From: copier@comoxband.ca [mailto:copier@comoxband.ca]
Sent: Thursday, September 08, 2011 1:42 PM
To: Jenny Millar
Subject: Message from K'omox First Nation

Page 02 to/à Page 03

Withheld pursuant to/removed as

s.16



K'ómoks First Nation

3320 Comox Road, Courtenay BC V9N 3P8 Tel: (250) 339-4545 Fax: (250) 339-7053

September 14, 2011

Rachel Shaw, Project Assessment Manager, EAO
& Andrew Rollo, Project Manager, CEAA
Environmental Assessment Office
P O Box 9426 Stn Prov Govt
Victoria, BC V8W 9V1

Dear Rachel and Andrew,

Re: Raven Underground Coal Mine Draft AIR v.7 Review

We are writing to provide comments on version 7 of the draft AIR and the unresolved items from dAIR v.6, for the Raven Underground Coal Mine Project with respect to the ongoing concerns of the K'ómoks First Nation (KFN), specific to their aboriginal and pending treaty rights.

We refer you to our letter of April 8, 2011 where we provided detailed comments on the dAIR v.6 and the subsequent meeting with the Proponent on April 20th which was held to address these issues which remain substantially unresolved. Despite several attempts by our consultant Alan Calder (Golder Associates) to obtain the required additional information identified as action items from the meeting of April 20th, **these items as well as our comments, have not yet been responded too and are all unresolved.**

We are also gravely concerned that KFN is being requested to review responses to issues and reconcile those responses against dAIR v.7 (issued for public review) while anticipating that many issues will not be addressed until dAIR v.8 is issued. The dAIR review process seems unnecessarily complicated and duplicative. This is resulting in additional review effort and costs. As it now stands the environmental assessment process is causing us to duplicate work without making the Proponent respond. We have not been funded adequately for such duplication.

We also have the following additional comments to make:

1. The draft AIR needs to be amended to include issues specifically related to the treaty rights that KFN is negotiating with Canada and BC. We would like to emphasize that where rights are stipulated in a treaty, they are not, strictly speaking, rights which depend on traditional use studies. So, for example, in K'ómoks 202 the aquatic tenures KFN acquires through treaty will not depend on traditional use for their contours.
2. KFN remains deeply troubled by the Proponents continuing reliance on the fact that the project is being developed on privately held lands in order to evade the implications of KFN's aboriginal rights and title. The fact that these lands are held privately is not germane. The proponent has no right to develop the Project without government approval, and the government cannot approve the mine without infringing the aboriginal rights and title of the KFN. The issue then becomes whether that infringement can be justified.
3. We would like to emphasize that the AIR is prescriptive in character. Some of the responses of the Proponent evade prescription. For example, in K'ómoks-151 where the Proponent says "TK and TU information will be incorporated as appropriate" that is not a

reading
for KFN on
ab. vts:

commitment to anything since the Proponent views the use of TK and TU information as inappropriate on private land.

4. Another example of equivocation is found in K'ómoks-163 where the Proponent makes a commitment to, "maximizing all benefits (including employment, training, and procurement) of the proposed Raven Project to potentially affected First Nations to the extent feasible and appropriate." This misconceives the true nature of the Aboriginal interests at stake which have "an inescapable economic component" because they stem from ownership of land, and again leaves open the question as to what is feasible and appropriate.

5. The Proponent, with respect, has not appreciated the concept of "cumulative effect" referred to in K'ómoks 225. For that we refer to *Bow Valley Naturalists Society v. Canada (Minister of Canadian Heritage)*, [2001] 2 F.C. 461, at para. 46, which provides this guidance: "Implicit in a cumulative effects assessment ... are effects from both the project as scoped and other projects or activities ..." The effect of the Project on aboriginal rights and title must be gauged in the context of the other activities already in the territory which impair those rights. Given those other activities, the effect of the proposed Project on aboriginal rights and title is greater than it would be if the land were pristine.

6. Further to the last point, we note in particular that the issue of whether an infringement of Aboriginal title can be justified includes a cumulative assessment of the ability of aboriginal people to share in the economic wealth of their territory through the conferral of forestry and mining rights in recognition of their title. In *Delgamuukw v. BC*, [1997] 3 S.C.R. 1010 at para 167, reference was made to the necessity that leases and licences for forestry and mining "reflect the prior occupation of aboriginal title lands". It is surely not inconsequential that no mining rights are held by the KFN.

7. KFN also notes that since September 2009, there have only been two (2) meetings of the Working Group established to provide advice on issues related to the review of the Raven Underground Coal Project, not including the information session on November 24, 2010. Further, none of Technical Sub-Committees committed to by the BCEAO/CEAA have been established. KFN believes that this is an inadequate level of Working Group engagement for a project of this magnitude and complexity. We therefore request with respect to this point that, at a minimum, the BCEAO/CEAA convene a meeting of the Working Group as a whole to discuss the adequacy of the Proponent's responses to comments received on the dAIR, and associated revisions to the AIR document, in advance of it being formally issued to the Proponent.

We enclose further comments from Alan Calder of Golder Associates, and a copy of the Tracking Table.

Yours truly,

Barbara W. Pritchard

Ernie Hardy
Chief

cc. Albert Peeling, Legal Counsel K'ómoks

will send
separate letter re: proponent roles / resp.

May 4th
meeting -
prop. \$
- we need info
on act
at site.
- 5-20 - prop.
shld engage
w/ FNs to
prop. effort
to do it
K'ómoks
holding
out for
more \$

Can refer
to Raven
Census report
sent out.

Hand at
Fraser
a process - expectations.

MEETING SUMMARY NOTES

Date: September 11, 2011

Location: K'omoks First Nation (KFN) Band Office

Participants:

Jenny Millar- Executive Assistant KFN

Albert Peeling- legal counsel for KFN

Mark Stevenson- Treaty negotiator for KFN

Stewart Hardy and Barb Mitchell - KFN Councillors

Christina Mulvena- Canadian Environmental Assessment Agency (CEAA)

Rachel Shaw- Environmental Assessment Office (EAO)

Dan Motisca- EAO

Agenda:

- Overview of where we are in treaty
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- Discussion on how treaty concerns interact with the Environmental Assessment process
- Discussion on K'omoks First Nation's response to EAO and CEA Agency's proposed consultation approach as presented in past correspondence and during the meeting of May 4, 2011
- Discussion on the progress of interactions with the Proponent regarding to establishing an information gathering process with the K'omoks First Nation
- Discussion on the progress of discussions with the Proponent on items included in the Working Group Tracking Table and draft AIR/EIS Guidelines

1. Treaty negotiations related issues

KFN's view:

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EAO/CEAA view:

EAO/CEAA believe that the proposed consultation approach that was made available to KFN in May 2011 is consistent with deep consultation. KFN has been offered the opportunity to comment on the proposed approach. No reply has been received to date.

The EA process analyzes the potential for significant adverse environmental, social, economic, health and heritage effects of proposed projects. The consultation process is intended to identify aboriginal rights that may be impacted by the proposed Project and determine measures to mitigate those impacts.

EAO/CEAA's view is that the EA process can continue while treaty negotiations are ongoing. Consultation is integrated into the EA process to the extent possible, and the EA offers the primary framework through which consultation takes place, but it is acknowledged that they may diverge due to special circumstances. The EA consultation process will take the status of ongoing treaty negotiations into consideration.

The issuance of the AIR/EIS Guidelines is one step in the EA process and does not guarantee that the proposed Project will receive government approvals. EAO encourages the KFN to continue working through the EA process to identify areas of interests, appropriate studies/information required to understand potential impacts to those interests and work with the EAO on measures to mitigate any potential impacts.

EAO notes that should a KFN treaty be ratified, the Crown would adhere to the conditions of the treaty.

Action item:

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2. EAO/CEAA Proposed consultation approach

KFN has reviewed provincial ethno-historical reports and found them incomplete. A comprehensive map showing KFN archaeological sites along the shoreline of Baynes Sound was produced by KFN. This map can be acquired from the Archaeology Branch.

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The EAO/CEAA

have provided direction to the proponent to gather additional information about the KFN's interests in and adjacent to the proposed Project area and this was shared with the KFN during the May 4, 2011 meeting. EAO/CEAA encourage KFN to contact them at any point with any concerns, and/or additional information that KFN would like to provide to inform the EA and the consultation process.

KFN suggests that a working group meeting may be of value in having a dialogue with the Proponent related to issues that are still outstanding. EAO stated that, at this point in the EA, the focus has been on resolving outstanding issues from working group members' comments on the draft AIR/EIS Guidelines. EAO/CEAA anticipate topic-specific meetings will be organized once an Application/EIS, which contains the results of studies and analyses, is submitted.

Action Item: KFN will respond by October 2, 2011 to EAO and CEAA's letters outlining the consultation approach for the EA and direction to the Proponent.

3. Interaction between KFN and the Proponent

KFN is aware of EAO's request to identify unresolved working group issues to EAO by September 16, 2011. KFN noted that reviewing several iterations of the draft AIR/EIS Guidelines is financially taxing on the already limited funding resources of KFN as issues continue to remain inadequately addressed by the Proponent.

EAO/CEAA intent regarding the request for the review of the working group tracking table has been to highlight outstanding issues. The Proponent will be requested to address these issues before the AIR/EIS Guidelines is considered to be issued.

EAO and CEAA stated that the two agencies rely on the expertise in the working group to review the studies conducted by the Proponent. Outside expertise can be hired if the required expertise is not available within the working group.

EAO/CEAA are monitoring the resolution of outstanding issues related to the consultation process and technical aspects of the proposed Project. The Proponent has been instructed to develop a workplan for Aboriginal consultation and working group issues resolutions. KFN will have the opportunity to review the proposed consultation workplan for KFN and provide input before the workplan is accepted by EAO/CEAA.

Action Item: KFN will send a letter to the Proponent by September 16, 2011 outlining a proposal for conducting an Aboriginal ethno history study.

Action Item: Draft meeting summary notes to be shared with participants by Friday, September 9, 2011.

Page 10 to/à Page 11

Withheld pursuant to/removed as

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Mayall, Jane EAO:EX

FILE COPY

From: Mayall, Jane EAO:EX
Sent: Wednesday, November 2, 2011 12:31 PM
To: 'mark@aboriginallaw.com'
Cc: Shaw, Rachel EAO:EX; Qureshi, Yasmeen EAO:EX; Mayall, Jane EAO:EX; 'Rollo,Andrew [CEAA]'
Subject: 30200-20/RUCP-04-01 proposed Raven Underground Coal Project

Good Afternoon Mr Stevenson

Attached is the electronic copy of a letter from Rachel Shaw, EAO, which was mailed to you today. If you have any problem downloading this document please let me know.



100876_Komoks_2
Nov2011.doc.pdf...

Thank you

Jane Mayall
Project Administrative Assistant
Environmental Assessment Office
2nd Floor, 836 Yates Street
Victoria, BC, V8W 9V1
Telephone: (250) 356-1763
Fax: (250) 356-7440
Email: Jane.Mayall@gov.bc.ca
(t, Please consider the environment before printing this email

Page 02

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s.14

Mayall, Jane EAO:EX

From: Mail Delivery Subsystem [postmaster@gems9.gov.bc.ca]
To: mark@aboriginallaw.com
Sent: Wednesday, November 2, 2011 12:31 PM
Subject: Relayed: proposed Raven Underground Coal Project

Delivery to these recipients or distribution lists is complete, but delivery notification was not sent by the destination:

mark@aboriginallaw.com

Subject: proposed Raven Underground Coal Project

Mayall, Jane EAO:EX

From: postmaster@ec.gc.ca
To: Rollo,Andrew [CEAA]
Sent: Wednesday, November 2, 2011 12:32 PM
Subject: Delivered: proposed Raven Underground Coal Project

Your message has been delivered to the following recipients:

Rollo,Andrew [CEAA]

Subject: proposed Raven Underground Coal Project



Telephone: 250-952-6501
Facsimile: 250-357-6762
File: 30200-20/RUCP-04-01

Ref: 100876

November 2, 2011

Mark L. Stevenson
K'ómoks Chief Negotiator
3320 Comox Road
Courtenay BC V9N 3P8

Dear Mr. Stevenson:

Thank you for your letter of September 13, 2011, setting out some of the interests of K'ómoks First Nation in treaty negotiations as they relate to the proposed Raven Coal Mine Project (proposed Project). The Environmental Assessment Office (EAO) is aware that K'ómoks First Nation is involved in treaty negotiations and is attempting to ensure that treaty-related issues are considered in the environmental assessment (EA) process for the proposed Project.

You raise a number of issues, which I will address in the order in which they were raised in your letter.

s.16

Environmental
Assessment
Office

Mailing Address:
PO Box 9426 Stn Prov Govt
Victoria BC V8W 9V1

Location:
1st & 2nd Fl - 836 Yates Street
Victoria BC V8W 1L8

s.16

s.16

With reference to the *Huu-ay-aht* case, EAO's view is that the factual context is important and that it differs substantially from the one that is before us. At this point in time, EAO understands that K'ómoks First Nation claims aboriginal rights in relation to the proposed Project area, and, with the assistance of your September 13, 2011 letter, EAO has a better understanding as to K'ómoks First Nation's concerns.

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However, as indicated above, we look forward to hearing more about your perspective in this regard, including, in particular, your perspective as to the aboriginal rights that could potentially be impacted by the Project."

In any event, notwithstanding the absence of information regarding asserted aboriginal rights, EAO is of the view that the consultation plan outlined is consistent with deep consultation. Again, we stress that potential impacts to Cowie Creek and Tsable River and to Baynes Sound will be assessed as part of the EA process.

If you have any further questions or require further information about the provincial EA process, please contact me at 250-952-6501 or Rachel.Shaw@gov.bc.ca. Alternatively you can contact Yasmeen Qureshi, Project Assessment Officer, by email at Yasmeen.Qureshi@gov.bc.ca or by phone at 250-387-8680.

Yours truly,



Rachel Shaw
Project Assessment Director

pc: Yasmeen Qureshi
Environmental Assessment Office

Page 08 to/à Page 09

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s.16

Mayall, Jane EAO:EX

FILE COPY

From: Shaw, Rachel EAO:EX
Sent: Wednesday, September 21, 2011 1:42 PM
To: Mayall, Jane EAO:EX; Qureshi, Yasmeen EAO:EX
Subject: 30200-20/RUCP-04 FW: Message from K'omox First Nation
Attachments: SKMBT_C35211091515250.pdf

FYI

Rachel Shaw

A/Project Assessment Director
Environmental Assessment Office
(250) 952-6501
Rachel.Shaw@gov.bc.ca



Please think about the environment before you print

From: Jenny Millar [<mailto:jenny.millar@comoxband.ca>]
Sent: Thursday, September 15, 2011 3:24 PM
To: Shaw, Rachel EAO:EX; Rollo, Andrew [CEAA]
Cc: Mulvena, Christina [CEAA]; Motisca, Dan EAO:EX; Albert Peeling; Mark Stevenson
Subject: FW: Message from K'omox First Nation

Hi Rachel and Andrew,
Attached please find a letter from Mark Stevenson, Chief Negotiator for K'ómoks First Nation.
Thanks
Jenny

Jenny Millar
Executive Assistant
K'ómoks First Nation

Tel: (250) 339-4545
Fax: (250) 339-7053
email: jenny.millar@comoxband.ca

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From: copier@comoxband.ca [<mailto:copier@comoxband.ca>]
Sent: Thursday, September 15, 2011 2:44 PM
To: Jenny Millar
Subject: Message from K'omox First Nation

Page 11 to/à Page 12

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Shan
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Telephone: 250-952-6501
Facsimile: 250-356-7440
File: 30200-20/RUCP-04-01

Ref: 100401

March 16, 2011

Chief Ernest Hardy Sr.
and Councillors
K'6moks First Nation
3320 Comox Rd
Courtenay BC V9N 3P8

Dear Chief Hardy and Councillors:

On August 12, 2009, K'6moks First Nation was notified that British Columbia's environmental assessment (EA) process for the proposed Raven Underground Coal Project (proposed Project) by Compliance Coal Corporation (Proponent) had been initiated under section 10(1)(c) of the *Environmental Assessment Act* (Act). On August 24, 2009, the Environmental Assessment Office (EAO) provided additional information about the proposed Project and asked if K'6moks First Nation was interested in participating in the EA of the proposed Project.

A draft section 11 Order (Order) under the Act was provided to K'6moks First Nation on January 15, 2010, for review and comment prior to finalization. EAO did not receive comments from K'6moks First Nation. On March 5, 2010, EAO issued the Order for the proposed Project.

EAO formed a Working Group to provide advice during the course of the EA for the proposed Project. I note that K'6moks First Nation has already been involved in the EA process, has attended Working Group meetings and has provided comments on the draft Application Information Requirements. EAO appreciates the participation of K'6moks First Nation to date.

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Environmental
Assessment
Office

Mailing Address:
PO Box 9426 Sin Prov Govt
Victoria BC V8W 9V1

Location:
1st & 2nd Fl - 836 Yates Street
Victoria BC V8W 1L8

I am writing to provide you with EAO's preliminary understanding of K'ómoks First Nation's aboriginal interests in and adjacent to the proposed Project area, based on the review of available material and information received from K'ómoks First Nation to date. This letter also describes how EAO intends to consult K'ómoks First Nation during the EA.

Asserted Aboriginal Rights and Title and the Duty to Consult

EAO acknowledges that the proposed Project area falls within the asserted traditional territory of K'ómoks First Nation. As a result, EAO has a duty to consult K'ómoks First Nation with respect to the eventual decision by Ministers as to the issuance of an EA Certificate for the proposed Project.

As you know, when the duty to consult is triggered, the Province is required to make a preliminary assessment of the required depth of consultation, in order to meet the duties set out by the Supreme Court of Canada in the *Haida* decision and by other courts in subsequent decisions. This preliminary assessment is driven by two factors: the *prima facie* strength of the claims to aboriginal rights that could potentially be impacted by the government decision, and the degree of potential adverse impact.

Based on my conversations with K'ómoks First Nation office staff, and based on your letter to me of July 2, 2010, containing comments on the draft Application Information Requirements, EAO's current understanding of K'ómoks First Nation's interests and concerns is as follows:

- K'ómoks First Nation asserts ownership of the land, water and resources within the proposed Project area;
- K'ómoks First Nation is involved in advanced Agreement In Principle (Stage 4) negotiations with BC and Canada under the BC treaty process;

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- The proposed Project is within K'ómoks' traditional territory. EAO notes that this area is claimed by other First Nations as well;
- K'ómoks First Nation has stated that the T'sable River was traditionally used as a canoe run and is the location of a historic K'ómoks village site;
- K'ómoks First Nation is concerned that the proposed Project may have potential environmental impacts along the T'sable River;
- K'ómoks First Nation is concerned about the effects of the proposed Project on marine resources, fish habitat, groundwater and aquifers, traditional plants and wildlife;

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- Baynes Sound is considered the 'breadbasket' of K'ómoks First Nation, i.e. it is the main source of marine resources such as shellfish and fish. The management, cultivation and gathering of marine resources and shellfish has always been an important part of K'ómoks First Nation's culture and sustenance as evidenced by the fish weirs and clam gardens throughout Baynes Sound; and,
- K'ómoks First Nation owns Pentlatch Seafoods Ltd., which currently possesses 7 intertidal tenures all located in Comox Harbour, Royston and Baynes Sound.

EAO would like to further engage with K'ómoks First Nation so that we can better understand the nature of the K'ómoks First Nation's asserted aboriginal rights, concerns about the proposed Project's potential impacts on those asserted rights and to discuss ways to avoid, manage or mitigate those potential impacts as part of the possible elements of broader accommodation measures to be undertaken.

EAO takes note of the statement, contained in your letter of July 2, 2010, that K'ómoks is the owner of the lands, waters and resources in K'ómoks traditional territory. To the extent that this statement represents an assertion of aboriginal title to the proposed Project area or some part thereof, EAO would appreciate any information that K'ómoks may have in relation to the physical occupation of the proposed Project area by K'ómoks people in 1846. s.16

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I am appending, for your information and comment, a copy of the Province's historical and ethnographic sources research, which, in conjunction with information that we receive from representatives of K'ómoks First Nation, will be used to inform our understanding of K'ómoks First Nation's aboriginal interests within and adjacent to the proposed Project area. I invite you to provide any comments on this document (entitled s.16

s.16 that you consider relevant in relation to the proposed Project. EAO has reviewed the document and made note of the traditional activities and resources used by K'ómoks First Nation, s.16

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s.16 However, as indicated above, we look forward to hearing more about your perspective in this regard, including, in particular, your perspective as to the aboriginal rights that could potentially be impacted by the Project.

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Opportunities for Participation in the EA Process

This letter also describes EAO's proposed approach to consulting the K'ómoks First Nation and opportunities for the involvement of K'ómoks First Nation in the EA. I further describe the EA process in more detail, particularly as it relates to the pre-Application and Application Review stages of the EA process.

Pre-Application Stage

- a. EAO asks K'ómoks First Nation to identify its asserted aboriginal rights in relation to the proposed Project and to continue to engage with EAO in relation to the potential adverse impacts of the proposed Project on those asserted rights;
- b. K'ómoks First Nation has been invited to join the government Working Group, comprised of First Nations and local, provincial and federal government agencies;
- c. K'ómoks First Nation has been provided with an opportunity to review the procedures and methods for conducting the EA and for consulting with K'ómoks First Nation, as described in the Order issued under section 11 of the Act;
- d. EAO has directed the Proponent to engage with K'ómoks First Nation to discuss its aboriginal interests and perspectives and to report the results of this engagement back to EAO, consistent with the section 11 Order;
- e. EAO has asked the Proponent to assess the current use of the project area for traditional use and we hope that K'ómoks First Nation will cooperate in the gathering of this information;
- f. K'ómoks First Nation has had an opportunity to be involved with the development of the draft Application Information Requirements (AIR), and it was provided an opportunity to comment on drafts of the document;
- g. Prior to submitting its Application, the Proponent will submit to EAO its record of consultation and its plan to engage K'ómoks First Nation during the review of the Application. EAO will seek K'ómoks First Nation's views on the consultation report and plan. EAO has the option of ordering additional consultation measures to be undertaken;
- h. EAO will ensure that K'ómoks First Nation receives a copy of the Application for screening against the approved AIR, and will solicit comments from K'ómoks First Nation during the 30-day screening period with regard to the presence and sufficiency of the information required;

Application Review Stage

- i. During the Application Review Stage, both the Proponent and EAO will continue to consult with K'ómoks First Nation with respect to its perspectives and opinions about the proposed Project and the potential effects of the proposed Project on K'ómoks First Nation aboriginal interests. EAO will ensure that this information is made available to the Proponent, so that it can take the information into account as the Application is reviewed by EAO;

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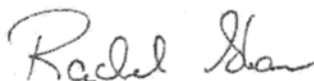
- j. EAO will ensure that K'ómoks First Nation has opportunities to provide questions and comments to the Proponent and EAO will require the Proponent to make reasonable efforts to have those questions and comments answered;
- k. EAO will consult with K'ómoks First Nation on the preparation of the draft Project Assessment Report prepared by EAO near the end of the EA process. The report is the basis for EAO's recommendation to Ministers on the Application; and,
- l. If, when the Application is ready to be referred to Ministers, K'ómoks First Nation does not believe its interests have been adequately described and/or accommodated in keeping with the province's legal duties, EAO will provide an opportunity for K'ómoks First Nation to submit its own report to EAO that will be conveyed directly to Ministers along with EAO's Assessment Report so that they will have the benefit of First Nations' perspectives as part of the decision-making process.

The consultation which takes place as part of the EA process is designed to enable EAO, on behalf of the Crown, to:

- (i) Ensure that First Nations are provided with all necessary information in a timely way so that they have an opportunity to express their interests and concerns;
- (ii) Assess the nature, scope and *prima facie* strength of claim vis-à-vis asserted aboriginal rights in relation to the proposed Project;
- (iii) Determine the potential adverse impacts of the project on those rights;
- (iv) Consider potential accommodation measures that include measures to avoid or minimize the potential adverse impacts of the proposed Project; and,
- (v) Advise Ministers as to the weighing of First Nation and broader societal interests as appropriate in the circumstances.

EAO is committed to working constructively with K'ómoks First Nation to ensure that the Crown fulfils its duties of consultation and accommodation. If you have any questions, suggestions for an improved consultation process, or require further information on the EA process, please contact me by telephone at 250-952-6501 or by email at Rachel.Shaw@gov.bc.ca.

Yours truly,



Rachel Shaw
Project Assessment Manager

s.16

Enclosures:

pc: Andrew Rollo
Canadian Environmental Assessment Agency

Dan Motisca
Environmental Assessment Office



Telephone: 250-952-6501
Facsimile: 250-357-6762
File: 30200-20/RUCP-04-01

Ref: 100876

November 2, 2011

Mark L. Stevenson
K'ómoks Chief Negotiator
3320 Comox Road
Courtenay BC V9N 3P8

Dear Mr. Stevenson:

Thank you for your letter of September 13, 2011, setting out some of the interests of K'ómoks First Nation in treaty negotiations as they relate to the proposed Raven Coal Mine Project (proposed Project). The Environmental Assessment Office (EAO) is aware that K'ómoks First Nation is involved in treaty negotiations and is attempting to ensure that treaty-related issues are considered in the environmental assessment (EA) process for the proposed Project.

You raise a number of issues, which I will address in the order in which they were raised in your letter.

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Victoria BC V8W 9V1

Location:
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s.16

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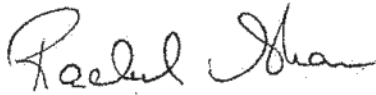
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In any event, notwithstanding the absence of information regarding asserted aboriginal rights, EAO is of the view that the consultation plan outlined is consistent with deep consultation. Again, we stress that potential impacts to Cowie Creek and Tsable River and to Baynes Sound will be assessed as part of the EA process.

If you have any further questions or require further information about the provincial EA process, please contact me at 250-952-6501 or Rachel.Shaw@gov.bc.ca. Alternatively you can contact Yasmeen Qureshi, Project Assessment Officer, by email at Yasmeen.Qureshi@gov.bc.ca or by phone at 250-387-8680.

Yours truly,



Rachel Shaw
Project Assessment Director

pc: Yasmeen Qureshi
Environmental Assessment Office



**Canadian Environmental
Assessment Agency**
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701 West Georgia Street
Suite 410
Vancouver, British Columbia
V7Y 1C6

**Agence canadienne
d'évaluation environnementale**
Boîte postale 10114
701 rue Georgla ouest
Bureau 410
Vancouver (Columbie-Britannique)
V7Y 1C6



Telephone: 250-952-6501
Facsimile: 250-356-7440
File: 30200-20/RUCP-04-01

Ref: 100917

November 17, 2011

Chief Ernie Hardy Sr.
K'ómoks First Nation
3320 Comox Road
Courtenay BC V9N 3P8

Dear Chief Hardy:

Thank you for providing comments on behalf of the K'ómoks First Nation regarding version 7 of the draft Application Information Requirements/Environmental Impact Statement Guidelines (draft AIR/EIS Guidelines) for Compliance Coal Corporation's (Proponent) proposed Raven Underground Coal Mine Project (proposed Project). The Canadian Environmental Assessment Agency (the Agency) and the Environmental Assessment Office (EAO) appreciate the time and effort that K'ómoks First Nation has put into reviewing the environmental assessment (EA) documents to date. We are encouraged by your continued participation as we try to resolve outstanding Working Group issues and work towards issuing a final AIR/EIS Guidelines that outlines the information needs for the EA.

In your letter of September 14, 2011, you speak of frustration with the draft AIR/EIS Guidelines review and issues resolution process. For your information, the following is the list of tasks that have been conducted as part of the Working Group issues resolution process that has happened to date:

- July 2011
 - The Agency and EAO instructed the Proponent to engage Working Group members to discuss outstanding issues, arrive at a mutually agreeable resolution, and then inform the Agency and EAO of the outcome through meeting minutes and/or emails that have been vetted by the Working Group members involved;

.../2

- August 2011
 - In order to ensure that the Proponent is resolving all outstanding issues, the Agency and EAO reviewed the Working Group tracking table, and highlighted what we assessed to be unresolved issues; and
- August/September 2011
 - The Agency and EAO forwarded, by email, the list of outstanding issues to Working Group members to verify that we had an accurate understanding of the issues that require further resolution in the draft AIR/EIS Guidelines.

If resolution on specific comments is not possible through discussion between the Proponent and the Working Group members, the record of discussion (i.e. minutes, emails etc.) will serve to provide the Agency and EAO with the background to evaluate the issue and make a final determination. If no clear solution is evident to the Agency and EAO based on the record of discussion provided on a specific issue, we will investigate further prior to making a final determination. In this situation, the Agency and EAO would seek K'ómoks First Nation's input directly.

The Agency appreciates the comments that were enclosed with your September 14, 2011, correspondence. While the draft AIR/EIS Guidelines process may appear duplicative, it is part of an on-going dialogue that will inform the EA of this proposed Project. Please note that this document is still in draft form and EAO and the Agency will not finalize the document until all comments provided by Working Group members are addressed, to the satisfaction of EAO and the Agency, in the tracking table and incorporated into the AIR/EIS Guidelines, as appropriate.

Thank you for bringing your specific concerns with the Proponent's responses to K'ómoks -151, K'ómoks-163, and K'ómoks-225 to our attention. As stated previously, we are currently working through the issues resolution process, with the objective of arriving at a common point on all issues before we move forward into the Application/EIS review phase of this EA. If, through discussions with Working Group members, the Proponent is unable to arrive at a mutually agreeable resolution, EAO and the Agency will investigate further prior to making a final determination on the specific unresolved issues.

In addition to concerns regarding draft AIR/EIS Guidelines review process, you raised a number of additional points that we would like to respond to, in turn, below.

1. AIR/EIS Guidelines to include consideration of Potential K'ómoks First Nation Treaty rights

The Agency and EAO understand that K'ómoks First Nation is currently in stage four of the treaty negotiation process, and that both British Columbia and the K'ómoks First Nation have initialled an Agreement-in-Principle. The potential treaty rights that you

.../3

refer to are addressed in various sections in the draft AIR/EIS Guidelines; for example, the aquatic tenures referred to in K'ómoks-202, are being considered in the non-traditional land use section of the social assessment. We understand that such potential treaty rights are not dependant on traditional use.

We have received a letter dated September 13, 2011, from Mark Stevenson, K'ómoks First Nation's Chief Negotiator, regarding the K'ómoks First Nation treaty negotiations. The EAO provided a response on November 2, 2011, so we will not reiterate the information in this letter.

2. Proponent's reliance on the fact that the project is being developed on privately held lands.

As stated at our meeting on May 4, 2011, we have revised the section on Aboriginal Consultation in the AIR (section 20) to provide clear direction to the Proponent regarding the information we require to properly identify Aboriginal concerns in the vicinity of the proposed Project and evaluate potential impacts to Aboriginal rights. The EAO and the Agency have directed the Proponent to gather information on any potential impacts of the proposed Project on Aboriginal activities and interests, including potential rights, regardless of whether they are being exercised on Crown land or fee simple land.

In order to help us understand how the proposed Project may adversely impact K'ómoks First Nations' asserted Aboriginal rights, we once again respectfully ask that K'ómoks First Nation specify the Aboriginal rights that may be impacted by the proposed Project; and in particular, the nature and scope of Aboriginal rights that are connected with Lot 88.

3. Proponent unwilling to use TK and TU information on private land.

With respect to K'ómoks-151, EAO and the Agency do not require TK/TU studies in the EA process; therefore, we do not require specific reference to TK/TU studies in the AIR/EIS Guidelines. The EAO and the Agency do, however, require information on potential Aboriginal rights and interests at the mine site. This was stated at our meeting of May 4, 2011, with K'ómoks First Nation and the Proponent. It is our understanding that the Proponent has offered to fund TK/TU studies for K'ómoks First Nation.

4. Proponent's response to K'ómoks-163

As noted above, we are currently working through the issues resolution process with respect to specific comments and Proponent responses.

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5. Cumulative Effects Assessment

As stated in our July 30, 2010, letter to you regarding your comments on version 3 of the draft AIR/EIS Guidelines document, a cumulative effects assessment is a requirement of both the federal and provincial EA. As you point out, cumulative effects are residual project-related effects on valued components after mitigation, combined with impacts on those same valued components from:

- prior development;
- existing activities; and
- reasonably foreseeable future development or activities that are sufficiently certain to proceed.

Environmental, social, economic, heritage or health values considered important by Aboriginal groups can be included as valued components and therefore be included in the cumulative effects assessment.

In terms of asserted Aboriginal rights, the duty to consult relates to the impact of the proposed project itself, not other projects. The question of cumulative effects may arise in the context of an analysis of the reasonable opportunity to exercise treaty rights; however, in this case, there is no treaty yet in effect. The EAO and Agency would be willing to meet with K'ómoks First Nation to discuss and identify the specific interests that you would like to see included in the cumulative effects assessment of this EA.

6. Cumulative assessment of the ability of Aboriginal people to share in the economic wealth of their territory

As you may already know, in 2008, the Province committed to sharing the Mineral Tax revenue generated from new major mines through the negotiation of Economic and Community Development Agreements. Each individual project is assessed and mandated on a project-by-project basis. The timing for entering into negotiations involves a project moving to a place in the project development cycle where the Province is confident the project will be entering production in the near future. Currently, the proposed Project is in the early stage of the EA process.

7. Request for additional Working Group meetings

The Working Group is comprised of representatives from federal government, provincial government, local government, and Aboriginal groups, and was established by EAO and the Agency to obtain advice and input into the EA process. Please note that the proposed Project Working Group has over 50 members and while large working group meetings are beneficial to introduce high level concepts, including project overview presentations from the Proponent (when invited) and process presentations by EAO

.../5

and the Agency, the most expedient and useful way to receive input and feedback on EA documents is through written form or through one-on-one discussions to clarify comments.

As we move from the planning phase of this EA to the more technical components of the review, additional Working Group meetings will be convened. These will be used to present further information, provide forums for discussion and enable Working Group members to comment on EA documents. The Agency and EAO would be interested in hearing specific agenda items or topics that K'ómoks First Nation would like to discuss at a Working Group meeting so that we may focus discussion in a meaningful and relevant way for you.

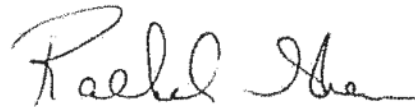
On October 17, 2011, EAO and the Agency invited the K'ómoks First Nation to participate in a conference call on potential marine studies in Buckley Bay and the Port Alberni Inlet in November. The meeting took place on Thursday, November 3, 2011, and included participation from much of the Working Group, including the K'ómoks First Nation.

Please note that records of issues resolution meetings and comments from other Working Group members are available on the Sharepoint site at:

<http://sharepoint.env.gov.bc.ca/EAO/projects3/ravencoalproject/default.aspx>

The Agency and EAO would like to thank K'ómoks First Nation for your review comments on the draft AIR/EIS Guidelines. Your contribution is greatly appreciated. If you have any further questions about the federal EA, Andrew Rollo can be contacted at 604-666-2458 or Andrew.Rollo@ceaa-acee.gc.ca. Rachel Shaw, with EAO, can be contacted at 250-952-6501 or Rachel.Shaw@gov.bc.ca for further information about the provincial EA process.

Yours truly,



Andrew Rollo
Federal Environmental Assessment Manager

Rachel Shaw
A/Project Assessment Director

pc: Brad Madelung – Port Alberni Port Authority

John Heinonen – Fisheries and Oceans Canada

Karen Mousseau – Major Projects Management Office

Yasmeen Qureshi – Environmental Assessment Office

From: Shaw, Rachel EAO:EX
Sent: Friday, May 7, 2010 4:53 PM
To: 'jenny.millar@comoxband.ca'
Cc: 'andrew.rollo@ceaa-acee.gc.ca'; Whitaker, Andrei EAO:EX; Mayall, Jane EAO:EX
Subject: 30200-20/RUCP-04-01 Response: Information regarding land rights
Attachments: Map Raven PROJECT LEGAL BOUNDARIES copy 3.pdf; Charge Number ED112818 Lot 88 Newcastle District.pdf

Hello Jenny,

I enquired further about the Land Tenures and received the following response from the Proponent. I'm happy to discuss, so please feel free to give me a call.

All the best,
Rachel

Rachel Shaw
Project Assessment Manager
Environmental Assessment Office
(250) 952-6501
Rachel.Shaw@gov.bc.ca



Please think about the environment before you print

From: John Tapics [mailto:John@Complianceenergy.com]
Sent: Thursday, May 6, 2010 10:07 AM
To: Shaw, Rachel EAO:EX
Cc: Whitaker, Andrei EAO:EX; Mayall, Jane EAO:EX; Rollo, Andrew [CEAA]; DanBerkshire
Subject: RE: Request: Information regarding land rights

Hi Rachel,

- 1) With respect to subsurface rights, all of the Raven Project coal rights are held privately in fee simple, with the exception of crown coal licence #392561 (142 ha). These rights originate with the E&N Railway grants and were acquired from West Fraser Mills Ltd.(through Weldwood of Canada Ltd.) in 2008. The three Comox Joint Venture owners' subsurface rights are registered on title in the Land Office as a "Charge" against the surface titles in the area. I have attached a map outlining the project area which shows the crown coal licence in gray. The privately held subsurface rights are shown in pink. Until we have developed the final mine plan it is unclear whether we will actually be mining coal from the Crown Licence area since the majority of it lies north of the T'Sable River and along the north western portion of the property. If mining is planned from this licence area it would need to be converted to a Coal Lease. At this stage no surface facilities are planned in this area so no lease is required for use of the surface.
- 2) With respect to use of the surface elsewhere, no applications to the crown are necessary, and the Joint Venture already has titled (legal) access rights to the surface that is held privately.
 - a. As currently proposed various components of the surface facilities will be located on surface lands held by:
 - i. Island Timberlands – The majority of the proposed surface facilities would be located on:
 1. PID: 009-685-766 Block 234, Newcastle District
 2. PID: 009-685-791 Block 263 Newcastle District

7400 3111

3. PID: 009-949-755 District Lot 34G Section 2A Nelson District (a small portion of the northern reaches of the reject pile may be on the southern portion of this Lot)

ii. Timberwest – only a pipeline will cross Timberwest's property

1. PID: 009-683-771 and PID: 009-688-242 Lot 106 and Block 1362 Newcastle District

iii. Titled Land owned by the province and managed by BC Timber Sales

1. PID: 006-802-745 Lot 88 Newcastle District - A pipeline and settling pond

2. No surface land application is necessary since the Joint venture has titled access rights (under Charge Number ED112818) to this titled land owned by the province. I have included a copy of the "Nature of Interest" that is held by the Joint Venture on Lot 88. The legal access rights to other surface property held by Island Timberlands and Timberwest are worded very similarly to our legal rights on Lot 88.

3) Access roads and the roads used to transport coal on the property are owned by Island Timberlands.

4) Our definition of Titled Land is land that originates with the E&N grants and which already provides legal surface access rights to the owner of the subsurface rights. With respect to the surface land ownership of Lot 88 we believe that land which was held privately was expropriated by the crown in the 1940's.

I hope this helps clarify the subsurface rights and land ownership in the proposed project area. If you need any further information please let me know.

Best Regards,

John Tapics

President & CEO

Compliance Coal Corporation

Dbx Comox Joint Venture

Suite 550 - 800 West Pender Street

Vancouver, BC V6C 2V6

Phone: Work 1 (604) 689 0489 Ext 230

Cell 1 (604) 341 6859

Email: John@Complianceenergy.com

From: Shaw, Rachel EAO:EX [mailto:Rachel.Shaw@gov.bc.ca]

Sent: May-05-10 4:57 PM

To: John Tapics

Cc: Whitaker, Andrei EAO:EX; Mayall, Jane EAO:EX; Rollo, Andrew [CEAA]

Subject: Request: Information regarding land rights

Hello John,

We just received a note from the Komoks First Nation. I was wondering if you could provide EAO with some clarification to pass along to Jenny. If you could specifically explain the nature of Compliance's land rights and any plans to apply for Crown land rights (including subsurface), that may be useful. For example:

- The ownership of surface/subsurface rights required for the proposed Project (Crown or private)
- Any situations where crown land may be involved (sub-surface or surface including crown coal license tenure #392561 (142ha))
- The definition of 'Titled Land' and whether or not that is Crown land
- A map of the various tenures (I believe you have a colour coded one...if I remember correctly)

Many thanks,
Rachel

Rachel Shaw
Project Assessment Manager
Environmental Assessment Office
(250) 952-6501
Rachel.Shaw@gov.bc.ca



Please think about the environment before you print

From: John Tapics [mailto:John@Complianceenergy.com]
Sent: Tuesday, May 04, 2010 5:16 PM
To: Jenny Millar
Cc: Candy-Lea Chickite
Subject: RE: Raven Coal Project

Hi Jenny,

We will not be making any Crown Land Tenure applications in our proposed plan, since none are required.

As the project is currently planned, we will however, be proposing to put a settling pond on a parcel of "Titled Land" which is managed by BC Timber Sales. I have attached a map for your information. The block of land in question is labelled "District Lot 88 E&N Newcastle District and is south of Cowie Creek. Please note this label should read "Lot 88 E&N Newcastle District" since District Lot 88 E&N Newcastle District, which is correctly labelled, is the one shown to the east of Lot 88.)

We have titled access and subsurface rights to Lot 88 E&N Newcastle District. The settling pond is proposed to be located in the area marked as "reclaimed gravel pit" just south of Cowie Creek on this Lot.

Please let me know if you need any further information.

Best Regards,

John Tapics

President & CEO
Compliance Coal Corporation
Dbc Comox Joint Venture
Suite 550 - 800 West Pender Street
Vancouver, BC V6C 2V6
Phone: Work 1 (604) 689 0489 Ext 230
Cell 1 (604) 341 6859
Email: John@Complianceenergy.com

From: Jenny Millar [mailto:jenny.millar@comoxband.ca]
Sent: May-04-10 1:47 PM
To: John Tapics

Cc: Candy-Lea Chickite
Subject: Raven Coal Project

Hi John,

I wondered if you could clarify something for me? K'ómoks First Nation has heard mention that the Raven Coal Project involves some Crown Land tenure. The only Crown Land tenure that I have heard mention of is the subsurface Crown tenure.

Please could you advise if the Raven Coal project does have any Crown land tenure applications in its proposed plan and whether that is actual land or subsurface.

If you do, could you provide us with some details and map of the tenure.

Thank you
Jenny

Jenny Millar
Executive Assistant
K'ómoks First Nation

Tel: (250) 339-4545
Fax: (250) 339-7053
email: jenny.millar@comoxband.ca

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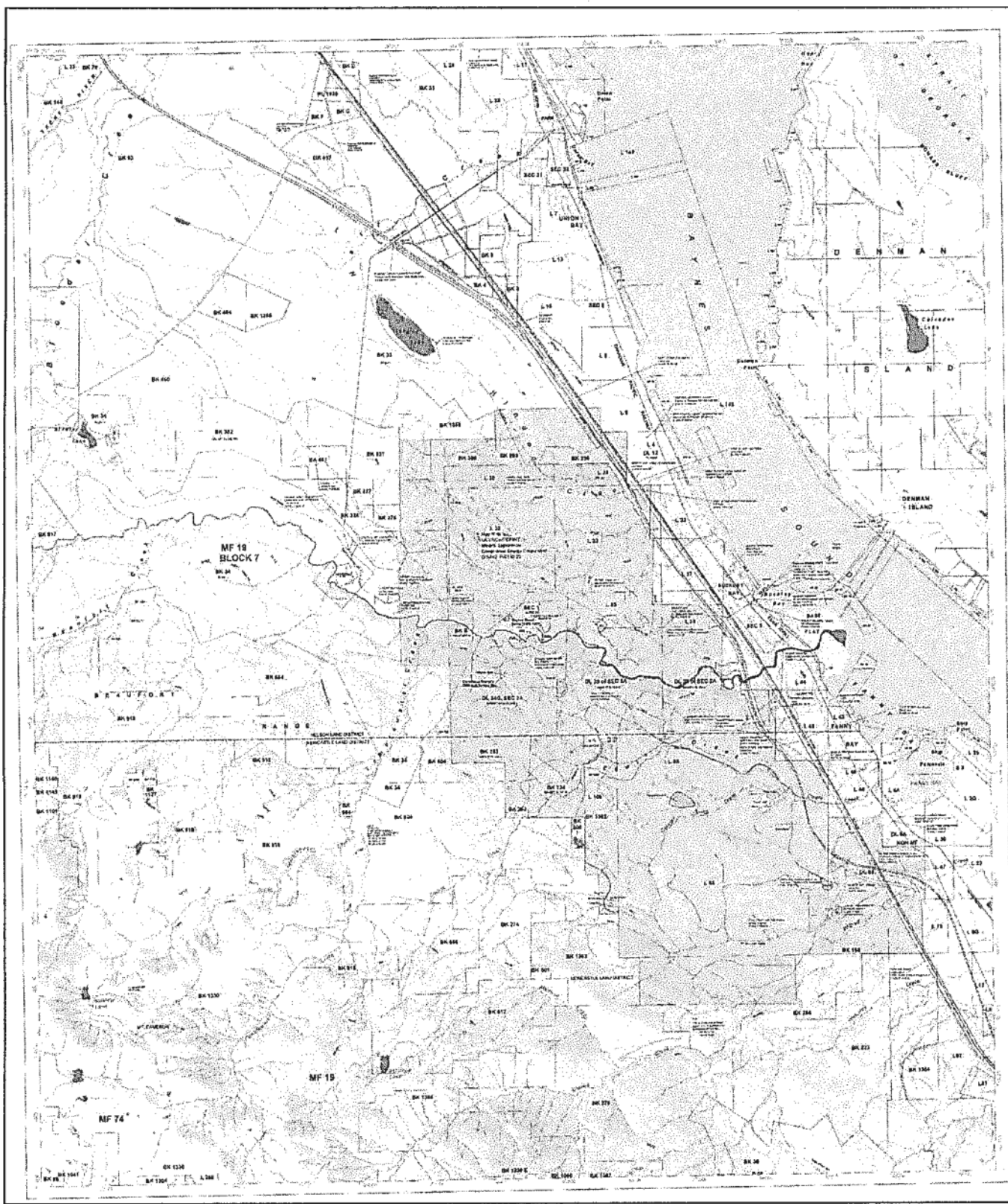
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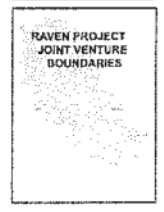
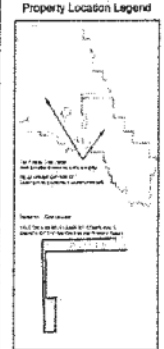
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Road Legend

Interstate	State Highway
County Road	Private Road
Unimproved Road	Right of Way



LEGAL BOUNDARIES AND DESCRIPTIONS
 March 22, 1999



3

LED112818

Page 3 of 3

NATURE OF INTEREST

All coal and fire-clay already found and existing or which may be found to exist within, upon or under:

LOT 88, NEWCASTLE DISTRICT, PLAN 1871.

Together with the full free and absolute right, liberty, privilege, power and authority for all time to come for the transferee, its successors and assigns by its and their officers, contractors, agents, servants, and workmen to enter into and upon the said land to search, examine and prospect for coal and fire-clay, as aforesaid, with such full liberty of ingress, egress and regress for all time to come as may reasonably be required for all or any such purposes, and the full, free and absolute right, liberty, privilege, power and authority for all time to come by the transferee its and their officers, contractors, agents, servants and workmen as aforesaid to enter into and upon the land, and to mine, bore, dig, win, get and carry away all the coal and fire-clay in, upon and under the same, whether in mines, veins, pits, beds, basins or deposits or in admixture of formations, or otherwise howsoever existing, and to sink, drive, make and use mines, tunnels, open cuts, shafts, drafts, adits, courses, wells, flumes, pipes, pipe lines and water courses, and erect and set up, maintain and operate buildings, tanks, power houses, erections, fire, electrical and other engines and machinery, and such other works and appliances as may be requisite or necessary for generating power, and to open, construct, maintain and use railways, tramways, pipe lines, roads and ways in, upon and under and over the said land, or any part or parts thereof for the purpose of conveniently working, mining, boring, digging, winning, getting and carrying away the said coal and fire-clay with liberty of ingress, egress and regress for all time to come, in, over and upon the said land, as may reasonably be required for all or any such purposes.

ALSO with the right, full power and absolute authority at any time or times hereafter to take, resume, acquire, and use out of and being part of the said land, such parts of the said land as may be necessary or expedient for all or any of the purposes aforesaid, upon payment of reasonable compensation therefor (the amount of which in the event of same not being mutually agreed upon shall, upon the application of any or either of the parties interested therein, be summarily fixed and determined by the Judge of the County Court usually exercising jurisdiction in the District within which the said land is situate, and whose decision as to the amount of such compensation shall be final and conclusive).

Lot
88

Mayall, Jane EAO:EX

From: Shaw, Rachel EAO:EX
Sent: Wednesday, May 5, 2010 5:05 PM
To: 'Jenny Millar'
Cc: Whitaker, Andrei EAO:EX; Mayall, Jane EAO:EX
Subject: 30200-20/RUCP-04-01 RE: Raven Coal Project

FILE COPY

Thanks Jenny,

I've just sent an inquiry to the proponent to explain more fully the issue of land rights. My understanding, based on the Project Description, is that Compliance holds fee simple (private) subsurface rights to the project area with the exception of 142 ha held through a crown coal licence tenure. The surface rights are also held privately by Island Timberlands, Timberwest and the Crown. However, Compliance has the right to access the surface to explore, develop and mine due to their ownership of the subsurface.

I'll follow-up with any additional information from the proponent, and will also flag this issue for ILMB to ensure that they are aware of the Proponent's assessments of their land rights.

Please let me know if you have any further questions. I would be happy to follow-up with a call to discuss.

All the best,
Rachel

Rachel Shaw

Project Assessment Manager
Environmental Assessment Office
(250) 952-6501
Rachel.Shaw@gov.bc.ca



Please think about the environment before you print

From: Jenny Millar [mailto:jenny.millar@comoxband.ca]
Sent: Wednesday, May 5, 2010 4:50 PM
To: Shaw, Rachel EAO:EX
Subject: RE: Raven Coal Project

Hi Rachel,

As you can see I have asked the proponent and he has supplied a map which I forwarded to you. I wondered if this should be checked with the Ministry of Energy and Mines and possibly BCTS or ILMB on the crown land or Titled land and subsurface crown coal tenure and not the proponent until we get a response from the Province. My concern was that I did not see anything in the project description that there was a crown land tenure for any surface land, but did see it on the subsurface, so wanted to confirm what has been applied for and what has just been proposed. We should get a separate referral on any crown land applications which we have not, only the investigative permit application from Ministry of Energy and Mines.

If you cannot check into this, I can request Nanwakolas to enquire on our behalf with the Province.

Thanks
Jenny

Jenny Millar

*Executive Assistant
K'ómoks First Nation*

Tel: (250) 339-4545

Fax: (250) 339-7053

email: jenny.millar@comoxband.ca

From: Shaw, Rachel EAO:EX [mailto:Rachel.Shaw@gov.bc.ca]

Sent: Wednesday, May 05, 2010 4:01 PM

To: Jenny Millar

Cc: Whitaker, Andrei EAO:EX; Rollo, Andrew [CEAA]

Subject: RE: Raven Coal Project

Hello Jenny,

Thanks for the note, I'll follow-up with the Proponent and will get back to you.

All the best,
Rachel

Rachel Shaw

Project Assessment Manager
Environmental Assessment Office
(250) 952-6501
Rachel.Shaw@gov.bc.ca



Please think about the environment before you print

From: Jenny Millar [mailto:jenny.millar@comoxband.ca]

Sent: Wednesday, May 5, 2010 9:40 AM

To: Shaw, Rachel EAO:EX; Whitaker, Andrei EAO:EX; Rollo, Andrew [CEAA]

Subject: FW: Raven Coal Project

Hi Rachel, Andrei and Andrew,

I have forwarded an email query and response that I sent to John Tapics, Compliance Coal CEO and President, that our Chief and Council had on the Raven Coal Project. They had heard mention that some crown land was involved in the proposed Raven Coal Project.

John Tapics refers to this 'Titled Land' managed by BC Timber Sales – surely that is Crown land. However, he does not mention the crown coal licence tenure #392561 (142ha) that is mentioned in page 9 of the project description from Raven Coal that our found on your website. However, I could not find any reference to the 'Titled Land' in this project description.

Please could you therefore confirm if any Crown Land tenures both surface and subsurface forms part of this proposed project. If so, can you supply us with a map indicating the Crown Land in the proposal.

Thank you
Jenny

*Jenny Millar
Executive Assistant
K'ómoks First Nation*

*Tel: (250) 339-4545
Fax: (250) 339-7053
email: jenny.millar@comoxband.ca*

From: John Tapics [mailto:John@Complianceenergy.com]
Sent: Tuesday, May 04, 2010 5:16 PM
To: Jenny Millar
Cc: Candy-Lea Chickite
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We have titled access and subsurface rights to Lot 88 E&N Newcastle District. The settling pond is proposed to be located in the area marked as "reclaimed gravel pit" just south of Cowie Creek on this Lot.

Please let me know if you need any further information.

Best Regards,

John Tapics

*President & CEO
Compliance Coal Corporation
Dba Comox Joint Venture
Suite 550 - 800 West Pender Street
Vancouver, BC V6C 2V6
Phone: Work 1 (604) 689 0489 Ext 230
Cell 1 (604) 341 6859
Email: John@Complianceenergy.com*

From: Jenny Millar [mailto:jenny.millar@comoxband.ca]
Sent: May-04-10 1:47 PM
To: John Tapics
Cc: Candy-Lea Chickite
Subject: Raven Coal Project

Hi John,

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