LANDS REF NO: 8015341 FORESTS REF NO: unknown MINES REF NO: _____ OTHER REF NO: _____

APPLICANT:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
PURPOSE:	NEW- LICENCE OF OCCUPATION- INDUSTRIAL- MISCELLANEOUS
LOCATION:	WILLISTON LAKE
AREA:	15.0 HA.
BCGS:	94B009
LEGAL:	THAT PART OF DISTRICT LOT 1024, PEACE RIVER DISTRICT, SHOWN HIGLIGHTED ON LEGAL DESCRIPTION SCHEDULE, CONTAINING 15.0 HECTARES, MORE OR LESS.

Communications Log : Consultation Stream : Initially Basic than changed to Substantial
CLATT Group : Doig River First Nation, West Moberly First Nations, Prophet River First Nation, Treaty 8 Coordinating Lands Office

Date	Source	Medium	Overview	Follow up actions or comments
Sept 24, 2010	Joyce Veller, NRO, FCBC	Letter	Mailed out referral package containing: • Letter • Maps (overview and detail) • Copy of Application • Management Plan	This initial letter was sent to WMFN only.
Oct 12, 2010	Joyce Veller, NRO, FCBC	Letter	Mailed out referral package containing: • Letter • Initial Impact Review and Streaming Decision Report (Basic consultation stream) • Maps (overview and detail) • Copy of Application • Management Plan	Sent to WMFN, DRFN, PRFN & T8CLO as a package along with other applications
Nov 23, 2010	CLATT	Meeting	Application consultation stream was changed to Substantial by First Nations due to it being a BC Hydro Application.	Need to set up meeting to review application under substantial process for BC Hydro applications
Dec 2, 2010	Marianne Novotny, MNRO	Letter/fax	Records of Actions and Decisions and file comments from Nov 23, 2010 were sent to Chief and Councils	Sent to WMFN, DRFN, PRFN & T8CLO
Jan 25, 2011	CLATT	Meeting	Application process can be discussed at CLATT process on Feb 3, 2011 since it is not related to Site C program	Discuss at Feb 3, 2011 meeting COMPLETED
Feb 3, 2011	CLATT	Meeting	Substantial files - MNRO to send T8CLO & FN a proposed process for each of the program areas. or each of the program areas. BC Hydro files are to remain substantial due to location	Action: Marianne to email proposed consultation process to T8 CLO COMPLETED
Feb 7, 2011	Marianne Novotny, MNRO	Email CLATT	Sent proposed consultation process for files to T8CLO and WMFN, DRFN, PRFN	
Feb 11, 2011	Layne Lybbert MNRO	Telephone call to Kieran Broderick	Details in follow up email	
Feb 11, 2011	Layne Lybbert MNRO	Email to Kieran Broderick	Meeting proposed for Feb 23, 2011 – 10:30 to noon to discuss BC Hydro Non Site C Files, windpower files, frac sand files, and agriculture files within substantial consultation process. Request that T8 FN review applications for BC Hydro files and send any questions or comments in before Feb 23, 2011. The two files have been identified as safety concerns.	
Feb 16, 2011	Kieran Broderick, T8CLO	Email to Layne Lybbert	Conversation captured correctly in email. Email forwarded to T8 CLATT representatives and it requested that questions forwarded to Layne in relation to 2 non site C files.	T8 FN to forward comments or questions about BC Hydro 2 files to Layne Lybbert by Feb 23, 2011.
Feb 16, 2011	Layne Lybbert MNRO	Email to Kieran Broderick	MNRO asked if BC Hydro could meet after CLATT meeting on Feb 23 to help answer any questions on the Communication site file and Spoil Site file.	
Feb 17, 2011	Kieran Broderick, T8CLO	Email to Layne Lybbert	Meeting location confirmed to be at T8 Office. Afternoon of Feb 23 busy for FN reps so cannot meet with BC Hydro.	
Feb 23, 2011	CLATT	Meeting	Site needed to clean up spoil from spill BC Hydro chose south side of hill Camp no longer as part of the site. WMFN own notes from meeting with BC Hydro reps – Neither BC Hydro reps have been to the site and as	**Action 1**: WMFN will send a response to Fax from BC Hydro NO FORMAL CONSULTATION PROCESS AGREED TO FOR THIS FILE. MORE INFORMAL PROCESS

			a result have no idea of other options are for locations In email from Joanne sent to WMFN email Comments she noted were: Tea leaves are collected main teaching areas for culture and youth. High use area. Archaeology potential is an issue WMFN - Wants to bring them out to the site so reps actually know it. FN identified application site Has Trapline and culture camps in the vicinity FN Want it on north side of river and keep it in BC Hydro existing foot print. If BC Hydro cannot move the site then : – reduce area of application, – provide details around timing – dust issues – site visit to see what is there and what is right beside it. – Prefer site visit to be snow free. Term of Licence is as per what referral states.	Next step will be arranged once discussed concerns with BC Hydro and review information received on the consultation undertaken in BC Hydro process.
Feb 23, 2011	Marianne Novotny, MNRO	Email Bruce Muir, WMFN Cc Kieran Broderick T8CLO	Email requesting meeting with MNRO, WMFN and BC Hydro to review information and discuss options about the site.	
Mar 1, 2011	Marianne Novotny, MNRO	Telephone call Bruce Muir, WMFN	Discussed possible dates and whether WMFN would be willing to host meeting. WMFN proposed a site visit since everyone would be in the area. He would go out for WMFN. Meeting date agreed to was March 24, 2011 B Muir also advised that he would have response to Joanna Mullard , BC Hydro , by Mar 3, 2011 although he does have some questions he wants to ask her and cannot until Mar 9 s.22 .	
Mar 1, 2011	Marianne Novotny, MNRO	Email Bruce Muir, WMFN & BC Hydro Reps	Meeting arranged on March 24, 2011. Location: WMFN office at Moberly Lake Time: 10:00 am Meeting purpose – information sharing and application site discussion and FN concerns. Bring warm clothes – application site discussion includes site visit. Informed BC Hydro about B Muir working on response to Joanna Mullard Fax letter.	
Mar 3, 2011	Bruce Muir, WMFN	To BC Hydro Cc to Marianne Novotny, MNRO	B Muir advised that March 17, 2011 meeting date is not available due to another meeting he is needed for with Elders from the Dunne-za Nations. BC Hydro requested details as to whether their meeting on Mar 17 was cancelled. And advised that Ryan could answer any questions the B Muir may have regarding fax.	
Mar 8, 2011	Marianne Novotny, MNRO	Email Bruce Muir, WMFN	Following up on response to BC Hydro fax.	
Mar 8, 2011	Marianne Novotny, MNRO	Email to Kieran Broderick	Records of Actions and Decision from February 23, 2011 meeting to forward to CLATT members.	

Communications Log
Other Treaty 8 First Nations: Halfway River First Nation, Saulteau First Nations, McLeod Lake Indian Band

Date	Source	Medium	Overview	Follow up actions or comments
Sept 24,	Joyce Veller,	Letter	Mailed out referral package containing:	

2010	NRO, FCBC		• Letter • Maps (overview and detail) • Copy of Application • Management Plan	

Communications Log Non Treaty 8 First Nations:				
Date	**Source**	**Medium**	**Overview**	**Follow up actions or comments**
N/A				

Table Modification Record

Date:	Modifier name:	What was modification:
Mar 9, 2011	Marianne Novotny	Created consultation log and filled information up to today's date.

Aboriginal Concerns and Accommodations Tracking Table				
First Nation	**Consultation Stage**	**Aboriginal Concerns**	**Analysis of Potential Impact/ Concern Identified**	**Potential Accommodation**

s.16

s.16

Analysis of First Nation Consultation

s.16

Consultation Sufficient?	
Other Issues	
Other Issues	
Recommendation for Decision Maker(s)	
Consultation and Accommodation Sufficient?	

Consultation Summary Record completed on October 6, 2010 by Troy Lockhart, Officer, Ministry of Natural Resource Operations.

Appendix A: First Nation Preliminary Assessment Table

Preliminary Assessment Table						
First Nation	**Information Sources Considered**	**Known or Identified Aboriginal Interest**	**Strength of Claimed Aboriginal Right/Title:**	**SOC Level**	**Potential Impact/ Concern Identified**	**Impact Level**
WMFN	Treaty 8 Oral conversations with FN FNQ2 CADD CLMA TUS System – WMFN performed a TUS in this area in 2000 T8TA – 2002 performed a TUS in this area	Treaty 8 Rights TUS – identifies area of Critical Community Use Area		N/A - treaty right	This application is for an industrial storage area. BC Hydro needs a place to store spoil from dam. The application area is in a developed area and will add to the disturbance levels.	Moderate
HRFN	Treaty 8 FNQ2 CADD TUS System – T8TA – 2002 performed a TUS in this area	Treaty 8 Rights Cultural Interests		N/A - treaty right	This application is for an industrial storage area. BC Hydro needs a place to store spoil from dam. The application area is in a developed area and will add to the disturbance levels.	Moderate
SFN	Treaty 8 FNQ2 CADD TUS System – T8TA – 2002 performed a TUS in this area	Treaty 8 Rights Cultural Interests		N/A - treaty right	This application is for an industrial storage area. BC Hydro needs a place to store spoil from dam. The application area is in a developed area and will add to the disturbance levels.	Moderate
MLIB	Treaty 8 FNQ2 CADD TUS System – T8TA – 2002 performed a TUS in this area	Treaty 8 Rights Cultural Interests		N/A - treaty right	This application is for an industrial storage area. BC Hydro needs a place to store spoil from dam. The application area is in a developed area and will add to the disturbance levels.	Moderate
PRFN	Treaty 8 CLMA TUS System – T8TA – 2002 performed a TUS in this area	Treaty 8 Rights Cultural Interests		N/A - treaty right	This application is for an industrial storage area. BC Hydro needs a place to store spoil from dam. The application area is in a developed area and will add to the disturbance levels.	Moderate
DRFN	Treaty 8 CLMA TUS System – T8TA – 2002 performed a TUS in this area	Treaty 8 Rights Cultural Interests		N/A - treaty right	This application is for an industrial storage area. BC Hydro needs a place to store spoil from dam. The application area is in a developed area and will add to the disturbance levels.	Moderate

MNRO – CLMA Initial Impact Review and Streaming Decision Report

Initial Impact Review and Streaming Decision Report

Zone: A
FILE: 8015341 TYPE: New Application

APPLICANT:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY
PURPOSE:	NEW- LICENCE OF OCCUPATION- INDUSTRIAL- MISCELLANEOUS
LOCATION:	WILLISTON LAKE
AREA:	15.0 HA.
BCGS:	94B009
DISP. ID:	888063
PARCEL NO.:	906493
LEGAL:	THAT PART OF DISTRICT LOT 1024, PEACE RIVER DISTRICT, SHOWN HIGLIGHTED ON LEGAL DESCRIPTION SCHEDULE, CONATINING 15.0 HECTARES, MORE OR LESS.
SURVEY PIN:	8393300

Agricultural Land Reserve: ☑
OGMA: ☐ Click here to enter text.
Burnt Pine Caribou: ☐ Choose an item.
RAAD (Known Arch site): ☐
Swan Nesting Area: ☐
Buffered Protected Areas/Parks: ☐
Muskwa Kechika Management Area: ☐
SRMZ: ☐ Specifiy:
CDC Species at Risk: ☐ Specifiy:
Wildlife Habitat Areas: ☐ Specifiy:
MOE Map Reserves/NOI/OIC: ☐ Specifiy:
Ungulate Winter Range: ☐ Specifiy:
Caribou Herd Boundaries: ☐ Specifiy:
Regionally Important Wildlife: ☐ Specifiy:
Wildlife Sensitive Information: ☐ Specifiy:
MV Closure Areas: ☐ Specifiy:
Regional SAR: ☐ Specifiy:

Previous Consultation Records indicate: n/a

Lands Officer Assessment of impacts: This application is for an industrial storage area. BC Hydro will be removing earth from around the dam and needs a place to store the spoil. The area is in a developed area and will add to the disturbance levels.

Based on the above information ILMB feels the impact to treaty rights will be: Medium

ILMB is suggests that consultation should follow the Basic streaming. Due to:
Please see the Lands officer assessment of impacts above.

Lands Officer Date: Click here to enter a date.
Office:Fort St John

BRITISH COLUMBIA

MISCELLANEOUS LAND USE REPORT

PE - LAND MGMNT - PEACE FIELD OFFICE

File:	8015341	**Inspected Date:**	N/A
Reported By:	Troy Lockhart	**Report Date:**	March 9, 2011
Phone Number:	250-787-3479	**Complexity Level:**	2
Applicant:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY 6911 Southpoint Dr Burnaby, BC V3N 4X8		

Decision: The application is disallowed.

Application Type:	New application	**LMM Policy:**	Industrial
Purpose:	Industrial	**Sub-Purpose:**	General
Type:	Licence	**Sub-Type:**	Licence Of Occupation
Commencement Date:	as determined by the PA	**Term:**	20 years
Purpose Statement:	Spoil storage		

BCGS Map Sheet:	94B009
Air Photo No.:	See info on file.
Application Area:	15 Ha.
Recommended Area:	11.2 Ha.
Location:	Williston Lake

Legal Description:	THAT PART OF DISTRICT LOT 1024, PEACE RIVER DISTRICT, SHOWN HIGLIGHTED ON LEGAL DESCRIPTION SCHEDULE, CONATINING 11.2 HECTARES, MORE OR LESS.

Referral Agencies/ Analysis:

District of Hudson's Hope:
No comments received

Ministry of Natural Resource Operations
Forestry – Requested that consultation be completed for both the Land Act tenure and the Forest Act tenure.
Stewardship – Low risk letter was sent to clients

Halfway River First Nations: No comments received.

Saulteau First Nations: No comments received.

McLeod Lake Indian Band: No Comments received

West Moberly First Nations:
See Consultation Log attached.

Prophet River First Nations:
Relying on WMFN comments. This was agreed to as part of the substantial process under the CLMA.

Doig River First Nations:
Relying on WMFN comments. This was agreed to as part of the substantial process under the CLMA.

Clearance and Other Conflicts: The application overlaps with the ALR and an existing cut block with silviculture obligations. Also the subsurface rights are owned.

Site Information: The site is a previously cleared south facing slope. The area drains directly into the Peace River. The area will be cleared and stripped and then used to store spoil material from the spillway of WAC Bennett Dam.

Rental: Average land value of 17500.00 in the area. (11.2 ha. X $17500/ha.) X 0.075 = **$14,700.00**

s.13,s.16

General:

First Nations requested a work plan be provided. This is reasonable request but not to the end that it would delay operations.
The area of the application has been reduced and BC Hydro has agreed that no fuel storage will occur or no refueling of equipment will occur on the tenured area.
A snow free site visit has been requested but this is not practical prior to disturbance of the site.
First Nations have requested dust control measures and BC Hydro has agreed to this request. However it should be a requirement that the measures do not contain chemical means i.e. calcium additives to the water.

s.13

Signature: _____ Date: March 14/11

BRITISH COLUMBIA

MISCELLANEOUS LAND USE REPORT

PE - LAND MGMNT - PEACE FIELD OFFICE

File:	8015496	**Inspected Date:**	N/A
Reported By:	Charles Mercanti	**Report Date:**	May 25, 2015
Phone Number:	250-787-3441	**Complexity Level:**	2
Applicant:	BRITISH COLUMBIA HYDRO AND POWER AUTHORITY 12th Floor 333 Dunsmuir St Vancouver, BC V6B 5R3		

Decision: The application is allowed.

Application Type:	New	**LMM Policy:**	Aggregate and Quarry Materials
Purpose:	Quarrying	**Sub-Purpose:**	Rip Rap
Type:	Licence	**Sub-Type:**	Licence Of Occupation
Commencement Date:	As per PA	**Term:**	10 Years
Purpose Statement:	Quarry		

BCGS Map Sheet:	94B018
Air Photo No.:	See file for Ortho Maps
Application Area:	75.214 Ha.
Recommended Area:	75.214 Ha.
Location:	Sand Flat

Legal Description:	That parcel or tract of Unsurveyed Crown Land in the vicinity of Sand Flat (within Units 25, 26, 35 & 36, Block H, 94-B-02), Peace River District, containing 75.21 hectares, more or less.

Referral Agencies/ Analysis:

Canfor Chetwynd carol.norris@canfor.com
= Previously harvested cut blocks 235-003, 235-002, and 233-003 are all considered free-growing and so additional referral administration and amendment fees have been waived. There are no further activities scheduled in these areas.

However other proposed forest development activities (block recce work, layout, and harvesting activities) are scheduled to start in the next few months, in the forested areas around the proposed quarry and marine load out sites. Canfor is hoping to conduct these activities regularly over the next 3 years (2015 - 2018). Upon completion of harvesting operations there will then be reforestation obligations to be met and so there will be regular activity in this area beyond 2018.

To ensure there are no timing conflicts that could result in safety issues, please send notification to Canfor at the start of this project. Notifications should be sent to myself at

Jolene.Fellhauer@Canfor.com.

The proposed Sand Flat Quarry will remove portions of proposed cut block T2274 and potentially T2272 which are scheduled for harvest in 2018., Canfor would like to have first rights to any timber harvested from the proposed quarry site. Please contact Kevin Shaw, RPF (log purchaser, Peace) at either Kevin.Shaw@Canfor.com or by telephone at (250) 787-3667 to discuss this further.

A Road Use Agreement may be required for portions of the proposed access along the spur road (23303.100) - please contact canfor-roaduse@live.ca to discuss access requirements, potential road use and proximity agreements.

Upon completion of this project, please forward as cleared shape files of the project area to Carol Norris (Carol.Norris@Canfor.com) and Jolene Fellhauer (Jolene.Fellhauer@Canfor.com).
Agricultural Land Commission

ALCBurnaby@Victoria1.gov.bc.ca
= No comments received.
Dist. of Hudson Hope district@hudsonshope.ca
= No comments received.
Ecosystems/Fish & Wildlife- FSJ (all) ecosystemreferrals@gov.bc.ca
= Ecosystems has responded to the referral package for the entire project under Lands File 8015496. No site specific comments were made regarding this portion (Quarry Area) of the project. Adherence to the management plan for the Sand Flat Quarry Dated December 11, 2014 will be a condition of the tenure document if issued. The management plan links to the Environmental Management Plan, Archaeological Impact Assessment Interim Report, GMS Caribou Mitigation and Monitoring Plan, for the project and outlines mitigations strategies to reduce impacts to values at risk.
Forests-, DC Peace District Elizabeth.Hunt@gov.bc.ca cc Jacek Bankowski
= No comments received.
Forests – BCTS – Northern Region tpl.ref@gov.bc.ca
= No comments received.
Peace River Regional District, FSJ/DC prrd.dc@prrd.bc.ca
= No comments received.

February 4, 2015, FN Consultation letters sent to:
McLeod Lake Indian Band
Saulteau First Nations
Doig River First Nation
Prophet River First Nation
Halfway River First Nation
West Moberly First Nations
Blueberry River First Nation
T8TA

Clearance and Other Conflicts:

Crown Tenure Tantalis Tenure = Requires change to section 17
8015518;RESERVE/NOTATION;SEC 16 MAP RESERVE;QUARRYING;RIP RAP;

TFL = First right of refusal required (Canfor)
TFL48

Northern Caribou Herd Boundaries = Not within HEWR or Section 17 reserves. See Ecosystems FLNRO referral response above
Moberly

Archaeological Potential = AIA completed and on file
HIGH

Site Information: Sand Flat

Rental: : Lessees and licensees are required to annually prepay a land rental consisting of the greater of a non-creditable rental of 1% of Appraised Market Value as established and reviewed by the Authorizing Agency at 10 year intervals, or BCAA values, or a minimum of $500.00/yr.

Discussion/Recommendations:

Discussion

There are no unresolved conflicts for this application.

The Sand Flat Quarry (SFQ) is located on Crown Land, BC Hydro has a Section 16 Map Reserve Crown Land file 8015518 and Temporary Use Permit for the SFQ, Crown Land file # 8015496

The quarry site will be cleared of vegetation and overburden stockpiled for future remediation use.

The proposed quarry will likely be developed by advancing a series of vertical rock benches into the hill slope using drill and blast methods. Two 10 m benches that were created during a trail blast program will be used as a starting point for further quarry development. It is anticipated that each drill and blast event would be followed by manual sorting of the coarse riprap and screening of the finer bedding material and then stockpiling. Based on the feasibility design, the estimated volumes required for the current riprap design are provided below:

- Riprap: 107,000 m^3
- Bedding: 91,000 m^3

The quarry operation is planned for three years and possibly a fourth depending on the selected transportation option efficiencies.

Notification of Work application has been submitted to Front Counter in conjunction with this Project's LoOs and Temporary Use Permit.

Reclamation Program

- The quarry site will be reclaimed as per the Notice of Works under Section 111 Reclamation Program

Assuming all the timber will be cleared from SFQ polygon, approximately 1,500m³ of timber will be cleared. A Licence to Cut application will be submitted in association with this application.

Section 16 Map Reserve Crown Land file 8015518 = Required change to section 17 to facilitate place of this Licence of Occupation application. First Nations Consultation is being conducted under separate cover for the GMS Rip-Rap Project and captures the change/deletion/addition of Withdrawals, Reserves, Notations and Prohibitions components of the project. Reserve change processed under 8015518.

Northern Caribou Herd Boundaries The management plan links to the Environmental Management Plan, Archaeological Impact Assessment Interim Report, **GMS Caribou Mitigation and Monitoring Plan**, for the project and outlines mitigations strategies to reduce impacts to values at risk.

Archaeological Potential is "High" , conflict addressed , the proponent has been made aware of the High potential through the application acceptance process (see file for Archaeological Notice sent January 29, 2015). Proponent has completed and submitted an Archaeological Impact Assessment Interim Report with the application. The proponent will be responsible to adhere to the Conservation and Heritage Act as a requirement under any tenure if issued.

FLNRO Ecosystems review and resolution to conflicts/concerns addressed in the BCH/FLNRO Issue Tracking Spreadsheet. Outstanding issues or conflicts not addressed in the tracking spreadsheet are carried forward if required as conditions to the tenure document for resolution (see below under Recommendations section)

Royalty Rate:
As per section 7.2.2 Within fifteen days after each anniversary date of the tenure, or termination of the letter of consent, quarry operators are required to provide the Authorizing Agency with a statutory declaration of the volume or weight of quarried material removed. This statutory declaration is to be accompanied by a certified cheque for the royalty payment due.

Rates in the northeast region for sand and gravel and crushed rock are set at different rates than in the policy manual as follows:
Sand and Gravel = $2.00 m3 ($0.62 in policy)
Rock for Crushing Purposes = $2.92 ($0.92 in policy)

Based on projected volumes of:
107,000 m3 Rip Rap @ $2.92/m3
91,000 m3 bedding @ $2.00/m3
ROYALTY RATE = 2.92 +2.00 / 2 = **$2.46 m3**

Rental Rate:
Lessees and licensees are required to annually prepay a land rental consisting of the greater of a non-creditable rental of 1% of Appraised Market Value as established and reviewed by the Authorizing Agency at 10 year intervals, BCAA values, or a minimum of $500.00

There is no appraised value or BCAA values for this parcel.
Rent will be a minimum of $500.00/year

Page 16

Withheld pursuant to/removed as

s.16;s.13

Consultation has been adequate and sufficient for this application.

Recommendations: Issue the Limited Licence of Occupation subject to:

- 10 year Term
- Rent = **$500.00/yr**
- Royalty rate **$2.46 m3**
- Baseline survey required prior to quarry material extraction
- Insurance – proponent to have adequate insurance – minimum $2,000,000 (if required)
- Adhere to Management Plan for the Sand Flat Quarry Dated December 11, 2014, and the GMS Caribou Mitigation and Monitoring Plan dated October 20, 2014
- Upon completion of this project, please forward as cleared shape files of the project area to Carol Norris (Carol.Norris@Canfor.com) and Jolene Fellhauer (Jolene.Fellhauer@Canfor.com).
- Canfor to have first rights to any timber harvested from the proposed site. Please contact Kevin Shaw, RPF (log purchaser, Peace) at either Kevin.Shaw@Canfor.com or by telephone at (250) 787-3667

Note to PA:

- The section 16 reserve under file 8015518 must be converted to a section 17 to allow for this application. A separate LUR has been processed under file 8015518 to change the section 16 to a section 17.
- Please include in the NOFR a request by the Province of British Columbia, "the proponent continues to engage with affected First Nations throughout the life span of this project as to construction activity including route selection and timing".
- Please send Notice of Decision letters to the following FN's stating the following:

s.16

Signature: _____ Date: June 5/2015

H 094B02
1:10,000
Meters
0
100
200
300
Interest Area

The communications log provides a detailed review of all correspondence related to the following applications associated with BC Hydro's GMS Riprap Project to repair the WAC Bennett Dam:

- 8015496 – Licence of Occupation (LOO) – Sand Flat Quarry (SFQ) (includes cancellation Section 16 Map Reserve)
- 8015560 – Licence of Occupation (LOO) – Spur Road (SR)
- 8015789 – Temporary Use Permit (TUP) – Marine Load Out Area (MLOA)
- A703728 – Section 8 Water Act Licence
- Pending – Section 8 Water Act Licence
- A703727 – Section 9 Water Act Licence – Bennett Dam
- A703729 – Section 9 Water Act Licence – MLOA
- L50194 – Occupant Licence to Cut (OLTC) – SFQ
- L50195 – Occupant Licence to Cut (OLTC) – MLOA
- 1641279-201401 – Notice of Work (NOW)

Of the seven First Nations communities whose traditional territory and / or agreement boundaries overlap with the project area: two First Nations (BRFN, PRFN) did not respond or engage with the Province; two First Nations (HRFN, DRFN) engaged with the Province over several email and meeting exchanges; and three First Nations (SFN, MLIB and WMFN) expressed interest in collaborating with the Province in a side table format with a 3rd Party Reviewer.

No Engagement: The Province sent initial letters, reminders and project updates to BRFN and PRFN throughout the consultation process with a stated openness and willingness to meet. No response or interest to engage was communicated to the Province by BRFN and PRFN.

Engagement: The Province engaged in discussions with HRFN and DRFN via meeting and emails throughout the consultation process. Although several concerns were identified and addressed, due to meeting cancellations from both First Nations, the Province did not receive final comments and / or suggestions based on information requests the Province fulfilled later on in the consultation process.

Engagement via Side Table: During pre-engagement SFN, WMFN and MLIB expressed interest in scheduling monthly meetings and working collaboratively with the Province to create a side table format with a 3rd party reviewer to review the project. The Province attempted to meet this way with these 3 First Nations, but due to scheduling conflicts and constraints finding mutually agreeable dates was challenging. As a result, the Province attempted to meet with the Nations individually. The Province was only able to secure an individual meeting with MLIB. SFN and WMFN showed up to the Province's final meeting with MLIB on May 14, 2015 and stated that they have been unable to review the project due to capacity constraints and workload associated with Site C.

Please see the below *Engagement Summary* for a more in-depth description of engagement.

From the Province's perspective, the Province has provided reasonable opportunities for First Nations to discuss and engage with the Province in a dialogue about impacts,

comments and concerns related to the above authorizations. Additionally, the Province is of the perspective that decisions still need to occur as respective workloads related to Site C does not displace consultation obligations and commitments. The Province must also maintain its responsibility to administer applications consistent with administrative law principles of timeliness and fairness.

As the Province was nearing the critical path windows to conclude consultation on the Project (end of April 2015 for 21-day letters), the First Nations Relations Advisor expressed concerns with Major Projects and BCH staff regarding engagement from First Nations. Although several attempts had been made to engage, several First Nations that had expressed interest in discussing the project hadn't been able to come to the table due to capacity constraints. As such, consultation was extended 3-4 weeks past the critical path in order to afford further opportunity for engagement. This change in timelines was shared with First Nations in the interest of being transparent and to further provide more opportunities for First Nations to engage in dialogue about impacts to Treaty rights and how they may be addressed through the authorizations listed above.

In addition to the Province's consultation the proponent has made efforts to share information and provide capacity funding to First Nations since 2011. Where requested, representatives from BCH have attended meetings in order to address First Nations comments and concerns.

Given that a reasonable time window to submit comments and concerns has concluded it is suggested that the application be forwarded to the SDM for their consideration. Any concerns that are outside the scope of the review of this project have been referred to the appropriate forum so they can be adequately addressed.

Recommendations for SDM Consideration:

- SDM to consider SFN, MLIB and WMFN's request for more time to conduct a FNITR and TLUS in order to complete and prepare adequate assessment to further assess and understand potential impacts to Treaty rights;
- SDM to consider DRFN's request for the proponent to develop and implement a methylmercury monitoring program.

Please see below summary for more detail.

EBA Communities

Consultation was initiated on February 4, 2015. Based on the initial impact assessment conducted, the Province assessed potential impacts of the proposed project on WMFN, DRFN and PRFN Treaty 8 rights to be moderate and streamed the file as Substantial. As per requirements under the Crown Land Management Agreement (CLMA), the Province requested that WMFN, DRFN and PRFN meet within 30 days of receipt of the information package (by March 6, 2015) in order to jointly develop a consultation plan.

WMFN

During pre-engagement, WMFN expressed its interest in working jointly with SFN and MLIB in a side table format to review applications for the GMS Riprap Project. On February 6, 2015 SFN sent an email requesting a meeting with FLNRO, WMFN and MLIB on March 2 or 3, 2015 to share initial comments on the files. On February 10, 2015 the Province indicated its availability to meet both days and requested that the group provide its preference. In the absence of a response, the Province followed-up with the group via email on February 25, 2015. On February 27, 2015 WMFN shared that it was meeting with SFN and MLIB to discuss process and would let the Province know once a date had been selected. On March 4, 2015, the Province touched base to see if there had been a date set. WMFN responded on March 5, 2015 saying that March was busy due to year end and would let the Province know when a date was finalized between the group. On March 5, 2015 MLIB sent out a group meeting invite for April 2, 2015. In follow-up the Province asked for agenda items on March 19, 2015. At that time, WMFN communicated that April 2, 2015 was not available . When the Province provided alternative dates in response for early April, the group was unable to find a mutual date that worked for everyone.

On April 13, 2015 the Province via email attempted to initiate a meeting with WMFN since finding a group date was challenging. In follow-up, the Province on April 17, 2015 emailed WMFN an update on the project, including a summary of consultation on this file, a meeting request and stating the Province's intent to issue 21-day Consultation Summary Letters on May 4, 2015. On May 4, 2015 the Province distributed a Consultation Summary Letter request final comments prior to packages being send to the SDM for their consideration on or after May 25, 2015. WMFN attended a meeting scheduled with MLIB on May 14, 2015 to discuss this project. At that time WMFN stated its need for TLUS work, its dissatisfaction with timelines and its inability to have the capacity required to review this project due to Site C constraints. The Province at this meeting re-stated its intent to have packages to SDM's on or after May 25, 2015 as indicated in previous correspondence. See accommodation section below for more detail about WMFN concerns.

PRFN

On March 4, 2015, the Province sent a follow-up email to remind PRFN that the CLMA's 30-day meeting period was coming to a close. No response was received. On April 19, 2015 the Province provided PRFN with a 21-day Consultation Summary letter outlining consultation to date and the Province's intent to forward all information provided to the Province through consultation to the SDM on or after May, 11, 2015. The Province kindly requested that any additional comments and concerns be forwarded to consultation staff prior to May 11, 2015. No response was received.

DRFN (currently not under the EBA, but consultation was initiated while DRFN still a signatory and consultation currently following a custom process)

On February 19, 2015 a meeting was scheduled between the Province and DRFN for March 26, 2015 to discuss the proposed project. At that meeting, DRFN indicated that there were no major contentious issues but still some items that needed addressing. A number of comments, concerns and requests were discussed at this meeting and are reflected in the issues tracking table below. The Province followed-up with the requested information in a subsequent email dated March 27, 2015 and scheduled a meeting for April 29, 2015 for DRFN, the Province and representatives from BC Hydro. On April 29, 2015 the Province, DRFN and BC Hydro met to address concerns raised at DRFN's March

26, 2015 meeting. Please refer to the accommodation section below for summary of comments / concerns addressed at this meeting. An additional meeting was scheduled for May 19, 2015 in hopes of finalizing consultation and addressing DRFN outstanding concerns.

On May 4, 2015 the Province provided DRFN with a 21-day Consultation Summary letter outlining consultation to date and the Province's intent to forward all information provided to the SDM on or after May 25, 2015. On May 19, 2015 DRFN cancelled a scheduled meeting since they had not completed their action items as a result of not having an opportunity to meet with Chief and Council. As a result, DRFN indicated it would provide comments in a letter or organize an additional meeting. At this time the Province reminded DRFN of the May 25, 2015 deadline and stated its openness to hold a conference call is desired. No letter was provided to the Province, nor was a response received to the Province's offer to host a conference call.

Non-EBA Communities

Consultation was initiated on February 4, 2015. Based on the initial impact assessment conducted the Province assessed potential impact of the proposed project on SFN, MLIB, HRFN and BRFN Treaty 8 rights to be moderate and suggested that consultation occur at a deep level.

SFN

During pre-engagement, SFN expressed its interest in working jointly with WMFN and MLIB in a side table format to review applications for the GMS Riprap Project. On February 6, 2015 SFN sent an email requesting a meeting with FLNRO, WMFN and MLIB on March 2 or 3, 2015 to share initial comments on the files. On February 10, 2015 the Province indicated its availability to meet both days and requested that the group provide its preference. In the absence of a response, the Province followed-up with the group via email on February 25, 2015. On February 27, 2015 WMFN shared that it was meeting with SFN and MLIB to discuss process and would let the Province know once a date had been selected. On March 4, 2015, the Province touched base to see if there had been a date set. On March 5, 2015 MLIB sent out a group meeting invite for April 2, 2015. In follow-up the Province asked for agenda items on March 19, 2015. At that time, WMFN communicated that April 2, 2015 was not available. When the Province provided alternative dates in response for early April, SFN was unavailable for the dates provided.

On April 13, 2015 the Province via email attempted to initiate a meeting with SFN since finding a group date was challenging. In follow-up the Province on April 17, 2015 emailed SFN an update on the project, including a summary of consultation on this file, a meeting request and stating the Province's intent to provide packages to SDM's on May 25, 2015. On April 20, 2015 SFN responded saying they could meet May 25, 2015 but were concerned with the deadlines imposed for the GMS Rip Rap project (due to Site C project taking up the majority of workloads unto July) and requested that timelines be changed. The Province responded on May 11, 2015 re-iterating that timelines had already extended to provide more time for engagement and that project could not be pushed further back due to safety considerations. Given the meeting scheduled for May 25, 2015 the Province extended due date for comments to May 29, 2015. SFN attended a meeting scheduled with MLIB on May 14, 2015 to discuss this project. At that time SFN stated its need for 3rd party review, TLUS work, its dissatisfaction with timelines and its inability to have the capacity required to review this

project due to Site C constraints. SFN made it clear that they have concerns and comments but do not have the capacity to identify those (see accommodation section below for more detail). The Province at this meeting re-stated its intent to have packages to SDM's on or after May 25, 2015 as indicated in previous correspondence. When the Province inquired about the May 25, 2015 meeting, SFN said it would have to get back to the Province since there may be a scheduling conflict. The Province never received a response.

MLIB

On February 6, 2015 SFN sent an email requesting a meeting with FLNRO, WMFN and MLIB on March 2 or 3, 2015 to share initial comments on the files. On February 10, 2015 the Province indicated its availability to meet both days and requested that the group provide its preference. In the absence of a response, the Province followed-up with the group via email on February 25, 2015. On February 27, 2015 WMFN shared that it was meeting with SFN and MLIB to discuss process and would let the Province know once a date had been selected. On March 4, 2015, the Province touched base to see if there had been a date set. On March 5, 2015 MLIB sent out a group meeting invite for April 2, 2015. In follow-up the Province asked for agenda items on March 19, 2015. At that time, WMFN communicated that April 2, 2015 was not available. When the Province provided alternative dates in response for early April, SFN and WMFN were unavailable. As a result, the Province organized a meeting with MLIB for April 2, 2015 since scheduling a group meeting was challenging.

On April 2, 2015 the Province met with MLIB to discuss this project. MLIB shared that its major concerns centred on the vegetation monitoring plan and wanted to discuss these with FLNRO and BC Hydro further (see accommodation section below for more detail). MLIB indicated that a 3rd party reviewer, LGL, had been selected by MLIB SFN and WMFN, and wanted LGL to come to the meeting as well. May 14, 2015 was chosen as the next available date. In addition to MLIB, BC Hydro and LGL, SFN and WMFN attended the May 14, 2015 meeting. The Province at this meeting re-stated its intent to have packages to SDM's on or after May 25, 2015 as indicated in previous correspondence. No final comments were received prior to May 25, 2015.

HRFN

On February 19, 2015 the Province and HRFN scheduled a meeting for March 16, 2015 to discuss files associated with the proposed GMS Riprap project. At the March 16, 2015 meeting HRFN communicated that it was awaiting direction from Chief and Council regarding how to proceed with the project. HRFN indicated that they would either continue to engage or would send a proximity letter supporting other T8 First Nations comments and concerns. Additionally, HRFN requested more information related to: number and volume of beaver dam and raptor nest removals; whether map reserve was coming from the ALR and; requested digital maps (see accommodation section below for more detail). In subsequent emails dated March 18 and April 14, 2015 the Province provided HRFN with the above information. A meeting was scheduled between the Province on April 14, 2015, however HRFN did not show-up to the meeting. In follow-up the Province on April 17, 2015 with HRFN an update on the project, including a summary of consultation on this file and a request for HRFN to submit any comments and/or concerns by May 25, 2015. At that time, HRFN communicated the its representative missed the April 14, 2015 due to sickness and would like to reschedule. The Province

attempted to set-up meetings via email on April 20 and May 4, 2015 with no response heard from HRFN.

BRFN

On March 4, 2015, the Province sent a follow-up email to remind BRFN to get in contact with the Province to share comments and concerns with the Province prior to March 6, 2015 on the proposed GMS Riprap Project. No response was received. On April 17, 2015 the Province shared with BRFN an update on the project, including a summary of consultation on this file and a request for BRFN to submit any comments and/or concerns by May 25, 2015. An openness to meet with BRFN was expressed by the Province. No response was received.

WMFN, DRFN, PRFN, BRFN, HRFN, SFN and MLIB

Provincial and BCH responses to First Nations comments and concerns as well as how the Province and / or BC Hydro re are summarized and outlined in the *Engagement and Accommodation* tab for further review. Key issues and themes identified throughout consultation are summarized below:

Request for More Time

Three First Nations communities voiced concerns related to capacity to the review project aspects due to workload associated with Site C (SFN) and capacity issues more generally (MLIB, WMFN). SFN stated that they do have concerns and comments on this project but have not the capacity to meaningfully engage and provide those comments in the time frame provided. SFN requested that this message be highlighted to the SDM's to be taken into consideration when determining adequacy and sufficiency of consultation. SFN, MLIB and WMFN as a result have requested more time in order to complete a FNITR and TLUS work. SFN, MLIB and WMFN hired LGL as a 3rd Party Reviewer for the FNITR but there work has not started in any substantial way to date.

The Province received these requests for more time at the end of April (SFN) and at a May 14, 2015 meeting (SFN, WMFN and MLIB). Until that point, SFN and WMFN were unable to attend scheduled meetings or provide alternative dates to meet with the Province about the project. In emails dated April 17, 2015, May 11, 2015 and in a May 14, 2015 meeting the Province communicated: its intent to move packages to the SDM on or after May 25, 2015; that the referral had been out since February 4, 2015 and 90+ days is considered a reasonable timeframe for comments from the Province's perspective and; the Province had already worked to push BCH past initial deadlines to provide further time for engagement with First Nations - any further delay could result in considerable safety concerns.

Raptor Nest Avoidance / Mitigation and Monitoring

Two First Nations voiced concerns regarding impacts to raptors (eagles and osprey nests) as a result of project activities. The Province and BC Hydro provided DRFN and HRFN all requested information and indicated its openness to suggestions and ideas from First Nations regarding mitigating and avoiding impacts on eagle and osprey as a result of project activities. HRFN and DRFN did not provide any further information,

suggestions or preference for approaches to raptor nest management. The proponent is open to monitoring the eagles nests as per DRFN's request while out doing other monitoring work during construction and operation activities. Additionally, any nest removal would require a *Wildlife Act* authorization, which would trigger consultation with First Nations for this specific activity.

Preference for Marine Load Out Option (MLOA)

BCH proposed two options for transporting out riprap (by road or water) and based on changes to the work at the dam site are leaning towards road load out, although the decision is ultimately up to the contractor. Two First Nations (WMFN, SFN) voiced their preference for the MLOA option for the transportation of riprap since the reservoir is considered a "lost use" area already due to concerns about methylmercury. Major concerns voiced regarding the road load out option have to do with timing of work as described below under the heading "Timing of Activity".

Timing of Activity

Two First Nations (SFN, WMFN) voiced concerns related to timing windows of riprap transport that would result in a high volume of traffic during the summer months. Increased road traffic during the summer months would conflict with high use by First Nations members who use the area for berry-picking and other traditional activities. Given that the road is already permitted and not a new authorization under consideration the Province was clear that this was not a concern that could be addressed through the FLNRO permits under review. The proponent has committed to considering a winter hauling option of the riprap as well as consider appropriate mitigation measures should summer hauling be the pursued option.

Impacts to Fish and Fish Health

One First Nation (DRFN) communicated concerned about levels of mercury in the reservoir and if any increase in levels is expected as a result of project activities. BCH communicated that there are no plans to monitor mercury at this time, but would look into what effect activities may have on mercury levels and report back to DRFN. BCH is currently working internally to determine whether mercury levels may be monitored and considered as part of this project, but have not come to any conclusions regarding this issue. As a result, DRFN communicated that their request for a methylmercury monitoring program be shared with the SDM for their consideration.

Recommendations for SDM Consideration:

- SDM to consider SFN, MLIB and WMFN's request for more time to conduct a FNITR and TLUS in order to complete and prepare adequate assessment to further assess and understand potential impacts to Treaty rights;
- SDM to consider DRFN's request for the proponent to develop and implement a methylmercury monitoring program.