

Call from Lower Nicola Indian Band

From: Browning, Brianna FLNR:EX <Brianna.Browning@gov.bc.ca>
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Sent: March 27, 2019 9:08:04 AM PDT
Attachments: image001.jpg

Hello,
Got a call from Sandra Tom (250-378-5157) at the Lower Nicola Indian Band. She was looking for material on referral process; application, referral, decision making. Maybe a route card? My first time with this type of request. A little unsure of what the correct direction may be to point her in.

Regards,



Brianna Browning

Client Services Assistant

FrontCounter BC | Ministry of Forests, Lands and Natural Resource Operations

441 Columbia Street | Kamloops BC V2C 2T3

Tel: 250-828-4251 | Fax: 250-828-4442

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Withheld pursuant to/removed as

s.16

RE: Application for a Notice of Work from Dennis Cook for the purpose of Mineral Exploration/Sand & Gravel Operations/Placer Operationsâ€¦ â€œ File #14675-20/1620606201802

s.16

From: Zryd, Bob FLNR:EX

Sent: Wednesday, April 10, 2019 2:35 PM

To: s.16

Cc: Dave Caswell

Subject: RE: Application for a Notice of Work from Dennis Cook for the purpose of Mineral Exploration/Sand & Gravel Operations/Placer Operationsâ€¦ â€œ File #14675-20/1620606201802

Hi s.16

I left you a voice mail, but I thought I would follow up by email.

I spoke with Robin Irwin of USIB, and they have a decent relationship with the proponent (past and present) and due to the Arch in the area, they are requesting a Preliminary Field Reconnaissance and that will be part of my advice to the Mines Inspector. Will this be sufficient to satisfy your concerns with this application?

If you can let me know soon, that would be appreciated.

On an unrelated topic, I am attending a Public meeting at the Merritt civic centre tonight at 7 regarding the proposed gravel pit by Nicola Valley Aggregates. Will you be there?

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

s.16

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Withheld pursuant to/removed as

s.16

RE: Public Meeting

From: Parsons, Kate EMPR:EX <Kate.Parsons@gov.bc.ca>
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>
Sent: April 26, 2019 3:22:30 PM PDT

I spoke to s.16 today and offered to meet at his convenience to discuss NVA, and generally mining activity and consultation/engagement in the Nooiatch territory. He will get back to me, but with the TM pipeline going on – they don't have much free time.

I committed to ensuring that EMPR consults with more bands than just LNIB on our files – he is under the impression we focus solely on LNIB which I am positive is a misconception. I confirmed that FLNRORD consults on EMPR's behalf – so perhaps this is the root of the confusion.

Let me know if you would like any more detail, but it was a fairly general high level chat.

Thanks,
Kate

From: Zryd, Bob FLNR:EX
Sent: Friday, April 26, 2019 9:19 AM
To: s.16
Cc: Parsons, Kate EMPR:EX
Subject: RE: Public Meeting

Hi s.16

The reason is thought you might be interested would be just to get a better picture of what the proponent has in mind... and what works have been done already (like hydrogeological work). You are absolutely correct in that it would not be considered consultation.

And yes, we have a lot of work to do in regards to implementing UNDRIP but I believe that we are working towards meaningful reconciliation...I'm an optimist.

Rick Adams reports to Kate Parsons, Regional Director South, Mines, Competitiveness & Authorizations Division

She is here at 441 Columbia, on the 3rd floor
250-828-4448

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

s.16

V1K1N9

Sent from my iPhone

On Apr 10, 2019, at 2:39 PM, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca> wrote:

Hi **s.16**

Just wanted to let you know that there is a Public meeting tonight at the Merritt Civic centre at 7 to discuss the Nicola Valley Aggregates proposed NOW 1621718201801. Maybe I will see you there?

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

1621718201801 Nicola Valley Aggregates Notice of Work additional information

From: Zryd, Bob FLNR:EX <[s.15](#)>
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>
Sent: May 3, 2019 12:05:06 PM PDT
Attachments: 190410 - 1887 Preliminary Hydrogeology Study -.pdf

Hello

My apologies for the "bulk" email. This is follow up on the consultation initiation letter that was sent out March 19, 2019.

Please find attached the "Preliminary Hydrogeological Study" that was prepared by Active Earth Engineering on behalf of Nicola Valley Aggregates. Please direct any technical questions to Gary Breaks breaksbulldozing@telus.net, the proponent, or Rick Adams, Sr Mines Inspector, Ministry of Energy Mines and Petroleum Resources rick.adams@gov.bc.ca

Other inquiries can be addressed to myself, Bob Zryd, Indigenous Relations Advisor, FLNRORD.

Thank you

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159



PRELIMINARY HYDROGEOLOGICAL STUDY

April 10, 2019

Project No. 1887

Nicola Valley Aggregates

PO Box 796
Merritt, BC
V1K 1B8

ATTENTION: Gary Breaks

REFERENCE: Preliminary Hydrogeological Assessment
701 Hwy 8, Merritt, BC

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BURNABY

160 – 2250 Boundary Road
Burnaby, BC V5M 3Z3
Tel. 778-737-3488

LANGLEY

4510 Saddlehorn Crescent
Langley, BC V2Z 1J6
Tel. 604-856-5119

ABBOTSFORD

304 – 2600 Gladys Avenue
Abbotsford, BC V2S 0E9
Tel. 778-752-2222

VICTORIA

105 – 4343 Tyndall Avenue
Victoria, BC V8N 3R9
Tel. 778-430-5475

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Withheld pursuant to/removed as

s.16

From: Zryd, Bob FLNR:EX <s.15
To: david.kneale@activeearth.ca, breaksbulldozing@telus.net
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>, Adams, Rick EMPR:EX
<Rick.Adams@gov.bc.ca>
Sent: May 28, 2019 8:54:33 AM PDT

Hi Gary and s.16

Thanks for the response to s.16 comments. Further to Active Earth's relationship and history with Indigenous groups, I was wondering if you had any references from the list that s.16 mentioned below? There continues to be opposition from Nooaitch Indian Band regarding this application so I was hoping that your history of good works in the past with other Bands would be helpful in building the relationship with the Indigenous groups in the Nicola Valley.

Bob Zryd, BSc, RFT
Advisor, Indigenous Relations
Ministry of Forests, Lands and Natural Resource Operations
Thompson Okanagan Region
250 828-4159

s.16

Sent from my iPhone

On May 27, 2019, at 4:32 PM, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca> wrote:

Hello s.16

As a follow up to our phone conversation from the end of last week. Please find below the response from the Hydrogeologist to your comments.

Bob Zryd, BSc, RFT
Advisor, Indigenous Relations
Ministry of Forests, Lands and Natural Resource Operations
Thompson Okanagan Region
250 828-4159

From: Gary Breaks <breaksbulldozing@telus.net>
Sent: May 15, 2019 8:49 AM
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>
Subject: Fwd: Response to s.16 Nooaitch Band's Consultation Lead - FYI

Sent from my iPad

Begin forwarded message:

From: Gary Breaks <breaksbulldozing@telus.net>
Date: May 14, 2019 at 7:31:11 PM PDT
To: saxon@arnicacontracting.com
Cc: Sat s.22
Subject: Fwd: Response to s.16

Nooaitch Band's Consultation Lead - FYI

Sent from my iPad

Begin forwarded message:

From: David Kneale <david.kneale@activeearth.ca>

Date: May 14, 2019 at 6:05:41 PM PDT

To: Gary Breaks <breaksbulldozing@telus.net>

Subject: Response to **s.16** , Nooaitch Band's Consultation Lead -
FYI

Comment: *Vetting*

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DAVID KNEALE, P.GEO.

Principal, Senior Hydrogeologist

c. 604-312-3891 4510 Saddlehorn Crescent
t. 604-856-5119 Langley, BC V2Z 1J6
f. 604-856-7598 activeearth.ca

From: Gary Breaks <breaksbulldozing@telus.net>

Sent: May 7, 2019 6:00 PM

To: David Kneale <david.kneale@activeearth.ca>

Subject: Fwd: 1621718201801 Nicola Valley Aggregates Notice of Work
additional information

Your comments please

Sent from my iPad

Begin forwarded message:

From: "Zryd, Bob FLNR:EX" <Bob.Zryd@gov.bc.ca>

Date: May 6, 2019 at 10:57:50 AM PDT

To: "'breaksbulldozing@telus.net'" <breaksbulldozing@telus.net>

Cc: "Dunae, Vanessa EMPR:EX" <Vanessa.Dunae@gov.bc.ca>, "Adams, Rick EMPR:EX" <Rick.Adams@gov.bc.ca>, "Scorrrar, Brendan EMPR:EX" <Brendan.Scorrrar@gov.bc.ca>, "Zryd, Bob FLNR:EX" <Bob.Zryd@gov.bc.ca>

Subject: FW: 1621718201801 Nicola Valley Aggregates Notice of Work additional information

Hello Gary Breaks

Please note the below comments from Nooaitch Band's consultation lead. **s.16** Further information regarding the background of the Engineering firm may build their credibility with First Nations communities, most importantly would be a history of work that they have done on behalf of First Nations communities.

The second part may be to ensure the FN communities are able to understand the contents of technical reports. Not all FN have the technical staff that have the training to understand technical reports like Hydrogeological reports. There are instances where some assistance may be appropriate in enabling the FN to fully understand the impacts of projects on Aboriginal Interests.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

s.16

FW: Nicola Valley Agg consultation

From: Zryd, Bob FLNR:EX <s.15
To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Dunae, Vanessa EMPR:EX
<Vanessa.Dunae@gov.bc.ca>
Cc: Kamloops, REGOPS EMPR:EX <MMD-Kamloops@gov.bc.ca>
Sent: May 28, 2019 11:29:56 AM PDT

FYI

And for the record

Bob

From: Saxon

Sent: May 28, 2019 10:46 AM

To: Zryd, Bob FLNR:EX ; Gary Breaks ; Sat s.22

Subject: Nicola Valley Agg consultation

Good morning Mr. Zyrd.

Thank you for forwarding the concerns of s.16 of Nooiaitch Indian Band. Here is our response.

We will not be providing references of Active Earths involvement with First Nations.

We did pass on the request to Active Earth Engineering and they found it insulting. They will not engage s.16 any further.

We respectfully suggest that the Nooiaitch Band contact the individual First Nations communities outlined in Active Earths letter directly should he desire. We have more than satisfied his initial request surrounding the validity of the report and the company which wrote it.

Furthermore, the Nooiaitch Band has the option to hire their own independent firm to complete a study of the property. At their own expense. We will not accept any delays in our application process should they choose to do this.

I would like to remind all parties that the hydrogeological report which Nicola Valley Aggregates paid for was not and is not a requirement in the mining application process. Therefore, if the concerns of s.16 are solely directed at the validity of our report, and we incur delays in the application as a result, it puts the entire process into disrepute.

Nicola Valley Aggregates Ltd expects that all gravel application processes undergo the same scrutiny as ours. The same level of "consultation." This includes the application for the Kuiper Pit recently made by the Lower Nicola Indian Band.

We further expect that this process will not undergo any further unsubstantiated delays.

Saxon Peters

Vice President

Nicola Valley Aggregates Ltd

--

Erin and Saxon Peters Arnica Contracting Inc 250-315-5074

RE: For Information: Nicola Valley Aggregates Request to EAO

From: Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>
To: s.16
Cc: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>, Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>, Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Christie, Karen L EAO:EX <Karen.L.Christie@gov.bc.ca>, Warner, Jessica EAO:EX <Jessica.Warner@gov.bc.ca>
Sent: May 29, 2019 11:58:08 AM PDT
Attachments: 1621718201801_Nicola Valley Aggregates LTD Location Map.pdf, image001.png
Dear s.16 ' my apologies for the poor quality of the map. Please refer to this one.
Best regards,
Terry

From: Pratt, Terry EAO:EX
Sent: May 28, 2019 4:04 PM
To: s.16
Cc: Zryd, Bob FLNR:EX ; Dunae, Vanessa EMPR:EX ; Adams, Rick EMPR:EX ; Christie, Karen L EAO:EX ; Warner, Jessica EAO:EX
Subject: For Information: Nicola Valley Aggregates Request to EAO
Dear s.16

I would like to introduce myself. I am a Project Assessment Manager for the Environmental Assessment Office (EAO) and I am based in Kamloops. The attached letter and map is regarding a request to the EAO for a review of the Nicola Valley Aggregates proposal near the Shulus community. Please let me know if you have any questions or would like to meet or have a call to discuss the contents of my letter. I would be happy to set it up at your convenience.

Best regards,
Terry

TERRY (TERESA) PRATT
Project Assessment Manager

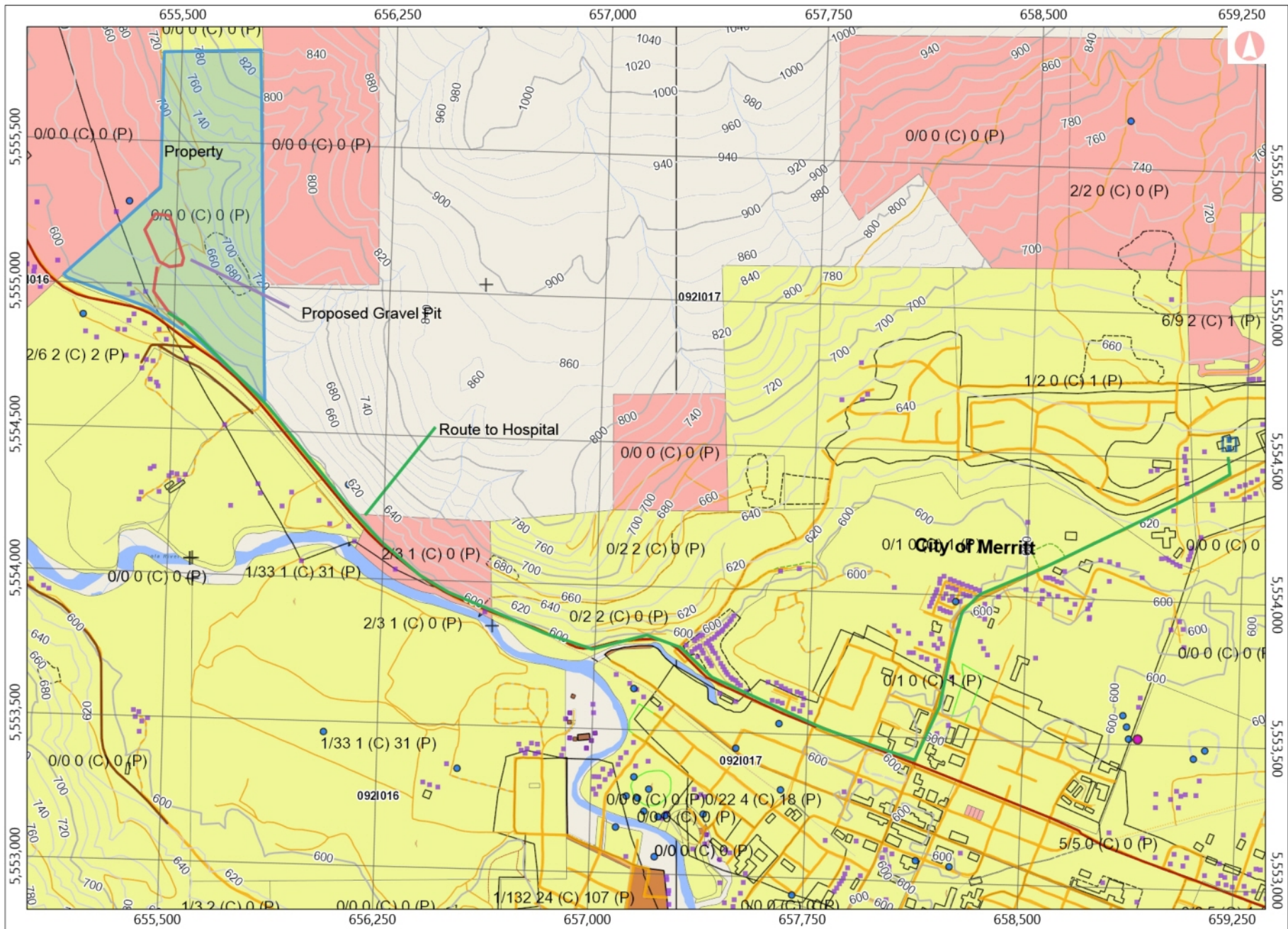
Environmental Assessment Office
Government of British Columbia
OFFICE: 250-371-3710

MOBILE: 250-320-1337

EAO Environmental
Assessment Office

The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

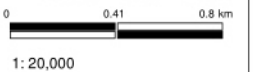
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Nicola Valley Aggregates Ltd-Location Map

Legend

- H BC Health Care Facilities (H)
- Groundwater Points of Well (Applications)
- APPLICATION_STATUS
- Active Application
- Refused
- Groundwater Points of Well
- PWD_STATUS
- Active
- Inactive
- Elevation - Points (1:20,000)
- FCODE
- + Spot Height
- + Mountain Peak
- + Municipality Locations - ABM
- Water Wells - All
- + Landmark - Beacon Tower, I (1:20,000)
- Landmark Kilometre Invento MoT
- Road Features Inventory (RI)
- RFI_HIGHWAY_TYPE
- Highway (O)
- Easement (E)
- Notional (N)
- Pedestrian Notional (P)
- UTM Major Gridlines (1:10,0



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Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Sp here

Key Map of British Columbia



RE: 1621718201801 - Nicola Valley Aggregates- question re development

s.16

From: Zryd, Bob FLNR:EX

Sent: Thursday, June 6, 2019 2:39 PM

To: FileClerk

Subject: 1621718201801 - Nicola Valley Aggregates- question re development

Importance: High

Hi s.16

Please find attached an old Plan of the proposed development adjacent to the Nicola Valley Aggregate property.

Can you tell me if this is still accurate? Or if the plan has changed since when this survey was done in 1998?

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159



Notice of Work

Nicola Valley Aggregates Ltd

Tracking Number: 100268809

Applicant Information

If approved, will the authorization be issued to an Individual or Company/Organization? Company/Organization
What is your relationship to the company/organization? Board Member

APPLICANT COMPANY / ORGANIZATION CONTACT INFORMATION

Please enter the contact information of the Individual/Organization who is acting on behalf of the applicant.

Name: Breaks, Gary
Doing Business As: Nicola Valley Aggregates Ltd
Phone: 250-819-9496
Fax:
Email: breaksbulldozing@telus.net
BC Incorporation Number: BC1182148
Extra Provincial Inc. No:
Society Number:
GST Registration Number:
Contact Name: Gary Wayne Breaks
Mailing Address: PO BOX 796
Merritt BC V1K1B8

CORRESPONDENCE E-MAIL ADDRESS

If you would like to receive correspondence at a different email address than shown above, please provide the correspondence email address here. If left blank, all correspondence will be sent to the above given email address.

Email: s.22
Contact Name: Sharon Breaks

TECHNICAL INFORMATION

APPLICATION INFORMATION

Type of Notice of Work: Sand & Gravel
Is this a New Permit or an Amendment to an existing permit for this property? New Permit

MINE INFORMATION

Do you have an existing mine number? No
Name of the property: Nicola Valley Aggregates Ltd
Tenure Numbers:
Crown Grant / District Lot Numbers: DL 1923 Kamloops Division Yale District
Directions to site from nearest municipality: drive approx. 2.2km from the 5a junction in downtown Merritt to the property the drive way is on the right heading up the bank
Geographic Coordinates of Mine: Latitude: 50.1278000 Longitude: -120.8264000
Maximum Annual Tonnage Extracted: 200000 tonnes

INFORMATION ABOUT PROPOSED ACTIVITIES

Activities to be undertaken: Access roads, trails, heli pads, air strips and boat ramps

FIRST AID

Proposed First Aid equipment on site: level 1 first aid kit. less than 20min to hospital
Level of First Aid Certificate held by attendant: Occupational First Aid Level 2

DESCRIPTION OF WORK PROGRAM

If you prefer to upload a document, please enter "see attached document" and attach the document in the "Document Upload" step later in the application under "Other".

Sufficient details of your work program to enable a good understanding of the types and scope of the activities that will be conducted:
 please see attached supplement

TIME OF PROPOSED ACTIVITIES

Proposed start and end date: Feb 1, 2019 to Feb 1, 2024

Please remember that you need to give 10 days notice to the Inspector of Mines of your intention to start work, and 7 days notice of your intention to stop work.

ACCESS

Access presently gated: No

PRESENT STATE OF LAND

Please identify what the present state of the land is where you would like to undertake your activities. If some of the questions do not apply to you please enter n/a in the space provided.

Present condition of the land: the property is hayfield out side of ALR slightly sloped
Type of vegetation: alfalfa
Physiography: the property is situated between 580m elev to 650m elevation. the topography is slightly sloping on a high bench above the valley bottom
Current means of access: access is a driveway to an existing house on the property
Old equipment: there is a mobile home that is occupied and a couple of storage sheds
Recreational trails / use: none

ACCESS TO TENURE

Do you need to build a road, create stream crossings or other surface disturbance that will not be on your tenure? No

LAND OWNERSHIP

Application area in a community watershed: No
Proposed activities on private land: Yes

Please note that under Section 19 of the Mineral Tenure Act and Section 2.1 of the Mineral Tenure Act Regulation you must not begin any mining activities until 8 days after giving notice to every owner of the surface area on which the recorded holder intends to carry out that activity.

Please attach a copy of the letter of authorization signed by the landowner The document can be uploaded at the "Document Upload" step later in the application process.

Legal description of land: DL1923 Kamloops Division Yale District Parcel identifier 011-222-824

Proposed activities on Crown land: No

Activities in a park: No

CULTURAL HERITAGE RESOURCES

Cultural Heritage applies to a large spectrum of heritage resources that is defined as "an object, a site or the location of a traditional societal practice that is of historical, cultural or archaeological significance to British Columbia, a community or an aboriginal people."

The Archaeology Branch of the Ministry of Forests, Land and Natural Resource Operations is responsible for the administration of the Heritage Conservation Act as it applies to archaeological sites. The Archaeology Branch has developed guidelines for companies engaged in natural resource extraction to aid in planning for and avoiding or managing impacts to protected archaeological sites.

Are you aware of any protected archaeological sites that may be affected by the proposed project? No

FIRST NATIONS ENGAGEMENT

In making decisions on authorizations, the government will be fulfilling its responsibility to consult, and where appropriate, accommodate First Nations. The government takes this responsibility seriously and encourages the applicant to engage First Nations early and often as part of any planned development.

Establishing good relations with First Nations who might be affected by a proposed development is a key part of any successful mining operation. The Ministry of Energy and Mines encourages applicants to engage and information share with First Nations that might be affected by a proposed development prior to submitting an application. The earlier in the life of a proposed activity that the avenues of communication are established the greater the likelihood that the relationships formed will be constructive and beneficial to all parties. A lack of information sharing and engagement by the applicant may result in extended timeframes for decision.

Applicants should keep a detailed record of information sharing and engagement with First Nations on their project in the event the government needs to review it. Information on First Nations information sharing and engagement should include the following: a list of First Nations contacted, whether the activity was modified based on feedback from First Nations, and whether the applicant has entered into any informal or formal agreements with First Nations in connection with the project.

The Consultative Areas Database Public Map Service is an online, interactive mapping tool that allows you to identify First Nations who have treaty rights or asserted or proven rights or title on the land base. More information can be found at <http://maps.gov.bc.ca/ess/sv/cadb/>.

Have you shared information and engaged with First Nations in the area of the proposed activity? Yes

Please tell us about your engagements in the field below or attach a your record of engagement by uploading it at the "Document Upload" step later in the application process. If you are attaching your record later, please enter in the text box "See record attached". Please ensure your record does not contain an individual's personal information such as contact information.

Describe your First Nations engagement activities: On November 1 2018 at 10:30 am Gary Breaks met with Chief Aaron Sumexheltza and Kevin Ainsworth, General Manager, LNIB Development Corp at the Lower Nicola Indian Band office. The proposed Sand and Gravel operation was discussed with them, also was the potential for First Nations employment. They seemed to be very receptive of this proposal

As a result of the engagement, are you aware of any cultural heritage resources in the area where the work is proposed? No

ACCESS ROADS, TRAILS, HELI PADS, AIR STRIPS AND BOAT RAMPS

MAPS

Mark the locations of the proposed access roads and trails on the map. The maps will be uploaded at the document upload step later in the application.

ACTIVITIES

Click on the "Add Activity" button to add one or more activities. Select your activity out of the list and enter the length in km, the total disturbed area and total merchantable timber volume.

Activity	Length (km)	Disturbed Area (ha)	Merchantable timber volume (m ³)
Existing Access Modification	0.33	0.46	0.00
Total:	0.33	0.46	0.00

BRIDGES, CULVERTS AND CROSSINGS

Are you proposing any bridges, culverts and/or other river / stream crossings? No

RECLAMATION PROGRAM

Describe the proposed reclamation and timing for this specific activity: access will be left for future use of the property owner
Estimated cost of reclamation activities described above: \$3,100.00

ADDITIONAL INFORMATION

Please note that you may require a Special Use Permit under the Forest Practices Code of British Columbia Act or a Land Act tenure or other authorization under the legislation to use roads to access your tenure.

For further information please contact FrontCounter BC.

SAND & GRAVEL / QUARRY OPERATIONS

MAPS

All plans and sections must indicate the scale and orientation of the drawing and must include:

1) Plan View of Proposed Development illustrating:

- Property boundaries and set back of excavation from property boundary
- Watercourses and drainage (wet, dry or intermittent) on the property and within 150 metres of its boundaries
- All previous surface workings, the final boundaries of proposed excavation, and boundaries of excavation at the end of development described in the Notice of Work
- Access roads, including development roads within the pit and access to the public roads
- All proposed and existing stockpiles (topsoil, overburden, product etc.)
- All settling ponds (for both surface run off and process water) and source of process water
- Buildings and other facilities (fuel/lubricant storage, sanitary facilities, weigh scale, etc.)
- Sediment control structures and the location of any point discharges from the property
- Fencing, berms and/or vegetative buffers.

2) Cross and longitudinal sections of Proposed Development illustrating:

- The original land surface and, if applicable, the groundwater table elevation
- Typical configuration during mining, indicating angle of slope and, where applicable, bench locations
- Proposed configuration on completion of reclamation

3) A copy of the land title/crown land tenure map must be provided.

SOIL CONSERVATION

Average depth of overburden:	0.10 m
Average depth of topsoil:	0.10 m
Measures to stabilize soil overburden stockpiles and control noxious weeds:	place stockpile at angle repose and cover seed the stockpile

LAND USE

Is the site within the Agricultural Land Reserve?	No
Does the local government have a Soil Removal Bylaw?	No
Official Community Plan for the site:	N/A
Current land use zoning for the site:	RL1
Proposed end land use is:	RL1
Estimate total minable reserves over the life of the mine:	3,800,000 tonnes
Estimate annual extraction from site:	200,000 tonnes/year

Application must be made to the Environmental Assessment Office if estimated extraction for sand/gravel production is 500,000 tonnes/year or 1,000,000 tonnes over 4 years; or if estimated extraction is 250,000 tonnes/year for quarried product.

ACTIVITIES

Click on the "Add Activity" button to add one or more activities. Select your activity out of the list and enter the tonnes, the total disturbed area and the total merchantable timber volume.

Please note that you must notify the Inspector at least two weeks before if you are planning to bring a crusher on site.

Activity	Total Disturbed Area (ha)	Merchantable timber volume (m ³)
Crushing	0.00	0.00
Excavation of Pit Run	3.60	0.00
Mechanical Screening	0.00	0.00
Total:	3.60	0.00

Is the work year round or only seasonal?	Year round
Brief description of operation, including proposed work schedule:	SEE ATTACHED SUPPLEMENT INFORMATION

RECLAMATION PROGRAM

Describe the proposed reclamation and timing for this specific activity:	As the operation progress there will be slopes that will no longer be modified. These slopes will be covered with soil from the current operating area and seeded with grass, at the end of the operation the soil in storage will be distributed over the remaining un-reclaimed slopes. The intent is to perform progressive reclamation.
If backfilling of pits or pit slopes is proposed in the final configuration for reclamation, details of materials to be used and placement procedures:	At the end of the operation the soil storage will be distributed over the remaining un-reclaimed slopes. Additional top soil will be imported as it becomes available.
Estimated cost of reclamation activities described above:	\$17,000.00
Will progressive reclamation be carried out?	Yes
Maximum unreclaimed disturbance at any given time:	3.60 ha

GROUNDWATER PROTECTION

Average depth to the high groundwater table at the	15.0 m
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proposed excavation:

Elevation of the groundwater table was determined from:

- ☒ Existing area wells
☐ Test pits
☐ Test wells drilled for this purpose
☐ Other:

Measures proposed to protect groundwater from potential impacts of the proposed mining activity:

Fuel management - Enviro double wall tank will be used. The tank fuel station will have lined berm area and spill trays will be used during fueling operations. Spill kits will be available for spills outside of fuel station. The design for the operations will maintain a 10m buffer above water table. Contamination soils will be excavated and sent to a remediation site.

IMPACT MINIMIZATION

Shortest distance between proposed excavation to nearest residence: 250 m

Shortest distance between proposed excavation to nearest residential water source: 100 m

Measures proposed to prevent inadvertent access of unauthorized persons to the mine site: Fencing and gate will be used to limit access

Measures proposed to minimize noise impacts of the operation: Restricted hours of operation and design of the Pit is a bowl to deflect sound upwards.

Measures proposed to minimize the dust impacts of the operation: For dust suppression the access road will be paved and screen plant will have water spray suppression when required.

Measures proposed to minimize visual impacts of the operation: The property is on a high bench where local houses and traffic cannot see the pit

TIMBER CUTTING

Total merchantable timber volume: 0.00 m3

No TimberYou have indicated that there is no merchantable timber that will be cut. Therefore a Free Use Permit or a Licence to Cut is not required. If this is not accurate, please correct your entries.

EQUIPMENT

Click on the "Add Equipment" button to add one type of equipment at a time. All equipment must comply with the requirements of the Health, Safety and Reclamation Code.

Quantity	Type	Size / Capacity
1	Bulldozer/Crawler Tractors	d6 18tonne
1	Excavator	2cu-m bucket
1	Loader	5.4cu-m
1	Other: Screening plan	150tonnes per hour
1	Other: crushing plant	250 tonnes per hour as required

SUMMARY OF RECLAMATION

Based on the information you have provided on the previous screens the Summary of Reclamation is:

Activity	Total Affected area (ha)	Estimated cost of reclamation (\$)
Access roads, trails, etc.	0.46	3,100.00
Sand & Gravel / Quarry	3.60	17,000.00
Subtotal:	4.06	20,100.00
Unreclaimed disturbance from previous year:	0.00	
Disturbance planned for reclamation this year:	0.00	

Total:	4.06	20,100.00
--------	------	-----------

OTHER CONTACTS

Please enter the contacts that are applicable to your application.

Contact Info	Type of Contact
Name: Gary Breaks Phone: 250-819-9496 Daytime Phone: Fax: Email: breaksbulldozing@telus.net Mailing Address: PO BOX 796 Merritt BC V1K1B8	Site operator

Name: PAUL Mathew Breaks Phone: 604-308-7126 Daytime Phone: Fax: s.22 Email: Mailing Address: PO BOX 796 Merritt BC V1K1B8	Mine manager
--	--------------

Contact Info	Type of Contact
Name: Nicola Valley Aggregates Ltd Doing Business As: Nicola Valley Aggregates LTD Phone: 250-819-9496 Fax: Email: breaksbulldozing@telus.net BC Inc. Number: BC1182148 Extra Provincial Number: Society Number: GST Registration Number: Contact Name: Mailing Address: PO BOX 796 Merritt BC V1K1B8	Permittee

LOCATION INFORMATION

LAND DETAILS

Do you have the legal description of the land or the civic address then click on 'Add Land Information'.

Description

Private Land
Parcel ID: 011-222-824
Legal Description: DL 1923 Kamloops Division Yale District
Civic Address: 701 highway 8 , merriott BC V1K1P1

DRAWINGS

All applications must include the appropriate maps and applications received without maps will be returned. All maps must be in colour, computer generated, with a scale, north arrow and a detailed legend.

For Mineral, Coal and Placer applications you must provide a minimum of 3 maps:

- A Location Map which must show the location of the property in relation to the nearest community with the access route from the community to the work site clearly marked;
- A Tenure Map which must show the boundaries of the tenure(s) and tenure numbers, at a scale of 1:20,000 or less;
- A Map of Proposed Work which must show topography, water courses, existing access, existing disturbance, contour lines, known cultural heritage resources and/or protected heritage property, at a scale of 1:10,000 or 1:5,000. For site specific applications the location of all proposed exploration activities must be shown; for area-based applications the work area must be shown as a polygon, with the location of all proposed exploration activities for year 1 shown, and shape files provided of the area.

For Sand & Gravel/Quarry applications you must provide a Plan View, Cross and Longitudinal Sections and a Land Title/Crown Land Tenure Map. Details of these requirements are listed in the Sand & Gravel/Quarry Operations Activity sheet.

☒ I have one or more files (PDF, JPG, PNG etc.) with my maps

MAP FILES

Do you have a PDF or image file of a drawn map? You can upload it here.

Description	Filename
Pit plan for 5 years	Nicola Valley Aggregates Pi...
archeologist letter	Archaeological letter.pdf
letter of suport	Letter of support from Prop...
location	Nicola Valley Aggregates LT...
mineral titles	Nicola Valley Aggregates LT...

ATTACHED DOCUMENTS

Document Type	Description	Filename
Mine Emergency Response Plan	Mine emergency plan for pit 1 NVA	Mine Emergency Response fo...
Other	Shape Files	Nicola Valley Aggregates Sh...
Other	Supplemental information	Nicola Valley Aggregates Lt...
Other	land title map	Nicola Valley Aggregates La...
Other	operational section	Nicola Valley Aggregates Ty...
Other	section	Nicola Valley Aggregates se...
Other	section	Nicola Valley Aggregates se...
Other	section	Nicola Valley Aggregates se...
Other	sections	Nicola Valley Aggregates se...

PRIVACY DECLARATION**PRIVACY NOTE FOR THE COLLECTION, USE AND DISCLOSURE OF PERSONAL INFORMATION**

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FrontCounter BC Program Director
FrontCounter BC, Provincial Operation
441 Columbia Street
Kamloops, BC V2C 2T3

☒ Check here to indicate that you have read and agree to the privacy declaration stated above.

REFERRAL INFORMATION

Some applications may also be passed on to other agencies, ministries or other affected parties for referral or consultation purposes. A referral or notification is necessary when the approval of your application might affect someone else's rights or resources or those of the citizens of BC. An example of someone who could receive your application for referral purposes is a habitat officer who looks after the fish and wildlife in the area of your application. This does not apply to all applications and is done only when required.

Please enter contact information below for the person who would best answer questions about your application that may arise from anyone who received a referral or notification.

Company / Organization:	Nicola Valley Aggregates Ltd
Contact Name:	Gary Breaks
Contact Address:	P.O. Box 796 Merritt B .C
Contact Phone:	250-819-9496
Contact Email:	breaksbulldozing@telus.net

☒ I hereby consent to the disclosure of the information contained in this application to other agencies, government ministries or other affected parties for referral or First Nation consultation purposes.

IMPORTANT NOTICES

- Once you click 'Next' the application will be locked down and you will NOT be able to edit it any more.

DECLARATION

☒ By submitting this application form, I, declare that the information contained on this form is complete and accurate.

APPLICATION AND ASSOCIATED FEES

Item	Amount	Taxes	Total	Outstanding Balance
Mines Notice of Work Application Fee	\$50,000.00		\$50,000.00	\$0.00

OFFICE

Office to submit application to: Kamloops

PROJECT INFORMATION

Is this application for an activity or project which requires more than one natural resource authorization from the Province of BC? No

OFFICE USE ONLY		
Office Kamloops	File Number	Project Number
	Disposition ID	Client Number

Nicola Valley Aggregates Ltd. – Gravel Pit Application

Supplemental Information

The proposed gravel pit is located west of Merritt B.C. at UTM Nad 83 Zone 10 655445E, 5555130N.

The proposed pit is located on the property at 701 Highway 8

Description of the property: Hayfield on an elevated plateau in the Nicola Valley outside of the ALR the property is fenced.

Resources

The sand and gravel resources exceed 3,800,000 tonnes. The intermediate 5 year plan 1 to 5 are designed at a slope of 1.5:1 for the gravel. The 5 year plan extracts 1,000,000 tonnes of sand and gravel from the pit area. There has been no drilling to determine the contact between rock and gravel.

Operations

Nicola Valley Aggregates Ltd. Intends on using the sand and gravel for sales to the local community the maximum extraction would be 200,000 tonnes per year and 800,000 tonnes over 4 years.

Nicola Valley
Aggregates Ltd.

Year	Tonnes
1	200,000
2	200,000
3	200,000
4	200,000
5	200,000
Total	1,000,000

However, the extraction rate depends on the economic environment in the local community. The actual sales may be less than the schedule shows. At 200,000 tonnes per year the pit will operate for 19 years based on an estimated resource of 3,800,000 tonnes of gravel available for extraction at the site.

Description of access and works to be performed

Access: Currently the property is accessed via the driveway to the house on the property. For hauling material out of the property the access will be upgraded to create a safe entry onto highway 8 and comply with BC mines regulation width requirements. The current access is a single lane driveway that has served the property for over 50 years. The driveway will be upgraded to an 8m running surface with a 1 m wide ditch against the bank and a 1m wide berm on the downhill side of the driveway. The upgrade work is entirely cut on the bank side, inside the property boundary.

Production: In years 1 to 3 the bottom of the pit will be at 612m elevation. Years 4 and 5 the floor of the pit will be situated at 600m elevation. The internal side walls of the pit will be at a slope of 1.5:1.

There is intent to screen the gravel, dust control will be implemented on the crusher/screener. A crusher/screener will not be used all the time and will be brought in on a custom contract agreement basis. There will not be any washing performed and the crushing and screening will be performed in batches. The crushing /screening will be stopped when sufficient quantiles are stored and restarted when the product inventory is depleted.

Hours of operation

The gravel pit will generally be operated between 7:00am to 5:00Pm Monday through Friday and 7:00am to 12:00pm on Saturday. Do change from previous operations.

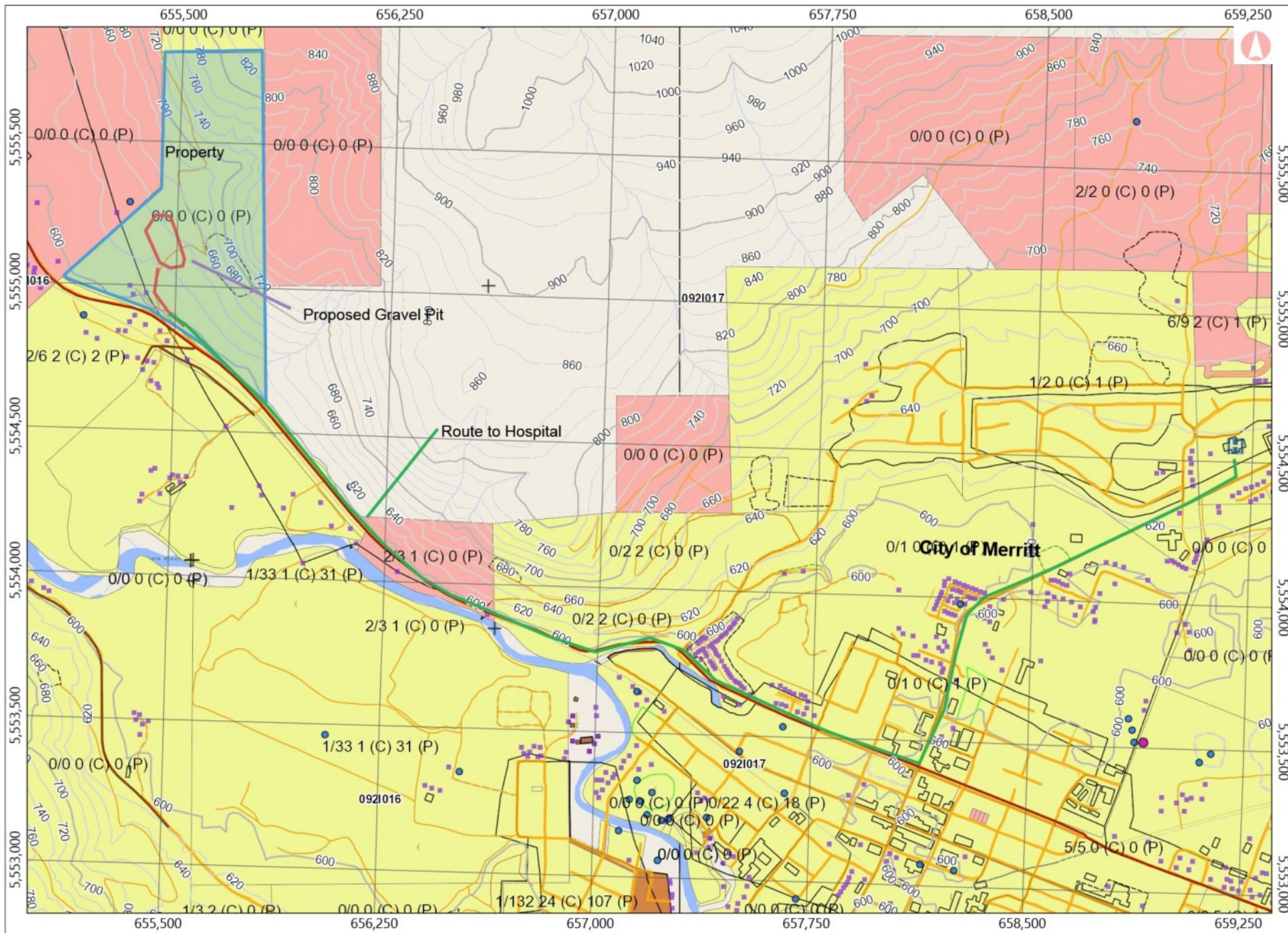
Reclamation

The disturbance area for the 5yr plan is 3.2ha for the pit and 0.45 ha for the road upgrade and 0.41 Ha for the topsoil stockpile and product laydown and portable crushing plant when on site for a total of 4.06Ha.

There is little topsoil overlaying the area. As the operation progresses there will be slopes that will no longer be modified. These slopes will be covered with soil from the current operating area and seeded with grass. At the end of the operation any remaining topsoil will be distributed over the remaining un-reclaimed slopes. The intent is to perform progressive reclamation. The Access road will not be part of the reclamation and will remain operational to support access onto the property.



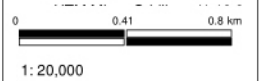
DEC 11 2018



Nicola Valley Aggregates Ltd-Location Map

Legend

- BC Health Care Facilities (H)
- Groundwater Points of Well (Applications)
- APPLICATION_STATUS**
 - Active Application
 - Refused
- Groundwater Points of Well PWD_STATUS**
 - Active
 - Inactive
- Elevation - Points (1:20,000)**
 - Spot Height
 - Mountain Peak
- Municipality Locations - ABM**
 - Water Wells - All
 - Landmark - Beacon Tower, I (1:20,000)
 - Landmark Kilometre Invento MoT
- Road Features Inventory (RI)**
 - Highway (O)
 - Easement (E)
 - Notional (N)
 - Pedestrian Notional (P)
- UTM Major Gridlines (1:10,000)



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Datum: NAD83
Projection: WGS_1984_Web_Mercator_Auxiliary_Sp here

Key Map of British Columbia



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**FW: Amendment Application for Notice of Work, Sand and Gravel Operations,
Merritt; File# 14675-20/1621718201801**

From: Zryd, Bob FLNR:EX <s.15
To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Gary Breaks
<breaksbulldozing@telus.net>, Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>
Sent: June 12, 2019 2:29:19 PM PDT
Attachments: image001.png, Merritt Sand and Gravel Response Letter.pdf

Hello Gentlemen

Just received a response from Scwâ€™exmx Tribal Council (formally Nicola Tribal Council).

Looking forward to our discussion on Friday.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

s.16

Page 091 of 373 to/à Page 097 of 373

Withheld pursuant to/removed as

s.16

RE: Nicola Valley Aggregates

From: Foster, James FLNR:EX <James.Foster@gov.bc.ca>
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>, McQueen, John FLNR:EX <John.McQueen@gov.bc.ca>
Sent: August 14, 2019 2:50:33 PM PDT
Attachments: image001.jpg

Bob,

It seems we need NVA to answer the questions (provide results of studies etc.) to address LNIB's so we can share this with LNIB. What is the status of this, does NVA have any information that can address the concerns? Is there analysis or studies that the Province is required to do?

james

From: Zryd, Bob FLNR:EX
Sent: August 7, 2019 3:15 PM
To: Foster, James FLNR:EX ; McQueen, John FLNR:EX
Subject: FW: Nicola Valley Aggregates
Fyi and comment

s.16; s.22



From: Saxon <saxon@arnicacontracting.com>

Sent: Saturday, August 3, 2019 7:53 AM

To: s.16

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

Subject: Nicola Valley Aggregates

Good morning s.16

If you recall, we spoke on the phone on June 18 regarding the proposed gravel operation on the property adjacent to LNIB lands. Despite leaving multiple messages, I have not had any of my phone calls returned.

We would very much like to sit with your members and listen to their concerns. Further more, we are hoping to have a long and mutually beneficial relationship with LNIB but are finding it hard when our calls go unreturned.

When you have a moment please reach out to us via email or phone. I'm looking forward to hearing from you.

Thank you, have a great weekend.

Saxon

Nicola Valley Aggregates Ltd.

250-315-5971 cell

--

Erin and Saxon Peters Arnica Contracting Inc 250-315-5074

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Withheld pursuant to/removal as

s.16

RE: Nicola Valley Aggregates Ltd

From: Sat Brar s.22
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>, Saxon <saxon@arnicacontracting.com>, Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>
Cc: s.22 Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Gary Breaks <breaksbulldozing@telus.net>
Sent: October 8, 2019 11:42:04 AM PDT

Good day Gentlemen,

Hi Bob,

I have seen the string of emails below plus all other correspondence to date and have been reading and digesting. I have some real concerns regarding the application process, due diligence, time frame and most of all the time given to the Indigenous bands/people for their responses... In all fairness if you see all the communication in all retrospect with out a shadow of a doubt the LNIB and other bands are delaying or not responding after themselves asking for meetings etc. Now they have been blaming the Crown? As you can see we are extremely patient people and have adhered to all requirements including public consultations, reaching out to the different bands and inviting them on to our property for questions or concerns they may have so they can be mitigated or resolved all together. Please there has been extensive time and work done by Rick, Brendan, yourself, The Ministry of Energy, Mines and Petroleum Resources and all the principles of Nicola Valley Aggregates also the capital expenditures to date. We want to be in complete compliance and understand that not everyone is going to be happy... I just don't understand the fact that LNIB is wanting to do the same as us and applied for mining (Gravel Extraction) in or about the same area and opposing ours? All Canadians should have the same rights including Indigenous people but at the same time fairness should be justified and the consultation period just have time frames and limitations for responses etc.. Otherwise these files can take for ever and is not fair to the Government employees and or applicants that are paying all these associated fees' not to mention all the time... How much more time will you allow LNIB for their review and comment? What can we do to move things forward and get the Permit issued? Also last but not least nothing was mentioned about Saxon's question regarding Infracon/ LNIB application? Please advise. Again thanks for all you efforts.

Thanks & Best regards,

Sat Brar

Canadian American Forest Products Ltd.

Green Earth Cedar Products Ltd.

Sales: 604-200-3887

Cell: 604-302-3778

Fax: 604-744-5961

E-Mail: sat@canamforest.com

WEB: www.canamforest.com

From: Zryd, Bob FLNR:EX

Sent: Thursday, September 26, 2019 10:00 AM

To: 'Saxon' ; Scorrar, Brendan EMPR:EX

Cc: s.22 Adams, Rick EMPR:EX ; Sat ; Gary Breaks

Subject: RE: Nicola Valley Aggregates Ltd

Hi Saxon

Just going into a meeting...

LNIB requested information, Brendan has sent LNIB some information and we are now waiting for their review and comment.

Thanks for your patience in this matter.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

From: Saxon <saxon@arnicacontracting.com>

Sent: September 25, 2019 6:13 PM

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

Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>; s.22

Subject: Re: Nicola Valley Aggregates Ltd

Hi Bob,

Have you received the clarification that you asked for from LNIB?

I see that Infracon/LNIB have moved equipment into their new pit on Hwy 8, several kilometers West of our site. To the best of my knowledge, this application was submitted for approval much later than ours.

Any updates would be great.

Thanks

Saxon

On Fri, Sep 6, 2019 at 8:56 PM Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca> wrote:

Thanks, I will keep you in the loop.?

Have a good weekend

Bob

From: Saxon <saxon@arnicacontracting.com>

Sent: Friday, September 06, 2019 7:58 PM

To: Zryd, Bob FLNR:EX

Cc: Adams, Rick EMPR:EX; Gary Breaks; Sat; Scorrar, Brendan EMPR:EX; s.22

Subject: Re: Nicola Valley Aggregates Ltd

Hi Bob.

Thank you for the update. If we can help in any way please let us know.

Saxon

On Fri, Sep 6, 2019 at 2:16 PM Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.caBob.Zryd@gov.bc.ca>> wrote:

Hello Saxon

To keep you up to date on the progress on the engagement with LNIB on your file;

I have responded to the questions that were posed by LNIB. I have requested clarification from LNIB on a couple of issues that were still unclear and I will keep you in the loop regarding their responses and next steps.

Thank you for your patience in this matter.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region
250 828-4159

From: Saxon <saxon@arnicacontracting.com>>
Sent: September 6, 2019 11:33 AM
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>>; Adams, Rick EMPR:EX
<Rick.Adams@gov.bc.ca>>
Cc: Gary Breaks <breaksbulldozing@telus.net>>; Sat
<[s.22](#)>
Subject: Nicola Valley Aggregates Ltd

Good morning Bob,

Over the past 6 weeks we have sent multiple e-mails to LNIB. The only response we received was cc'd to you by LNIB and also forwarded by us. On August 7, 2019 Kari Reilander from LNIB stated in her response "We are copying the Crown on this email to remind them that NVA materials are still outstanding and that they must not delegate consultation to NVA given our previously expressed concerns. This project is causing great deal of questions and concern in our community. LNIB again asks the Crown to better engage this consultation process for the sake of both LNIB and NVA."

Since that day we have heard nothing from LNIB or yourself.

We have sent subsequent e-mails to LNIB "as neighbors" and not a corporation in hopes to begin the relationship building process. There has been not response.

Furthermore, we've spoken with Paul Mitchell-Banks at Esh-kn-am Cultural Resources Management Services. Mr. Mitchell-Banks requested the shape files for our proposed operation which we sent the same day. That occurred in July and all subsequent e-mails and phone messages have not been returned.

Mr. Zyrd, it appears that the only steps being taken to move this project forward are being taken by NVA. Please e-mail us what efforts the crown has been taking to keep this application moving. It's extremely concerning for all of us at NVA that we are not being kept informed given what we have invested in this application.

We are also curious as to what point in time does it become apparent that all reasonable efforts have been made and the permit will be issued for us to begin work.

We look forward to hearing from you.

Saxon Peters
NVA

--

Erin and Saxon Peters Arnica Contracting Inc 250-315-5074

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Withheld pursuant to/removed as

s.15 ; s.16

Please consider the environment before printing this email.

On Sep 4, 2019, at 4:48 PM, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca> wrote:

Hello **s.16**

Thank you for the follow up email (Aug 7, 2019) regarding the ongoing consultation regarding the Nicola Valley Aggregates (Notice of Work (NOW) 1621718201801) proposed activities.

I would like to address the outstanding questions that I received from Morgan Camley (representing Lower Nicola Indian Band (LNIB)).

Specific to the potential impacts on LNIB's Aboriginal rights and title, I will attempt to accomplish two things: Firstly, to identify the potential effects that the proposed works could have on your interests and to propose some possible accommodations which could minimize those potential impacts. The second goal is to ensure that I fully understand the interests of the Lower Nicola Indian Band.

The proponent, NVA have supplied information in the form of the NOW application and maps and subsequently, a Hydrogeological report. The application is for a new Sand and Gravel pit to be constructed on private land which is adjacent to the Nicola Mameet 1 IR. Mines Act Permits of this type are issued for a period of 5 years. The NOW proposes to excavate and crush and screen up to a maximum of 200,000 tonnes per year. No water is to be used for washing of gravel, although some may be used for dust control on areas of the operation (crushing and screening, and roads). After 5 years, or if the proponent would like to deviate from the information contained in the NOW, they would be required to submit an amendment to the Permit (a new NOW) which would be subject to consultation at that time. I understand that there are concerns regarding the long term plan for the property, but other than the information contained in the current NOW, any further activities related to mining activities would be subject to a separate NOW at a later date. The proposed NOW contains a commitment to do progressive reclamation with no more than 3.6 ha of unreclaimed area at any given time.

The NOW identifies impact (dust , noise, visual impact and water) minimization as:

250m from existing residence,

100m from residential water source,

Fencing and gate will be used to limit access for site safety,

Noise will be managed through the design of the pit to deflect sound upwards,

Dust will be minimized by paving of access road and water spray suppression while using screen plant,

The pit is on a high bench where local houses and traffic cannot see the pit.

For safety on the access road, the running surface is to be upgraded to an 8m wide running surface with a 1m wide ditch and a 1m wide berm on the downhill side of the road. The access to and exit off of the highway will be upgraded to Ministry of Transportation and Infrastructure specifications.

To ensure protection of groundwater, a hydrogeological assessment was undertaken by the proponent.

Further recommendations could be considered by the Mines Inspector, such as:

Creating a vegetated berm along the pit edge or property boundary,

Restricting hours of work to minimize disturbance to local residents,

Or other permit conditions which may be considered based on information supplied to the Decision Maker.

In the letter from Morgan Camley, dated March 29, 2019, a couple of statements were made, and questions were asked and I will attempt to address them here.

Question 1: **s.16**

s.16 The "response is requested by date" is used as a date set to allow interested First Nations governments to respond. The actual decision is not made until later, when the decision maker feels that they are comfortable that a reasonable amount of time has passed to enable interested FN to express their interests. The actual "engagement end date" will happen at a time when the decision maker feels they have an adequate amount of time to hear about interests and fully consider them prior to decision. As long as there is an active exchange of information that is focussed on understanding interests and considering possible remedies for accommodating the expressed interests and concerns, the period of engagement is ongoing. If the decision maker feels that there is no more relevant information or discussion happening, they may move to decision. The referral letter states, *"If you wish to respond to this Engagement Request, you are requested to review and respond as soon as possible so that your interests can be fully considered during the consultation process and a decision made by the statutory decision maker after the Engagement End Date. If no response*

is received, statutory decisions associated with the project, including the consideration of potential aboriginal interests, may be made based on the best available information.” The letter goes on to state, “In an effort to better inform our decision making process, we invite Lower Nicola Indian Band to provide input on how the proposed project may impact any asserted aboriginal interests you may have in the area, and what potential measures you might recommend to address your concerns.” The Province appreciates responses from interested FN as this information is important for Decision Makers so that they can make their decisions based on the most complete information possible. To ensure procedural fairness, the process can not be permitted to drag on indefinitely.

Statement regarding engagement level: When the Province initiates consultation, it is a request for comments. Depending on a number of factors, a “consultation level” is chosen. The consultation level may help to determine the time used to set “response is requested by” date. To be clear, this is based on an initial assessment of known information and is subject to change based on information received during this response period. During the period between sending a letter and the response requested by date, there is opportunity to respond and to request an extension to the response date to allow adequate opportunity to understand the proposed activity and respond to the request for information. Depending on the response from interested FN, the consultation level can change, as it is tied to known information.

On the top of the third page there is a comment: s.16

s.16

s.16

” Could you please inform me as to the “habitat” you are referring to and the specifics of the Aboriginal rights and title which are exercised at that location? How are the proposed activities of this NOW incompatible with traditional use?

In the concluding section, Next Steps, two items are identified: s.16

s.16

s.16

s.16

” During the meeting with s.16 we discussed the potential impacts of this proposed NOW on LNIB’s interests. We discussed the “timeline” for consultation and my desire to communicate to the decision maker the possible impacts on your interests. At this meeting s.16

s.16

s.16

’ This meeting took place on June 5th. At his meeting the history of the consultation was discussed and procedure for future consultation communication clarified (ensure email goes to “fileclerk”) s.16

s.16

With the shared interest of understanding potential impacts of the proposed development and in order to best inform the decision maker (mines inspector), I would like to offer a path forward. I believe that a focussed discussion should happen regarding:

1. Technical questions about the hydrogeologist’s report.
2. Potential impacts of the proposed development and possible remediation or accommodations of those impacts.

In the absence of a higher level agreement which would enable capacity funding, the Province is willing to provide technical advice regarding the hydrogeological report that was commissioned by the proponent and provided to LNIB on May 3, 2019

As per your request, these discussions will be government to government, although there may be value in getting further input from the proponent. The proponent may be in a position to offer something beyond permit conditions which is more than a decision maker can do.

Please contact myself to arrange a meeting.

Thanks

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

s.16

From: Saxon <saxon@arnicacontracting.com>
Sent: Saturday, August 3, 2019 7:53 AM
To: s.16
Cc: Gary Breaks <breaksbulldozing@telus.net>; Sat s.22
Subject: Nicola Valley Aggregates

Good morning s.16

If you recall, we spoke on the phone on June 18 regarding the proposed gravel operation on the property adjacent to LNIB lands. Despite leaving multiple messages, I have not had any of my phone calls returned.

We would very much like to sit with your members and listen to their concerns. Further more, we are hoping to have a long and mutually beneficial relationship with LNIB but are finding it hard when our calls go unreturned.

When you have a moment please reach out to us via email or phone. I'm looking forward to hearing from you.

Thank you, have a great weekend.

Saxon

Nicola Valley Aggregates Ltd.

250-315-5971 cell

--

Erin and Saxon Peters Arnica Contracting Inc 250-315-5074

[EXTERNAL EMAIL / COURRIEL EXTERNE]

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s.16

RE: Capacity Funding regarding 1621718201801

From: Zryd, Bob FLNR:EX s.15
To: s.16 Scorrar, Brendan EMPR:EX
<Brendan.Scorrar@gov.bc.ca>
Cc: s.16

Sent: November 6, 2019 3:42:52 PM PST
Attachments: DRAFT_1621718201801_SG_Permit.pdf, image001.jpg

Hello s.16

Please find attached the DRAFT permit regarding the notice of work application from Nicola Valley Aggregates. We look forward to your comments regarding the accommodations that are reflected in the permit conditions. Please respond with your comments prior to November 25, 2019.

We appreciate your attention to this matter.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

From: Zryd, Bob FLNR:EX

Sent: November 5, 2019 3:44 PM

To: s.16 ; Scorrar, Brendan EMPR:EX

Cc: s.16

Subject: Capacity Funding regarding 1621718201801

Importance: High

Hi s.16

I have inquired about the request for capacity funding to facilitate your review of the potential impacts of the Nicola Valley Aggregates Notice of Work application.

s.16

MEMPR and FLNRORD take our duty to consult on this proposed Notice of Work application seriously. As per your expressed concern regarding time to review, significant time has been added to the normal review period for proposed activities of this nature. As well, the decision maker is prepared to include permit conditions which should accommodate many of your concerns regarding noise, dust and safety. A draft of the permit conditions will be shared with the Lower Nicola Indian Band for a review and comment period of two weeks prior to permit issuance.

Thank you for your patience in this matter.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

s.16

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Withheld pursuant to/removal as

s.16

FW: Nicola Valley Aggregates Question - LNIB Response

From: Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>
To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: Warner, Jessica EAO:EX <Jessica.Warner@gov.bc.ca>, Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>, Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>, Shepard, Michael EAO:EX <Michael.Shepard@gov.bc.ca>
Sent: November 15, 2019 8:25:10 AM PST
Attachments: image001.png, image002.png, Letter to Terry Pratt Nov 14, 2019.pdf, image005.jpg

FYI, the EAO received this letter yesterday evening.

The EAO will review it and connect with you on our proposed next steps. Any updates you can provide on the consultation and EMPR review process would be helpful.

Terry

s.16

From: Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>

Sent: Tuesday, October 29, 2019 2:21 PM

To: s.16

Cc: Warner, Jessica EAO:EX <Jessica.Warner@gov.bc.ca>

Subject: RE: Nicola Valley Aggregates Question

Dear s.16

I am following up on my request below for a telephone call regarding Nicola Valley Aggregates application for a *Mines Act* permit. The purpose of the call is to discuss a request to our office for a review under Section 6 of the *Environmental Assessment Act* as per my attached letter to the former Chief of the Lower Nicola Indian Band dated May 28, 2019.

The EAO intends to make a decision on the request by November 15th and I would like to know if you have any questions or require more information.

Kind regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Director

Environmental Assessment Office
Government of British Columbia

MOBILE: 250-320-1337

From: Pratt, Terry EAO:EX

Sent: October 17, 2019 11:33 AM

To: s.16

Subject: Nicola Valley Aggregates Question

Hi s.16

Bob Zryd gave me your contact information. I am Project Assessment Director with the Environmental Assessment Office (but I'm based in Kamloops). I would like to speak with you about an inquiry our office received regarding the Nicola Valley Aggregates proposed gravel pit near Coutlee. Do you have some time this afternoon to speak with me?

Kind regards,

Terry

TERRY (TERESA) PRATT
Project Assessment Director

Environmental Assessment Office
Government of British Columbia

MOBILE: 250-320-1337

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Withheld pursuant to/removed as

s.16

RE: Application for a Notice of Work from Nicola Valley Aggregates Ltd. for the purpose of Sand & Gravel Operations - File #14675-20/1621718201801

From: Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
Sent: December 3, 2019 1:21:37 PM PST
Attachments: image001.jpg, 1621718201801_Mine Emergency Response with map jan 10 2019.pdf

Hi Bob,

Going through the latest letter from LNIB regarding the proposed mine I have tried to answer any question that they posed.

Further information on the Archaeologist Letter: This document contains correspondence between a Realtor and BC Archaeological Branch stating that Provincial records indicate that there are no known archaeological sites recorded on the property on which the mine is proposed. This correspondence is from before a Mines Act permit application was submitted to the Province and has been checked with the most recently available data during the application review process. The document also contains correspondence regarding the septic tank, which is not applicable to the proposed mining activity.

On second review I do not see anything in the Mine Emergency Response Plan that could not be shared. I have attached it - **please double check it before sending it.**

What are the "accommodation measures": The accommodation measures are the special conditions included at the end of the permit. If required I can correlate the concerns raised with the special conditions that address them or the existing protection that is in place where that is sufficient.

Let me know if I have missed any unanswered questions. Do we have a path forward? What else do we need to do to make sure the consultation process has been completed appropriately?

For Rick's benefit it is my understanding that you have talked to FLNROD legal counsel briefly about this application, but they did not feel the need to get involved at this point in time.

Regards,

Brendan

s.16

Correspondence from the Environmental Assessment Office

From: Robinson, Tiffany EAO:EX <Tiffany.Robinson@gov.bc.ca>
To: s.16
Cc: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>, Shepard, Michael EAO:EX <Michael.Shepard@gov.bc.ca>, kate@gowermodernlaw.com, Pratt, Terry EAO:EX <Terry.Pratt@gov.bc.ca>
Sent: December 6, 2019 9:40:25 AM PST
Attachments: 353926_s.16 FINAL.pdf, image003.png

Good morning,

Please find attached the correspondence from Project Assessment Director, Terry Pratt, regarding the proposed gravel pit by Nicola Valley Aggregates Ltd.

Best,

TIFFANY ROBINSON

Administrative Assistant

Environmental Assessment Office

Government of British Columbia

OFFICE: 250 419-8639



The EAO respectfully acknowledges that it carries out its work on the traditional territories of Indigenous nations throughout British Columbia.

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File: 30020-04/MINI2019

Reference: 353926

December 6, 2019

SENT VIA EMAIL

s.16

Thank you for your letter to the Environmental Assessment Office (EAO) on November 14, 2019 outlining Lower Nicola Indian Band's (LNIB) concerns regarding the proposed gravel pit by Nicola Valley Aggregates Ltd near Merritt, B.C. As you are aware, the EAO received a request for an environmental assessment (EA) under the British Columbia *Environmental Assessment Act* for the proposed sand and gravel quarry on March 19, 2019. The proposed annual production of 200,000 tonnes per year of sand and gravel for the proposed pit is well below the threshold for an EA review under the Reviewable Projects Regulation, which is a production of 500,000 tonnes per year and 1,000,000 tonnes of production over 4 years of operation. In addition, any proposed sand and gravel operations that are below the threshold for an EA are required to undergo a regulatory review under the *Mines Act*, which I note is underway for this proposal.

I have reviewed and considered the concerns you presented to us and conferred with staff working on the gravel pit from the Ministry of Energy, Mines and Petroleum Resources (EMPR) and the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). FLNRORD has provided our office with a copy of the draft Sand and Gravel Permit No. 1621718 that was sent to you on November 6, 2018 for review. I note that the draft permit identifies conditions to address potential effects of the proposed operation, including those related to dust and noise from the operation.

...2

**Environmental
Assessment
Office**

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

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

I encourage you to continue raising any concerns with the proposed project to FLNRORD and EMPR, and to continue to work with their staff on the conditions for that draft permit in order to address LNIB's concerns.

This is to advise you that the EAO is moving to a decision on the Section 6 request very shortly. Our office will advise you when the final decision has been made. Please contact me at 250 320-1337 or by email Terry.Pratt@gov.bc.ca if you have any questions or concerns.

Yours truly,



Terry (Teresa) Pratt
Project Assessment Director

cc: Rick Adams, Senior Inspector of Mines
Ministry of Energy, Mines & Petroleum Resources
Rick.Adams@gov.bc.ca

Bob Zryd, First Nations Relations Advisor
Ministry of Forests, Lands, Natural Resource Operations & Rural Development
Bob.Zryd@gov.bc.ca

Mike Shepard, Executive Project Director
Environmental Assessment Office
Michael.Shepard@gov.bc.ca

Kate Gower, Lawyer
Gower Modern Law Corporation
kate@gowermodernlaw.com

RE: Consultation regarding NVA Application

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
To: s.16
Cc: s.16, Scorrar, Brendan EMPR:EX
<Brendan.Scorrar@gov.bc.ca>, Kate Gower <kate@gowermodernlaw.com>
Sent: December 20, 2019 11:07:05 AM PST
Attachments: 1621718201801_Mine Emergency Response with map jan 10 2019.pdf, arch letter.pdf, image001.jpg

Hi s.1

I was working on a response last week s.22

s.22

The mine plan can be shared as there is no personal or financial information in it. Initially the Mines Inspector thought it would need a freedom of information request, but has changed his mind.

The Archaeologist letter is actually from the Real Estate company. It contains the search request to Arch Branch for a known arch within the property (there is no known arch within the property) as well, within the document, there is information regarding location of domestic well and septic system and the associated sign offs by installer/inspector. I believe there may be some Freedom Of Information requirements there due to the other information that was supplied by the realtor. That is my guess, but I am not an authority on Freedom of Information requests.

I have attached the first 2 pages of this letter (the Arch info) and the Mine Plan for your review.

Sorry about the delay in getting back to you.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

s.16

NICOLA VALLEY AGGREGATES LTD

701 HIGHWAY 8
MERRITT B.C.

MINE EMERGENCY RESPONSE PLAN

Copyright

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Don Ward

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: July 9, 2015 2:14 PM
To: 'donward@movingrealestate.ca'
Subject: RE: Data Request: Don Ward - Realtor

Hello Don,

Thank you for your phone call this afternoon.

Regarding the two properties you are asking about: DL 183 KDYD, PID 011222808 and DL 1923 KDYD, PID 011-222-824, Provincial records indicate that there are no known archaeological sites recorded on either of the subject properties.

There is always a limited possibility for unknown archaeological sites to exist on the properties. Archaeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the properties, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

Please review the screenshot of the properties below (outlined in yellow). If this does not represent the properties listed in the data request please contact me.

Kind regards,

Diana



FW: NOW 1621718201801 Nicola Valley Aggregates: meeting request

From: Zryd, Bob FLNR:EX <s.15>
To: Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>, Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
Cc: Khadka, Bhupendra FLNR:EX <Bhupendra.Khadka@gov.bc.ca>
Sent: January 21, 2020 4:08:10 PM PST
Attachments: image001.jpg, Application Notice of Work Nicola Valley Aggregates Ltd January 20 2020.pdf

Hi Guys

Here is the meeting request response from LNIB.

Rick and Brendan, we need to chat when you get back in town.

Bob Zryd

s.16

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Sent: Wednesday, January 15, 2020 1:53 PM

To: s.16

Subject: NOW 1621718201801 Nicola Valley Aggregates: meeting request

Importance: High

Hello s.16

Happy New Year,

Rick Adams (the decision maker on the file) would like to have a meeting at Lower Nicola to discuss the Nicola Valley Aggregates NOW application. Is it possible to schedule the meeting for the week of January 27-31? Please let me know what day works for you.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

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Withheld pursuant to/removed as

s.16

s.16

From: Zryd, Bob FLNR:EX
Sent: Monday, February 3, 2020 2:51 PM
To: Adams, Rick EMPR:EX ; s.16
Cc: s.16 ; Kate Gower ; Scorrar, Brendan EMPR:EX
Subject: RE: NOW 1621718201801 Nicola Valley Aggregates: meeting request
His.16

Hopefully the morning of Feb 13th works.

As a starting point, Rick Adams would like to hear from Lower Nicola Indian Band regarding the proposed NOW by Nicola Valley Aggregates.

On Nov 6 I sent a draft permit with proposed conditions to accommodate your expressed concerns and invited comments.

As per your request, I supplied the Archaeologist letter and emergency mine plan on Dec 20th.

This meeting will provide LNIB an opportunity to speak directly to the Decision Maker (Rick) on this Permit decision. The decision maker is interested in your feedback on the Draft Permit conditions and any other concerns that you would like to communicate, so they could be considered regarding your interests in regards to impacts associated with this proposed sand and gravel operation.

Please let me know what time you would like the meeting to start.

Thanks

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

From: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>

Sent: January 31, 2020 3:45 PM

To: s.16 ; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Cc: s.16 >; Kate Gower

<kate@gowermodernlaw.com>; Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>

Subject: RE: NOW 1621718201801 Nicola Valley Aggregates: meeting request

Thanks, s.16 I can call into my afternoon meeting in Williams Lake on Thurs, Feb 13th instead of travelling to Williams Lake that morning, and make the morning of Thurs, Feb 13th work with LNIB. Please provide a time and location.

I defer to Bob Zryd to provide the detailed agenda for the meeting but, to confirm, the purpose is the focused discussion regarding the Nicola Valley Aggregates application.

Rick Adams

s.16

From: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>

Sent: Tuesday, January 28, 2020 3:50 PM

To: s.16

; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Cc: s.16

; Kate Gower

<kate@gowernmodernlaw.com>; Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>

Subject: RE: NOW 1621718201801 Nicola Valley Aggregates: meeting request

s.16 I am not available on February 6th " I am in Victoria all next week. Please give consideration to the following dates and times I can be available to meet, and advise if any of those will work for LNIB:

- Friday, January 31;
- Thursday, February 13, afternoon only;
- Friday, February 14;
- Monday, February 17;
- Thursday, February 20; or
- Friday, February 21.

Rick Adams
Regional Director
MEMPR
South Central Region
250-828-4583

s.16

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Sent: Tuesday, January 21, 2020 4:04 PM

To: s.16 >

Cc: s.16

; Kate Gower

<kate@gowernmodernlaw.com>; Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>

Subject: RE: NOW 1621718201801 Nicola Valley Aggregates: meeting request

Hi s.16

First of all, please accept my apology in directing the request to you only.

Rick Adams is away this week at a mining conference and believe he returns to the office this Friday. I will inquire as to his availability for a meeting on Thursday, February 6. Do you have a particular time that works best?

I have not spoken to Rick since before the holidays, but I will pass on your questions to him.

Bob Zryd

s.16

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Sent: Wednesday, January 15, 2020 1:53 PM

To: s.16

Subject: NOW 1621718201801 Nicola Valley Aggregates: meeting request

Importance: High

Hello s.16

Happy New Year,

Rick Adams (the decision maker on the file) would like to have a meeting at Lower Nicola to discuss the Nicola Valley Aggregates NOW application. Is it possible to schedule the meeting for the week of January 27-31? Please let me know what day works for you.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

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Withheld pursuant to/removed as

s.16

NVA impacts public and FN.docx

From: Zryd, Bob FLNR:EX <s.15
To: Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>, Adams, Rick EMPR:EX
<Rick.Adams@gov.bc.ca>
Sent: February 7, 2020 4:18:47 PM PST
Attachments: NVA impacts public and FN.docx

Hi Guys

Here is the list of concernsâ€™ public and LNIB

There are some outstanding questions from Nooaitch and Scwâ€™™exmx Tribal Association as well, but not included here.
Bob

Public Concerns		
s.22	air quality, air pollution, and noise pollution	
	environmental racism	
	Destruction of habitat of wildlife and people	
	dust and sound	
	Hwy 8 is secondary highway not suitable for heavy truck traffic	
	Too close to homes and agricultural land	
	Route through Lower Nicola and IR	
	Noise, safety and dust for school buses, bike riders and walkers.	
	Dust from trucks and industry already.	
	Hours of operation?	
	Impact on adjacent property values	
	Visual impacts	
	Honey bee population (poll	
	Unclear information presented at public forum (inconsistent answers and some "Gary questions")	
	Road concerns (condition and traffic)	
	Impacts on recreation values (rail trail)	
	Particulate in the air, constant noise, potential for water contamination, heavy traffic and negative impact on property values.	
	Concerns about: water use to control dust, Chemicals to control dust,	
	noise bouncing off the hill and travelling throughout valley. Crusher not in pit (no sound mitigation)	
	Steep driveway	
	Visual impact to Coutlee community and Shulus IR	

s.22	significant adverse environmental, economic, social, heritage and health effects.	
	dust, noise, traffic, and visual impacts on the community, and will pose potential significant groundwater and land/slope stability risks to the highway and those who rely on groundwater for domestic use.	
	Hydrogeological report does not use site-specific data (ignores water levels at neighbouring wells)	
	Impacts on wildlife	
	Increased fire risk	
	noise, dust, heavy traffic and yet unknown factors	
	Gary Questions left unanswered	
	Will changes to permits require consultation? What is the process?	
	Visual impact, dust, Bees	
	Planning to build home on IR in adjacent development	
	Visual impact	
	Dust from pit and truck traffic	
	Safety of pedestrian traffic on hwy8	
	Loss of agricultural land	
	Loss of bee forage	
	Noise and dust	
	I hope you are able to have a heart as this will impact the first Nation community of the Lower Nicola Indian Band in a huge way and your reputation as a representative of the government of Canada. Let the record show that you were on the side of our ancestors that were here long before you and your colonial counterparts.	

s.22	Hydrological impact on adjacent spring fed fish bearing stream (Berard Brook)	
	Traffic safety	
	Air quality concerns	
	I strongly urge you, as sole arbiter, to consider the worstcase scenario here before it becomes a disastrous legacy for your office.	
	rights that flow from the common law principle of quiet enjoyment of one's property and residence, including freedom from unreasonable disturbance.	
	Effects on tourism (truck traffic vs motor cycles) and quality of life.	
	Concerns regarding water: report did not account for many local wells.	
	City of Merritt	
	Concern about volume of permitted gravel (impacts on dust, noise, traffic, environment and city infrastructure (streets). Request: reduce max annual extraction to 80,000 tonnes	
	Coutlee Residents Committee	
	Concerns drawn from "the guide to preparing mine permits for Aggregate pits":	
	Incompatible with rural residential and agricultural neighbourhood.	
	Successful aggregates operations minimize conflict with Neighbours...	
	Noise, dust (silica), groundwater impacts, increased truck traffic	
	ALC land used for road upgrade	
	Letter to George Heyman to disallow the permit	
	Letter to George Heyman to make the pit EAO reviewable due to Cumulative Effects	

s.22

s.22		Impacts on Wildlife, bees, noise (crusher, loader, truck..) loss of productive hay field.	
	Coutlee residents to City of Merritt	traffic congestion, noise pollution, diesel pollution, impairment of the local wells, aquifer and water table, erosion of property values and most importantly health considerations.	

s.16

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Withheld pursuant to/removed as

s.16

s.16

From: Zryd, Bob FLNR:EX

Sent: Friday, February 7, 2020 3:09 PM

To: s.16

Cc: s.16 ; Kate Gower ; Adams, Rick EMPR:EX

Subject: RE: FOI Request - FNR-2019-98513 - Request Consent Extension

Importance: High

Hi s.16

Here is a bit of info that will hopefully be helpful:

The entire attachment called Archaeological letter contains 7 pages.

The first 2 pages that I sent you already, contained all of the references to archaeological information.

Page 3 is a quote to have a well drilled (dated Oct 24, 2017)

Page 4 is the "application for a permit to construct a sewage disposal system" (dated March 1991)

Page 5 is a rough map which shows the location of the existing well in relation to the septic system and contour of land.

Page 6 is the certification of the septic system by "public health protection" and the TNRD building inspector "I believe it is dated April 1991, which is attached to an email from Interior health (May 2015)

Page 7 is the request to Interior Health for the information that was contained on page 6 (also May 2015)

I realize that my description of these pages of the document is not the same as seeing it for yourself, but I am obliged to follow the freedom of information procedures.

I am not an expert in Freedom of Information, but I believe that information that would be redacted from this document would be the addresses and phone numbers of the individuals and potentially the actual value of the quote for the well???

I have spoken to the individual who is handling your FOI request and let him know that getting the information to you soon is important. I am a little concerned that your FOI request will not get you the same info that I spoke of above as

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Withheld pursuant to/removed as

s.16

Correspondence regarding draft permit for Nicola Valley Aggregate

From: Scorrar, Brendan EMPR:EX <Brendan.Scorrar@gov.bc.ca>
To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
Cc: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Sent: February 10, 2020 4:06:52 PM PST
Attachments: DRAFT_1621718201801_Permit Enclosed Letter_L7.docx, NVA S6 Report_Final.pdf, Application for a Notice of Work from Nicola Valley Aggregates Ltd.pdf, DRAFT_1621718201801_SG_Permit.pdf

Hi Rick,

Attached is the Draft permit for NVA " 1621718. Bob sent it to **s.16**

s.16 with LNIB on November 6, 2019. In a letter dated and sent November 22, 2019 (attached) **s.16** acknowledged receipt of the draft permit, but stated that "We attempted to review the document, but without further information or clarification from BC, it is not possible for us determine what measures have been added that would not appear in a standard permit of this kind."

In the same letter they state that they would like funding to review the Hydrogeologist's report and would like copies of the "Archaeologist letter" and a "Mine emergency plan for pit 1 NVA". The MERP has since been sent and the "Archaeologist letter" is actually from the Real Estate company. It contains the search request to Arch Branch for "known arch within the property" (there is no known arch within the property) as well, within the document, there is information regarding location of domestic well and septic system and the associated sign offs by installer/inspector. Bob, sent the Arch portion of the letter, but not the info on the septic system. **s.16**

s.16

I have also attached the draft permit cover letter, which I sent to you, Bob, and Vanessa on Nov 6, but hasn't been shared with LNIB.

The draft permit and responses to the concerns draw from and build on the EAO response which is also attached. I think that all the concerns have been addressed and accommodated where necessary. The only possible exception is the concerns about the proximity to the proposed housing development on the LNIB reserve. There have been no specific concerns raised (from what I've seen), but mitigating the others (dust/noise/water/etc.) would mitigate the potential impacts to those houses if/when they are built.

Brendan

-

Brendan Scorrar, M.Sc, P.Geo

Inspector of Mines

Mines and Mineral Resources Division

441 Columbia Street, Kamloops, BC V2C 2T3

Ministry of Energy, Mines and Petroleum Resources

Phone: 250-828-4458 (desk) 250-319-6043 (cell)



November 1, 2019

File: 14675-30/1621718

Gary Breaks
Nicola Valley Aggregates Ltd.
PO Box 796
Merritt BC V1K 1B8

Dear Gary Breaks:

**Re: Mines Act Permit DRAFT - Approval # DRAFT
Property: Nicola Valley Aggregates Ltd – Mine # 1621718**

Please find enclosed your Mines Act permit which authorizes Sand & Gravel activities as detailed in the Notice of Work and Reclamation Program dated December 11, 2018 and received December 07, 2018. The Notice of Work and Reclamation Program forms part of the permit and you are reminded that you may not depart from the permitted program without written authorization.

Reclamation security has been received and a copy is enclosed. This brings the total security deposit to \$15,000. The amount of your security deposit may be adjusted on the basis of reclamation performance, field inspections by this ministry, and on reports which may be requested.

Read your permit carefully and ensure that you and all persons who are carrying out activities in accordance with this permit comply with all terms and conditions of the permit and are familiar with the permitted work program. Maintain a legible copy of this permit at the mining property and ensure that it is available to authorized inspectors and other authorized government officials.

The following permit conditions must be met prior to starting work:

1. An Archaeological Chance Find Procedure (ACFP) must be implemented in the event that an archaeological artifact is discovered during the work program. A copy of the ACFP must be available on site at all times when work is being carried out. Staff must be trained in the use of the ACFP. A copy of the ACFP must be provided to the Mines Inspector.
2. An assessment by a qualified professional archaeologist is required to be conducted. The assessment must be provided to the Mines Inspector for review and acceptance prior to commencing ground disturbing work.
3. The permittee shall obtain the required approvals from MOTI for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.
4. No disturbance shall occur on ALR designated land without prior approval from the Agricultural Land Commission. Any required approvals from the ALC must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.
5. The permittee shall provide an updated reclamation and closure plan to the Inspector of Mines for review and acceptance prior to commencing ground disturbing work.

Ministry of Energy, Mines and
Petroleum Resources

Mailing Address:
2nd Floor, 441 Columbia Street
Kamloops, BC V2C 2T3
Telephone: (250) 828 4131
e-mail: MMD-Kamloops@gov.bc.ca

Location:
South Central Region

This permit applies only to the requirements under the *Mines Act* and Health, Safety and Reclamation Code for Mines in British Columbia (Code). Other legislation may be applicable to the operation and you (the Permittee) may be required to obtain approvals or permits under that legislation.

Pursuant to Part 1.7.1 of the Health, Safety and Reclamation Code for Mines in British Columbia, the Mine Manager shall report all accidents and dangerous occurrences to the Regional Inspector of Mines – Health and Safety.

Also enclosed are copies of the referral comments from the Ministry of Forests, Lands and Natural Resource Operations for your information and guidance. You are encouraged to follow the recommendations outlined in these documents.

Paul Breaks has been designated as the Mine Manager, and as such, it is his responsibility to ensure that the property is operated in accordance with permit conditions and the Health, Safety and Reclamation Code for Mines in British Columbia. In the event that he is unable to fulfill this responsibility on a daily basis, it is **his responsibility** to appoint, in writing, an alternate to fulfill the function of Mine Manager.

Health and Safety inspections fall under the jurisdiction of this Ministry. A Mine Inspection Fee is collected for this service. The fee structure is based on tonnes of materials extracted for the period January 1st through December 31st. You will receive a Return Reminder for the Mine Inspection Fee in December of each year, with payment due by January 31st of the following year. For further information regarding the Mine Inspection Fee please contact your regional office or Cindy Head at Mineral, Oil and Gas Revenue Branch in Victoria at 778-698-5003.

When activity on the site is finished and reclamation completed, please forward to this office a request for cancellation of permit and return of security.

Sincerely,

DRAFT

Inspector of Mines, Permitting

Evaluation of a Request to Designate Proposed Gravel Pit in Nicola Valley as Reviewable Under the *Environmental Assessment Act*

Requested by:
Coutlee Residents Committee

December 11, 2019



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1. THE DESIGNATION REQUEST

On March 19, 2019, the Environmental Assessment Office (EAO) received a request from the Coutlee Residents Committee (CRC) to designate the Nicola Valley Aggregates (NVA) Gravel Pit proposed by Nicola Valley Aggregates, Limited (NVA Ltd.) as a reviewable project that requires an environmental assessment (EA) pursuant to Section 6 of the *Environmental Assessment Act* (Act).

The proposed NVA Gravel Pit is 4.06 hectares in size. It is located 2.2 kilometres (km) west of Merritt, BC on private land adjacent to Highway 8 and directly adjacent to Lower Nicola Indian Band's (LNIB) Nicola-Mameet Indian Reserve (IR) in a rural area known as Coutlee. The property is within the Thompson-Nicola Regional District and is zoned RL1, Rural Zone, which permits the processing of aggregate materials. The closest residence not associated with the proposed operation is located approximately 250 metres (m) southwest of the proposed pit. The most westerly boundary of the proposed gravel pit is located approximately 43 m east of the eastern boundary of Nicola-Mameet IR #1 and the closest existing residence on the Nicola-Mameet IR #1 is approximately 250 m west of the proposed pit. See [Appendix A](#) for a site location map.

The Ministry of Energy, Mines and Petroleum Resources (EMPR) received an application for a Notice of Work (NoW) from NVA Ltd. for the proposed NVA Gravel Pit on December 7, 2018. The NoW application is currently under review by EMPR and consultation with Indigenous Nations is being conducted by the Ministry of Forests, Lands, Natural Resource Operations and Rural Development (FLNRORD). During its review of CRC's request for an EA of the pit, the EAO engaged with EMPR to understand regulatory requirements for gravel pit development and potential effects of the proposed gravel pit on local residents, members of the public and Indigenous Nations. The EAO also engaged with FLNRORD to understand potential effects of the proposed gravel pit on Indigenous interests, as well as how FLNRORD sought to address concerns raised by the Lower Nicola Indian Band (LNIB) on the NVA Gravel Pit through its consultation on the NoW Application. The EAO also engaged directly with the LNIB on CRC's request for an EA of the NVA Gravel Pit.

The CRC expressed concern to the Minister of Environment and Climate Change Strategy that there may be significant adverse environmental, economic, health, heritage and social effects, including cumulative effects, from the proposed gravel pit operation. The CRC's concerns are related to the potential impacts of noise, traffic and dust, including health effects from silica dust on nearby rural residences as well as potential effects on groundwater, riparian areas, wildlife, recreational users and views; and an increased risk of wildfire. Additional concerns were raised regarding EMPR's NoW review process including concerns with transparency and accountability, and fewer opportunities for public consultation. The CRC also raised concerns regarding the necessity and viability of the project, but these are not within the scope of a Section 6 consideration.

2. SECTION 6 OF THE ENVIRONMENTAL ASSESSMENT ACT

Section 6 of the Act gives the Minister the power to designate a project as reviewable:

6 (1) Even though a project does not constitute a reviewable project under the regulations, the Minister by order may designate a project as a reviewable project if:

- (a) The Minister is satisfied that the project may have a significant adverse environmental, economic, social, heritage or health effect, and that the designation is in the public interest; and*
- (b) The Minister believes on reasonable grounds that the project is not substantially started at the time of the designation.*

3. EVALUATION OF THE DESIGNATION REQUEST

3.1. CRITERIA SPECIFIED IN SECTION 6 OF THE ACT

Section 6 of the Act sets out four criteria that must be met for a project to be a candidate for designation as a reviewable project:

1. The project is not captured by the Reviewable Projects Regulation (RPR);
2. The project is not substantially started;
3. The project may have a significant adverse environmental, economic, social, heritage or health effect; and
4. The designation is in the public interest.

If any of the four criteria are not met, then Section 6 of the Act does not apply.

3.2. EVALUATION OF THE DESIGNATION REQUEST AGAINST THE SECTION 6 CRITERIA

The EAO has assessed the designation request for the NVA Gravel Pit against the four criteria set out in Section 6 of the Act. The EAO has determined that criteria 3 and 4 are not met and that Section 6 of the Act does not apply. The EAO's assessment is provided below.

3.2.1. CRITERION 1

The designation request meets criterion 1. The 4.06 ha NVA Gravel Pit proposes a maximum production of 200,000 tonnes per year and approximately 3.8 million (M) tonnes over the 19-

year life of the mine if there is enough market demand. This is below the EA threshold for a new sand and gravel pit set out in Part 3, Table 6, of the RPR:

- (1) A new pit facility that will have a production capacity of:
- (a) $\geq 500,000$ tonnes/year of excavated sand or gravel or both sand and gravel during at least one year of its operation; or
 - (b) Over a period of ≤ 4 years of operation, $\geq 1,000,000$ tonnes of excavated sand or gravel or both sand and gravel.

3.2.2. CRITERION 2

The designation request meets criterion 2. The NVA Gravel Pit is not substantially started. Construction and operation of the NVA pit requires a permit under the *Mines Act*. NVA Ltd. submitted a permit application to EMPR on December 7, 2018, which is under review, but the decision has not yet been made. Consultation with Indigenous Nations on the application is ongoing. No estimate is yet available of when a *Mines Act* permit decision could be made.

3.2.3. CRITERION 3

The designation request does not meet criterion 3. It is the EAO's view that significant adverse effects from the NVA Gravel Pit are unlikely, including the potential significant adverse cumulative effects identified by the requestor. The EAO takes this view because the NVA Gravel Pit project is subject to the requirements of the *Mines Act* and other legislation including the *Wildlife Act*, the *Water Sustainability Act* and the *Transportation Act* that will address the direct and cumulative potential effects from the project.

The application by NVA Ltd. for a permit under the *Mines Act* is currently under review by EMPR. EMPR has advised the EAO that if a permit is issued, it will contain project specific mitigations to address concerns raised to the Mines Inspector who is the statutory decision-maker for the *Mines Act* permit. See [Appendix B](#) for a summary of concerns identified by the CRC and other members of the public during the public consultation period and possible mitigations that the Mines Inspector can require in the permit should it be issued, or that are a requirement under other applicable legislation.

3.2.4. CRITERION 4

It is the EAO's view that designation of the NVA Gravel Pit as a reviewable project that requires an EA would not be in the public interest. The proposed maximum production of 200,000 tonnes per year and up to approximately 3.8M tonnes over the 19 year life of the mine is below the RPR threshold, the level of disturbance on the privately-owned parcel at 4.06 hectares is around the same size as other gravel pits in the area authorized under the *Mines Act*. The EAO is satisfied that requirements under the *Mines Act* and other legislation including the *Wildlife Act*, the *Water Sustainability Act* and the *Transportation Act*, will mitigate the effects of the NVA Gravel Pit such that the potential for any significant adverse cumulative environmental,

health and social effects from the project are unlikely. The EAO is also of the view that the public consultation process undertaken by EMPR was sufficient to clearly identify the issues of concern for the residents potentially affected by the proposed NVA Gravel Pit.

4. CONSULTATION WITH INDIGENOUS NATIONS

FLNRORD is leading consultation with the LNIB on behalf of EMPR and began engagement with the LNIB on March 19, 2019. Since then, FLNRORD and EMPR staff have met with LNIB on two occasions and have exchanged information. NVA Ltd. began engaging LNIB when it met with Chief Sumexheltza and LNIB staff on November 1, 2018.

The EAO understands from FLNRORD and EMPR that additional consultation is underway with LNIB to address its key concerns with the NVA Gravel Pit project. LNIB has indicated to FLNRORD and EMPR that it intends to proceed with a six-home residential development along the eastern boundary of the Nicola-Mameet IR #1 adjacent to District Lot 1923 where the NVA Gravel Pit is proposed.

- On May 28, 2019, the EAO wrote to the LNIB notifying them of the Section 6 consideration for the proposed NVA Gravel Pit and requesting comments by June 12, 2019. The EAO did not receive a response from LNIB, and then followed up with LNIB on October 17, 2019 and on October 29, 2019, requesting comments. On November 14, 2019, LNIB responded to the EAO stating that it was concerned that the project would have significant adverse environmental, economic, social, heritage and health effects and stated that an EA of the proposed quarry would be in the public interest. LNIB also re-iterated concerns that it had previously raised with FLNRORD and EMPR, including:
 - that the location of the project is in the core of LNIB territory adjacent to Nicola-Mameet IR #1 and has the potential to significantly impact LNIB's Aboriginal title and rights;
 - Sufficiency of information in order for LNIB to adequately review the NoW Application;
 - Timelines for LNIB to review the NoW Application. The EAO understands that a request by LNIB for an extension to the deadline for response was granted and that FLNRORD continues to engage with LNIB on the proposed pit at time of writing;
 - Requirements for capacity funding to support LNIB's involvement in reviewing the NoW and to hire technical experts to review a completed hydrogeological study Application; and
 - Potential impacts to an undeveloped six lot residential subdivision, originally proposed for the Nicola-Mameet IR #1 in 1998. The proposed NVA Gravel Pit would be located approximately 50m from the subdivision.

The EAO understands that the following potential mitigation measures have been proposed by EMPR through their consultation with LNIB to address the concerns raised, that could become conditions of the permit, if issued:

- The potential to stage the development of the pit in a manner to deflect sound away from the houses;
- The potential to situate top soil and product stockpiles in a manner to work as a visual barrier and sound attenuation barrier between the gravel pit and the proposed residential subdivision;
- The inclusion of potential design elements to minimize noise, dust and visual impacts from the pit and processing area on the residential development;
- Potential limitations on hours and days of operation; and
- An archaeological impact assessment could be carried out prior to any disturbance due to the high archaeological potential of the area. Alternatively, an Archaeological Chance Find Procedure may be adequately protective of archeological resources considering the land has been previously cleared of timber and under agricultural cultivation for a several decades.

The EAO followed up with EMPR and FLNRORD regarding LNIB's concerns outlined in its November 14 letter to the EAO. The EAO understands that on November 6, 2019, FLNRORD provided LNIB a draft Sand and Gravel Permit for review and comment, which included draft permit conditions to address potential effects of the project, including those related to dust and noise from the operation. The EAO is of the view that the consultation process being undertaken by FLNRORD and EMPR with LNIB is capable of adequately addressing LNIB's Aboriginal interests related to the proposed project.

APPENDIX A – SITE LOCATION MAPS

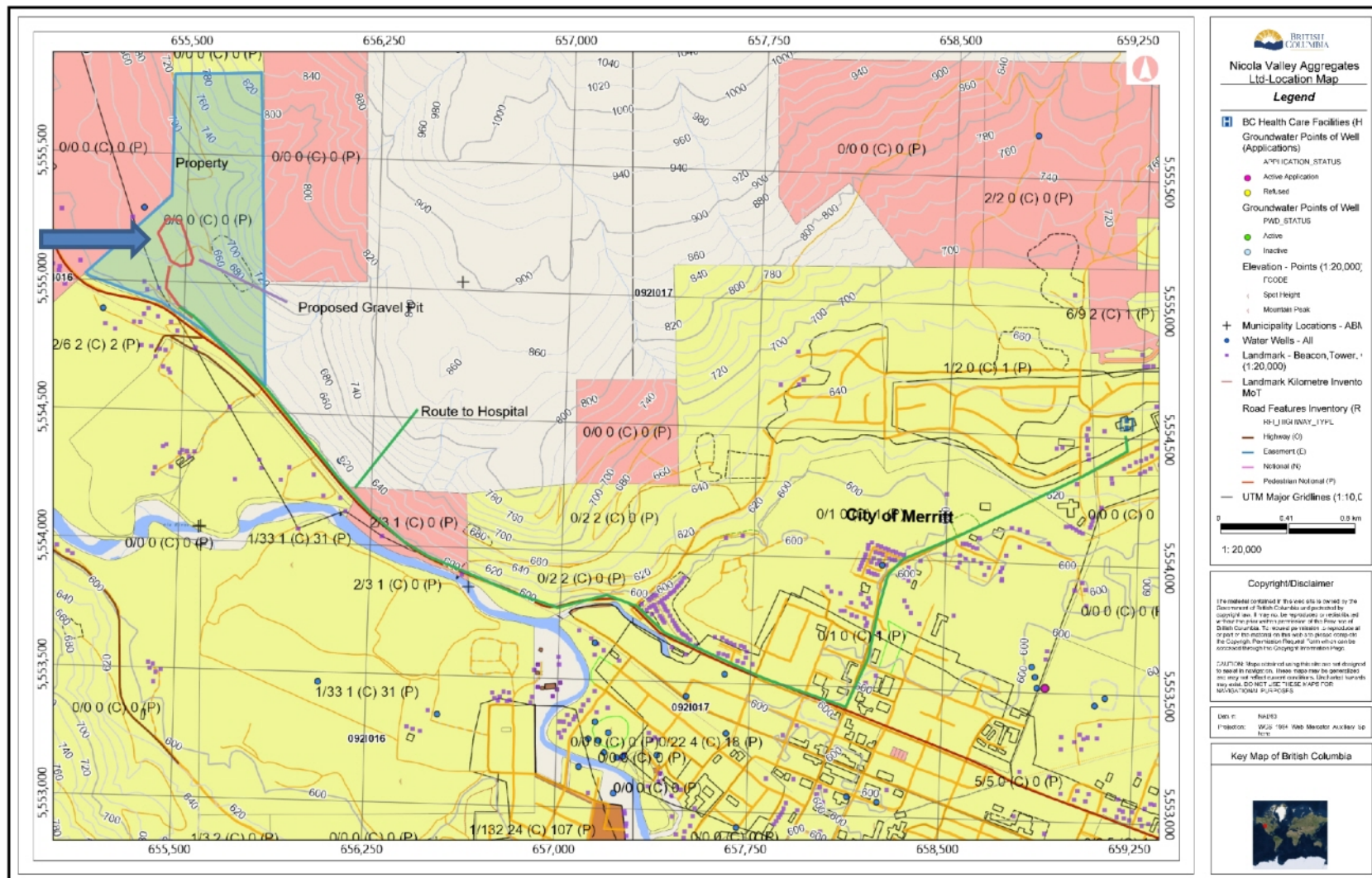


Figure 1. NVA Pit Location Map – Scale: 1:20,000

Figure 2. NVA Pit Site Plan – Scale: 1:2500

APPENDIX B – SUMMARY OF ISSUES RAISED DURING THE PUBLIC CONSULTATION PROCESS FOR EMPR'S NVA GRAVEL PIT PERMIT REVIEW

Issue Raised	Potential Mitigations or Additional Context
Noise effects on residents from operations due to steep geography of the Nicola Valley and prevailing winds.	For gravel pits in urban residential and rural residential areas the Inspector may consider imposing permit conditions to set maximum noise levels at the property boundary. Inspectors typically set the noise limit at about the level of a normal conversation, and below the levels of household appliances. The Inspector may also impose permit conditions to limit the hours and days of operation and the proposal has identified limits on operation. Mine design could direct noise away from residences and include berms to block and deflect noise. The Health, Safety and Reclamation Code for Mines in BC sets maximum exposure limits for noise to protect the hearing of workers on site.
Effects on human health to residences within 250 m of the operation due to airborne silica in the dust generated by operations and traffic.	The Health, Safety and Reclamation Code for Mines in BC sets maximum exposure limits to amorphous and crystalline silica to protect the health and safety of workers who work on site on a daily basis, and workers in close proximity to the dust generating points of the operation. Given the distance of residences from the operation, dust exposure of residences would be less than worker exposure levels. The application proposes to utilize dust controls on dust generating points of the screener and crusher. The Inspector may impose permit conditions requiring dust mitigation measures on the screener and crusher, dust control on roads, tarping of all loads leaving the site, and/or a sitewide dust mitigation plan.

Impacts to water quality and quantity for water users in Coutlee.	<p>The permittee has completed a preliminary hydrogeological study, <i>Preliminary Hydrogeological Assessment No. 1887</i> on April 10, 2019, which concluded impacts from the operation to groundwater to be negligible, subject to recommendations for the Inspector to consider for the permitting decision.</p> <p>With respect to impacts on water quality, Inspectors typically require a Mine Emergency Response Plan for identified environmental and worker safety risks and may also impose permit conditions with respect to fuel management and storage and spill response preparation.</p>
Traffic effects including access due to the addition of four gravel trucks per hour on a well-used highway, an approximate increase of 1.3% in overall traffic.	Regulations governing the use of roads and highways are under the authority of Ministry of Transportation and Infrastructure. The permittee will be required to meet all applicable regulations and obtain an Industrial Access Permit from MOTI.
Concerns regarding the effect of the proposal on riparian areas within District Lot 1923, and the need for compliance with the Riparian Areas Regulation.	District Lot 1923 does intersect riparian areas, but it is anticipated that the proposed gravel pit would not impact any riparian areas. Two streams are located within the vicinity of the proposed pit: one stream is located approximately 35m north of the proposed pit and another stream approximately 265m southeast of the proposed pit. These streams are protected by the Riparian Area Regulation, the <i>Mines Act</i> , and the <i>Water Sustainability Act</i> .
Impacts on wildlife (including mule deer, black bear, California bighorn sheep, cougar, raptors, rodents) due to operations.	<p>The current use of the land within the proposed gravel pit footprint is agriculture in the form of a cultivated alfalfa hayfield. This is not natural habitat the species of concern although some species may make some use of this area for foraging or predation. The application proposes to reclaim the land to the same use, following closure of the operation.</p> <p>Nesting birds are protected under the <i>Wildlife Act</i>.</p>

Increase risk for forest fires.	The <i>Mines Act</i> Permit typically requires a Mine Emergency Response Plan that will include provisions for minimizing the risk of fire and firefighting actions. The proposed pit is located within a cultivated alfalfa hayfield. Should pit development proceed, the site would be stripped of surface vegetation.
Potential Impacts on recreational users near the operation including mountain bike riders using the Swakum Mountain Bike and Recreation area, which is east of the proposed pit. Safety for touring motorcyclists using Highway 8 is also a concern.	The proposed pit is on private land. Any recreational use would be on Crown land. Regulations governing the use of roads and highways are under the authority of Ministry of Transportation and Infrastructure.
Visual Impacts on local residents.	NVA Ltd. has stated that it is unlikely that the mine operations will be readily visible from the closest residences on private lands. If visual impacts become a concern for the homes planned on Nicola-Mameet IR #1, mitigation measures could include: positioning of equipment, berms, barriers or vegetation to reduce the visual impacts.
Lack of transparency and opportunity for public input.	Copies of the Permit Application were available for viewing by the public at the Merritt Public Library. EMPR held a 30 day public comment period starting January 17, 2019 and ending February 16, 2019. Notice for the public comment period was advertised in the Merritt Herald newspaper. At EMPR's request, NVA Ltd. held a public meeting on April 10, 2019. EMPR attended the meeting to answer questions directed to the Ministry. The meeting was followed by a 30 day public comment period that ended on May 10, 2019. EMPR's statutory decision maker considers all comments received and may consider imposing permit conditions to mitigate impacts that are within the regulator's mandate to consider.

Concerns were raised by the CRC Committee about the effect the proposed operation would have on members of the LNIB, whose IR is directly adjacent to the proposed operation.	EMPR and FLNORD are continuing to conduct consultation with the LNIB and other Indigenous Bands on the potential effects of the project. The province is committed to meeting its duty to consult with respect to Indigenous Nations and Bands.
Additional Issues Brought Forward during Mines Act Review Process	
Effect on local apiaries due to noise, dust and traffic coming from the pit.	<p>The Inspector may impose conditions to mitigate the impacts of noise and dust.</p> <p>The traffic increase associated with the gravel pit is anticipated to be small in relation to the overall traffic already occurring on Highway 8 for other purposes.</p>
Ground Stability risks and increased potential for flooding due to changes in hydrogeological patterns.	Preliminary Hydrogeologic Report No. 1887 states that infiltration will not be impeded provided haul roads are designed to shed runoff towards permeable areas. The operation is not expected to have a significant impact on flooding in the Nicola Valley.
Impacts to the Agricultural Land Reserve (ALR) from the access road being located in the ALR.	The permit holder is required to obtain appropriate approvals from the Agricultural Land Commission for any non-agriculture use of ALR lands before commencing work.
Potential impact on fish in Berard Brook.	District Lot 1923 does intersect riparian areas, but it is anticipated that the proposed gravel pit would not impact any riparian areas. Two streams are located within the vicinity of the proposed pit: one stream is located approximately 35m north of the proposed pit and another stream approximately 265m southeast of the proposed pit. These streams are protected by the Riparian Area Regulation, the <i>Mines Act</i> , and the <i>Water Sustainability Act</i> .

PROVINCE OF BRITISH COLUMBIA
MINISTRY OF ENERGY, MINES AND PETROLEUM RESOURCES

SAND AND GRAVEL PERMIT
APPROVING WORK SYSTEM AND RECLAMATION PROGRAM
(Issued pursuant to Section 10 of the **Mines Act** R.S.B.C. 1996, C.293)

Permit No.: **DRAFT**

Mine No.: **1621718**
Approval No.: **DRAFT**

Issued to: **Gary Breaks**
Nicola Valley Aggregates Ltd.
PO Box 796
Merritt BC V1K 1B8

for work located at the following property:

Nicola Valley Aggregates Ltd

This approval and permit is subject to the appended conditions.

Issued this 1st day of November in the year 2019.

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PREAMBLE

Notice of intention to commence work on a sand and gravel pit, including a plan of the proposed work system and a program for the protection and reclamation of the surface of the land and watercourses affected by the Notice of Work dated December 11, 2018 was filed with the Inspector of Mines on December 07, 2018. Notice of such filing was published in on March 15, 2019 in the Gazette and Merritt Herald on January 17, 2019.

This permit contains the requirements of the Ministry of Energy, Mines and Petroleum Resources for reclamation. It is also compatible, to the extent possible, with the requirements of other provincial ministries for reclamation issues. The amount of security required by this permit, and the manner in which this security may be applied, will also reflect the requirements of those ministries. Nothing in this permit, however, limits the authority of other provincial ministries to set other conditions, or to act independently, under their respective permits and legislation.

Decisions made by staff of the Ministry of Energy, Mines and Petroleum Resources will be made in consultation with other ministries.

CONDITIONS

The Chief Inspector of Mines (Chief Inspector) hereby approves the work plan and the program for protection and reclamation of the land surface and watercourses subject to compliance with the following conditions:

1. Reclamation Security

- (a) The owner, agent or manager (herein called the Permittee) shall maintain with the Minister of Finance securities in the amount of **s.13**
s.13 The security will be held by the Minister of Finance for the proper performance of the approved program and all the conditions of this permit in a manner satisfactory to the Chief Inspector.
- (b) The Permittee shall conform to all forest tenure requirements of the Ministry of Forests, Lands, Natural Resource Operations and Rural Development. Should the Permittee not conform to these requirements then all or part of the security may be used to cover the costs of these requirements.

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- (c) The Permittee shall conform to all Ministry of Environment and Climate Change Strategy approval, licence and permit conditions, as well as requirements under the **Wildlife Act**. Should the Permittee not conform to these conditions, then all or part of the security may be used to fulfill these requirements.

2. Land Use

The surface of the land and watercourses shall be reclaimed to the following land use: **Rural Residential**

3. Productivity

The level of land productivity to be achieved on reclaimed areas shall not be less than existed prior to mining on an average property basis unless the Permittee can provide evidence which demonstrates, to the satisfaction of the Chief Inspector, the impracticality of doing so.

4. Revegetation

Land shall be revegetated to a self-sustaining state using appropriate plant species.

5. Use of Suitable Growth Medium

- (a) On all lands to be revegetated, the growth medium shall satisfy land use, productivity, and water quality objectives. Topsoil and overburden (to rooting depth) shall be removed from operational areas prior to any disturbance of the land and stockpiled separately on the property for use in reclamation programs, unless the Permittee can provide evidence which demonstrates, to the satisfaction of the Chief Inspector, that reclamation objectives can otherwise be achieved.
- (b) No topsoil shall be removed from the property without the specific written permission of the Inspector of Mines.

6. Buffer Zones and Berms

Buffer zones and/or berms shall be established between the mine and the property boundary unless exempted in writing by the Inspector of Mines.

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7. Treatment of Structures and Equipment

Prior to abandonment, and unless the Chief Inspector has made a ruling otherwise, such as heritage project consideration or industrial use,

- (a) all machinery, equipment and building superstructures shall be removed,
- (b) concrete foundations shall be covered and revegetated unless, because of demonstrated impracticality, they have been exempted by the Inspector, and
- (c) all scrap material shall be disposed of in a manner acceptable to the Inspector.

8. Watercourses

- (a) Watercourses shall be reclaimed to a condition that ensures
 - (1) long-term water quality is maintained to a standard acceptable to the Chief Inspector,
 - (2) drainage is restored either to original watercourses or to new watercourses which will sustain themselves without maintenance, and
 - (3) use and productivity objectives are achieved and the level of productivity shall not be less than existed prior to mining unless the Permittee can provide evidence which demonstrates, to the satisfaction of the Chief Inspector, the impracticality of doing so.
- (b) Water which flows from disturbed areas shall be collected and diverted into settling ponds.

9. Roads

- (a) All roads shall be reclaimed in accordance with land use objectives unless permanent access is required to be maintained.

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- (b) Individual roads will be exempted from the requirement for total reclamation under condition 9(a) if either:
 - (1) the Permittee can demonstrate that an agency of the Crown has explicitly accepted responsibility for the operation, maintenance and ultimate deactivation and abandonment of the road, or
 - (2) the Permittee can demonstrate that another private party has explicitly agreed to accept responsibility for the operation, maintenance and ultimate deactivation and abandonment of the road and has, in this regard, agreed to comply with all the terms and conditions, including bonding provisions, of this reclamation permit, and to comply with all other relevant provincial government (and federal government) regulatory requirements.

10. Disposal of Fuels and Toxic Chemicals

Fuels, chemicals or reagents which cannot be returned to the manufacturer/supplier are to be disposed of as directed by the Chief Inspector in compliance with municipal, regional, provincial and federal statutes.

11. Temporary Shutdown

If this sand and gravel pit ceases operation for a period longer than one year the Permittee shall either continue to carry out the conditions of the permit or apply for an amendment setting out a revised program for approval by the Chief Inspector.

12. Safety Provisions

All safety and other provisions of the **Mines Act** shall be complied with to the satisfaction of the Chief Inspector.

13. Monitoring

The Permittee shall undertake monitoring programs, as required by the Inspector of Mines, to demonstrate that reclamation objectives are being achieved.

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14. Alterations to the Program

Substantial changes to the program must be submitted to the Inspector of Mines for approval.

15. Notice of Closure

Pursuant to Part 10.6.1 of the Health, Safety and Reclamation Code for Mines in British Columbia, a Notice of Completion of Work shall be filed with the Inspector of Mines not less than seven days prior to cessation of work.

16. Annual Report

Annual reports shall be submitted in a form and containing the information as and if required by the Inspector of Mines.

17. Site Stability

- a) The inspector shall be advised in writing at the earliest opportunity of any unforeseen conditions that could adversely affect the extraction of materials, site stability, erosion control or the reclamation of the site.
- b) The stability of the slopes shall be maintained at all times and erosion shall be controlled at all times.
- c) The discovery of any significant subsurface flows of water, seeps, substantial amounts of fine textured, soils, silts and clays, shall be reported to the inspector as soon as possible and work shall cease until the inspector advises otherwise.

18. SPECIAL CONDITIONS

- a) An Archaeological Chance Find Procedure (ACFP) must be implemented in the event that an archaeological artifact is discovered during the work program. A copy of the ACFP must be available on site at all times when work is being carried out. Staff must be trained in the use of the ACFP. A copy of the ACFP must be provided to the Mines Inspector.
- b) An assessment by a qualified professional archaeologist is required to be conducted. The assessment must be provided to the Mines Inspector for review and acceptance prior to commencing ground disturbing work;

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- c) Measures must be established and practiced to mitigate noise from the operation.
- d) Operating hours shall be from 7:00 AM to 5:00 PM Monday to Friday and 8:00am to 4:00pm Saturdays. There shall be no crushing or screening on Saturdays. There shall be no work on Sundays or Statutory Holidays.
- e) Effective dust suppression techniques shall be in place at all dust generating points
- f) All road ways shall be maintained to minimize dust generation
- g) All loaded haul trucks exiting the mine shall be suitably tarped
- h) Barriers shall be put in place to reduce the visibility of the mine operation
- i) The operator shall follow the recommendations outlined in the Preliminary Hydrogeological Assessment No. 1887 Dated April 10, 2019 including the recommendation for a ground water monitoring plan.
- j) All hydrocarbons and other hazardous liquids must be stored in double wall tanks. Storage tanks must be surrounded by a lined berm area and spill trays must be used at any filling points.
- k) An appropriate spill kit must be located at each location where petroleum products are used on the mine site.
- l) The Permittee shall develop and implement a spill response plan. This plan should address to following:
 - a) Proper hydrocarbon management and use of oil-absorbing material while fueling, servicing equipment, and temporary storage;
 - b) Procedures to respond to hydrocarbon spill of various sizes including reporting limits and proper disposal methods;
 - c) The locations where emergency spill kits will be placed.
- m) Any silt-laden water resulting from gravel extraction activities shall be suitably contained on site and not allowed free access to any watercourse.
- n) The permittee shall obtain the required approvals from MOTI for the access to Highway 8. The approvals must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.
- o) No disturbance shall occur on ALR designated land without prior approval from the Agricultural Land Commission. Any required approvals from the ALC must be sent to the Inspector of Mines for Review and Acceptance prior to starting work.
- p) The permittee shall provide an updated reclamation and closure plan to the Inspector of Mines for review and acceptance prior to commencing ground disturbing work.
- q) Approval is for a five-year period. On or before October 31, 2024, the Permittee shall submit an updated Notice of Work and Mine Plan.

DRAFT

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Withheld pursuant to/removal as

s.16

Don Ward

From: Cooper, Diana FLNR:EX <Diana.Cooper@gov.bc.ca>
Sent: July 9, 2015 2:14 PM
To: 'donward@movingrealestate.ca'
Subject: RE: Data Request: Don Ward - Realtor

Hello Don,

Thank you for your phone call this afternoon.

Regarding the two properties you are asking about: DL 183 KDYD, PID 011222808 and DL 1923 KDYD, PID 011-222-824, Provincial records indicate that there are no known archaeological sites recorded on either of the subject properties.

There is always a limited possibility for unknown archaeological sites to exist on the properties. Archaeological sites (both recorded and unrecorded) are protected under the *Heritage Conservation Act* and must not be altered or damaged without a permit from the Archaeology Branch. If any land-altering development is planned for the properties, owners and operators should be notified that if an archaeological site is encountered during development, activities must be halted and the Archaeology Branch contacted at 250-953-3334 for direction.

Please review the screenshot of the properties below (outlined in yellow). If this does not represent the properties listed in the data request please contact me.

Kind regards,

Diana

FIELD DRILLING CONTRACTORS LTD

P. O. Box 841
25320 Fraser Highway
Aldergrove, BC V4W 2V1

Phone: (604)857-2266
Toll free: 1-866-857-2266
Fax: (604)857-2267



Customer: Gordon Pooley
Site Address: 701 Highway 8
Merritt, BC

Quote #: 17-5535
Date: October 24, 2017
Phone: [REDACTED]

8" dia. Hole - Total Estimated Depth - 100 ft.

QTY	DESCRIPTION	RATE	UNIT	TOTAL
1	Mobilization and Demobilization	\$ 500.00	LOT	\$ 500.00
1	Supply 18 ft. of 12" Surface Seal	\$ 1,200.00	EA	\$ 1,200.00
100	Drill and Case 8" dia. Hole (estimated depth)	\$ 60.00	FT	\$ 6,000.00 *
1	Supply 8" Drive Shoe	\$ 350.00	EA	\$ 350.00
10	Supply 8" Telescopic Stainless Steel Screens	\$ 225.00	FT	\$ 2,250.00
6	Hourly to Set Screens and Develop	\$ 250.00	HR	\$ 1,500.00
1	Supply K. Packer and Bail Bottom	\$ 400.00	LS	\$ 400.00
1	Supply 8" - 2 ft. Riser	\$ 450.00	EA	\$ 450.00
2	Per Diem (estimated days)	\$ 400.00	DAY	\$ 800.00

TOTAL-ESTIMATED COST:

\$ 13,450.00

plus GST

Thank you for the opportunity to quote.

If you would like to proceed with drilling, please contact us to schedule a site visit.

- * Drilling depth is an estimate only. Final Cost will be based on actual footage drilled
- Commencement is Subject to Site Accessibility and a signed Work Service Agreement
- PVC is required in all bedrock holes other than solid granite
- Utilities Location is your responsibility. Please call BC ONE CALL at least 3 days prior to Drilling
- Payment is due upon receipt of invoice (credit cards are not accepted).

Yours Truly,

FIELD DRILLING CONTRACTORS LTD.

LARRY FIELD



Province of
British Columbia

Ministry of
Health
PUBLIC HEALTH
INSPECTION

91-106

731 06509.000
APPLICATION FOR A PERMIT TO CONSTRUCT
A SEWAGE DISPOSAL SYSTEM

THE APPLICANT LISTED BELOW HEREBY MAKES APPLICATION FOR A PERMIT TO CONSTRUCT A SEWAGE DISPOSAL SYSTEM PURSUANT TO THE REQUIREMENTS OF THE SEWAGE DISPOSAL REGULATIONS AND AS DESCRIBED IN THE PLAN AND SPECIFICATIONS CONTAINED HEREIN AND/OR ATTACHED HERETO.

PLEASE PRINT OR TYPE

APPLICANT'S FULL NAME: GORDON BAKE POOLEY OWNER'S NAME: GORDON B. POOLEY
LOCAL DESCRIPTION AND STREET ADDRESS: D.L. 1923 KAYD Box 250 Merritt B.C. OWNER'S ADDRESS: Box 250 Merritt B.C.
POSTAL CODE: V0K 2B0 APPLICANT'S PHONE: [REDACTED] POSTAL CODE: V0K 2B0 OWNER'S PHONE: [REDACTED]

TYPE OF PREMISES SERVED: ☒ SINGLE FAMILY DWELLING ☐ DUPLEX ☐ OTHER, SPECIFY: [REDACTED]
ESTIMATED TOTAL DAILY SEWAGE FLOW (PERMITS TO APPROVE 1 OF REGULATIONS FOR MINIMUM FLOW): 375 Imp. Gallons DIAMETER OF DRAIN: 180' x 180' LOT AREA: [REDACTED]
DEPTH OF SOIL TO HANDRAIL: 2 Ft. DEPTH OF TANK (NAME IF PRE-ABSORBED): Major MATERIAL: Cement LIQUID CAPACITY: 200 gal.
TYPE OF ULTIMATE DISPOSAL: ☒ CONVENTIONAL SYSTEM ☐ ALTERNATE (DESCRIBE): [REDACTED] TOTAL LENGTH OF DISPOSAL PIPE: 300' TYPE OF PIPE: Perforated PERFORATION: 4"
DISTANCE FROM SOURCE OF DOMESTIC WATER: 200 ft. FROM CHIMNEY: 1 Km. FROM RICHES/RYE: [REDACTED] FROM STREAM OR LAKE: [REDACTED]
IF A PACKAGE TREATMENT PLANT IS PROPOSED: [REDACTED] MAKE AND MODEL: [REDACTED] TREATMENT CAPACITY: [REDACTED]

NOTE: A SITE PLAN MUST BE SUBMITTED WITH THIS APPLICATION (see below) AND PERCOLATION TEST RESULTS MUST ALSO BE PROVIDED. RESULTS SHOULD BE RECORDED ON PLOT PLAN.

THE SEWAGE DISPOSAL SYSTEM DESCRIBED ABOVE MUST BE CONSTRUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SEWAGE DISPOSAL REGULATIONS. THE MEDICAL HEALTH OFFICER OR HIS DELEGATE MUST BE NOTIFIED WHEN THE INSTALLATION IS READY FOR USE AND BEFORE COVERING.

DATE OF APPLICATION: MARCH 25 1991

SIGNATURE OF OWNER OR AGENT: [Signature]

PERMIT TO CONSTRUCT. PURSUANT TO THIS APPLICATION AND THE SEWAGE DISPOSAL REGULATIONS, PERMISSION IS HEREBY GRANTED FOR THE CONSTRUCTION OF A SEWAGE DISPOSAL SYSTEM.

CONDITIONS OF PERMIT: Provide a minimum of 12 inches of drain rock beneath drain pipe. Provide a maximum of 23 inches of cover material from the bottom of the drain pipe to surface grade. Provide 6 inch to 2 1/2 inch sized drain rock.

DATE OF ISSUANCE: March 26 1991

SIGNATURE OF MEDICAL HEALTH OFFICER OR PUBLIC HEALTH INSPECTOR: [Signature]

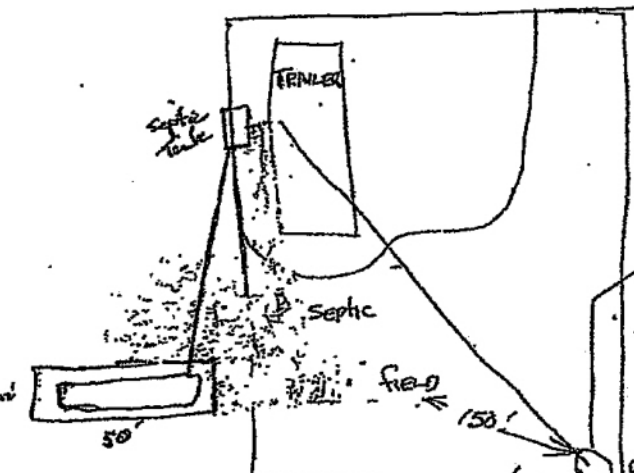
NOTE: CONSTRUCTION MUST NOT COMMENCE UNTIL THIS PERMIT HAS BEEN SIGNED BY THE MEDICAL HEALTH OFFICER OR PUBLIC HEALTH INSPECTOR. AUTHORIZATION TO USE THE SEWAGE DISPOSAL SYSTEM MUST BE GRANTED IN WRITING BY THE AUTHORITY HAVING JURISDICTION BEFORE BACKFILLING. CHECK WITH YOUR LOCAL AUTHORITIES REGARDING BUILDING AND ZONING BY-LAWS. THIS PERMIT IS NOT TRANSFERABLE AND EXPIRES SIX MONTHS FROM DATE OF ISSUE.

COMMENTS:

A 12' x 50' seepage bed was installed inspected and backfilling authorized.

BACKFILLING AND USE AUTHORIZED: ☒ DATE: April 9 1991
MEDICAL HEALTH OFFICER OR PUBLIC HEALTH INSPECTOR: [Signature]

A PLOT PLAN SHOWING LOCATIONS OF BUILDINGS, SEPTIC TANKS, DISPOSAL FIELDS (POLES AND YOUR NEIGHBOURS), ALL DRINKING WATER SOURCES, WATER LINES, PERCOLATION HOLES AND RESULTS, 4 FOOT TEST HOLES AND SURFACE WATERS MUST BE PROVIDED WITH THIS APPLICATION.

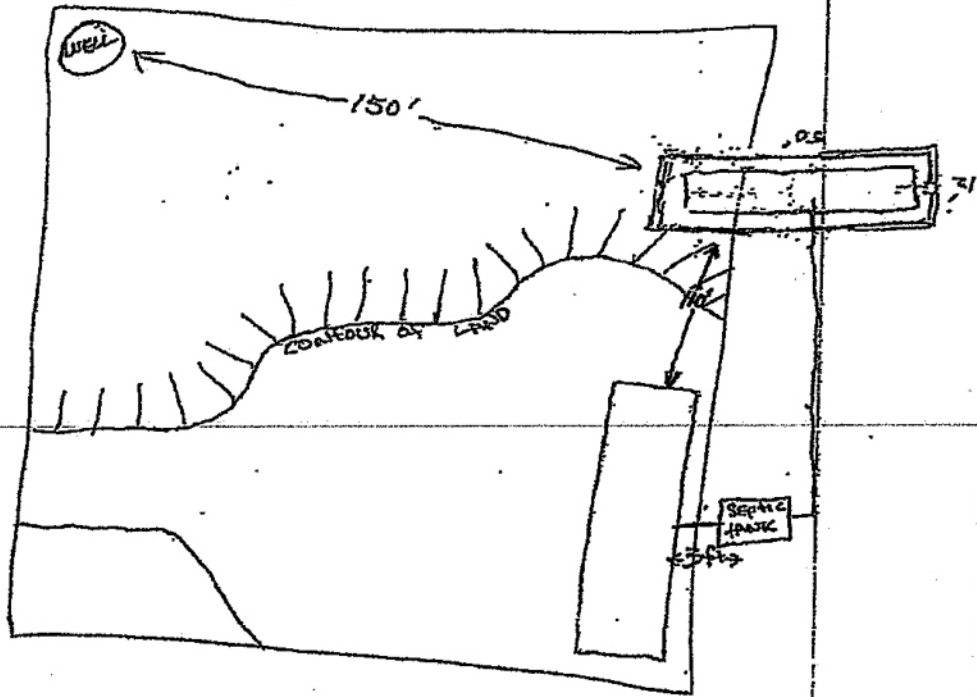


PERCOLATION TEST RESULTS:
Rate: 2130 min/in.
61 min/in.
2 = 61 min/in.

See attached: drawing for details.

PAID
DATE: 9/10/96
BY: [Signature]
SCHU #6

COPY 1 - HEALTH DISTRICT COPY 2 - LOCAL GOVERNMENT COPY 3 - APPLICANT



[Handwritten signature]

From: Helm, Jodie Jodie.Helm@interiorhealth.ca
Subject: Septic File Search - 701 Hwy 8, Merritt
Date: May 4, 2015 at 2:31 PM
To: [REDACTED]

Good afternoon Mr. Pooley,

Please find attached the septic file search for the property located at 701 Hwy. 8 in Merritt.

If you have any questions, please feel free to call us.

Thank you.

Jodie Helm
Health Protection Administration Team Leader
519A Columbia Street
Kamloops, BC V2C 2T8
Ph: (250) 851-7404 Cell: (250) 318-8908
Fax: (250) 851-7339
Toll Free: 1-888-847-4372
jodie.helm@interiorhealth.ca

We are committed to being a trusted leader in creating the healthiest and the safest environments in which we live, work, learn and play.

12

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M355N_20_132722.pdf



Province of
British Columbia

Ministry of
Health
and
Long-Term
Care

#91-101

**SEWAGE DISPOSAL REGULATIONS
INSPECTION OF SEWAGE DISPOSAL SYSTEM**

**PUBLIC HEALTH PROTECTION
SOUTH CENTRAL HEALTH UNIT
519 COLUMBIA STREET
KAMLOOPS, B.C. V2C 2T8**

628-4402

THIS IS TO CERTIFY THAT THE SEWAGE DISPOSAL SYSTEM ON:

PROPERTY OF - Gordon J. Pooley
1001 - J.L. 1923, 1923

BACKFILLING AND USE IS AUTHORIZED.

WARNING: PROPERLY USED AND MAINTAINED, A SEWAGE DISPOSAL SYSTEM WILL PROVIDE SATISFACTORY SERVICE FOR A CONSIDERABLE LENGTH OF TIME. ABUSE AND NEGLIGENCE ON THE PART OF THE USER COULD SIGNIFICANTLY SHORTEN THE LIFE OF THE SYSTEM.

Gordon J. Pooley
Ph: 250
Merritt, BC
V2K 2B0

Building Inspector
Thompson-Nicola Regional District
2077 Falcon Road
Kamloops, BC V2C 4J2

for MEDICAL HEALTH OFFICER

174 128 REC 06/04



Interior Health

Health Protection

SEWERAGE FILE INFORMATION REQUEST

Fee: \$50

Copyright

Nicola Valley Aggregates MLS Listing

From: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Sent: February 24, 2020 2:00:58 PM PST

Just for information:

Property value of the NVA proposal – originally listed at \$1,099,000, then reduced to \$959,000, and they paid \$940,000 after the property had been on the market for 203 days.

Known as "Gilbert Blair's Pre Emption" this unique 180-acre property was originally homesteaded in 1892. Since its inception, each sequential owner has meticulously maintained and improved the property to help enhance the beauty and utility the property now possesses. Consisting of two separate titles, this property is the perfect amalgamation of convenience, ruggedness and privacy. With its proximity to downtown Merritt, all the conveniences associated with urban living may be attained in mere minutes. However, the property size and topographical structure ensure that this modern convenience does not retract from the privacy and recreational opportunity the property affords. The property offers a large manufactured home, 31 acres in hay production, guest cabin complete with full services, a proven rock quarry, diverse trail system, timbered hills/ridges and abundant wildlife. The property is a short commute from the major urban centres of Vancouver, Kelowna and Kamloops. Listed By: LANDQUEST REALTY CORPORATION

Rick

From: Saxon
Sent: February 24, 2020 1:49 PM
To: Adams, Rick EMPR:EX ; Gary Breaks ; Sat
Subject: Fwd: Listing

Hi Rick,

Thanks for meeting with us on Friday.

As promised, here is the MLS listing for the property, as advertised when we purchased it. It has some important info, primarily, that it was 203 days on market, originally settled in 1892 and has a "proven rock quarry." The "rock quarry" is the shale/rock slope indicated by LNIB as a place their ancestors may have been buried.

For further information, Gord Pooleys phone number is s.22

Hope that helps.

Saxon

----- Forwarded message -----

From: JANIS POST* <no-reply@realtyserver.com>

Date: Mon, Feb 24, 2020 at 12:06 PM

Subject: Listing

To: saxon@arnicacontracting.com <saxon@arnicacontracting.com>, JANIS POST* <janis@janispost.com>

Hi Saxon,

Here is the old listing for 701 Highway 8.

Please let me know what other information you are needing.

Cheers

Regards,

Janis Post

Personal Real Estate Corporation

RE/MAX LEGACY

Box 2257, 112-1700 Garcia Street

Merritt, B.C. V1K 1B8

www.janispost.com

ph: 250-315-3672 office: 250-378-6941

Office Logo

This listing information is provided to you by:

JANIS POST*

250-315-3672

Agent Email janis@janispost.com

RE/MAX LEGACY

250-378-6941

Office Email legacy@therightagents.ca Office Website <http://www.therightagents.com>

112-1700 GARCIA STREET MERRITT, BC V1K 1B8

All measurements are approximate.

The above information is from sources deemed reliable but it should not be relied upon without independent verification.

Not intended to solicit properties already listed for sale. * Personal Real Estate Corporation. Feb 24, 2020.

Agent Photo

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Withheld pursuant to/removed as

s.16



British Columbia

RCMP officer charged with torture

CBC News · Posted: Feb 07, 2007 4:44 AM PT | Last Updated: February 7, 2007

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MERRITT HERALD

DON'T MISS

Changes coming to ALR land Posted 1 week ago



Search site



[Home](#) > [News](#) > [Mountie sentenced](#)

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Mountie sentenced

By *Editor* on January 1, 2009

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Copyright

Copyright

MERRITT HERALD

DON'T MISS

Fraser Health to add more homegrown ingredients Posted 1 week ago



Search site



[Home](#) > [News](#) > [Merritt RCMP member pleads guilty](#)

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Merritt RCMP member pleads guilty

By *Editor* on October 14, 2008

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Copyright

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Withheld pursuant to/removed as

s.16

change in approach

From: Zryd, Bob FLNR:EX <s.15>
To: Saxon Peters <saxon@arnicacontracting.com>
Cc: breaksbulldozing@telus.net, Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>, Sat s.22

Sent: April 20, 2020 10:06:32 AM PDT

Hello Saxon

Although your attempts at communication with LNIB are honourable, s.16

s.16

Rick and I are working at getting the information needed to build a sound decision on your application. It would be very helpful if you could establish some sort of working relationship with your neighbours.

I appreciate you efforts and patience in this matter.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

From: Saxon Peters <saxon@arnicacontracting.com>

Sent: April 17, 2020 1:57 PM

To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Cc: breaksbulldozing@telus.net; Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>; Sat s.22

Subject: Re: Please respond

Hello Bob,

Here is the info on my attempts to contact LNIB.

Tuesday March 10 at 1:42 pm. I called LNIB and asked for s.16 I provided my name upon request and was transferred to another (female) person who advised s.16 wasn't available. I asked when she would be able to speak with me to which I was told she didn't know. I left my name and cell number with the second person.

I did not receive a call back.

Thursday March 19 at 8:50 am. I called LNIB and asked for s.16 The receptionist asked my name and put me on hold. After a short wait I was told s.16 wasn't available. I asked to be put through to her voicemail. I left s.16 a message with my cell number and asked for a call back.

My call wasn't returned.

I'm done calling LNIB. It's so blatantly obvious that they don't want to talk to us.

Regarding Covid-19, we're all experiencing the inconveniences associated with working from home, social distancing etc. It's unacceptable for it to be an excuse and slow this process down any further that it already is. It's certainly doesn't appear to be slowing down any other LNIB ventures such as the power line project. Please reference it here

<https://www.merrittherald.com/lNib-partnering-for-new-power-line/>.

NVA is suffering from lost opportunities while LNIB benefits from it's aggregate ventures. For example, the LNSS mined Kuiper Pit located 5 minutes West of our property on the same highway.

Please continue to provide regular updates to us so we are informed and able to weigh all of our options.

Thank you

Saxon Peters

On Tue, Apr 14, 2020 at 9:55 AM Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca> wrote:

Hi Gary

Hello all and happy belated Easter,

When (dates) did Saxon attempt to contact LNIB? It is important for us to have a clear timeline of your attempts at contact.

We all need to be aware of how the Covid 19 crisis can effect consultation, especially when opposition has been expressed by the First Nation.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 828-4159

From: breaksbulldozing@telus.net <breaksbulldozing@telus.net>

Sent: April 14, 2020 9:33 AM

To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>

Cc: Saxon <saxon@arnicacontracting.com>; Sat <s.22>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Subject: Re: Please respond

Rick, thank you for your response on April 7 2020 to Saxon's email. Saxon has been having problems with his emailing lately and asked me to reply.

In answer to your questions Saxon has made two attempts to contact LNIB. Both were to s.16 One was a voicemail message to call back and the other was to the receptionist who told him that she was busy but took a message. Both times no response back. Both instances have been recorded.

We would like to point out that there are several projects coming up in the Merritt area that will require a lot of aggregate so we would like to see this application moving forward.

Thank you

Gary Breaks

Sent from my iPad

On Apr 7, 2020, at 5:40 PM, Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca> wrote:

Saxon, Bob Zryd and I have engaged with our legal counsel to request advice regarding the province's consultation obligations and process under these unique circumstances. Those discussions are involved and ongoing.

Have you or your partners made any further efforts to engage with LNIB? If so, have you been successful in arranging to meet? Has LNIB communicated anything further to you regarding their interests? Have you been able to table any potential business arrangements with LNIB? Have you kept a record of your communication efforts and outcomes with LNIB?

Rick Adams

Regional Director

From: Saxon <saxon@arnicacontracting.com>

Sent: April 6, 2020 8:26 AM

To: Adams, Rick EMPR:EX <Rick.Adams@gov.bc.ca>

Cc: Sat <s.22> . Gary Breaks <breaksbulldozing@telus.net>

Subject: Please respond

Good morning Rick,

Would you mind e-mailing us an update when you have a minute. We can appreciate that everything is more challenging now with Covid-19; however, we still would like to know what progress, if any, has been made since our meeting on February 21.

Thank you,

Saxon

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Withheld pursuant to/removed as

s.13 ; s.14 ; s.16



10450-20/ Lower Nicola Indian Band

File: 14675-20/1621718201801

June 3, 2020

s.13; s.14; s.16

We are writing to you to affirm our desire to continue to work with the Lower Nicola Indian Band on consultation regarding potential impacts to Lower Nicola Indian Band's Aboriginal Interests of an approval of the application for a Notice of Work submitted by Nicola Valley Aggregates Ltd for the purpose of sand and gravel operations. I acknowledge the uncertainty that the current COVID-19 health pandemic poses for all of us. These are challenging times for everyone with the additional demands on families, communities and governments. With that in mind, I would like to reassure you that the Province remains committed to engaging in meaningful dialogue around the issues that you have raised to date and to let you know that we are available to carry on that process.

As you referenced in your letter dated February 27, 2020, in our meeting of February 13, 2020 we had some discussion around Lower Nicola Indian Band's claims to Aboriginal rights and title in the area. We confirm that, at that meeting, I indicated that I was not in a position to comment on the relationship between Lower Nicola Indian Band's title claims and the ownership of the parcel held in fee simple, but that the Province would follow up with information on its preliminary assessment of the strength of claim in the general area. We are pleased to communicate the assessment of the strength of Nlaka'pamux Nation claimed title and rights and in the vicinity of the proposed Nicola Valley Aggregates (NVA) Notice of

Page 1 of 3

Ministry of Forests, Lands,
Natural Resource Operations &
Rural Development

Thompson Okanagan Region

Address:
3rd Floor, 441 Columbia Street
Kamloops, BC V2C 2T3

Telephone: (250) 828-4131
Facsimile: (250) 828-4442

Work. s.16
s.16

s.16 I affirm the statement in the letter of agreement that the Province recognizes that the work through the technical review is a positive and valuable contribution to the relationship between the Province and the Lower Nicola Indian Band. I will follow up with Vanessa Dunae, Senior Negotiations Lead, as to the finalization of that letter of agreement.

In the meantime, in consideration of our path forward in this consultation, we look forward to receiving from you a copy of the report by your expert, Hemmera. At our meeting on February 13, 2020 you informed us that Hemmera has reported to you significant concerns regarding Nicola Valley Aggregate's application and supporting materials, including the hydrogeological study. At the meeting you agreed to provide Mr. Adams with information regarding the deficiencies. We understand from your February 27, 2020 letter to Mr. Adams following our meeting that you indicated that you hoped to have the Hemmera expert report

by March 2020. We would like to review that report, and any additional documentation resulting from any further technical review, in order to be in a position to respond to the concerns identified.

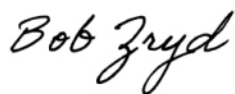
We also are very interested to know more about the issue you raised in your February 27, 2020 letter regarding the culturally significant springs that “appear on all sides of the Adjacent Land”.

At our meeting on February 13, 2020 we had some discussion around whether you would like the Province to facilitate communication with the proponent. We understood you to say at that time that you did not want the Province to be involved in that regard. Please let me know if that is correct, or if there is anything that we can do to facilitate constructive communication with the proponent.

If there are matters outstanding regarding consultation other than those referenced in this letter, I would appreciate your informing me of those so that we may address them, as well.

Recognizing the unique challenges posed in these times please let us know if you anticipate challenges in responding to the requests for information in this letter. We would appreciate hearing from you in response to this letter by June 19, 2020. We look forward to hearing from you, and wish you, your family and community continuing good health.

Yours truly,

A handwritten signature in black ink that reads "Bob Zryd". The signature is written in a cursive, flowing style.

Bob Zryd
Advisor, First Nations Relations
Thompson Okanagan Region

RE: Nicola Valley Aggregates Ltd.5

From: Zryd, Bob FLNR:EX <s.15
To: breaksbulldozing@telus.net
Cc: Rus, John EMPR:EX <John.Rus@gov.bc.ca>
Sent: July 6, 2020 3:24:07 PM PDT

Hi Gary

John Rus is the decision maker on this NOW.

EMPR has an agreement in place with LNIB to enable a more fulsome technical review of your application. We should be able to get some traction on getting to the root of the issues soon. I am unfortunately unable to give you a date on the decision.

From your end, I am correct in assuming that you have no "new" information?

Bob Zryd, BSc, RFT
Advisor, Indigenous Relations
Ministry of Forests, Lands and Natural Resource Operations
Thompson Okanagan Region
250 312-6687 NEW!

-----Original Message-----

From: breaksbulldozing@telus.net <breaksbulldozing@telus.net>
Sent: July 6, 2020 11:07 AM
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Subject: Nicola Valley Aggregates Ltd.

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Bob

It's been a while.

Since your email of April 20, 2020, I have taken over consultations with LNIB as you had suggested. Could you please advise if there any developments on your end.

Also, I understand that Rick Adams is no longer with EMPR and Brendan Scorrar s.22 . Do you know who is handling the NVA file for EMPR?

Thank you Bob

Gary Breaks
President
Nicola Valley Aggregates Ltd.

Sent from my iPad

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Withheld pursuant to/removed as

s.13 ; s.14

Page 213 of 373 to/à Page 215 of 373

Withheld pursuant to/removed as

s.16



May 12, 2020

Ref.: 108855

s.16

cc: Dave.Nikolejsin@gov.bc.ca
Peter.robb@gov.bc.ca
Simon.coley@gov.bc.ca
David.coney@gov.bc.ca

s.16

Dear s.16

I am writing to express my appreciation to the Lower Nicola Indian Band (LNIB) for your interest in meeting with the Minister of Energy, Mines and Petroleum Resources (EMPR) at the November 5-6, 2019 BC Cabinet and First Nations Leaders' Gathering (FNLG), which took place on the traditional territories of the Musqueam, Squamish, and Tsleil-Waututh First Nations.

I understand that representatives from LNIB had a positive dialogue with Deputy Minister Dave Nikolejsin and Assistant Deputy Ministers Peter Robb and Simon Coley at the FNLG, with discussions focused on the Nicola Valley Aggregate (NVA) and the Highland Valley Copper (HVC) mines.

Thank you for raising your concerns over the proposed NVA mine and for following up on your application for capacity funding to support a review of this proposal. Given the proximity to the reserve, I agree that this project should undergo a careful review. We are currently exploring potential capacity funding for review of the NVA proposal.

I am pleased to hear that LNIB is supportive of the HVC 2040 continuation proposal. I appreciate this support. I know that this mine brings opportunities for meaningful employment to LNIB members, and EMPR looks forward to working collaboratively with LNIB to see that the mine moves forward. We are currently aligning the *Environmental Assessment* and *Mines Act* permitting processes for this project to ensure that it moves through the permitting as efficiently as possible.

.../2

Ministry of
Energy, Mines and
Petroleum Resources

Office of the Minister

Mailing Address:
PO Box 9060, Stn Prov Govt
Victoria, BC V8W 9E2

Telephone: 250 953-0900
Facsimile: 250 356-2965

At the time of the 2019 FNLG, I was the Minister of Jobs, Trade and Technology. I attended the FNLG in this role and thoroughly enjoyed meeting with Indigenous leaders to discuss priority issues for Indigenous communities. I have since been appointed as the Minister of EMPR. I am excited to take on this new role and look forward to continuing to build and strengthen relationships between Indigenous leaders and EMPR, following in the footsteps of former EMPR Minister Michelle Mungall.

It is through collaboration with Indigenous Nations and organizations that the Province can give effect to its commitments of enhancing our relationships with Indigenous peoples in British Columbia.

If you have any questions or require additional information regarding the meeting at the 2019 FNLG, please contact Mr. David Coney, Director, Indigenous Affairs Branch, at David.coney@gov.bc.ca or 778-698-3991.

Sincerely,

A handwritten signature in black ink, appearing to read 'Bruce Ralston', with a stylized flourish at the end.

Bruce Ralston
Minister

Re: NVA and Hemmera Report

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
To: s.16
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>, Campbell, Sonya FLNR:EX <Sonya.Campbell@gov.bc.ca>, Rus, John EMPR:EX <John.Rus@gov.bc.ca>, s.16
Sent: August 1, 2020 9:40:19 AM PDT
Attachments: image001.jpg

Hello s.16

Thank you for supplying the letter from the minister, which I was not aware of, and the final report from Hemmera.

Of issue is the inclusion of the Private land in the SOC assessment. The question of SOC on Fee Simple private land is a matter before the courts and I am not in a position to comment on. The SOC assessment that I supplied is strictly for the "Crown Land" that surrounds the subject property.

I hope you and your Community are staying safe and healthy in this time of COVID 19.

Bob Zryd

s.16

RE: Nicola Valley Aggregates Ltd 4

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
To: breaksbulldozing@telus.net, Rus, John EMPR:EX <John.Rus@gov.bc.ca>
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>, Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>
Sent: August 11, 2020 10:54:03 AM PDT
Attachments: 20 07 24 HEMMERA Evaluation of NVA Permit Application.pdf

Good Morning Gary

I must apologize for the delay. I was under the impression that EMPR had forwarded you the report from Lower Nicola Indian Band, as it is technical in nature. Please find attached the report from Lower Nicola Indian Band's Executive director, **s.16**. Please feel free to discuss the outstanding concerns in the report from Hemmera with John Rus and directly with the Lower Nicola Indian Band.

There continues to be an outstanding question regarding springs in the area as well. As a heads up to you, **s.16** commented, "I also wanted to provide an update in relation to the springs in the area, we are gathering information and hope to provide this to you once our staff return from vacation in August/September."

Once again, I apologize for the time that it has taken to get this far in the process. I appreciate your patience with us as we try to ensure that all of the required information is collected so that a durable decision can be made by the Mines Inspector.

Bob Zryd, BSc, RFT
Advisor, Indigenous Relations
Ministry of Forests, Lands and Natural Resource Operations
Thompson Okanagan Region
250 312-6687 NEW!

-----Original Message-----

From: breaksbulldozing@telus.net <breaksbulldozing@telus.net>
Sent: August 11, 2020 8:27 AM
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Rus, John EMPR:EX <John.Rus@gov.bc.ca>
Subject: Nicola Valley Aggregates Ltd

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

Bob & John

It has now been almost one month since I emailed you both requesting information on the new agreement that EMPR and FLNR has in place with the Lower Nicola Indian Band plus other issues. We have been patiently waiting for your reply as we have also for LNIB to respond to our invitations to meet.

On December 13, 2019, I was told by Brendan Scorrar of EMPR that LNIB was given until the end of February to meet and review their list of concerns with NVA's application. Brendan also reiterated this in January 2020. Bob advised me that as far as he was concerned, consultations were concluded and the matter was now in EMPR's hands.

We were then told that on June 3 that Bob Zryd had sent a letter to LNIB requesting a list of concerns with a deadline of June 19. It is now August 11 and we have had no updates from EMPR.

I would like to point out that I met with **s.16** .NIB Development Officer, on November 1 2018 and explained our proposal. It will soon be two years since LNIB was made aware of it.

I would like to conclude by pointing out that I have been in the aggregate business for almost 40 years, having received my first permit in 1981. Over the years I have received in excess of 20 permits from EMPR. The Company that I managed received many Certificates of Achievement from EMPR along with the 1995 Citation for Outstanding Reclamation from EMPR. This NVA application is really the most frustrating experience of my career, the lack of communication and transparency are concerning to us, along with other conduct being displayed by EMPR and FLNRO.

Gary Breaks
President
Nicola Valley Aggregates Ltd.

Evaluation of Nicola Valley Aggregates Permit Application

Final Report

Prepared for:

Lower Nicola Indian Band
181 Nawishaskin Ln
Merritt, BC V1K 0A7

Project No. 104684-01

July 24, 2020

Prepared by:

Hemmera Envirochem Inc.
18th Floor, 4730 Kingsway
Burnaby, BC V5H 0C6
T: 604.669.0424
F: 604.669.0430
hemmera.com

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NOW 1621718201801 NVA engagement update and next steps

From: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
To: s.16
Cc: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>, Rus, John EMPR:EX <John.Rus@gov.bc.ca>
Sent: September 16, 2020 10:09:27 AM PDT
Attachments: image003.jpg
Hello s.16

As a follow up to your July 30, 2020 letter, I would like to recap where we are and to establish next steps.

I trust you received my clarification email, September 2, 2020, regarding the issue of strength of claim, and that my SOC assessment does not apply to the private land in question.

We take all of your concerns seriously and as such have engaged a FLRNORD hydrogeologist to review the proponent's Active Earth report and your Hemmera evaluation of the NVA permit application.

Aside from the concerns regarding the possible impacts to water, you have expressed a number of other concerns. I will attempt to summarize what I have heard and I would ask that you please confirm that I am accurate in this list.

1. Air quality: nuisance and health effects of inhalation of silica dust and fine particulate matter.
2. Noise: screening, crushing and loading causes.
3. Visual effects: visible from properties in the immediate area.
4. Increased truck traffic: increased risk of traffic accidents, diesel exhaust emissions and engine noise
5. Health impacts:
 - a. Air quality impacts from silica dust and fine particulate matter, and diesel exhaust
 - b. Noise impacts above ambient levels (unknown) cause increased stress and annoyance and impacts on sleep for shift workers.
 - c. Increased truck traffic on road where community members walk and ride bicycles increases hazard.
6. Esthetics: negative impacts on likelihood of members returning to settle in adjacent residential development.

The remaining piece of missing information is in regards to noted springs in the area of the application. You had stated that you are gathering information and hope to provide it once your staff return from vacation in August/September. How are you progressing in gathering this information? When do you anticipate being able to supply us this information? I believe that this information should be supplied to our hydrogeologist to create a complete picture of any potential impacts on water from the NOW application by Nicola Valley Aggregates.

I have supplied a copy of the Hemmera report to Gary Breaks of NVA and I am of the understanding that he will be responding to the concerns expressed in that report.

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 312-6687 NEW!



#DifferentTogether Pledge

Our B.C. is inclusive and respects people of all ethnicities, cultures and faiths and their contributions to our collective well-being.

Our B.C. holds diversity as a fundamental value at the heart of the success, strength and resilience of our communities, workplaces, schools, public and private institutions.

I pledge to uphold and promote these values and I commit to speaking up to oppose racism and hate in all its forms.

Page 234 of 373 to/à Page 236 of 373

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s.16

Title: Issue Tracking Table

Re: Consultation on Nicola Valley Aggregates ("NVA") proposed gravel excavation per Notice of Work 1621718201801 ("NVA's Proposed Pit")

Date: September 28, 2020

Sources:

1. Hemmera, "Evaluation of Nicola Valley Aggregates Permit Application" dated July 24, 2020 (Hemmera Report)
2. Letter from Lower Nicola Indian Band (LNIB) to BC dated February 27, 2020 (LNIB's February Letter)

No.	Issue	Source	Current Status
1	<p>Per LNIB's Cultural Heritage Policy¹ archeological work on the site of the proposed pit is essential before any permit could be granted.</p> <p>The Adjacent Land is unique and specific for LNIB. The land is deep in the heart of LNIB's traditional use and it literally holds our history, before and after contact, since it was used in so many different ways for burials.</p> <p>s.16</p> <p>We told you about the cemetery just east of the Adjacent Land which now stands, isolated, atop a pillar of gravel. All the land around it was excavated. We told you how those graves are marked with crosses carved each from a single tree, as was tradition. We told you how, recently, people found bones in the scree and talus slopes near</p>	LNIB's February Letter; LNIB's Cultural Heritage Policy	Not addressed

¹ Lower Nicola Indian Band Cultural Heritage Policy dated July 2017 available online at: <https://heritagebc.ca/wp-content/uploads/2018/04/Cultural-Heritage-Policy-1.pdf>

	<p>that cemetery. We cannot let this kind of thing happen again.</p> <p>We told you how an LNIB member informed us that the confluence of two rivers just east of the Adjacent Land was a significant gathering place, and that Highway 8 runs along an old Indian Route that connected the meeting place with the land to the west (land which is now known as Nicola Mameet Indian Reserve No.1 and the Adjacent Land).</p> <p>LNIB works hard to protect our archeological and historical sites and to use, develop and control the lands, territories and resources of the bench land north of Nicola River. Our rights to do so are specifically protected by Articles 11, 26 and 32 of UNDRIP.</p>		
2	The Adjacent Land is in middle of LNIB's traditional territory and at the center of an area of intensive land use. There is evidence of berry-picking sites, fishing and other historical use on and around the Adjacent Land.	LNIB's February Letter;	Not addressed
3	s.16	LNIB's February Letter;	Not addressed
4	<p>Presence of aquifer beneath the Site: the Preliminary Groundwater Investigation by Active Earth Engineering (2019) at Section 4.3 indicates "no mapped aquifer underlying the site but then in Section 5, describes a "bedrock-contact aquifer with groundwater flow within the unconfined aquifer perched over bedrock within overburden soils. Although there is no mapped aquifer in iMapBC, it does not necessarily mean that one is not present as the aquifer's boundaries shown in the report are based on limited information which may not have been updated with recent information. Unconfined aquifers have been mapped about 600 m south (Upper Merritt Unconfined Aquifer) and around 400 m west (Stumbles Creek Unconfined Aquifer) of the proposed</p>	Hemmera Report at 3	Not addressed

	Site. There is no evidence to assume that there is no aquifer beneath and downgradient of the Site given the presence of several wells and a spring (Parry's) in proximity of the southern property boundary.		
5	<p>Depth of groundwater in the proposed quarry site:</p> <p>a. The Active study mentions 24.3 m (80 feet) depth to water for a well drilled on Site (Well Tag No. 59616). However, this well is not drilled at the proposed quarry location but in the southeast corner of 701 Hwy 8 (see the Site Plan), which is about 300 m from the proposed quarry. A monitoring well should be installed at the quarry location to determine the presence/ absence of groundwater in overburden.</p> <p>b. The Conceptual Hydrogeological Section (Figure 3) shows shallow dipping bedrock and an assumed depth to bedrock beneath the proposed gravel pit. This has not been proven at this location and should be established by drilling and installing a monitoring well at the quarry.</p> <p>c. The Active Study indicates that the maximum pit depth will be 40 m (Appendix B) indicating that the quarry could extend below the water table if it is shallower than this depth at the proposed quarry location. This will require special permission.</p>	Hemmera Report at 4; LNIB's February Letter;	Not addressed
6	Groundwater monitoring: Groundwater monitoring should be completed for one year before the project is permitted; monitoring well(s) should be installed and monitored as part of the planning phase, not just for operational monitoring.	Hemmera Report at 4; LNIB's February Letter;	Not addressed
7	Artesian groundwater: There is mention of flowing wells in the area and Parry's Spring is downgradient of the proposed extraction area. Springs are vulnerable to contamination and can dry up with small changes to groundwater levels. The groundwater flow direction and velocity should be determined to establish the flow path downgradient of the proposed quarry to assess whether there is a connection between the Site and Parry's Spring	Hemmera Report at 4; LNIB's February Letter;	Not addressed

8	The springs that appear on all sides of the Adjacent Land hold a cultural significance for LNIB members	LNIB's February Letter;	Not addressed; LNIB has requested further information from Members
9	Should groundwater be used for dust suppression or other purposes, the use will need to be licensed (which will require detailed characterization of the system and other users and sensitivities). The proponent should state whether groundwater will be used and estimate the quantity and assess the potential impact to downstream users.	Hemmera Report at 4; LNIB's February Letter;	Not addressed
10	Given the potential for adverse effects, a baseline air monitoring program is needed to establish air quality prior to operation so there are data against which to compare future air quality impacts associated with quarry operation. Unless there is a suitable meteorological station for the area, the baseline monitoring should include a meteorological station so that air quality on LNIB lands can be correlated with wind direction.	Hemmera Report at 5	Not addressed
11	The permit application indicates that dust-suppression measures including water spray suppression on the screen plant and use of a paved access road will minimize dust impacts. However, there is no information on what monitoring will be done to verify that the measures are effective and what steps will be taken to address complaints. A dust management plan which describes how dust will be managed, including details on monitoring, complaint resolution and the steps to be taken if further mitigation is needed to assess whether the proposed mitigations will be sufficient to minimize off-site impacts.	Hemmera Report at 5	Inadequately addressed

12	As with air quality, a baseline noise monitoring program should be conducted to determine baseline noise levels prior to operation so there are data against which to compare future noise impacts associated with facility operation and increased truck traffic along haul routes through LNIB lands. The baseline monitoring should be done for a sufficiently long period of time to establish a reliable baseline.	Hemmera at 6;	Not addressed
13	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 LNIB 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;	Inadequately addressed
14	s.16	LNIB's February Letter	Not addressed
15		Hemmera at 6; LNIB's February Letter	Not addressed

	experience increased levels of annoyance due to noise when the source of the noise is visible from their homes.		
16	The permit application indicates that the estimated cost of reclamation is \$17,000. This, presumably, will be for grading and seeding of grasses on 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	Inadequately addressed.
17	s.16	LNIB's February Letter	Not addressed
18		LNIB's February Letter	Not addressed
19		Hemmera at 6; LNIB's February Letter	Not addressed
20		Hemmera at 6; LNIB's February Letter	Not addressed

	routes) that have no sidewalks or insufficient width to provide a safe pedestrian buffer.		
21	Dump truck operation will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM _{2.5} nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.	Hemmera at 6-7;	Not addressed
22	Increased truck traffic will result in higher ambient noise levels along haul routes. Studies show that increased noise levels can result in increased levels of stress and annoyance, especially if the noise is unwanted by the community.	Hemmera at 7;	Not addressed
23	<p>The proponent should consider, or at least acknowledge, that there may be potential impacts to First Nation communities associated with the increased truck traffic along the highway. It would be prudent to consult potentially affected First Nations along the highway.</p> <p>Statistically, the increased truck traffic will lead to increased accidents and increased probability of personal injury or death because studies show that there is a higher probability of injury and death when accidents involve trucks.</p> <p>The net contribution of increased emissions of greenhouse gases (GHG) from truck traffic along the highway will be small relative to overall emissions, but nevertheless the proponent should at least acknowledge this fact.</p>	Hemmera at 7	Not addressed
24	s.16	LNIB's February Letter	Not addressed

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s.16

200928 - 1887 Revised Hydrogeology Study - 701 Hwy 8 -FINAL_.pdf

From: Gary Breaks <breaksbulldozing@telus.net>
To: bob.zryd@gov.bc.ca, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: John.Rus@gov.bc.ca, Rus, John EMPR:EX <John.Rus@gov.bc.ca>
Sent: October 1, 2020 2:38:45 PM PDT
Attachments: 200928 - 1887 Revised Hydrogeology Study - 701 Hwy 8 -FINAL_.pdf
[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Bob & John

Please find attached the Active Earth revised Hydrogeology Study that addresses concerns brought up in LNIB's Hemmera Report. We apologize for the delay in getting this report, but our Hydrogeologist wanted to make a second site visit to ensure accuracy before making comments.

Although this report deals only with ground water we acknowledge that the Hemmera Report raises other issues such as noise, dust, traffic etc. and we intend to address those issues forthcoming.

I will also be forwarding a copy of this report to LNIB.

Thank you
Gary Breaks
President
Nicola Valley Aggregates Ltd

Sent from my iPad



ACTIVE EARTH
ENGINEERING LTD

activeearth.ca

REVISED HYDROGEOLOGICAL STUDY

September 28, 2020

Project No. 1887

Nicola Valley Aggregates

PO Box 796
Merritt, BC
V1K 1B8

ATTENTION: Gary Breaks

REFERENCE: Preliminary Hydrogeological Assessment
701 Hwy 8, Merritt, BC

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BURNABY

160 – 2250 Boundary Road
Burnaby, BC V5M 3Z3
Tel. 778-737-3488

ABBOTSFORD

304 – 2600 Gladys Avenue
Abbotsford, BC V2S 0E9
Tel. 778-752-2222

VICTORIA

105 – 4343 Tyndall Avenue
Victoria, BC V8N 3R9
Tel. 778-430-5475

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RE: Hydrogeologist request

From: Thomson, David A FLNR:EX <David.Thomson@gov.bc.ca>
To: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>
Cc: Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>, Thomson, Skye FLNR:EX <Skye.Thomson@gov.bc.ca>, Valdal, Eric FLNR:EX <Eric.Valdal@gov.bc.ca>, Bohay, Trevor FLNR:EX <Trevor.Bohay@gov.bc.ca>
Sent: October 9, 2020 10:18:11 AM PDT
Attachments: 38050-03_Nicola_Valley_Aggregates_DT_SEALED_Oct_9_2020.pdf, 200724_Evaluation of NVA Permit Application_Final_v2.1_stamped.pdf, image001.jpg

Good morning â€” please find attached my response. Also attached is an authenticated version of Hemmeraâ€™s evaluation, as explained toward the end of my response.

Please contact me with any questions

Dave

From: Thomson, Skye FLNR:EX

Sent: September 10, 2020 4:55 PM

To: Dunae, Vanessa EMPR:EX ; Bohay, Trevor FLNR:EX ; Valdal, Eric FLNR:EX

Cc: Cloet, Mike A EMPR:EX ; Zryd, Bob FLNR:EX ; Thomson, David A FLNR:EX

Subject: RE: Hydrogeologist request

Hi Vanessa,

Our Regional Hydrogeologist, David Thomson, will be able to assist with this review. I have ccâ€™d David on this note. I understand that the review comments are due by October 9th, but preferably sooner. If you have any further information related to this review, please send to David directly.

Kind Regards,

Skye Thomson, M.Sc., P.Geo.

Section Head, Groundwater Science

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

Sent: September 10, 2020 3:05 PM

To: Bohay, Trevor FLNR:EX <Trevor.Bohay@gov.bc.ca>; Valdal, Eric FLNR:EX <Eric.Valdal@gov.bc.ca>

Cc: Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Thomson, Skye FLNR:EX <Skye.Thomson@gov.bc.ca>

Subject: RE: Hydrogeologist request

Thanks, Trevor. How about a month from now â€” Friday, October 9?

Earlier is welcomed but I imagine your team is as busy as we are. Please let me know if you need more context.

Right now, all we have from Lower Nicola Indian Band is the Hemmera report but we may be receiving additional information regarding springs in the area later this month.

From: Bohay, Trevor FLNR:EX <Trevor.Bohay@gov.bc.ca>

Sent: September 10, 2020 2:51 PM

To: Valdal, Eric FLNR:EX <Eric.Valdal@gov.bc.ca>; Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>

Cc: Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>; Thomson, Skye FLNR:EX <Skye.Thomson@gov.bc.ca>

Subject: RE: Hydrogeologist request

Hi All,

We can accommodate this request, when do you need the review completed by?

Trevor

Trevor Bohay M.Sc., P.Geo. (he/him)

A/Director, Authorizations

Thompson-Okanagan Region

Ministry of Forests, Lands, Natural Resource Operations and Rural Development

1259 Dalhousie Street

Kamloops, BC

New Phone no: **250.312.7421**



From: Valdal, Eric FLNR:EX <Eric.Valdal@gov.bc.ca>

Sent: September 10, 2020 1:14 PM

To: Dunae, Vanessa EMPR:EX <Vanessa.Dunae@gov.bc.ca>; Bohay, Trevor FLNR:EX <Trevor.Bohay@gov.bc.ca>

Cc: Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Subject: FW: Hydrogeologist request

Hi Vanessa,

I donâ€™t have one on staff but Trevor Bohay does (a. Director of Authorizations).

By way of this email, Trevor, can you consider Vanessaâ€™s request below?

Thx,

E

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

Sent: September 10, 2020 11:49 AM

To: Valdal, Eric FLNR:EX <Eric.Valdal@gov.bc.ca>

Cc: Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>; Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Subject: Hydrogeologist request

Hi Eric,

Iâ€™m looking for a hydrogeologist to review a report from Lower Nicola Indian Band evaluating the Nicola Valley Aggregates permit application near Merritt, BC. Itâ€™s a twelve-page report developed by Hemmera and it references groundwater impacts, which is outside my field of expertise.

Could you please point me in the right direction? I donâ€™t know any of our provincial hydrogeologists and was encouraged to reach out to you for advice.

Thanks,

Vanessa Dunae

Senior Negotiations Lead, Regional Operations

Ministry of Energy, Mines and Petroleum Resources

vanessa.dunae@gov.bc.ca

cell (250) 320-8250



File: 38050-03/ Nicola Valley Aggregates

September 23, 2020

To: Vanessa Dunae, Senior Negotiations Lead, Regional Operations
Ministry of Energy, Mines and Petroleum Resources
Via email to Vanessa.Dunae@gov.bc.ca

From: David Thomson, P.Geo., Regional Hydrogeologist
Ministry of Forests, Lands, Natural Resource Operations & Rural Development
South Area Groundwater Science, Vernon, BC.

Re: Review of Hemmera Envirochem Inc. Report: "Evaluation of Nicola Valley Aggregates Permit Application"

This memo is in response to a request by yourself to review the aforementioned report as it relates to the Nicola Valley Aggregates permit application near Merritt, BC. The Hemmera report is a review of another consultant's report and references groundwater impacts, which you indicate are outside of your field of expertise. The following summarizes my review of the Hemmera Report.

BACKGROUND

Nicola Valley Aggregates (NVA) has submitted a permit application to the Ministry of Energy, Mines and Petroleum Resources for a sand and gravel quarry at 701 Highway 8 near Merritt, BC. NVA retained Active Earth Engineering Ltd. (AE) to undertake a *Preliminary Hydrogeological Study* (Active Earth, 2019). The Active Earth report was subsequently peer reviewed by Hemmera Envirochem Inc (Hemmera, 2020). In their peer review, Hemmera references the *Guide to Preparing Mine Permit Applications for Aggregate Pits and Quarries in British Columbia* (Province of BC, 2010), hereafter referred to as the *Guide*, as a reference point for their review. AE did not reference the Guide in their report. This fact may explain the perception of deficiencies by Hemmera. I need to note that while I do not have experience with the Guide, general hydrogeologic principles still apply.

To: Vanessa Dunae

REVIEW OF THE GUIDE REQUIREMENTS

Section 2.1 of Hemerra's report refer to the Guide's requirements as "Statutory Requirements". I note the Guide itself does not indicate these items to be legislative requirements. Staff with the Ministry of Energy, Mines and Petroleum Resources (EMPR) may have a general understanding or established best practices relative to applicants' following of the Guide, which can be brought to bear on my general observations.

The Guide does indicate that the following information about groundwater should be provided in Mine Permit Applications:

- *Describe potential impacts of the proposed operation on groundwater quantity and quality;*
- *If there are nearby wells or down slope water users, a hydrogeological study to assess potential impacts and recommend mitigative measures will be required;*
- *Depending on known soil types and/or terrain, a slope stability analysis, which will be used in the mine plan to mitigate groundwater and surface water effects on slope stability, may be required;*
- *minimize sediment and pollutants reaching natural and man-made surface water, groundwater and aquatic environments;*
- *Information will be required to demonstrate the proximity of the proposed excavation to the water table;*
- *The operator must be aware of the possibility of perched water tables bounded by hard till or clay/silt layers;*
- *The inspector may require a professional estimate of the winter high water table if the excavation is likely to approach that level; and,*
- *Excavations below the water table will require special approval.*

Hemerra also note that potential impacts to groundwater from gravel pit development are indicated in the *Aggregate Operators Best Management Practices Handbook for British Columbia* (Province of BC, 2002).

SCOPE OF REVIEW

Hemerra's review indicate deficiencies relative to potential effects of the proposed development on groundwater, and also on human health. The scope of my comments are focused on groundwater.

AQUIFERS and GROUNDWATER WELLS

It is important to note first that while Figure 2 (Active Earth, 2019) has correctly identified Aquifer 74 as unconfined, the shading does not match the legend. This could lead the reader to believe there is not an unconfined aquifer on the other side of the proposed development. This

To: Vanessa Dunae

is important because, as indicated by Hemmera (2020), the lack of aquifer mapping doesn't preclude its potential presence. In the current situation it is reasonable to suspect the proposed quarry footprint may overlie an extension of either of the unconfined aquifers that border the property.

Delineation of aquifers is often done through review of private well records that were voluntarily submitted to the Province in the past. Active Earth (2019) did this, stating "In addition, several private wells are present south of the Site, but are no [sic] included in the provincial WELLS database." This is typical that many water wells are not in the GWELLS database due to a lack of submission. To maximize the available data, this type of discrepancy is typically resolved by hydrogeologists through a field-verified survey of groundwater wells, since not all records of domestic use wells are in the provincial database (GWELLS), or may be mis-located. This type of field investigation is common for larger projects related to groundwater, and certainly would be part of an EA-level application.

When accessed September 14, 2020, the GWELLS database showed 4 registered wells south of the site as shown in the screenshot below (Figure 1). Figure 2 (Active Earth, 2019) shows only three wells to be considered as part of the review; WTN 59616 is shown to exist south of the property, but the GWELLS database (accessed September 14, 2020) shows it to be present immediately west of the property. This well record is assigned to Aquifer 725, which is present approximately 10 km west of the site. WTN 15042 is shown in Active Earth's Figure 2 to be immediately south of the southwest property boundary, in contrast to online mapping that places it to the north west.

WTN 11577 is not present in Active Earth's report, but if located correctly in online mapping indicates groundwater at eight feet below the ground surface. This and other well information noted above needs to be reconciled and incorporated into a more detailed hydrogeological report, and should better inform a revised subsurface cross-section.

To: Vanessa Dunae

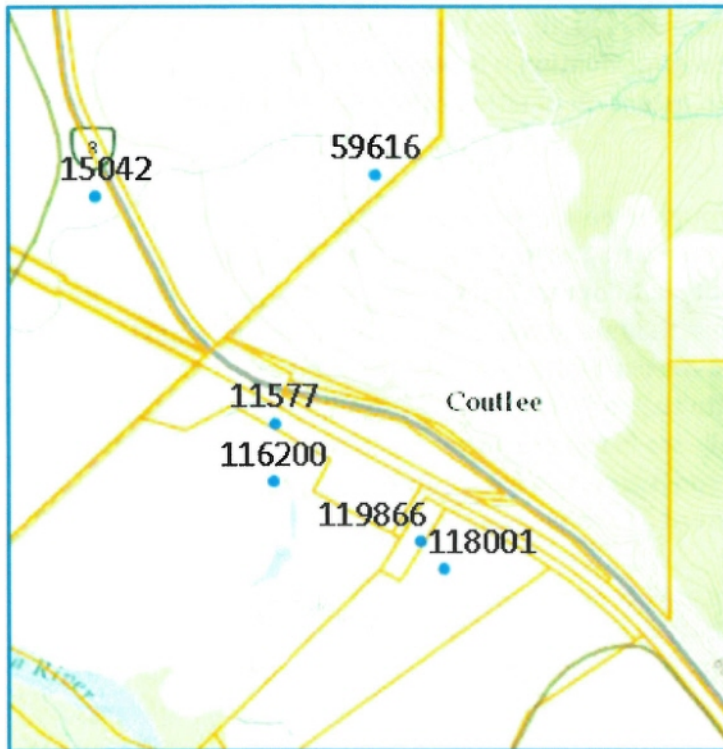


Figure 1: Water wells in the vicinity of the site, accessed from GWELLS on September 14, 2020

ENVIRONMENTAL ASSESSMENT

Hemmera commented that the proposed extraction is close to the threshold for EAO notification. Just prior to their July 24, 2020 report, EAO's Project Notification Policy (V.1.1) was updated (July 14, 2020). It clarifies that "a project that would meet the project design or effects thresholds if those thresholds were reduced by 15%" would be required to notify the EAO". The application was initiated prior to the revised policy guidance, but appears to be applicable to this type of application. EMPR staff may want to contact EAO for guidance and/or consider whether this policy may be now applicable to this application.

SUMMARY AND RECOMMENDATIONS

In summary, I agree with Hemmera that Active Earth's report is preliminary and additional work is required to assess potential risks and determine existing information about groundwater presence. Successful implementation of Hemmera's recommendation 3, to monitor groundwater for one year prior to permitting, would be a primary objective in this regard.

Doing so may address the following concerns raised by Hemmera:

- Presence of aquifer, water level and bedrock contact (verify conceptual model and depth to groundwater in overburden)(Recommendation 2 and 4);
- Groundwater flow direction, hydraulic conductivity and velocity (Perry Spring concern)(Recommendation 4);

To: Vanessa Dunae

- Seasonal variance in groundwater levels; and,
- Assess potential impacts to downgradient users.

Note that a minimum, three wells roughly equidistant from one another are required to determine groundwater flow direction. Therefore implementation of groundwater monitoring to address these concerns should include a network of least one upgradient well and at least two downgradient wells. They should be monitored for water quality through sampling several times a year (e.g., major ions/potability). Daily monitoring of groundwater levels, best accomplished with dedicated continuous recording dataloggers, will provide seasonal groundwater elevation data across the site area. Baseline (pre-permitting) values can then be compared to data collected during operation.

Baseline data will also assist any potential future investigations into reports of changes in groundwater quality or quantity by downgradient domestic users. Assuming the downgradient wells are being used – and this should be investigated - it may be advisable to prepare a groundwater monitoring response plan that can be utilized should complaints arise if the mine becomes operational.

Hemmera 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 gravelly, 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.

I agree with Hemerra'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 BC, which requires authorization via a license to use groundwater. It is probable that groundwater in the pit area would be considered hydraulically connected to the Coldwater River (Province of BC, 2016) in that context and would need to be taken into account in the application for authorization.

In any reports supplemental to the preliminary investigation submitted, the water well records now online for locations downgradient of the proposed development can be incorporated into cross-sections and estimation of water table elevation. Any substantial change in estimated groundwater elevation has the potential to alter the total planned extraction volumes and/or the proposed mine footprint.

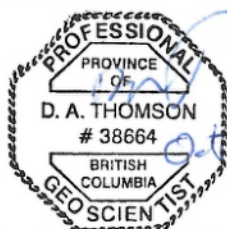
Please note that Hemerra's report, and any future reports from members of the Engineering and Geoscientists of BC (EGBC) that involve the practice of geoscience, should be authenticated

To: Vanessa Dunae

(signed and stamped) in a similar manner to Active Earth's. I communicated with Hemerra and obtained an authenticated version, attached.

Please contact me with any questions.

Signed,



David Thomson, M.Sc., P.Geo.

Regional Hydrogeologist

Ministry of Forests, Lands, Natural Resource Operations & Rural Development

South Area Groundwater Science,

Vernon, British Columbia.

References

Active Earth Engineering Ltd, 2019. *Preliminary Hydrogeological Study*, April 10, 2019. Project 1887.

Hemmera Envirochem Inc., 2020. *Evaluation of Nicola Valley Aggregates Permit Application Final Report*. Prepared for Lower Nicola Indian Band, Merritt, BC. Project 104684-01, July 24, 2020.

Province of British Columbia, Ministry of Energy and Mines, 2002. *Aggregate Operators Best Management Practices Handbook for British Columbia, Volume 2: Best Management Practices*. April 2002.

Province of British Columbia, Ministry of Energy, Mines and Petroleum Resources, Mining and Minerals Division, 2010. *Guide to Preparing Mine Permit Applications for Aggregate Pits and Quarries in British Columbia*. February 2010.

Province of British Columbia, 2016. *Determining the Likelihood of Hydraulic Connection – Guidance for the Purpose of Apportioning Demand from Diversion of Groundwater on Streams*. Version 1.0. Water Science Series, WSS2016-01. Province of British Columbia, Victoria BC.

Evaluation of Nicola Valley Aggregates Permit Application

Final Report

Prepared for:

Lower Nicola Indian Band
181 Nawishaskin Ln
Merritt, BC V1K 0A7

Project No. 104684-01

July 24, 2020

Prepared by:

Hemmera Envirochem Inc.
18th Floor, 4730 Kingsway
Burnaby, BC V5H 0C6
T: 604.669.0424
F: 604.669.0430
hemmera.com

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letter from Gary re Nva.pdf

From: Gary Breaks <breaksbulldozing@telus.net>
To: bob.zryd@gov.bc.ca, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: John.Rus@gov.bc.ca, Rus, John EMPR:EX <John.Rus@gov.bc.ca>
Sent: October 13, 2020 8:08:43 AM PDT
Attachments: letter from Gary re Nva.pdf
[EXTERNAL] This email came from an external source. Only open attachments or links that you are expecting from a known sender.

Bob & John

Attached please find the NVA letter addressing the non-Hydrogeological issues raised in LNIB's Hemmera Report.

Gary Breaks

Sent from my iPad

NICOLA VALLEY AGGREGATES LTD.

PO BOX 796 MERRITT BC V1Y 1B8

October 9th, 2020

Bob Zryd
Advisor, Indigenous Relations
Ministry of Forests, Lands and Natural Resource Operations
1st Floor, 441 Columbia Street
Kamloops, B.C. V2C 2T3

John Rus
Inspector of Mines
Ministry of Energy, Mines & Petroleum Resources
2nd Floor, 441 Columbia Street
Kamloops, B.C. V2T 2T3

Dear Mr. Zryd and Mr. Rus,

RE: 2020 Hemmera Report

Further to my email of October 1st, 2020 forwarding the revised Active Earth Hydrogeological Report, below are Nicola Valley Aggregates' (NVA) responses to the other issues raised in the 2020 Hemmera Report.

In addition to Hydrogeology, the 2020 Hemmera Report addresses the following Human Health areas:

- (1) Air Quality
- (2) Noise
- (3) Visual Effects
- (4) Truck Traffic
- (5) Regional Impacts

Although, NVA's Notice of Work and subsequent documents and correspondence addressed these areas (as they were raised previously), I take this opportunity to re-address, and where necessary elaborate on, these issues.

1) **Air Quality**

Dust from the proposed NVA'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 impairs air quality. If required, NVA will install a dust monitoring station.

2) **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.

The 2020 Hemmera Report states backup alarms as being the most annoying type of noise from projects such as ours. 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.

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.

3) **Visual Effects**

A landscaped berm is planned to minimize any visual effects. In addition, progressive reclamation with seeding is planned.

4) **Truck Traffic:**

The 2020 Hemmera 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 realizing 50% of that volume.

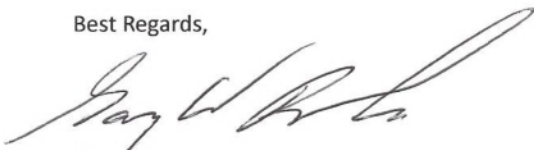
As the main market will be in the City of Merritt area the bulk of the truck traffic will be eastbound. We anticipate the maximum average number of truck movements from the project to be 40 per day. Given the distance of the next closest source of aggregates is at least three times further to the City of Merritt, we anticipate a lot fewer trucks will be required to transport the same volume of material.

This project will not have control over truck traffic originating from other sources.

5) **Regional Impacts:**

The 2020 Hemmera Report states that aggregate from the proposed quarry will be predominately transported along the Coquihalla highway for construction projects in the Fraser Valley. This is incorrect. NVA has neither expressed nor implied that this is our intentions. It does not make economic sense. We are aware of others who have tried this out of aggregate sources at Hope and all have failed.

Best Regards,



Gary Breaks
President
Nicola Valley Aggregates Ltd.
250-819-9496

Re: letter from Gary re Nva.pdf

From: Gary Breaks <breaksbulldozing@telus.net>
To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: Rus, John EMPR:EX <John.Rus@gov.bc.ca>, Cloet, Mike A EMPR:EX <Mike.Cloet@gov.bc.ca>
Sent: October 13, 2020 8:42:32 AM PDT

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

Yes, I was planning on sending it to LNIB.

Sent from my iPad

On Oct 13, 2020, at 8:38 AM, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca> wrote:

Good Morning Gary

Thank you for your response to these outstanding issues.

I am forwarding your letter to the Senior Mines Inspector. Are you sending this response to Lower Nicola Indian Band?

Bob Zryd, BSc, RFT

Advisor, Indigenous Relations

Ministry of Forests, Lands and Natural Resource Operations

Thompson Okanagan Region

250 312-6687 NEW!

<image001.jpg>

From: Gary Breaks <breaksbulldozing@telus.net>

Sent: October 13, 2020 8:09 AM

To: Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>

Cc: Rus, John EMPR:EX <John.Rus@gov.bc.ca>

Subject: letter from Gary re Nva.pdf

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

Bob & John

Attached please find the NVA letter addressing the non-Hydrogeological issues raised in LNIB's Hemmera Report.

Gary Breaks

Sent from my iPad

<letter from Gary re Nva.pdf>

FW: Nicola Valley Aggregates

From: Scott Dawson <sdawson@farris.com>
To: Bob.Zyrd@gov.bc.ca, Zyrd, Bob FLNR:EX <Bob.Zyrd@gov.bc.ca>
Cc: Tarryn Winkler <twinkler@farris.com>
Sent: December 10, 2020 5:25:35 PM PST
Attachments: 20201209193459090_1.PDF

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

Re-sending with correct email address

From: Scott Dawson
Sent: December 10, 2020 5:24 PM
To: 'Bob.Zyrd@gov.bc.ca' <Bob.Zyrd@gov.bc.ca>; 'Vanessa.Dunae@gov.bc.ca' <Vanessa.Dunae@gov.bc.ca>
Cc: Tarryn Winkler <twinkler@farris.com>
Subject: Nicola Valley Aggregates

Ms. Dunae and Mr. Zyrd:

I have been retained as counsel for the LNIB in connection with the Nicola Valley Aggregates mine proposal.

Please refer to the attached latter in that regard.

Scott Dawson*

Farris LLP

604.661.9354

*denotes professional

law corporation

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FW: Nicola Valley Aggregates

From: Natasha Sanders <nsanders@farris.com>
To: Bob.Zryd@gov.bc.ca, Zryd, Bob FLNR:EX <Bob.Zryd@gov.bc.ca>
Cc: Scott Dawson <sdawson@farris.com>, Rachael Gardner <rgardner@farris.com>
Sent: March 16, 2021 4:27:20 PM PDT
Attachments: image001.png, image002.jpg, LT Dunae & Zyrd - March 16, 2021.PDF

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

Dear Mr. Zryd,
Please see attached correspondence and email below, resent to the correct email address.
Kind regards,
Natasha Sanders
Legal Assistant to Scott Dawson

T: (604) 684-9151 ext. 456
F: (604) 661-9349
nsanders@farris.com



FARRIS LLP
25th Floor, 700 W Georgia St.
Vancouver, BC V7Y 1B3
www.farris.com

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From: Natasha Sanders
Sent: March 16, 2021 4:24 PM
To: 'Bob.Zryd@gov.bc.ca' ; 'Vanessa.Dunae@gov.bc.ca'
Cc: Scott Dawson ; Rachael Gardner
Subject: Nicola Valley Aggregates

Dear Ms. Dunae and Mr. Zryd,
Please see attached correspondence with respect to Nicola Valley Aggregates's mine proposal for your attention.
Kind regards,
Natasha Sanders
Legal Assistant to Scott Dawson

T: (604) 684-9151 ext. 456
F: (604) 661-9349
nsanders@farris.com



FARRIS LLP
25th Floor, 700 W Georgia St.
Vancouver, BC V7Y 1B3
www.farris.com

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Withheld pursuant to/removed as

s.13 ; s.14

Page 320 of 373 to/à Page 323 of 373

Withheld pursuant to/removed as

s.16

DRAFT

RE: Issue Tracking Table

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

Sent: September 27, 2021 1:49:23 PM PDT

Attachments: LNIB NVA Issue Tracking Table Revised 10 August 2021.xlsx

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' <s.22 s.22>

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 3rd 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' <s.22 s.22>

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 <s.22 s.22>

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 **s.22**

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 **s.22** 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 9th 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>;

s.22

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](#)>; Gary Breaks <breaksbulldozing@telus.net>;
[s.22](#)

Subject: RE: Issue Tracking Table

Good morning Vanessa:

Further to our email exchange below, you were going to get me another update on July 28th 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>;
[s.22](#)

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 9th. 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 <[s.22](#)>; Gary Breaks <breaksbulldozing@telus.net>;
[s.22](#)

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 <[s.22](#)>; Gary Breaks <breaksbulldozing@telus.net>;
[s.22](#)

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 s.22 ; Gary Breaks <breaksbulldozing@telus.net>;

s.22

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 15th.

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 15th.

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>; [s.22](#)

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

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 3rd.

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

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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 s.22 ; Gary Breaks
<breaksbulldozing@telus.net>; s.22

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 s.22 ; 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 s.22 ; 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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 31st 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>

Sent: Tuesday, April 6, 2021 9:36 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@breaksbulldozing@telus.net>; Gary Breaks

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
cell (250) 320-8250

From: Amrik Narang <ANarang@dncintegra.ca>

Sent: April 3, 2021 12:56 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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 17th email to you.

Was my March 17th 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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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 <s.22@breaksbulldozing@telus.net>; Gary Breaks

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>

Sent: Wednesday, March 17, 2021 4:30 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 <s.22@telus.net>; Gary Breaks

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>

Sent: March 17, 2021 2:26 PM

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@telus.net>; Gary Breaks <breaksbulldozing@telus.net>; s.22

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@telus.net>; 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 17th, 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

RE: Issue Tracking Table

From: Dunae, Vanessa IRR:EX <Vanessa.Dunae@gov.bc.ca>
To: Amrik Narang <ANarang@dncintegra.ca>, Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>, Zryd, Bob IRR:EX <Bob.Zryd@gov.bc.ca>, Cloet, Mike A EMLI:EX <mike.cloet@gov.bc.ca>, Renfrew, Kristin EMLI:EX <Kristin.Renfrew@gov.bc.ca>, Kamloops, REGOPS EMLI:EX <MMD-Kamloops@gov.bc.ca>, Mines Consultation Kamloops EMLI:EX <mines.consultation.kamloops@gov.bc.ca>
Cc: Gary Breaks <breaksbulldozing@telus.net>, Sat **s.22**
Sent: November 15, 2021 1:03:22 PM PST
Attachments: Nicola Valley Aggregates Ursus PFR Report.pdf

Hi Amrik,
Confirming receipt. Thank you very much for sharing.
I am currently on a temporary assignment with another ministry for a few months, so I have CCed our broader team to ensure that the Ursus report is considered.
Cheers,
Vanessa

From: Amrik Narang <ANarang@dncintegra.ca>
Sent: November 15, 2021 12:41 PM
To: Dunae, Vanessa IRR:EX <Vanessa.Dunae@gov.bc.ca>; Hyam, Ross EMLI:EX <Ross.Hyam@gov.bc.ca>; Zryd, Bob IRR:EX <Bob.Zryd@gov.bc.ca>
Cc: 'Gary Breaks' <breaksbulldozing@telus.net>; 'Sat' **s.22** ; **s.22**
s.22
Subject: RE: Issue Tracking Table

Hello Vanessa:

Please find attached the final report of Ursus Heritage Consulting regarding the PFR study discussed in my October 28th email below.

As indicated, there is no archaeological concerns at this Site.
Please confirm receipt of this email and attachment by reply email.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

From: Amrik Narang
Sent: Thursday, October 28, 2021 11:14 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' **s.22** 's.22'
s.22

Subject: RE: Issue Tracking Table

Hello Vanessa:

Further to our email exchange below and my review of the Issue Tracking Table I am really at a loss here as to what further comments, if any, NVA can provide as we have already set out our position and the accommodations we have made and are willing to make as part of the permitting and operations on this Site.

In addition, I can now advise that on October 14, 2021, Ursus Consulting met on site with representatives of LNIB; Eshkn-Am and Scw'exmx Tribal Council to conduct a PFR on the proposed development. I am cutting and pasting below the email response from the archaeologist conducting the PFR and we will send you a full report once we have it. Meanwhile, I cite your email below and would like to know what progress the Ministry has made with their review of the supplementary materials from LNIB and can you now offer us a timeline for making a decision on this file?

This is the email from Rhory Gillies from Ursus:

From: Rhory Gillies <rhory@ursus-heritage.ca>
Date: October 22, 2021 at 11:17:36 AM PDT
To: Gary Breaks <breaksbulldozing@telus.net>
Cc: Ian Cameron <ian@ursus-heritage.ca>
Subject: Re: 701 Hyw 8

Good Morning Gary,

Ursus Heritage Consulting Ltd., Lower Nicola Indian Band, Esh-Kn-Am Cultural Resource Management Services, and Scw'exmx Tribal Council conducted a Preliminary Field Reconnaissance (PFR) of the proposed Nicola Valley Aggregates development on October 14th, 2021. No archaeological resources were identified during the field investigation of the Nicola Valley Aggregates development area and the potential for the presence of archaeological materials within the study area is considered low. No further archaeological work is recommended for the study area.

Best Regards,

Rhory

Rhory Gillies, MA

Archaeologist

Ursus Heritage Consulting Ltd.

www.ursus-heritage.ca

e: rhory@ursus-heritage.ca c: (604) 354-2986

11500 Coldstream Creek Road

Coldstream, BC V1B 1E3

We look forward to hearing from you.

Sincerely,

Amrik

Director, Nicola Valley Aggregates

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

Sent: Monday, 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' s.22 s.22

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 3rd 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' s.22
s.22

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 s.22

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 s.22

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 s.22 ; 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 9th 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>; **s.22**

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** ; Gary Breaks <breaksbulldozing@telus.net>; **s.22**

Subject: RE: Issue Tracking Table

Good morning Vanessa:

Further to our email exchange below, you were going to get me another update on July 28th 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>; **s.22**

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 9th. 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 **s.22** ; Gary Breaks <breaksbulldozing@telus.net>; **s.22**

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 s.22 ; Gary Breaks <breaksbulldozing@telus.net>; s.22

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 s.22 ; Gary Breaks <breaksbulldozing@telus.net>; s.22

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 15th.

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 15th.

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 no 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>; <[s.22](#)>

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](#) <breaksbulldozing@telus.net>; 'Gary Breaks'

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 3rd.

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](#) <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 <[s.22](#)>; Gary Breaks <breaksbulldozing@telus.net>; [s.22](#)

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 ~~s.22~~ ; Gary Breaks
<breaksbulldozing@telus.net>~~s.22~~
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 ~~s.22~~ Gary Breaks
<breaksbulldozing@telus.net>; ~~s.22~~
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 ~~s.22~~ Gary Breaks
<breaksbulldozing@telus.net>; ~~s.22~~
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 ~~s.22~~ ; 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>; Sats.22 : 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>; Sats.22 : 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 s.22 : 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 31st 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>

Sent: Tuesday, April 6, 2021 9:36 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

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
cell (250) 320-8250

From: Amrik Narang <ANarang@dncintegra.ca>

Sent: April 3, 2021 12:56 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 <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:

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 17th email to you.

Was my March 17th 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 ~~s.22~~ ; 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 ~~s.22~~ ; 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>

Sent: Wednesday, March 17, 2021 4:30 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 ~~s.22~~ ; Gary Breaks
<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>

Sent: March 17, 2021 2:26 PM

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

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 17th, 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



11500 Coldstream Creek Road, Coldstream, BC, V1B 1E3 T: 250-938-4662 ian@ursus-heritage.ca
www.ursus-heritage.ca

Gary Breaks
Nicola Valley Aggregates Ltd.
701 Highway 8
Merritt, B.C., V1K 1P1

**RE: Archaeological Overview Assessment and Preliminary Field Reconnaissance of Nicola Valley
Aggregates Proposed Gravel Extraction Pit, Merritt, B.C.**

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Page 358 of 373 to/à Page 369 of 373

Withheld pursuant to/removed as

s.13 ; s.14 ; s.16

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

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

[illegible]

s.16 17	LNIB's February Letter	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.		Hemmera 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 gravely, 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. <i>[FLNRORD Review No. 1, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		As a standard adopted policy, EMLI 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.				
		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 contractors to produce the reclamation and bring the site to the required reclamation state.				
s.16 18	LNIB's February Letter	Mine closure date 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.		Hemmera 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. <i>[FLNRORD Review No. 2, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		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.				
		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. I acknowledge this very close proximity and all the asserted consequences for the neighbours.				
s.16 19	LNIB's February Letter	It is up to LNIB to state openly their opposition for this mine development if they wish to do so.		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.	This issue is addressed in the engineered drawings which indicate that the gravel pit will have adequate fencing around it.	Unresolved.
		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.				
		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.				
s.16 20	Hemmera at 6; LNIB's February Letter	See <i>NVA Response</i>		N/A	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 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.	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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 21	Hemmera at 6; LNIB's February Letter	See <i>NVA Response</i>		N/A	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.	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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 22	Hemmera at 6-7	See <i>NVA Response</i>		N/A	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.	Unaddressed. The Province has not responded to the LNIB's concerns regarding increased emissions and associated health risks. See Submissions Opposing Permit, Part III(C); Submissions on UNDRIP and <i>DRIPA</i> , Part III(C).
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 23	Hemmera at 7	See <i>NVA Response</i>		N/A	Similar comments to Issue No. 21. No direct evidence by LNIB about the issues identified.	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. Unaddressed. The Province has not responded to the LNIB's concerns regarding the broader impacts of increased truck traffic.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 24	Hemmera at 7	See <i>NVA Response</i>		N/A	The 2020 Hemmera 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 realizing 50% of that volume.	LNIB members, like other Indigenous groups and individuals, experience stress due to the cumulative impacts of development on their traditional territory: see Submissions Opposing Permit, Part IV. 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 unwelcome by LNIB members, due to development.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 25	LNIB's February Letter	I am not aware of such suggestions by any ministry employees.		See <i>NVA Response</i>	This project will not have control over truck traffic originating from other sources. <i>[Responsive Letter, page 2]</i>	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.
		What I know is that British Columbia lawmakers unanimously adopted the Declaration on the Rights of Indigenous Peoples Act on November 26, 2019 and the bill received Royal Assent.				
		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).				
s.16 26	LNIB's February Letter	As per the above, we will act in good faith and in the spirit of the UNDRIP.		N/A	No comment.	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 Submissions on UNDRIP and <i>DRIPA</i> .
		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 this NoW application.				
		I need to state here that the opinions expressed here only belong to this decision-maker.				
s.16 27	LNIB's February Letter	Although the ministry has the same policies and work procedures in all the offices provincially, 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.		See <i>NVA Response</i>	No comment.	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 Submissions on UNDRIP and <i>DRIPA</i> .
		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 this NoW application.				
		I need to state here that the opinions expressed here only belong to this decision-maker.				
s.16 28	LNIB's February Letter	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.		Hemmera 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 gravely, 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. <i>[FLNRORD Review No. 1, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		As a standard adopted policy, EMLI 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.				
		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 contractors to produce the reclamation and bring the site to the required reclamation state.				
s.16 29	LNIB's February Letter	Mine closure date 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.		Hemmera 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. <i>[FLNRORD Review No. 2, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		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.				
		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. I acknowledge this very close proximity and all the asserted consequences for the neighbours.				
s.16 30	LNIB's February Letter	It is up to LNIB to state openly their opposition for this mine development if they wish to do so.		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.	This issue is addressed in the engineered drawings which indicate that the gravel pit will have adequate fencing around it.	Unresolved.
		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.				
		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.				
s.16 31	LNIB's February Letter	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.		See <i>NVA Response</i>	See the Responsive Letter and Mr. Break's comments under the heading "Truck Traffic."	With respect to EMU'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 Coultes 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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 32	Hemmera at 6-7	Dump truck operation will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM2.5 nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.		See <i>NVA Response</i>	The 2020 Hemmera 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 realizing 50% of that volume.	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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 33	Hemmera at 6-7	Increased truck traffic will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM2.5 nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.		See <i>NVA Response</i>	This project will not have control over truck traffic originating from other sources. <i>[Responsive Letter, page 2]</i>	Unaddressed. The Province has not responded to the LNIB's concerns regarding increased ambient noise levels and associated nuisance to community members. See Submissions Opposing Permit, Part III(C).
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 34	Hemmera at 7	Increased truck traffic will result in higher ambient noise levels along haul routes. Studies show that increased noise levels can result in increased levels of stress and annoyance, especially if the noise is unwanted by the community.		See <i>NVA Response</i>	Similar comments to Issue No. 21. No direct evidence by LNIB about the issues identified.	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. Unaddressed. The Province has not responded to the LNIB's concerns regarding the broader impacts of increased truck traffic.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 35	Hemmera at 7	The proponent should consider, or at least acknowledge, that there may be potential impacts to First Nation communities associated with the increased truck traffic along the highway. It would be prudent to consult potentially affected First Nations along the highway.		See <i>NVA Response</i>	The 2020 Hemmera 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 realizing 50% of that volume.	LNIB members, like other Indigenous groups and individuals, experience stress due to the cumulative impacts of development on their traditional territory: see Submissions Opposing Permit, Part IV. 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 unwelcome by LNIB members, due to development.
		Statistically, the increased truck traffic will lead to increased accidents and increased probability of personal injury or death because studies show that there is a higher probability of injury and death when accidents involve trucks.				
		The net contribution of increased emissions of greenhouse gases (GHG) from truck traffic along the highway will be small relative to overall emissions, but nevertheless the proponent should at least acknowledge this fact.				
s.16 36	LNIB's February Letter	I am not aware of such suggestions by any ministry employees.		See <i>NVA Response</i>	This project will not have control over truck traffic originating from other sources. <i>[Responsive Letter, page 2]</i>	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.
		What I know is that British Columbia lawmakers unanimously adopted the Declaration on the Rights of Indigenous Peoples Act on November 26, 2019 and the bill received Royal Assent.				
		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).				
s.16 37	LNIB's February Letter	As per the above, we will act in good faith and in the spirit of the UNDRIP.		N/A	No comment.	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 Submissions on UNDRIP and <i>DRIPA</i> .
		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 this NoW application.				
		I need to state here that the opinions expressed here only belong to this decision-maker.				
s.16 38	LNIB's February Letter	Although the ministry has the same policies and work procedures in all the offices provincially, 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.		See <i>NVA Response</i>	No comment.	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 Submissions on UNDRIP and <i>DRIPA</i> .
		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 this NoW application.				
		I need to state here that the opinions expressed here only belong to this decision-maker.				
s.16 39	LNIB's February Letter	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.		Hemmera 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 groundwater recharge. If the groundwater-bearing zone below the mine is also gravely, 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. <i>[FLNRORD Review No. 1, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		As a standard adopted policy, EMLI 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.				
		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 contractors to produce the reclamation and bring the site to the required reclamation state.				
s.16 40	LNIB's February Letter	Mine closure date 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.		Hemmera 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. <i>[FLNRORD Review No. 2, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		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.				
		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. I acknowledge this very close proximity and all the asserted consequences for the neighbours.				
s.16 41	LNIB's February Letter	It is up to LNIB to state openly their opposition for this mine development if they wish to do so.		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.	This issue is addressed in the engineered drawings which indicate that the gravel pit will have adequate fencing around it.	Unresolved.
		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.				
		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.				
s.16 42	LNIB's February Letter	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.		See <i>NVA Response</i>	See the Responsive Letter and Mr. Break's comments under the heading "Truck Traffic."	With respect to EMU'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 Coultes 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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 43	Hemmera at 6-7	Dump truck operation will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM2.5 nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.		See <i>NVA Response</i>	The 2020 Hemmera 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 realizing 50% of that volume.	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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 44	Hemmera at 6-7	Increased truck traffic will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM2.5 nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.		See <i>NVA Response</i>	This project will not have control over truck traffic originating from other sources. <i>[Responsive Letter, page 2]</i>	Unaddressed. The Province has not responded to the LNIB's concerns regarding increased ambient noise levels and associated nuisance to community members. See Submissions Opposing Permit, Part III(C).
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 45	Hemmera at 7	Increased truck traffic will result in higher ambient noise levels along haul routes. Studies show that increased noise levels can result in increased levels of stress and annoyance, especially if the noise is unwanted by the community.		See <i>NVA Response</i>	Similar comments to Issue No. 21. No direct evidence by LNIB about the issues identified.	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. Unaddressed. The Province has not responded to the LNIB's concerns regarding the broader impacts of increased truck traffic.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 46	Hemmera at 7	The proponent should consider, or at least acknowledge, that there may be potential impacts to First Nation communities associated with the increased truck traffic along the highway. It would be prudent to consult potentially affected First Nations along the highway.		See <i>NVA Response</i>	The 2020 Hemmera 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 realizing 50% of that volume.	LNIB members, like other Indigenous groups and individuals, experience stress due to the cumulative impacts of development on their traditional territory: see Submissions Opposing Permit, Part IV. 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 unwelcome by LNIB members, due to development.
		Statistically, the increased truck traffic will lead to increased accidents and increased probability of personal injury or death because studies show that there is a higher probability of injury and death when accidents involve trucks.				
		The net contribution of increased emissions of greenhouse gases (GHG) from truck traffic along the highway will be small relative to overall emissions, but nevertheless the proponent should at least acknowledge this fact.				
s.16 47	LNIB's February Letter	I am not aware of such suggestions by any ministry employees.		See <i>NVA Response</i>	This project will not have control over truck traffic originating from other sources. <i>[Responsive Letter, page 2]</i>	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.
		What I know is that British Columbia lawmakers unanimously adopted the Declaration on the Rights of Indigenous Peoples Act on November 26, 2019 and the bill received Royal Assent.				
		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).				
s.16 48	LNIB's February Letter	As per the above, we will act in good faith and in the spirit of the UNDRIP.		N/A	No comment.	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 Submissions on UNDRIP and <i>DRIPA</i> .
		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 this NoW application.				
		I need to state here that the opinions expressed here only belong to this decision-maker.				
s.16 49	LNIB's February Letter	Although the ministry has the same policies and work procedures in all the offices provincially, 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.		See <i>NVA Response</i>	No comment.	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 Submissions on UNDRIP and <i>DRIPA</i> .
		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 this NoW application.				
		I need to state here that the opinions expressed here only belong to this decision-maker.				
s.16 50	LNIB's February Letter	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.		Hemmera 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 groundwater recharge. If the groundwater-bearing zone below the mine is also gravely, 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. <i>[FLNRORD Review No. 1, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		As a standard adopted policy, EMLI 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.				
		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 contractors to produce the reclamation and bring the site to the required reclamation state.				
s.16 51	LNIB's February Letter	Mine closure date 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.		Hemmera 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. <i>[FLNRORD Review No. 2, page 5]</i>	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.	Unresolved. See Technical Brief, Tab 10, Part III(C).
		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.				
		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. I acknowledge this very close proximity and all the asserted consequences for the neighbours.				
s.16 52	LNIB's February Letter	It is up to LNIB to state openly their opposition for this mine development if they wish to do so.		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.	This issue is addressed in the engineered drawings which indicate that the gravel pit will have adequate fencing around it.	Unresolved.
		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.				
		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.				
s.16 53	LNIB's February Letter	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.		See <i>NVA Response</i>	See the Responsive Letter and Mr. Break's comments under the heading "Truck Traffic."	With respect to EMU'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 Coultes 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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 54	Hemmera at 6-7	Dump truck operation will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM2.5 nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.		See <i>NVA Response</i>	The 2020 Hemmera 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 realizing 50% of that volume.	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.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 55	Hemmera at 6-7	Increased truck traffic will result in increased emissions of diesel exhaust which comprise contaminants such as volatile organic compounds (VOCs), PM2.5 nitrogen oxides (NOx) and diesel particulate matter (DPM) along haul routes. Inhalation of these substances can cause adverse health effects if present at concentrations above accepted ambient air guideline values.		See <i>NVA Response</i>	This project will not have control over truck traffic originating from other sources. <i>[Responsive Letter, page 2]</i>	Unaddressed. The Province has not responded to the LNIB's concerns regarding increased ambient noise levels and associated nuisance to community members. See Submissions Opposing Permit, Part III(C).
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 56	Hemmera at 7	Increased truck traffic will result in higher ambient noise levels along haul routes. Studies show that increased noise levels can result in increased levels of stress and annoyance, especially if the noise is unwanted by the community.		See <i>NVA Response</i>	Similar comments to Issue No. 21. No direct evidence by LNIB about the issues identified.	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. Unaddressed. The Province has not responded to the LNIB's concerns regarding the broader impacts of increased truck traffic.
		See <i>NVA Response</i>				
		See <i>NVA Response</i>				
s.16 57	Hemmera at 7	The proponent should consider, or at least acknowledge, that there may be potential impacts to First Nation communities associated with the increased truck traffic along the highway. It would be prudent to consult potentially affected First Nations along the highway.		See <i>NVA Response</i>	The 2020 Hemmera 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 realizing 50% of that volume.	LNIB members, like other Indigenous groups and individuals, experience stress due to the cumulative impacts of development on their traditional territory: see Submissions Opposing Permit, Part IV. 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 unwelcome by LNIB members, due to development