

## **2022/23 Estimates Note Advice to the Minister**

**Ministry:** Ministry of Energy, Mines and Low Carbon Innovation  
**Minister Responsible:** Bruce Ralston

**Title:** Nicola Valley Aggregates Notice of Work Application

**Drafted/Revised:** March 16, 2022

**Issue:** Progress on the Nicola Valley Aggregates application – consultation and engagement

**Response:**

- The Nicola Valley Aggregate's proposed sand and gravel operation is located along highway 8 and adjacent to the eastern boundary of Lower Nicola Indian Band (LNIB) Indian Reserve No.1
- BC has engaged extensively with LNIB dating back to March 2019.
- LNIB's has expressed a range of concerns including archaeological, cultural heritage, dust, noise, and water issues as well as asserting their strong aboriginal title claim to the property.
- Due to a variety of factors such as COVID-19, wildfires, significant flooding, and evacuations, Lower Nicola Indian Band's capacity to participate has been limited throughout the process.
- EMLI continues to seek consensus-based resolution of concerns with the project with LNIB and the proponent.

**Background/Status:**

- The Nicola Valley Aggregates (NVA) proposed sand and gravel operation is on private property located along highway 8 and adjacent to the eastern boundary of Lower Nicola Indian Band (LNIB) Indian Nicola-Mameet Reserve No.1.
- Nicola Valley Aggregates Notice of Work application for a sand & gravel pit was submitted on December 7, 2018.
- Consultation between BC and LNIB was initiated on March 19, 2019
- Given the proximity of the sand & gravel operation to LNIB's reserve, the province has committed to a deep level of engagement on the application.
- LNIB has expressed a range of concerns from archaeological, cultural heritage, dust, noise, water, and community related concerns from band members.
- LNIB has claimed that they have a strong claim to Aboriginal title within the subject property.
- LNIB remains strongly opposed to this project and has secured legal representation to engage BC and the proponent on this file.

## **2022/23 Estimates Note Advice to the Minister**

**Ministry:** Ministry of Energy, Mines and Low Carbon Innovation  
**Minister Responsible:** Bruce Ralston

- LNIB was significantly impacted by state of emergencies related to flooding, wildfires, evacuations, and COVID-19 which have limited their capacity to participate fully throughout the application process.
- The proponent has worked to address concerns brought forward by LNIB; but is frustrated with the amount of time this application has been under review (~3 years).
- The regional office responsible for the application has undergone staff turnover since the application process began which contributed to the delays. New staff are now in place as well as additional advisory and technical staff to strengthen Indigenous engagement and commitments to UNDRIP and reconciliation.
- EMLI continues to seek consensus-based resolutions, as well as elevating this file to higher levels within the Ministry due to the sensitive nature of engagements with LNIB.
- The Statutory Decision Maker is working through their review to move this file toward a decision.

**Contact:**

Peter Robb	Assistant Deputy Minister	Mines Competitiveness and Authorizations Branch	(778)-698-7235
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### **Bullets regarding Nicola Valley Aggregates application**

- Nicola Valley Aggregates (NVA) submitted a Notice of Work application for a sand & gravel pit on December 7, 2018, the operation is within private property adjacent to the Lower Nicola Indian Band (LNIB) Nicola-Mameet Indian Reserve No. 1
- Consultation between BC and LNIB was initiated on March 19, 2019
- Given the proximity of the sand & gravel operation to LNIB's reserve, they have been extensively engaged with throughout the process. LNIB has claimed they have a strong claim to Aboriginal title within the subject property.
- LNIB's has expressed a range of concerns from archaeological, cultural heritage, dust, noise, water, and community related concerns from band members.
- Since the initiation of consultation, due to staff turnover, the Statutory Decision Maker (SDM) and Indigenous Advisor has changed on this file several times and in fear of missing any information in the turnover staff have reached out several times to speak to the LNIB.
- To date, LNIB remains highly opposed to this project.
- LNIB has acquired legal representation to engage BC and the Proponent on this file.
- LNIB has been significantly impacted by state of emergencies related to flooding, wildfires, evacuations, and COVID-19 which have limited their capacity to participate fully throughout the application process.
- The proponent has worked to address concerns brought forward by LNIB to date; but is frustrated with the amount of time this application has been under review (~3 years).
- EMLI continues to seek consensus-based resolutions with new staff in place, as well as elevating this file to higher levels within its Ministry to accommodate the sensitive nature of engagements with LNIB.
- s.16
- On September 27<sup>th</sup>, 2022 NVA requested that the decision making process be suspended until January 1, 2023 so that the two parties can have "discussions in an attempt to seek consensus on a path forward that meets the objectives of all parties".
- If the SDM resumes the decision making process after January 1, 2023 there will be a request for an on-site meeting with the LNIB to review any concerns.

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s.14

Page 05 of 30

Withheld pursuant to/removed as

s.14 ; s.15



Page 07 of 30 to/à Page 11 of 30

Withheld pursuant to/removed as

s.14 ; s.16

**From:** Hyam, Ross EMLI:EX (Ross.Hyam@gov.bc.ca)  
**To:** Dickie, Jordan EMLI:EX (Jordan.Dickie@gov.bc.ca)  
**Subject:** FW: Issue Tracking Table  
**Sent:** 06/28/2022 23:18:02  
**Attachments:** LNIB NVA Issue Tracking Table Revised 10 August 2021.xlsx  
**Message Body:**

Ross Hyam, RPF, P.Eng, MBA  
Regional Director  
Ministry of Energy, Mines and Low Carbon Innovation  
Phone (250) 985-0042

**From:** Hyam, Ross EMLI:EX  
**Sent:** October 6, 2021 12:20 PM  
**To:** Browning, Brianna EMLI:EX <Brianna.Browning@gov.bc.ca>  
**Cc:** Renfrew, Kristin EMLI:EX <Kristin.Renfrew@gov.bc.ca>  
**Subject:** FW: Issue Tracking Table

Can you figure out a way to print this so it can be read easily and have all of the information from the cells? If you make the font too big then it gets hidden by the maximum cell size.

Come find me if I haven't communicated well.

??

Ross

Ross Hyam, RPF, P.Eng, MBA  
Regional Director  
Ministry of Energy, Mines and Low Carbon Innovation  
Phone (250) 985-0042

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>  
**Sent:** October 6, 2021 11:57 AM  
**To:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>  
**Subject:** FW: Issue Tracking Table

**From:** Dunae, Vanessa EMLI:EX  
**Sent:** October 5, 2021 11:08 AM  
**To:** Cloet, Mike A EMLI:EX <Mike.Cloet@gov.bc.ca>  
**Subject:** FW: Issue Tracking Table

**From:** Dunae, Vanessa EMLI:EX  
**Sent:** September 27, 2021 1:49 PM  
**To:** 'Amrik Narang' <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>  
**Cc:** 'Gary Breaks' <breaksbulldozing@telus.net>; 'Sat' s.22 s.22  
**Subject:** RE: Issue Tracking Table

Hi Amrik,

Thank you for checking in. Here is the latest version of the Issues Tracking Table with LNIB's August 10 comments included. Any further comments from NVA would be welcomed.



EMLI is working through several binders of supplementary materials from LNIB right now and can likely suggest a timeline after closing the loop with provincial staff at an internal meeting, which is scheduled next week.

Thanks for your patience,

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
vanessa.dunae@gov.bc.ca  
cell (250) 320-8250

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** September 27, 2021 10:40 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

**Cc:** 'Gary Breaks' <breaksbulldozing@telus.net>; 'Sat' <sup>s.22</sup>

<sup>s.22</sup>

**Subject:** RE: Issue Tracking Table

**Importance:** High

Hello everyone:

As I hope everyone at the Ministry can appreciate, the owners of NVA are increasingly frustrated with the continuous delays in processing our application for a permit. We are coming up to our 3<sup>rd</sup> year anniversary since the application was submitted.

How long does it take to review the LNIB's responses? NVA is not even privy to these responses so I would ask that they be forwarded to us so we know what issues still remain outstanding.

May we please have a timeline on this?

Sincerely,

Amrik

Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Tuesday, September 7, 2021 11:49 AM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

**Cc:** 'Gary Breaks' <breaksbulldozing@telus.net>; 'Sat' <sup>s.22</sup>

<sup>s.22</sup>

**Subject:** RE: Issue Tracking Table

Hi Amrik,

We are reviewing the materials provided by LNIB and will provide a further update as soon as possible.

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
vanessa.dunae@gov.bc.ca  
cell (250) 320-8250

**From:** Dunae, Vanessa EMLI:EX

**Sent:** August 13, 2021 10:04 AM

**To:** 'Amrik Narang' <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

**Cc:** Gary Breaks <breaksbulldozing@telus.net>; Sat <sup>s.22</sup>

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Thank you for checking in. On Tuesday, August 10, LNIB's legal counsel advised us that they were sending materials to our office for review. I will follow up after we receive those materials.

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** August 13, 2021 9:01 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

**Cc:** Gary Breaks <breaksbulldozing@telus.net>; Sat<sup>s.22</sup>

**Subject:** Issue Tracking Table

Vanessa:

I am still waiting for your response to my email below.

Meanwhile, NVA continues to spend monies to deal with the potential water table issue as identified by the LNIB and I am now attaching another Report from Active Earth dated July 12, 2021 entitled "Baseline Groundwater Monitoring."

Upon review, you will note that one of the existing wells on the subject property (approximately 160 metres south of the approximate southern boundary of the proposed Pit) has been fitted with a data logger. The records indicate that the water level in the well is well below the proposed base of the pit elevation as at the date of measurement.

NVA once again formally requests that its application be moved forward and feel that we are being unduly hindered and delayed by the LNIB's failure to provide timely responses and the Ministry's failure to enforce a timeline for said responses.

Looking forward to hearing from you.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

**From:** Amrik Narang

**Sent:** Friday, August 6, 2021 1:45 PM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat<sup>s.22</sup> Gary Breaks <breaksbulldozing@telus.net>;  
s.22

**Subject:** RE: Issue Tracking Table

**Importance:** High

With all due respect, Vanessa, this response is not acceptable to the owners of NVA.

Why is the LNIB being granted so much time and discretion to respond to the very issues that they have identified? They were given a 2 month timeline and then that timeline was extended again on July 9<sup>th</sup> without any prior consultation with NVA.

Is the Ministry prepared to give the LNIB a hard deadline to respond to the Tracking Table?

I am sure you can appreciate our frustration here. We have hard earned dollars tied up with this site and would like a decision from the Ministry on the issuance of a mining permit without any further unnecessary delay, time and expense.

Looking forward to receiving a more in depth response to this email.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Thursday, August 5, 2021 11:22 AM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat s.22 >; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Hi Amrik,

We're waiting on a status update from LNIB and their counsel. I will let you know as soon as we hear back.

Thank you,

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
vanessa.dunae@gov.bc.ca  
cell (250) 320-8250

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** July 30, 2021 10:20 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat s.22 a>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Good morning Vanessa:

Further to our email exchange below, you were going to get me another update on July 28<sup>th</sup> when you were back at your desk.

Please provide us with this update so NVA knows where this matter stands.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Amrik Narang

**Sent:** Friday, July 23, 2021 6:02 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat s.22 >; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Good morning Vanessa:

Thank you for the quick response.

As a follow up I would like to know to what date the EMLI decided to extend LNIB's deadline for comment to on July 9<sup>th</sup>. I hope it was not an open ended extension as that would not be fair to NVA.

In any event, I look forward to hearing from you again at the end of the month.

Sincerely,

Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Thursday, July 22, 2021 5:30 PM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Thank you for reaching out. On July 8, 2021, representatives from Lower Nicola Indian Band advised us that they would not be able to provide a response by July 15 as they busy managing evacuees from nearby wildfires. On July 9, EMLI agreed to extend the deadline for comment. On July 20, the Province declared a state of emergency to support the provincewide response to the ongoing wildfire situation.

I apologize for not getting in touch with you sooner. I have been deployed to Emergency Management BC from July 4 to 27. I will reach out to LNIB for an update and aim to follow up with you when I am back at my desk July 28.

Thank you,

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
vanessa.dunae@gov.bc.ca  
cell (250) 320-8250

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** July 22, 2021 4:03 PM

**To:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hello Ross:

Yes, it is an unfortunate state of events in our Province right now and my thoughts and prayers are with those in harms way.

Someone other than Vanessa must have access to the correspondence file and I would like to know (sooner than 2 weeks from now) as to whether or not the LNIB have sent the Ministry and NVA a substantive response to that tracking table especially considering that they were given a 2 month extension to do so.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

**From:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Sent:** Thursday, July 22, 2021 3:59 PM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Hi Amrik,

I wanted to touch base with you to let you know that Vanessa is on deployment with BC Wildfire right now. She will respond to your email when she returns which I expect to be in 2 weeks unless she is called for another deployment. I do apologize for this lag but BC Wildfire and Emergency Management BC are short on resources and the fires are in our region.

Thank you,

Ross

Ross Hyam, RPF, P.Eng, MBA  
Regional Director  
Ministry of Energy, Mines and Low Carbon Innovation  
Phone (250) 985-0042

**From:** Amrik Narang <ANarang@dncintegra.ca>  
**Sent:** July 22, 2021 3:49 PM  
**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>  
**Cc:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>; s.22  
**Subject:** RE: Issue Tracking Table  
**Importance:** High

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hello Vanessa:

I trust that you have now received a response from the LNIB to the Tracking Table as was required by the LNIB's own deadline which the Ministry allowed to be set for July 15<sup>th</sup>.

Please send us a copy of the response.

Amrik  
Director, Nicola Valley Aggregates

**From:** Amrik Narang  
**Sent:** Tuesday, May 18, 2021 9:43 AM  
**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>  
**Cc:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>; s.22  
**Subject:** RE: Issue Tracking Table

Hello Vanessa and Team:

Thank you for the email and bringing me up to date on your meeting with the LNIB.

I must say that it is frustrating to learn that the LNIB would require an additional 2 months to respond to the very issues that they have raised to our Application. This Application has been pending for way too long already in my view and causing NVA economic harm since every day that passes is another day that we can not make economic use of our land that we purchased at fair market value in an arms length transfer by a third party.

Nevertheless, if the Ministry feels that this time is required by the LNIB and more importantly that this will enable the Ministry to provide a durable decision, then we have no choice but to wait.

Therefore, a meeting between us is not necessary at this time and we will just wait it out until July 15<sup>th</sup>.

Thank you for your time and attention to this matter.

Sincerely,

Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Monday, May 17, 2021 3:51 PM

**To:** Amrik Narang <ANarang@dncintegra.ca>

**Cc:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>;s.22

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Just finished up our meeting with LNIB. They are actively reviewing the collated responses to the Issues Tracking Table. Given the volume of information that we provided in that document, LNIB has requested to extend the response date to July 15. The Province considers that to be a reasonable request and has agreed to the extension.

We can expect a comprehensive response from LNIB in the coming weeks, and will ensure that sufficient time is provided to NVA to review and comment on their responses. I recognize that this might not be the good news you were hoping for today, but it will go a long way in making a durable decision on your application.

I checked our calendars and Tuesday is fully booked on our end. I'm available for further discussion on Wednesday at 11 am, but Bob and Ross are busy. Please let me know if you'd like to connect then and I'll send you a calendar invite. Otherwise, I'll let you know as soon as we hear back from LNIB.

Thanks,

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** May 17, 2021 9:26 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Cc:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>;s.22

**Subject:** RE: Issue Tracking Table

OK so I am back at my desk now with my calendar in front of me.

Unfortunately I am not able to meet during those particular time slots as I will be in Court.

I can do tomorrow morning at 9:00 am or Wednesday at 11:00 am.

Do either of these time slots work for your team?

Sincerely,

Amrik

Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Monday, May 17, 2021 8:40 AM

**To:** Amrik Narang <ANarang@dncintegra.ca>

**Cc:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>;s.22

**Subject:** RE: Issue Tracking Table

Thanks Amrik. We are meeting with LNIB this afternoon so I won't be able to call you until tomorrow at earliest. How about Tuesday or Wednesday at 1pm?

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** May 17, 2021 8:39 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>  
**Cc:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat  
s.22 ; Gary Breaks <breaksbulldozing@telus.net>;<sup>s.22</sup>  
**Subject:** Re: Issue Tracking Table

Good morning Vanessa:

That's good news I hope.

I can make myself available anytime this afternoon.

Feel free to set a time and send me a zoom link.

Thank you.

Amrik Narang  
DNCintegra Lawyers LLP  
Sent from my iPhone

On May 17, 2021, at 8:26 AM, Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca> wrote:

Good morning, Amrik,

We're meeting with Lower Nicola Indian Band this afternoon to discuss your application. When is a good time for us check in with each other and report out on that meeting?

Thanks,

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>  
**Sent:** April 28, 2021 8:52 AM  
**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>  
**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; 'Sat' s.22 ; 'Gary Breaks'  
<breaksbulldozing@telus.net>; 'paulbreaks75@gmail.com' <s.22  
**Subject:** RE: Issue Tracking Table

Vanessa:

Thank you for the email.

I am re-attaching the July 9, 2015 email which I had sent over to you previously on February 3<sup>rd</sup>.

Please keep us in the loop and let us know if you need anything else.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>  
**Sent:** Wednesday, April 28, 2021 8:36 AM  
**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>  
**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; 'Sat' s.22 ; 'Gary Breaks'  
<breaksbulldozing@telus.net>; s.22  
**Subject:** RE: Issue Tracking Table

Good morning, Amrik,

We just heard back from LNIB's team. They are asking for the email from Diana Cooper of FLNRORD dated July 9, 2015 (referenced under Issue 1, NVA Response column). Could you please send me a copy and I will forward it on to them?

Thanks,

Vanessa

**From:** Dunae, Vanessa EMLI:EX

**Sent:** April 15, 2021 11:07 AM

**To:** 'Amrik Narang' <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

My pleasure. Should LNIB come back with any additional information or comments that NVA has not had a chance to consider to this point, we will share that information with you and offer an opportunity for NVA to review and respond. I will let you know when we receive their response, and if needed, we can book a follow up call after May 17.

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** April 15, 2021 10:45 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Thanks Vanessa.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Thursday, April 15, 2021 10:28 AM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Here is the email that I sent to LNIB's legal counsel this morning with the Tracking Table, requesting a response by May 17, 2021.

Thanks,

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** April 14, 2021 4:31 PM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table



OK thanks for letting us know what the next steps are Vanessa, much appreciated.

Given the passage of time to date, I would hope that your office will not be amenable to requests by the LNIB to extend their timeframe to respond to the tracking table if such a request is made.

Other than that, NVA will continue to wait this out but more importantly we will continue to take progressive steps to satisfy the Ministry that we are worthy applicants and deserve a Permit to mine this land.

Thanks again and stay safe and healthy.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Wednesday, April 14, 2021 4:13 PM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup> \_\_\_\_\_; Gary Breaks <breaksbulldozing@telus.net>;  
s.22

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Thanks for taking the time to review and follow up. I will incorporate your comment into the Tracking Table, and ensure that LNIB has copies of all the reports referenced.

In terms of next steps, my plan is to send the final Tracking Table to LNIB tomorrow. I will request a response by Monday, May 17, which would allow just over 30 days for review and response. In some cases, we would propose a shorter review period but I think 30 days is appropriate given the volume of information to consider. I am hoping this approach will create space for LNIB to reflect on the additional work that NVA is undertaking with respect to groundwater and cultural heritage resources.

I will also extend an invitation for LNIB to meet directly with EMLI, or with both EMLI and NVA, to discuss further within that time period. I will let you know if and when they take us up on that offer.

Please stay in touch if you have any questions in the meantime.

Thanks again,

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
vanessa.dunae@gov.bc.ca  
cell (250) 320-8250

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** April 14, 2021 3:30 PM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup> \_\_\_\_\_; Gary Breaks <breaksbulldozing@telus.net>;  
s.22

**Subject:** RE: Issue Tracking Table

Good afternoon Vanessa:

I have now had the opportunity to review the final draft of the Issues Tracking Table and I thank you for incorporating

NVA's most recent responses into the various sections of the Tracking Table, where applicable.

The only other update I can provide at this juncture is that:

*NVA is in the process of installing monitoring equipment inside the domestic well located on the Property downgradient to the proposed quarry in an effort to monitor groundwater fluctuations on regular intervals. The equipment is designed to electronically monitor and measure the fluctuations in the water levels on regular intervals. This equipment is scheduled for install on April 27, 2021.*

Please forward the Active Earth March 3, 2021 report to the LNIB as references are made throughout the Tracking Table.

Other than the one comment above, which I ask be incorporated into the Tracking Table where applicable, NVA does not have anything else to add.

Also, please educate me on what the next steps are, for example, how long does LNIB have to respond? Where do we go from here?

Ross, if you are in a better position to answer my questions, please do so.

Thank you.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Monday, April 12, 2021 11:30 AM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

s.22

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Here is the final draft Issues Tracking Table. I have highlighted new additions in red. Please let me know if you have anything further to add before end of day, Wednesday April 14, so I can provide a final copy to LNIB for review and comment.

Thanks,

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** April 6, 2021 1:24 PM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat <sup>s.22</sup>; Gary Breaks <breaksbulldozing@telus.net>;

s.22

**Subject:** RE: Issue Tracking Table

Hello Vanessa:

Thanks for the email.

NVA does not wish to wait another 6-8 weeks for the FLNRO to review the Monitoring Well Installation Report so please proceed with the Issue Tracking Table. I would appreciate being given a brief opportunity to review the Table

before it is sent out for circulation.

We have forwarded the FLNRO March 31<sup>st</sup> report to Active Earth and will provide you with a copy of their response but do not wish for their response to delay the Tracking Table to be finalized and circulated.

In our continued spirit of co-operation with the LNIB and other First Nation groups in the area, we have agreed to the LNIB's suggestion made to our archaeologist to invite the Scw'exmx Tribal Council and the Esh-kn-am First Nation bands to participate in the PSR. Our archaeologist is currently coordinating the schedules of all parties and I will let you know when the site visit is planned.

If you have any questions or concerns, please advise otherwise I look forward to receipt of the Tracking Table this week.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <[Vanessa.Dunae@gov.bc.ca](mailto:Vanessa.Dunae@gov.bc.ca)>

**Sent:** Tuesday, April 6, 2021 9:36 AM

**To:** Amrik Narang <[ANarang@dncintegra.ca](mailto:ANarang@dncintegra.ca)>; Hyam, Ross EMLI:EX <[Ross.Hyam@gov.bc.ca](mailto:Ross.Hyam@gov.bc.ca)>

**Cc:** Zryd, Bob FLNR:EX <[Bob.Zryd@gov.bc.ca](mailto:Bob.Zryd@gov.bc.ca)>; Sat s.22 >; Gary Breaks <[breaksbulldozing@telus.net](mailto:breaksbulldozing@telus.net)>;  
s.22

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Thank you for reaching out. I did not share your March 17 email (and attached Monitoring Well Installation report dated March 3, 2021) with Mr. Thomson prior to him authoring the March 31 report.

On February 17, 2021, EMLI and Nicola Valley Aggregates met to discuss the Issue Tracking Table. At that meeting, EMLI agreed to facilitate an expert review of the September 2020 and December 2020 Active Earth reports, which would be included in a final Issue Tracking Table to share with NVA and Lower Nicola Indian Band. I reached out to FLNRO immediately following our call, received the report on March 31, 2021, and shared it directly with NVA and LNIB.

I am currently collating the information from the March 3 Monitoring Well Installation Report and March 31 FLNRO review in the Issue Tracking Table, which I committed to share with LNIB early next week.

If you would like me to facilitate a further review of your Monitoring Well Installation report, please let me know. This will take approximately 6-8 weeks to complete.

In the meantime, could you please advise on the status of your archaeological assessment, which I understand began the week of March 22?

Thanks,

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
[vanessa.dunae@gov.bc.ca](mailto:vanessa.dunae@gov.bc.ca)  
cell (250) 320-8250

**From:** Amrik Narang <[ANarang@dncintegra.ca](mailto:ANarang@dncintegra.ca)>

**Sent:** April 3, 2021 12:56 PM

**To:** Dunae, Vanessa EMLI:EX <[Vanessa.Dunae@gov.bc.ca](mailto:Vanessa.Dunae@gov.bc.ca)>; Hyam, Ross EMLI:EX <[Ross.Hyam@gov.bc.ca](mailto:Ross.Hyam@gov.bc.ca)>

Cc: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat<sup>s.22</sup>

>; Gary Breaks <breaksbulldozing@telus.net>;

**Subject:** RE: Issue Tracking Table  
**Importance:** High

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Hello Vanessa:

Thank you for your email below.

I have reviewed the March 31, 2021 comments of Mr. Thomson attached to your email below and am mindful of the FLNRO's suggestions of having 3 wells installed at the site in an effort to determine groundwater presence and flow.

However, it does not appear to me that Mr. Thomson was provided Active Earths' March 3, 2021 report entitled "monitoring well installation" which supports NVA's position that the proposed excavation does not interfere with the groundwater. I explained all this in my March 17<sup>th</sup> email to you.

Was my March 17<sup>th</sup> email and AE's March 3, 2021 report shared with Mr. Thomson prior to him authoring his March 31, 2021 report?

Please advise.

Sincerely,  
Amrik  
Director, Nicola Valley Aggregates

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Wednesday, March 31, 2021 12:39 PM

**To:** Amrik Narang <ANarang@dncintegra.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat<sup>s.22</sup>

>; Gary Breaks <breaksbulldozing@telus.net>;

s.22

**Subject:** RE: Issue Tracking Table

Hi all,

We've just received comments back from the provincial hydrogeologist (attached). I will add these comments to the issues tracking table and share with Lower Nicola Indian Band either this week or early next week.

Thanks,

Vanessa

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** March 18, 2021 9:45 AM

**To:** Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Sat<sup>s.22</sup>

>; Gary Breaks <breaksbulldozing@telus.net>;

s.22

**Subject:** RE: Issue Tracking Table

Thank you Ross.

Looking forward to getting this application moving again.

Sincerely,  
Amrik

**From:** Hyam, Ross EMLI:EX <[Ross.Hyam@gov.bc.ca](mailto:Ross.Hyam@gov.bc.ca)>

**Sent:** Wednesday, March 17, 2021 4:30 PM

**To:** Amrik Narang <[ANarang@dncintegra.ca](mailto:ANarang@dncintegra.ca)>; Dunae, Vanessa EMLI:EX <[Vanessa.Dunae@gov.bc.ca](mailto:Vanessa.Dunae@gov.bc.ca)>

**Cc:** Zryd, Bob FLNR:EX <[Bob.Zryd@gov.bc.ca](mailto:Bob.Zryd@gov.bc.ca)>; Sat <sup>s.22</sup>; Gary Breaks <[breaksbulldozing@telus.net](mailto:breaksbulldozing@telus.net)>;

s.22

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Thank you for the update that you have given below. Vanessa has been away from the office and will return Monday. Your file will be one of the first ones she picks up when she returns.

Sincerely,

Ross

Ross Hyam, RPF, P.Eng, MBA

Regional Director

Ministry of Energy, Mines and Low Carbon Innovation

Phone (250) 985-0042

**From:** Amrik Narang <[ANarang@dncintegra.ca](mailto:ANarang@dncintegra.ca)>

**Sent:** March 17, 2021 2:26 PM

**To:** Dunae, Vanessa EMLI:EX <[Vanessa.Dunae@gov.bc.ca](mailto:Vanessa.Dunae@gov.bc.ca)>

**Cc:** Zryd, Bob FLNR:EX <[Bob.Zryd@gov.bc.ca](mailto:Bob.Zryd@gov.bc.ca)>; Hyam, Ross EMLI:EX <[Ross.Hyam@gov.bc.ca](mailto:Ross.Hyam@gov.bc.ca)>; Sat

s.22

; Gary Breaks <[breaksbulldozing@telus.net](mailto:breaksbulldozing@telus.net)><sup>s.22</sup>

**Subject:** RE: Issue Tracking Table

**Importance:** High

Hello Vanessa:

It has now been 30 days since our last zoom meeting and we still don't have that Issue Tracking Table finalized.

Meanwhile, in an effort to demonstrate that NVA is serious about complying with all of the Ministry's requests for a Permit to be issued we have been very proactive in dealing with 2 of the outstanding issues: (1) the monitoring well and (2) the Arch assessment

Please find attached yet another report from Active Earth dated March 3, 2021 confirming that NVA has now established a monitoring well *inside* the quarry location as per *Hemerra's recommendation* found at page 4, 2(a) of their July 24, 2020 Report. This well cost NVA a substantial amount of money but we dug it in advance of a permit being issued to convince the Ministry that the proposed quarry excavation does not interfere with any underground water. Groundwater was encountered at 595.5 masl when in fact the lowest elevation of the pit is at 600 masl allowing a vertical separation of 4.5 metres. Despite these findings, Active Earth recommends raising the elevation of the pit to 602.5 masl which is a recommendation that NVA is willing to comply with should the Ministry find it necessary.

On the issue of the Arch assessment, NVA has now retained the services of an archaeologist, Ian Cameron, of Ursus Heritage Consulting who has worked with LNIB on other matters. His preliminary arch study is scheduled for next week and he plans to contact the LNIB and request that they send over a field rep on site to collaborate. Whether the LNIB respond to Mr. Cameron's request remains to be determined.

Please take some time to review this and tell us where NVA stands. We have been patiently waiting for 2 ½ years now.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

**From:** Amrik Narang

**Sent:** Wednesday, February 24, 2021 11:37 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>; s.22

**Subject:** RE: Issue Tracking Table

Hello Vanessa:

Yes, it was my understanding that since the FLNR had not been provided a copy of the December 3, 2020 Active Earth Report, you were going to do this and then invite an updated response from the FLNR to the Issue Tracking Table as it relates to Issues 4 to 7.

I am surprised that it would take the FLNR a month to do this since they have already responded to the other Reports but if that is the timeline currently I can only hope that you push them to respond sooner as we have been waiting since September 2020 to move this along.

Please keep me posted, thank you and have a great day.

Amrik

**From:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Sent:** Wednesday, February 24, 2021 11:19 AM

**To:** Amrik Narang <ANarang@dncintegra.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>; s.22

**Subject:** RE: Issue Tracking Table

Hi Amrik,

Currently we're seeking additional review of NVA's revised reports by the provincial hydrogeologist. I was under the impression that we were going to finalize the Issues Tracking Table after we received those responses. Please correct me if I've misunderstood. I'd estimate a one-month turnaround for additional feedback from FLNR.

**Vanessa Dunae**

Senior Negotiations Lead, Regional Operations  
Ministry of Energy, Mines & Low Carbon Innovation  
vanessa.dunae@gov.bc.ca  
cell (250) 320-8250

**From:** Amrik Narang <ANarang@dncintegra.ca>

**Sent:** February 24, 2021 9:54 AM

**To:** Dunae, Vanessa EMLI:EX <Vanessa.Dunae@gov.bc.ca>

**Cc:** Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Sat  
s.22 >; Gary Breaks <breaksbulldozing@telus.net>; s.22

**Subject:** Issue Tracking Table

**[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.**

Good morning Vanessa:

Pursuant to our discussions of February 17<sup>th</sup>, have you now been able to finalize the Issue Tracking Table for our review so we can agree to any changes before it is sent to the LNIB?

Looking forward to an update.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

	Issue Raised by LNB	Source	EMU Response	FLNRORD Response	NVA Response	LNB Response (August 10, 2021)
s 16, s 18.1			I understand the situation and I respect the history, the traditions, and the beliefs expressed here.			Unresolved. The LNB is pleased that EMU recognizes the LNB's legitimate high concerns regarding the potential for its members' ancestors remains to be disturbed on the Proposed Mine site, and that EMU accepts the LNB's declared right to protect the LNB's historical and archaeological sites.
			I also understand that LNB has very legitimate high concerns about the archaeological potential of the proposed mine site and fear for their ancestors remains to be disturbed.		This issue is beyond NVA's knowledge as NVA is not aware of any archaeological site approximately 200 metres northwest of NVA's proposed pit. We have spoken to the previous owners (the Poolnys, whose family has owned the Property since the 1950's, and there have been several other owners since then) about the site, but they have not provided any information to the Subject Property. I am attaching a July 5, 2015 email from Diana Cooper of FLN stating that the "Physical records indicate that there are no known archaeological sites recorded on either of the subject properties".	Since government policy has allocated the LNB from its lands on the Proposed Mine site for decades, the LNB's means of understanding and protecting potential archaeological resources on the Proposed Mine site have been limited. However, anthropological literature has long documented the presence of burial sites on local valley slopes like those on the Proposed Mine site at District Lot 1822 see Cultural Impact Assessment Brief, Tab. 1, p. 61-62. The LNB continues to work hard, in keeping with its cultural and legal protocols, to protect its cultural heritage, see Submissions Opposing Permit, Part III(B).
1	LNB's February Letter; LNB's Cultural Heritage Policy		In addition, I accept the declared rights of LNB to protect LNB's historical and archaeological sites, and recognize LNB's asserted right to use, develop and control the lands, territory and resources of the bench land north of Nicola River.		However, NVA is still willing to consider the Province's reasonable requests for NVA to conduct an archaeological investigation on its Subject Property to alleviate the concerns of the LNB.	The LNB has corresponded with Unus Heritage Consulting with the aim of obtaining all necessary information to proceed with the proposed preliminary field reconnaissance. As the LNB noted at the consultation with EMU on May 17, 2021, there is a space for collaborating with the LNB and other Indigenous stakeholders (as required to conduct archaeological work on the Traditional Territory. As of August 4, 2021, the site visit has not occurred, having been postponed by the LNB's identification of a culturally sensitive area that may be within the site of the Proposed Mine. Efforts will continue to coordinate the site visit.
			Our ministry standard policy and work procedure for any Notice of Work applications on sites with known medium and high archaeological potential is to ask for an archaeological assessment or study to be carried out by a professional archaeologist.		NVA has now retained the services of an archaeologist, Ian Cameron, of Unus Heritage Consulting who has worked with LNB on other matters. In our continued spirit of co-operation with the LNB and other First Nation groups in the area, we have agreed to the LNB's suggestion made to our archaeologist to invite the S'owmeh Tribal Council and the E-hi-an First Nation bands to participate in the PSR. Our archaeologist is currently coordinating the schedules of all parties.	Contrary to the assertion of NVA, the involvement of E-hi-an Cultural Resource Management Services and the S'owmeh Tribal Council in archaeological work conducted on the Proposed Mine site is not a matter of suggestion. The laws and cultural protocols of various First Nations and their representatives who exercise co-dependability over their traditional territories require those who seek to study or disturb these territories to do so with consent and collaboration. As a courtesy, the LNB informed the NVA of its obligation to include E-hi-an Cultural Resource Management Services and the S'owmeh Tribal Council - as well as the LNB - in archaeological studies conducted on the Proposed Mine site.
			The level of the assessment/study is solely established by the professional without our interference. We only require that the study report, when ready, be sent to us and to the First Nations affected and with interests for the site.	N/A		The LNB notes that the proposed preliminary field reconnaissance may not be sufficient to determine the extent of the archaeological resources located on the Proposed Mine Site.
			The archaeologist, exclusively, establishes if additional in-depth studies need to be carried out after the initial study.			Unresolved. The LNB's rights to use land on the Traditional Territory for traditional activities - as set out in the Submissions Opposing Permit, Part III(A) - stand to be impacted by the proposed gravel mine. Contrary to the assumption expressed by the EMU's response, the fact that areas are "open" to members of the LNB does not address concerns with regards to LNB's practice of their Aboriginal rights.
			We also require that a Chance Find Procedure (CFP) be written and submitted to this ministry together with the application and is implemented during operations. The CFP states the actions taken in the event when unknown archaeological sites, relics or human remains would be found. Work is stopped at the location immediately, the government is notified, and so are the FN affected.			The LNB also requests that EMU clarify whether it is stating that, if a permit were to be granted, it would include a condition that the NVA could not deny LNB members access to District Lot 1823 to practice traditional activities.
			What we can do is to recommend that this archaeological study be done in coordination with LNB and in the presence of some of LNB representatives to ensure all significant sites are identified and protected.			The "Adjacent Land" referenced in the NVA response is identical with NVA Property, located on the LNB's traditional territory. The LNB has and continues to support significant concerns regarding the NVA's proposed consultation and operation of a gravel pit, and its impacts on the LNB's ability to practice its Aboriginal rights, see Technical Brief, Tab 10 and Submissions Opposing Permit, Part III(A).
						The LNB does not expect the NVA's engagement of Unus Heritage Consulting to address this issue.
						Unresolved. See the Submissions Opposing Permit, Part III(B) and the LNB's submissions on UNDRP and CRPA, Part III(B). Construction of the Proposed Mine would harm specific sites, and would infringe the LNB's general right to manage and steward its land and cultural resources.
s 16, s 18.1			We respect the right of the members of LNB to use their land in their traditional way including for berry-picking or any other traditional use.			The LNB works hard to identify and protect culturally significant sites. UNDRP provides the LNB's right to manage its cultural resources and to revitalize its culture. This includes protecting the LNB's ongoing work to co-discover culturally significant sites from which it was alienated by colonization.
2	LNB's February Letter		If a permit would be issued for the proposed, the access to the sites traditionally use by the people of LNB will be required to be open to the members of LNB.	N/A		EMU's position that the LNB's listed sites "will be assessed and required to be excluded from the mine development if practical" is not satisfactory. EMU has provided no guidance as to what it considers "practical." It is not acceptable for accommodations to be considered only if they do not impact construction or operations of the Proposed Mine.
s 16, s 18.1			Any known sacred site will be protected.			
3			Based on information provided by LNB specifically for the proposed mine site, the areas where people gather waterfenses, and where beaver, mink, muskrat, rabbit and coyote trapping areas are known and used by LNB will be assessed and required to be excluded from the mine development if practical. The same for the puberty sites and story areas.	N/A		
			It is essential for LNB to identify any and all of these sites existent on the proposed mine development location and share the information with the ministry so we can evaluate them and require their exclusion from the mine development if practical.		This issue is beyond NVA's knowledge and the same comments in response to issue No. 2 apply.	

S 16

7

Hemmera Report at 6;  
UNB's February Letter

See FLNRORD Responses 6 and 7

See FLNRORD Responses 5 and 6

See Active Earth No. 3, page 6

Unresolved. See Technical Brief, Tab 10, Part III(i).

Unaddressed. The cultural significance of springs (both above and below ground) relates to 1) the cultural practices of plant harvesting and sweat lodge, 2) known sacred story sites, and 3) the cultural value of land.

UNB members harvest plants along ditches and small creeks and springs in various parts of UNB lands, including between the Nicola River and railroad tracks (south of the Proposed Mine Site). Cultural Impact Assessment Brief, Tab 1, pp. 58 and 103-110, 114-115. Submissions Opposing Permit, Part IIIA(i)(3). These plants only grow because they are sustained by water sources. Additionally, UNB members participate in sweat lodge, a ceremony where clean, natural water is heated in a bark lodge. Submissions Opposing Permit, Part IIIA(i)(4). UNB members live near the Proposed Mine site use well or spring water for the sweat lodge ceremony on their properties. Changes in quality from contaminants (or quantity and flow of ground- or spring water would harm UNB members' ability to conduct these cultural practices.

The UNB has described the cultural value of water in its Cultural Impact Assessment Brief, Tab 1, pp. 43-65. See also ibid, pp. 60 and 92 for a description of concerns centered around the sacred story site of "Springs". The network of significant water sites, including the story site at "psak" (Springs), requires ongoing protection and stewardship. Harms to the watershed are harmful to such sites.

According to McKeeney law and culture, UNB members have responsibilities to protect water and water sources. Cultural Impact Assessment Brief, Tab 1, pp. 88-93, 123-124. The Province's unilateral permitting of a mine that would interfere with the UNB's exercise of its stewardship responsibilities would be a violation of Aboriginal rights and title, and of the articles of UNDRIP: see Submissions Opposing Permit and Submissions on UNDRIP and DRIPA.

S 16

8

UNB's February Letter

Please explain the cultural significance of these springs so we can understand it.

N/A

If UNB considers that the proposed mine development would destroy the cultural value of these springs and affect their significance, this needs to be declared.

This issue is beyond NVA's knowledge and without knowing precisely the location of the "Adjacent Land" we are not able to comment further.

S 16

9

Hemmera Report at 6;  
UNB's February Letter

A water license will be required and must be acquired by the proponent for any use of water on the proposed mine site. Obtaining a water license is an obligation of the proponent aside from holding a mines permit. The issuing of a water license will be assessed by other government agency not by NVA.

I agree with Hemmera's comment that clarification should be sought as to whether NVA plan to use groundwater for dust suppression. That has the potential to impact groundwater, and should be considered. This also implies non-domestic use of groundwater in a license to use groundwater. It is probable that groundwater in the pit area would be considered hydraulically connected to the Colobater River (Province of BC, 2016) in that context and would need to be taken into account in the application for authorization. (FLNRORD/Review No. 1, page 5)

See Active Earth No. 2, page 10  
See Active Earth No. 3, page 8

Unresolved. See Technical Brief, Tab 10, Parts III(i) and III(f).

See FLNRORD Response 9

Micro meteorological stations have been required for operating mines, mainly major mines, and the ministry could require one be installed on the site if a mines permit would be issued.

This normally only takes place in the mine construction phase, after obtaining a permit, for monitoring natural phenomena, including wind direction and speed, precipitation quantities, and air pressure changes which may affect propagation of noise and the normal planned mine operations.

Noise is also monitored during operations to establish any negative effect on neighbourhood population, employees and animals, and to propose mitigation actions if needed.

N/A

Collection of logs will be assumed by the mine operator and must be made available to any inspector of mines when required.

The mine operator will be asked to come with adequate measures to eliminate or to reduce to minimum any negative effect produced by the mine operations.

However, this ministry will not come with any technical suggestions, but will only review the submitted proposed prevention and mitigation plans and accept them if their rationale is correct and would produce expected results. The responsibility for the results lies with the professional who submitted the technical report and the actions recommended together with the mine manager who will implement the proposed plans.

If a permit will be approved, dust suppression actions will be required by this ministry with the approval.

These actions must be proposed directly by the applicant by submitting a detailed plan with prevention/mitigation measures written and signed by a qualified person within the first 30 days after receiving the permit.

This ministry will assess the proposed prevention/mitigation actions for effectiveness and will require monitoring and reporting.

Monitoring would mean hourly and daily observations by the mine operator and adjustment of the actions needed to suppress the dust. If the adopted actions to control dust would prove not to be effective, they must be changed.

See FLNRORD Response 9

If during production the adopted dust suppression actions would fail to prevent dust creation and spreading, the ministry may consider actions to remediate the situation, including temporary suspension of work at the location where the dust is produced and along the mine access road on the mine site.

The ministry will also collect all complaints and investigate them. Responses would then be provided to the complainants and actions will be required to be taken by the mine operator to address the complaints.

It will be the duty of the community to enforce the bylaws outside of the mine site.

See letter from Gary Breaks to Bob Zryl and John Rus dated October 6, 2020 (the "Response Letter"). The Access Road to and out of the proposed pit will be graded and paved and all interior roads will be treated with an environmentally safe dust suppressant. If dust is created beyond reasonable levels, then all required remediation will be undertaken including the installation of a dust monitoring system. This issue (if it comes up) can be resolved via regular inspections which would we assume would be a part of the ongoing operations of the gravel pit by NVA.

Unresolved. See Technical Brief, Tab 10, Part III(i). All mitigation or impact management plans should be made available for review by the UNB prior to the statutory decision-maker's rendering of a decision. Without the opportunity for review, the UNB would be deprived of the opportunity to make specific comments that can be considered by the statutory decision-maker, including but not limited to threshold levels, notification requirements, response times, adaptive management, and contingency plans.

The UNB notes the proximity of the Proposed Mine to present and planned residential areas: see Submissions Opposing Permit, Parts I(i) and I(i)(c). Additionally, some local UNB members and neighbours have particular health conditions that make them particularly vulnerable to low air quality. UNDRIP and DRIPA require the particular circumstances of UNB members with disabilities to be prioritized: see Submissions on UNDRIP and DRIPA. Part III(c)(i).

Unresolved. All mitigation or impact management plans should be made available for review by the UNB prior to the statutory decision-maker's rendering of a decision. Without the opportunity for review, the UNB would be deprived of the opportunity to make specific comments that can be considered by the statutory decision-maker, including but not limited to threshold levels, notification requirements, response times, adaptive management, and contingency plans.

The UNB does not agree that dust from the proposed project will be negligible, having experienced the operation of numerous local extraction operations, including aggregate extraction operations.

NVA is willing to draft and submit a dust management plan if that is required as a condition of the issuance of the Permit.

Dust from the proposed Mine's project will be negligible. The Access Road to the Project will be paved from Highway 8's entrance to the mine's entrance. An environmentally friendly dust suppressant will be used to treat the interior roads. NVA will take mitigation actions to address dust created from the operations or transportation that materially impacts air quality. If required, NVA will install a dust monitoring station. (Response Letter, page 7)

The NVA has not specified which "environmentally friendly dust suppressant" would be used to treat interior roads. Nor has the NVA specified which "mitigation actions" it would take to address dust created from operations or transportation. If these mitigation actions include the use of groundwater, further details are required (see FLNRORD Response #9, Technical Brief, Tab 10, Part III(i)). Furthermore, the NVA has not indicated what it considers to be "materially" impact air quality. Given the sensitivity of some UNB members and community members, described in the Submissions on UNDRIP and DRIPA. Part III(c)(i), and the close proximity of the proposed mine to existing and proposed housing, any impacts to air quality are relevant.

NVA's response note, "It'll be the duty of the community to enforce the bylaws outside of the mine site." Given the proximity of the Proposed Mine to proposed local- and UNB members' residents, this places a heavy burden on the UNB to ensure compliance.

See the Response Letter and the comments of Gary Breaks under the heading "Noise."

The nearest residences are approximately 300 meters from the nearest point of the project. The main mining activities are proposed to take place an additional 100 meters or more further away from this point. Along with other measures, the installation of the landscaped berm will provide additional sound suppression along with the activities taking place lower than the surrounding landscape, which will deflect noise upward.

Unaddressed. See Technical Brief, Tab 10, Part III(i).

The 2020 Hemmera Report states backup alarms as being the most annoying type of noise from projects such as such. Based upon past experiences of operating similar operations in densely populated areas in the Lower Mainland where back up alarms were a concern, the Inspector of Mines was able to authorize the use of the visual back up signals thus eliminating the need for audible alarms. NVA will pursue this.

The UNB notes the close proximity of the proposed mine to existing and planned residential areas of Nicola-Mount Indian Reserve #1. Submissions Opposing Permit, Parts I(i) and I(i)(c).

Prior to commencement of operations NVA intends to engage a professional to take decibel readings at property lines and mine boundaries to establish a baseline. (Response Letter, page 2)

See the Response Letter and the comments of Gary Breaks under the heading "Noise."

The nearest residences are approximately 300 meters from the nearest point of the project. The main mining activities are proposed to take place an additional 100 meters or more further away from this point. Along with other measures, the installation of the landscaped berm will provide additional sound suppression along with the activities taking place lower than the surrounding landscape, which will deflect noise upward.

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Prior to commencement of operations NVA intends to engage a professional to take decibel readings at property lines and mine boundaries to establish a baseline. (Response Letter, page 2)

Unaddressed. At least one UNB member who holds a certificate of possession for a parcel of land immediately adjacent to the Proposed Mine site, and who is developing a home there, works night shifts and sleeps in the day. Submissions Opposing Permit, para. 78(i). Furthermore, other UNB members spend their daytime at home in close proximity to the proposed mine site. Submissions Opposing Permit, para. 78(i).

As with air quality, a baseline noise monitoring program should be conducted to determine baseline noise levels prior to operation as there are data against which to compare future noise impacts associated with facility operation and increased truck traffic along haul routes through UNB lands. The baseline monitoring should be done for a sufficiently long period of time to establish a reliable baseline.

Hemmera at 6

This is not standard practice of this ministry and we cannot require noise monitoring before a mine operation would be established.

N/A

The permit application states that restricted hours of operation and design of the pit to deflect sound upwards will minimize noise impacts. However, there is no information to show that ambient noise levels on UNB will be acceptable or what monitoring will be done to verify that the proposed noise mitigation measures are effective. It is best practice to develop a noise management plan which describes how noise will be managed, including details on monitoring, complaint resolution and the steps to be taken if further mitigation is needed.

Hemmera at 6

See NVA Response

N/A

S 16

14

UNB's February Letter

If a permit would be approved, this operation will be restricted to the day shift hours between 7am to 5pm. This is an adopted standard timeframe for this type and size of operations provincially.

N/A

This is too vague a concern in NVA's submission to constitute an issue. Further clarification will be required before we are able to provide further comment.

Restrictions on hours of operation would not have the effect of preventing interference and disturbance to the sleep and living schedules of UNB members who live only a few hundred metres from the Proposed Mine Site. The nuisance and disturbance would be particularly egregious because these UNB members live on lands reserved for them and protected by the federal Crown. The construction and operation of the Proposed Mine Site would have the effect of further dividing the territory where UNB members enjoy acceptable living conditions, such territory on reserve being already reduced to a fraction of the Traditional Territory.

S 16

15

Hemmera at 6;  
UNB's February Letter

See NVA Response

N/A

Visual changes to a landscape can degrade the aesthetic value of a place. While there is no accepted methodology for assessing such impacts on Indigenous communities, it is possible that the quarry may degrade how the aesthetic and spiritual value of the area for traditional use is perceived by UNB residents. Furthermore, there are studies which indicate that some individuals may experience increased levels of annoyance due to noise when the source of the noise is visible from their homes.

See NVA Response

N/A

See the Response Letter and Mr. Bawa's comments under the heading "Visual Effects." Furthermore, NVA proposes to have its environmental consultant, Matthew Davidson, of Sage Environmental Consulting, design the landscaped berm and also provide a written plan on the types and quantity of trees and perhaps other vegetation which would be planted to create the visual and noise barriers if required either as a condition of the Permit or down the road during the regular maintenance of the NVA's operation.

A landscaped berm is planned to minimize any visual effects. In addition, progressive reclamation with seeding is planned. (Response Letter, page 2)

Unaddressed. It is not clear how IMU proposes to determine the likelihood and effect of visual impacts. Nor is it clear how the IMU permitting process can mitigate these impacts. The UNB again observes that NVA seeks a provincial permit in respect of land immediately adjacent to reserve land that is federally protected for the benefit of the UNB and its members.

The permit application indicates that the estimated cost of reclamation is \$77,000. This presumably will be for grading and seeding of grasses or disturbed areas. However, there is no information on what measures such as berms or tree plantings will be done to minimize visual impacts during operation. This information is needed in order to assess potential future impacts.

Hemmera at 6

See NVA Response

N/A

Same comments as Issue No. 15 above.

Unaddressed. The reclamation costs described by the NVA remain vague: see Technical Brief, Tab 10, Part III(i).



17	s 16	LNIB's February Letter	<p>During the entire operation, monitoring of the water quality in existing water wells from the neighbourhood will be required to ensure the quality of the water is not affected.</p> <p>As a standard adapted policy, EML does not accept any mine closure before a complete reclamation of the mine site takes place to bring the land to the approved final use. For this reason, the ministry ensures that adequate bonding is in place.</p> <p>If a proponent defects and does not or is not capable of reclaiming the mine site before mine closure, the ministry confiscate the bond and hires contractor to produce the reclamation and bring the site to the required reclamation state.</p> <p>Mine closure data is not required and not submitted with NoW applications. Mine closure depends on numerous factors, and an operator may decide at any time in the future to keep a mine open, or to complete reclamation and close the mine.</p> <p>Unlike for major mines where a decision to open a mine is based on feasibility studies, for regional mines these studies are not a practice in the industry, and a decision is made based on very limited and preliminary economic studies and assessments of the demand and supply on the market, in some cases just empiric assumption that a mine would turn profitable.</p> <p>Similarly, a mine is only closed by the operator when no profit is made, or when the market conditions change, or when unpredicted events happen, etc.</p> <p>See <a href="#">FLNRDOP Response 17</a></p> <p>I acknowledge this very close proximity and all the asserted consequences for the neighbours.</p> <p>It is up to LNIB to state openly their opposition for this mine development if they wish to do so.</p> <p>The decision-maker, during the final review of the NoW application, acting in good faith, will read and ponder on all the information attached to this file and will make a fair and independent decision to issue a permit or reject the application.</p> <p>This decision will be based on all information available on file and on the decision-maker's assessment of the merits of the application and all the files attached, either supporting the application or opposing it.</p> <p>The decision-maker will consider the potential benefits of a permit approval for the community on one hand, and the negative effects of such approval on the community members, neighbourhood, landscape and the animal habitat, on the other hand.</p>	<p>Hemmers also note that assessment of potential impacts to downgradient users require consideration of pit closure. The Nicola River is immediately downgradient of domestic groundwater users and the ultimate receiving body for groundwater, and similarly require consideration of potential groundwater impacts to surface water, through mine life and post-closure reclamation. Conceptually, removal of excavation of up to 50 m of overburden may accelerate local groundwater recharge. If the groundwater bearing zone below the mine is also gravity, groundwater flow will be rapid and any foreign dissolved constituents or increased turbidity may be transported to the river. Monitoring and regular reporting and interpretation of groundwater data could inform adaptive management of daily operations and final reclamation planning. <a href="#">FLNRDOP Review No. 1, page 5</a></p> <p>Hemmers also note that assessment of potential impacts to downgradient users require consideration of pit closure. The applicant states the pit will not be filled in but do not seem to address this question. Monitoring and regular reporting and interpretation of groundwater data could inform adaptive management of daily operations and final reclamation planning. <a href="#">FLNRDOP Review No. 2, page 5</a></p>	<p>NVA submits that once it concludes its gravel mining operations, it will reclaim the Lands it has mined and so we are unclear as to why the LNIB says that there is "no plan for closure". Furthermore, Active Earth No. 2 and Active Earth No. 3 already address the groundwater contamination issue thoroughly in our view.</p> <p>Groundwater was encountered at 595.5 msl when in fact the lowest elevation of the pit is at 600 msl allowing a vertical separation of 4.5 metres. Despite these findings, Active Earth recommends raising the elevation of the pit to 602.5 msl which is a recommendation that NVA is willing to comply with should the Ministry find it necessary.</p> <p>NVA is in the process of installing monitoring equipment inside the domestic well located on the Property downgradient to the proposed quarry in an effort to monitor groundwater fluctuations on a regular intervals. The equipment is designed to electronically monitor and measure the fluctuations in the water levels on regular intervals. This equipment is scheduled for install on April 27, 2021.</p> <p>See <a href="#">Active Earth No. 4, pages 1 to 7</a></p>	<p>Unresolved. See Technical Brief, Tab 16, Part I(II).</p>
18	s 16	LNIB's February Letter	<p>This decision will be based on all information available on file and on the decision-maker's assessment of the merits of the application and all the files attached, either supporting the application or opposing it.</p> <p>The decision-maker will consider the potential benefits of a permit approval for the community on one hand, and the negative effects of such approval on the community members, neighbourhood, landscape and the animal habitat, on the other hand.</p>	N/A	<p>This issue is addressed in the engineered drawings which indicate that the gravel pit will have adequate fencing around it.</p>	<p>Unresolved.</p> <p>The LNIB opposes the Proposed Mine: see Submissions Opposing Permit, Submissions on UNDRIP and DRIPA. In these submissions, the LNIB has raised substantial concerns regarding negative impacts to community members, neighbourhood, landscape and animal habitat.</p> <p>With respect to EML's note that the statutory decision-maker will review risks against benefits, the LNIB notes that the NVA has provided limited information regarding the putative benefits of the Proposed Mine. The LNIB notes the comments of the Coukele Residents' Committee (CRC) in a letter to the Minister of Environment and Climate Change Strategy dated March 19, 2019. Correspondence Brief, Tab 1. The CRC observes that there are three other aggregate companies in the Nicola Valley, two of which have indicated that the local market is already oversupplied (p. 4). Beyond profit for the NVA itself, the benefits of the Proposed Mine are not clear.</p>
19	s 16	Hemmers at 6; LNIB's February Letter	See <a href="#">NVA Response</a>	N/A	<p>See the Responsive Letter and Mr. Break's comments under the heading "Truck Traffic."</p> <p>The 2020 Hemmers report estimates 70-80 truck movements per day; this is very unrealistic. The permit application seeks to extract a maximum of 200,000 tonnes annually. NVA does not anticipate realising 50% of that volume.</p> <p>As the main market will be in the City of Merritt area the bulk of the truck traffic will be eastbound. We anticipate the maximum average number of truck movements from the project to be 40 per day. Given the distance of the next closest source of aggregates it is at least three times further to the City of Merritt, we anticipate a lot fewer trucks will be required to transport annually.</p> <p>This project will not have control over truck traffic originating from other sources. <a href="#">Responsive Letter, page 2</a></p>	<p>Unaddressed. The LNIB does not agree with the NVA's statement that the distance of the Proposed Mine site from the City of Merritt will necessarily have any impact on the number of trucks.</p> <p>Additionally, if the NVA anticipates realizing 100,000 tonnes annually - and makes representations about truck traffic impacts based on that amount - it would be inappropriate for any permit issued to allow up to 200,000 tonnes</p>
20	s 16	Hemmers at 6; LNIB's February Letter	See <a href="#">NVA Response</a>	N/A	<p>NVA states that this concern is overstated especially knowing that the LNIB has its own gravel operations approximately 10 km away from the Subject Property and the trucks leaving that site (and heading into Merritt) would be using the same Highway and presumably causing the same safety concerns.</p> <p>NVA has no specific comments on this issue except to state that all traffic causes some level of emissions and there is no hard evidence being presented by LNIB to indicate that increased gravel trucks in the area will cause adverse health effects to its members. Highway No 8 is already a very busy provincial highway and the amount of additional truck traffic originating from the Subject Property in this area will be marginal.</p> <p>This project will not have control over truck traffic originating from other sources. <a href="#">Responsive Letter, page 2</a></p>	<p>Unaddressed. The Province has not responded to the LNIB's concerns that increased truck traffic - including an access road onto a busy highway - will increase. This is particularly alarming because the access road to the Proposed Mine site would be adjacent to the site where LNIB chippers catch the heat to chisel. <a href="#">Submissions Opposing Permit, Part I(II); Submissions on UNDRIP and DRIPA, Part I(II)(i).</a></p> <p>Gravel operations 10 km away - cited by the NVA - are irrelevant. LNIB Elders, children, and persons with disabilities conduct their lives within tens of metres of the site of the access road to the Proposed Mine. Their safety is important and a relevant concern in this permitting process. See <a href="#">Submissions Opposing Permit, Part I(II); Submissions on UNDRIP and DRIPA, Part I(II)(i).</a></p>
21	s 16	Hemmers at 6-7	See <a href="#">NVA Response</a>	N/A	<p>The permit application seeks to extract a maximum of 200,000 tonnes annually. NVA does not anticipate realising 50% of that volume.</p> <p>NVA has no specific comments on this issue except to state that all traffic causes some level of emissions and there is no hard evidence being presented by LNIB to indicate that increased gravel trucks in the area will cause adverse health effects to its members. Highway No 8 is already a very busy provincial highway and the amount of additional truck traffic originating from the Subject Property in this area will be marginal.</p> <p>This project will not have control over truck traffic originating from other sources. <a href="#">Responsive Letter, page 2</a></p>	<p>Unaddressed. The Province has not responded to the LNIB's concerns regarding increased emissions and associated health risks. See <a href="#">Submissions Opposing Permit, Part I(II); Submissions on UNDRIP and DRIPA, Part I(II)(i).</a></p>
22	s 16	Hemmers at 7	See <a href="#">NVA Response</a>	N/A	<p>Similar comments to Issue No. 21. No direct evidence by LNIB about the issues identified.</p> <p>This project will not have control over truck traffic originating from other sources. <a href="#">Responsive Letter, page 2</a></p>	<p>Unaddressed. The Province has not responded to the LNIB's concerns regarding increased ambient noise levels and associated nuisance to community members. See <a href="#">Submissions Opposing Permit, Part I(II)(i).</a></p> <p>In its response to this issue, the NVA response neglects to account for the fact that the volume and type of noise associated with vehicles varies depending on what the vehicle is doing. For example, noise generated at an intersection, such as the intersection that would lead from the site of the Proposed Mine to Highway 8, generates considerably more noise than vehicles in constant motion, such as traffic passing on Highway 8. Noise generated by industrial trucks is greater than noise generated by passenger vehicles.</p>
23	s 16	Hemmers at 7	See <a href="#">NVA Response</a>	N/A	<p>See comments to Issue No. 20 and Issue No. 21. Also, please see the Responsive Letter and Mr. Break's comments under the heading "Regional Impacts."</p> <p>The 2020 Hemmers report estimates 70-80 truck movements per day; this is very unrealistic. The permit application seeks to extract a maximum of 200,000 tonnes annually. NVA does not anticipate realising 50% of that volume.</p> <p>As the main market will be in the City of Merritt area the bulk of the truck traffic will be eastbound. We anticipate the maximum average number of truck movements from the project to be 40 per day. Given the distance of the next closest source of aggregates it is at least three times further to the City of Merritt, we anticipate a lot fewer trucks will be required to transport the same volume of material.</p> <p>This project will not have control over truck traffic originating from other sources. <a href="#">Responsive Letter, page 2</a></p>	<p>LNIB members, like other Indigenous groups and individuals, experience stress due to the cumulative impacts of development on their traditional territory. See <a href="#">Submissions Opposing Permit, Part IV</a>. The additional impacts caused by traffic associated with the Proposed Mine are particularly relevant because the Proposed Mine would be located in an area which has already witnessed enormous transformation, often unknown by LNIB members, due to development.</p> <p>The LNIB does not agree with the NVA's statement that the distance of the Proposed Mine site from the City of Merritt will necessarily have any impact on the number of trucks.</p> <p>If the NVA anticipates realizing 100,000 tonnes annually - and bases its estimates of truck traffic impacts on that amount - it would be inappropriate for any permit issued to allow extraction up to 200,000 tonnes annually.</p>
24	s 16	LNIB's February Letter	<p>I am not aware of such suggestions by any ministry employees.</p> <p>What I know is that British Columbia lawmakers unanimously adopted the Declaration on the Rights of Indigenous Peoples Act on November 28, 2019 and the bill received Royal Assent.</p> <p>On Thursday, December 3, 2020, the Liberal government has introduced legislation that will begin the process of bringing Canadian law into alignment with the United Nations Declaration on the Rights of Indigenous People (UNDRIP).</p> <p>As per the above, we will act in good faith and in the spirit of the UNDRIP.</p> <p>LNIB may submit to this ministry their expectations with regards to the implementation of UNDRIP and to clearly and openly state their desired outcome for the file NoW application.</p> <p>I need to state here that the opinions expressed here only belong to this decision-maker.</p> <p>Although the ministry has the same policies and work procedures in all the offices provincewide, there are differences in decisions made by various inspectors. This is because although all inspectors of mines are acting in the name of the chief inspector and the chief permitting officer, each individual decision is made solely by the decision-maker after consulting with peers and senior inspectors.</p> <p>Accordingly, one decision-maker acting independently and in good faith could come to a different conclusion and outcome for a NoW application than another inspector.</p>	N/A	<p>No comment.</p>	<p>Unresolved. It is incumbent upon the Province to respect the letter as well as the spirit of UNDRIP, which has been enshrined in law in British Columbia and is part of Canada's international legal obligations. See <a href="#">Submissions on UNDRIP and DRIPA</a>.</p>

**Issue Tracking Table for Consultation on Nicola Valley Aggregates ("NVA") proposed gravel excavation per Notice of Work 1621718201801 ("NVA's Proposed Pit")**

<b>Date</b>	<b>From</b>	<b>Document</b>	<b>Shorthand</b>
04/10/2019	NVA	Active Earth - Preliminary Hydrogeological Study	Active Earth Report No. 1
02/27/2020	LNIB	Letter from Lower Nicola Indian Band (LNIB) to BC	LNIB's February Letter
07/24/2020	LNIB	Hemmera - Evaluation of Nicola Valley Aggregates Permit Application	Hemmera Report
		Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD)	
09/23/2020	BC	Review of Hemmera Enchirochem Inc. Report	FLNRORD Review No. 1
09/28/2020	NVA	Active Earth - Revised Hydrogeological Study	Active Earth No. 2
10/09/2020	NVA	Letter from NVA to BC RE: Hemmera Report	Responsive Letter
12/03/2020	NVA	Active Earth - Preliminary Hydrogeological Study Response	Active Earth No. 3
03/03/2021	NVA	Active Earth - Monitoring Well Installation Memo	Active Earth No. 4
03/31/2021	BC	FLNRORD Review of Active Earth Engineering Ltd. Reports	FLNRORD Review No. 2